

CHAPTER 1

RECRUITMENT, ENLISTMENT AND COMMISSIONING

Contents	<i>Paragraph</i>
Section I - Recruitment	
General	1-2
Eligibility for Recruitment.....	3-4
Preliminary Action	5
Recruiting Responsibility.....	6
Composition of Recruiting Teams	7-8
Action by Recruiting Teams	9-13
Reporting for Final Selection	14- 15
Section II - Enlistment	
Enlistment.....	16
Documentation Process	17- 21
Terms of Enlistment	22
Section III – Commissioning of Officers	
Grant of Commission	23
Categories of Commissioned Officers	24

CHAPTER 1

RECRUITMENT, ENLISTMENT AND COMMISSIONING

SECTION I **RECRUITMENT**

General

1. The Defence Council shall recruit personnel in the following categories:-
 - a. Cadets.
 - b. Recruits.
 - c. Specialist Officers.
 - d. Special Duty Officers.
 - e. Tradesmen.
 - f. Constabulary.
 - g. Re-employed Retired Officers.
 - h. Re-employed Retired Warrant Officers and Re-employed Retired NCOs.

2. Recruitment will be conducted on the authority of the Defence Council. Each Service Headquarters will submit to DHQ its requirements on the number of personnel to be recruited in each category within the prescribed time before the commencement of the recruitment exercise.

Eligibility for Recruitment

3. Candidates aspiring to be recruited into the Kenya Defence Forces must satisfy the conditions stipulated in the relevant provisions of Kenya Defence Forces Act and Terms and Conditions of Service (TCOS) as follows:
 - a. **Cadets**. Aspirants will be recruited as provided for in Kenya Defence Forces Act Section 249 (5) and TCOS for the personnel of the Kenya Defence Forces Part 1 Chapter 2 Para 13.
 - b. **Recruits**. Aspirants will be recruited as provided for in the KDFA Section 252 and TCoS for the personnel of the Kenya Defence Forces Part 11 Chapter 2 Para 10.

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- c. **Specialist Officers**. Aspirants will be recruited as provided for in KDFFA Section 249(5) and TCOS for the personnel of the Kenya Defence Forces Part 1 Chapter 2 Para 14 (c).
 - d. **Special Duty Officers**. SDOs will be commissioned as provided for in KDFFA Section 249 (5) and TCOS for the personnel of the Kenya Defence Forces Part 1 Chapter 2 Para14 (b).
 - e. **Trades Service Members**. Aspirants will be recruited as provided for in the KDFFA section 252 and TCOS for the personnel of the Kenya Defence Forces Part 11 Chapter 4 Para 23 (b).
 - f. **Constabulary**. The members of the Constabulary will be recruited as follows:-
 - (1) Commandant and Inspectors will be recruited as provided for in the TCOS for the personnel of the Kenya Defence Forces Part 3, Chapter 2 Para 6 & Chapter 3 Para 7.
 - (2) Constables will be recruited as provided for in the TCOS for the personnel of the Kenya Defence Forces Part 1V Chapter 2 Para 4.
 - g. **Re-employed Retired Officers**. Re-employed Retired Officers will be recruited as provided in Regulation 8 (1) of the Kenya Defence Forces (Retired Officers) (Service Members) regulations and TCOS for the personnel of the Kenya Defence Forces Part V Chapter 2 Para 3.
 - h. **Re-employed Retired Warrant Officers and Non-Commissioned Officers**. Warrant Officers and Re-employed Retired NCOs will be recruited as provided in Regulation 8 (2) of the Kenya Defence Forces (Retired Officers) (Service Members) regulations and TCOS for the personnel of the Kenya Defence Forces Part V Chapter 2 Para 3.
4. The eligibility requirements for candidates, the recruitment procedures and designated recruitment centres will be advertised both in the print and electronic media before the commencement of the recruitment.

Recruitment Guidelines

5. Recruitment into the Kenya Defence Forces shall be on voluntary basis. Defence Headquarters, will issue recruitment guidelines to the recruitment teams including but not limited to the following:-
- a. Recruitment procedure.
 - b. The composition and organisation of recruiting teams.
 - c. The number of candidates to be enlisted per recruitment centre.
 - d. The date candidates will commence training.
 - e. The training centres.
 - f. Reporting date.

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- g. Eligibility Criteria.
- h. Administrative requirements.

Recruiting Responsibility

6. There shall be an overall Recruiting Officer and a deputy designated as the Chief Recruiting Officer (CRO) and Deputy Chief Recruiting Officer (DCRO) respectively to execute the recruitment exercise in consultation with the Chief of Personnel, DHQ.

Composition of Recruiting Teams

7. The Recruiting team is to be composed of the following:-
- a. Senior Recruiting Officer (SRO) to who shall be in Charge of the Team.
 - b. Recruiting Officers from each of the three services.
 - c. Admin Officer and organic team may comprise of:-
 - (1) Military Police personnel.
 - (2) Drivers and Mechanics.
 - (3) Cooks.
 - (4) Signalers.
 - (5) Any other authorized personnel.
 - e. Medical Team which shall include a doctor.
 - f. Education Officer.
 - g. Documentation clerks.
 - h. Finger print experts.
 - i. Aptitude testing experts where applicable.
 - j. Directorate of Military Intelligence (DMI) Personnel.
8. Any person who has been appointed and is unable to perform recruitment duties as assigned may be substituted with another person at any time.

Action by Recruiting Teams

9. The recruitment team will adhere to the guidelines for recruitment set out by DHQ.
10. Recruiting teams will complete documentation and preliminary medical examination for candidates within respective recruitment centres on prescribed dates of recruitment.

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11. Aptitude tests for specific trades and professions and medical examination for all shall be carried out.
12. All selected candidates will be given a Notice Paper (FF 56), in the prescribed form setting out questions to be answered on attestation and stating the general conditions of the enlistment. A recruiting officer shall not recruit unless he/she is satisfied that the candidate has been given such notice, understands it and wishes to enlist.
13. All selected candidates will be issued with calling letters at the recruitment centres. Calling letters are to be serialized, completed in triplicate, signed and stamped by the SRO.

Reporting for Final Selection

14. All selected candidates shall be instructed to report to designated centres on specified dates and present their respective calling letters. Candidates who fail to report on the specified dates shall be disqualified.
15. Candidates will undergo further medical examination before commencement of training. Unsuccessful candidates will be paid one way equivalent of road fare to their home districts.

SECTION II

ENLISTMENT

Enlistment Criteria

16. The following criteria shall apply:-
 - a. A person offering to enlist in the Kenya Defence Forces shall fulfill all conditions specified in Para 3 above.
 - b. A recruiting officer shall not recruit a person under the apparent age of eighteen years.

Documentation Process

17. Documentation for candidates recruited will include the completion/issuance of the following documents/items:-
 - a. Medical Examination Report (K-Med 1).
 - b. Attestation Form (FF 57).
 - c. Finger Print Form (FF 1).
 - d. Identity discs (QTY 3).
 - e. Kenya Defence Forces Identity Card (FF 33).
 - f. Record of Service (FF 73 in case of service members and FF 199 for officers).

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- g. Clothing and Equipment Record (Forces Card 7158).
 - h. General Conduct Sheet (FF 121 for service members of the rank of Sergeants and below).
18. When completing the attestation paper, special attention is to be paid to the following:-
- a. Any alterations made shall be initialed by the person attesting and the Recruiting Officer.
 - b. If a candidate declares that he/she has been in the service, except for constabulary, he/she is not to be attested.
 - c. All selected candidates shall make a declaration under the Official Secrets Act Chapter 187 (1968) and such declaration shall remain binding throughout the period of training, service and after retirement/discharge.
19. Two copies of finger print form (FF 1) must be completed by each candidate at the same time as his/her thumbprint is obtained on the attestation paper. Care must be taken to ensure that prints are clear and well defined and also that the correct service number allotted to the candidate is recorded on these forms.
20. At the time of attestation, Civilian Identity Cards shall be handed over by all enlisted candidates and shall be retained by respective Services.
21. Attestation papers, medical examination reports, finger print forms (in duplicate) and civilian identity cards are to be dispatched to Personnel Branch of the respective services as soon as documentation has been completed. Documents for Specialist and Special Duty officers are to be forwarded to Personnel Branch DHQ. The other documents listed in paragraph 17 are to be retained by the training unit, except for Kenya Defence Forces Identity Card, which is to be issued to all selected candidates.

Terms of Enlistment

22. This shall be in accordance with Section 253 of the KDFR as read with the relevant provisions of the TCOS.

SECTION III

COMMISSIONING OF OFFICERS

Grant of Commission

23. Commissioning of officers shall be conducted in accordance with Section 249 of the KDFR, The Kenya Defence Forces (Commissioning of Officers) Regulations as read together with Chapter 2 Para 13 of the TCOS.

Categories of Commissioned Officers

24. Depending on initial military training, professional qualifications, and previous service experience, officers are to be categorized as follows:-

- a. **General Service Officers (GSO)**. All Officers of the Kenya Defence Forces other than Specialists and Special Duty Officers.
- b. **Special Duty Officers**. Officers commissioned from the ranks i.e Warrant Officers, Senior Sergeants and Sergeants to fill specified administrative posts normally in line of career one has pursued in the Kenya Defence Forces.
- c. **Specialist Officers**. Officers holding professional qualification and registered to practice in their relevant professional field which include:-
 - (1) Medical Doctors.
 - (2) Lawyers.
 - (3) Para Medical Officers.
 - (4) Architects.
 - (5) Engineers.
 - (6) Education Officers.
 - (7) Chaplains/Imams.
 - (8) Geomatics and GIS/Geospatial Engineering.
 - (9) Computer/Information Technologists.
 - (10) Clinical Psychologists.
 - (11) Journalists.
 - (12) Veterinary Doctors.
 - (13) Nutritionists.
 - (14) Public Health Officers.
 - (15) Nursing Officers.
 - (16) Environmental Officers.
 - (17) Any other relevant professional field as may be determined by the Defence Council.

CHAPTER 2

DOCUMENTATION

Contents

	Paragraph
General	1

RESTRICTED

Definitions and Use of Terms 2

Postings 3-5

Instructions for the Preparation of Service Orders 6-9

Publications 10-18

Appointment of Records Officer 19-20

Signing of Part II Orders 21-23

Distribution of Part II Orders 24

Dispatch 25

Observation of Part II Orders 26

Extracts from Part II Orders 27-29

Occurrences to be Published. 30

Services Entries 31-32

Regimental Entries..... 33

Absence Without Leave 34-40

AWOL/Deserter’s Pay Procedures 41-44

Pay and Medical Documentation..... 45-47

Inspection of Documents..... 48

Officers Records of Service (FF 199) 49

Qualification and Record (FF 73) 50

General Conduct Sheet..... 51-53

Clothing and Equipment Record (FF25)..... 54

Assessment of Service Conduct 55-58

Procedure for Completion of Confidential Reports 59-63

Identity Discs 64-68

Service Identity Cards..... 69-70

RESTRICTED

Records of Leave 71

Inquiries Regarding Officers and Service member 72

Preservation and Disposal of Service members Documents
..... 73

Specimen Layout of Part II Orders (Officers)..... **Annex “A”**

List of Personal Documents Maintained by Units
for Officers and Service members **Annex “B”**

Specimen Layout of Part II Orders (Other Ranks) **Annex “C”**

Specimen Layout of General Conduct Sheet (FF 121) **Annex “D”**

Assessment of Services for officers of KDF **Annex “E”**

CHAPTER 2

DOCUMENTATION

General

1. This chapter deals with the service documentation of Officers, Service Members and Constabulary of the Kenya Defence Forces.

Definitions and use of Terms

2. The following terms that are commonly used in the documentation process are defined here for clarity and correct use in the military context:-

- a. **“Attached”**. The term “attached” refers to service personnel not on posted strength of a unit to which they are deployed but continue to be on the strength of their parent unit from which they are temporarily detached. Service personnel may be attached for service duty, ration/feeding, accommodation, discipline, and for pay purposes.
- b. **“Beneficiary”**. This means a person designated by a service personnel as the person to be paid his/her pay, salary and allowances under Section 245 (3) of the KDFFA in the event that he is in captivity or is declared missing in circumstances that do not constitute an offence under KDFFA.
- c. **“Establishment”**. Refers to the approved organization structure specifying the number of personnel and equipment of a unit.
- d. **“Service Personnel”**. Refers to a person serving in the Kenya Defence Forces as an officer or Service member.
- e. **“Next of Kin”**. The term “next of kin” refers to the person (name and address) entered in the personal service record card of a service personnel as the contact person to be informed in case of fatality, incapacitation, serious illness and/or incident involving declared Missing persons of the Kenya Defence Forces.
- f. **“Personal Occurrences”**. Mean, in reference to a service personnel, all entries made in the personal service record card including matters affecting appointment, postings, promotion, courses, pay, Service entries etc, which require promulgation by way of a Part II Orders.
- g. **“Posted”**. This term is used to describe personnel who are on the established strength of a unit.
- h. **“Supernumerary Pool”(S/POOL)**. Refers to a list maintained at DHQ of Officers in a unit/formation exceeding the approved establishment and those Officers who are not available for deployment either because they are attending long courses or are attached to establishments outside the Kenya Defence Forces. Officers on Supernumerary Pool are administered by their respective Services.
- i. **“R” List**. R list is a record maintained by Service Personnel Branch of service members who are not filling vacancies on the strength of a unit and who are not available for normal duty. Personnel on the R List are to

RESTRICTED

be attached to a unit for administration and documentation. The following are to be held on the R list:-

- (1) Cadets.
- (2) Recruits and tradesmen undergoing basic military training.
- (3) Service members who are attending courses for duration of one year and above and those on overseas duties.

j. **“Y” List.** Y list is a record maintained by the Service Personnel Branch of certain personnel who are not available for normal duty. Service members are posted to Y list as follows:-

- (1) **“Y/1” List.** Service members on leave pending discharge.
- (2) **“Y/2” List.** Service members who have been in hospital for more than forty two (42) days. Service members on the Y/2 list are to be attached to their former unit for documentation.

k. **“Transfer”.** This term refers to service personnel changing from one Service/Corps to another.

Posting

3. Postings of Officers are authorized by the DHQ on recommendations from the Services. Postings of service personnel are authorized by the respective Service Headquarters. If, for any reason it is not possible to comply with the reporting date given in a posting order, (e.g. Personnel being on leave, in hospital or illegally absent), the circumstances are to be reported to the authority who issued the posting order with a copy to the unit to which the service personnel has been posted.

4. The principle of all posting documentation is that personnel struck off the strength (SOS) of the losing unit are taken on strength (TOS) of the receiving unit on the immediate following day, irrespective of the actual date of arrival.

5. Unit documents are to be brought up to date prior to movement and dispatched to the receiving unit.

Instructions for the Preparation of Service Orders

6. The Service Orders of a unit will comprise:-

- a. **Part I Orders.** General routine, matters that do not affect pay, service and documentation.
- b. **Part II Orders.** All matters which affect pay, service, or documentation.

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7. Separate series of Part II Orders are to be issued in respect of:-
 - a. Officers.
 - b. Service Members.
 - c. Kenya Defence Forces Constabulary.
8. Part II Orders (Officers and Service Members), a specimen layout of which is at Annex "A" and "B" respectively, is the format by which personal occurrences of members of a unit, whether on posted or attached strength, shall be published and notified to all concerned.
9. Entries are divided into groups as follows:-
 - a. First Group:-
 - (1) Main heading "Strength Increase".
 - (2) Main heading "Strength Decrease".
 - (3) Main heading "Appointments, Promotions and reversions".
 - b. Second Group:-
 - (1) Main Heading "Service entries".
 - (2) Main Heading "Pay and Allowances".
 - c. Third Group: Miscellaneous Items.

Publication

10. Unless instructed to the contrary by the Personnel Branch, all units with an establishment are to promptly publish Part II Orders where there is a personal Occurrence.
11. Whenever an occurrence applies to more than one person, the names are to be placed in numerical order and bracketed.
12. Part II Orders are to be serially numbered with No 1 for the first issue made on or after the first day of January each calendar year. A new series is also to be started with No 1 when a unit's name is changed, whether change of establishment is involved or not. When more than one sheet is used, each sheet is to be headed with a serial number followed by the sheet number. If there is only one sheet, the words "sheet one and last" is to be inserted below the serial number. The sub paragraphs contained in each issue are to be numbered from one onwards. The serial number and the date of the last Part II Orders published is to be shown in the heading of each Part II Orders issued.
13. All copies of Part II Orders must be legible and complete. Deletion or amendments by erasure or alteration of a wrong entry by writing or by typing over is prohibited. Should it be necessary to make any amendments, the incorrect entry is to

RESTRICTED

be neatly ruled through in ink and the correction placed above or beside it. Such alterations are to be authenticated by the Officer who signs the final sheet.

14. All attachments referred to in Part II Orders are to be securely attached to the relevant order when it is dispatched.

15. If by error documents are not forwarded with an order, reference to the Part II Order concerned is to be made when the documents are subsequently forwarded.

16. When it becomes necessary to cancel an entry or publish an amendment to Part II Orders, it is not necessary to reproduce the whole of the original entry unless the nature of the amendment or cancellation is essential.

17. Amendment and cancellation will be placed under the heading appropriate to the personal occurrences and not together at the end of the Part II Orders.

18. Subject to security requirements, the full postal address and telephone number is to be shown on the left-hand side of the heading of each issue of Part II Orders. The unit imprest account number is to be shown below the address.

Appointment of Records Officer

19. Although the Adjutant is normally responsible to the Commanding Officer for the maintenance of unit documents, it may be necessary from time to time for another Officer to be detailed to assist him. Such an Officer is to be appointed "Records Officer".

20. The names of the Officer appointed "Records Officer" is to be published in part one orders and notified to the Personnel Branch Defence Headquarters and the Service Headquarters.

Signing of Part II Orders

21. Commanding Officers, Adjutants and Records Officers are to sign Part II Orders under that designation. Under no circumstances are Part II Orders to be signed "for" another Officer.

22. A line is to be drawn immediately below the last entry of Part II Orders and the signing officer must place his/her signature as near the line as possible. The name of the Officer signing the Orders is to appear in type immediately below his/her signature.

23. When more than one sheet is used, the officer issuing Part II Orders should sign all the sheets bearing the unit seal.

Distribution of Part II Orders

24. The distribution of part II orders will be as follows:-

RESTRICTED

- a. Personnel branch of the Defence Headquarters and Personnel Branches of Service Headquarters.
- b. Formations and units within the service.
- c. Parent units in case of personnel on detachments.

Dispatch

25. Part II Orders are to be dispatched from units not later than the working day following the date of the issue of the Orders.

Observations on Part II Orders

26. Units are to reply promptly to observations regarding Part II Orders.

Extracts from Part II Orders

27. When a copy of an entry in Part II Orders is required for evidence, the entry is to include the heading of the Order and the name of the Officer who signed it.

28. To be admissible in evidence, such extracts must be signed by the Officer currently having the custody of the documents. Certification of the extract by one officer "for" another would make the extract inadmissible as evidence. Only Commanding Officers, Adjutants and appointed Records Officers are authorized to make a certified extract, and should show their appointment after their signature.

29. Commanding Officers are to ensure that an adequate system exists so that occurrences published in Part II Orders are recorded on the appropriate unit documents.

Occurrences to be Published

30. As stated in paragraph 6 b, matters which affect pay, courses, missions, reckonable service and documents are to be published in advance of the effective date. The following gives a guide on what are to be published:-

- a. Enlistment, discharge and death.
- b. Promotions, appointments, reductions and reversions.
- c. Terms of service changes, i.e. re-engagement and continuance in service.
- d. Moving to and from foreign country, Date of embarkation/disembarkation, enplanement/deplanement etc.

RESTRICTED

- e. Board of inquiry on AWOL cases.
- f. Declaration of a missing person by a Service Commander.
- g. Marriage, divorce and birth/legal adoption of children.
- h. Change of next of kin.
- i. Nomination and change of beneficiary.
- j. Additional and pay of higher rank.
- k. Hospital admission and discharge to include MRS, only when the MRS is not located at the patient's normal duty station.
- l. Injuries, if severe and necessitates admission.
- m. Honours and Awards/Decorations and Medals.
- n. Any special act of gallantry or distinguished conduct (including act of courage) by the Officer/Service member, which has been brought to notice in Defence Forces Standing Instructions or in dispatches.
- o. Service entries.
- p. Forfeiture of pay.
- q. Return to duty on release from imprisonment including any remission earned.
- r. Change of religion.
- s. Postings, attachments and transfers to and from, including authority.
- t. Run Out Date (ROD).
- u. Education, Defence Forces and Civilian qualifications.
- v. Course attended and results.
- w. Trade qualifications, classification and upgrading, downgrading, relinquishment, mustering and de-mustering.
- x. Remission or commutation of a sentence by a reviewing authority or the quashing or substituting of finding and or sentence by the High Court, Court of Appeal or the Supreme Court on an appeal from conviction by Court Martial, the date and authority being quoted.

Service Entries

31. The following Service entries are to be published in Part II Orders and entered in the record of service personnel in summarized form:-

- a. Conviction by court martial.

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b. Conviction by the civil power when:-

- (1) The sentence is one of imprisonment (including imprisonment in default of a fine) or if the conviction is for drunkenness.
- (2) If so ordered by the Commander to whom all cases of civil conviction are to be reported. Reports are to include a copy of the charge of conviction.

32. Before making a service entry in respect of a civil conviction, Commanding Officers will obtain a copy of the charge sheet and, obtain a certified copy of the judgment.

Regimental Entries

33. The following shall constitute regimental entries and are to be published in Part II orders and entered in the record of service personnel in a summarized manner:-

- a. All cases of awards by a Commanding Officer or appropriate superior authority under section 155 of the Kenya Defence Forces Act.
- b. Every reprimand or severe reprimand of a Warrant Officer or a senior sergeant, and severe reprimand of other Non-Commissioned Officers.
- c. Reduction or reversion of a Warrant Officer or a Non-Commissioned Officer for offences.
- d. Award by Commanding Officer for absence of a period of time of more than seven days.
- e. Award of active service punishment or imprisonment.
- f. Confinement to Barracks or stoppage of leave for more than seven days.
- g. Offences related to unfitness or misconduct through alcohol or drugs.
- h. Convictions for absence without leave for more than seven days.
- j. Award of close confinement and forfeiture of remission awarded while undergoing a sentence of imprisonment.
- k. Award by a Commanding Officer or Appropriate Superior Authority of stoppage of pay for an offence causing expense, loss or damage.
- l. Remission or commutation of a sentence by a reviewing authority /confirming authority whether such sentence was awarded by a Court Martial or otherwise, or the quashing or substituting of finding and or sentence by the High Court on an appeal from conviction by Court Martial, the date and authority being quoted. These entries are to be made in red ink. The wording, number and date of the order are to be recorded.

Absence Without Leave (AWOL)

34. If an Officer or Service Member is absent without leave from his/her unit, or fails to return on expiration of leave, the Commanding Officer of the unit, after eight days, is to inform in writing Personnel Branch DHQ for Officers and Service Headquarters for Service Members to include the following details:

NoRank.....Name.....

Abseight.....Hrs.....Date.....

35. If an Officer or Service Member fails to join his/her new unit on posting, he/she is to be reported absent in accordance with Para 33. The date and time of the start of absence being that on which he/she should have reported. After rejoining or apprehension he/she is to be described on the charge sheet as having belonged to and absented himself/herself from his/her new unit.

36. On rejoining after ‘abseight’ (absent after eight (8) days) the Unit is to send official communication to DHQ for Officers, and Service Headquarters for Service Members to include the following details:-

NoRank.....NameDate of
Rejab.....Unit.....

37. Units are to maintain a record of all personnel on their posted or attached strength who are Absent Without Leave.

38. A board of inquiry into the absence of an Officer or Service Member is to be held when the Officer /Service Member has been absent without leave for twenty one (21) consecutive days.

39. On completion of the board of inquiry, the proceedings, in original only, supported by the declaration of the board, and all unit documents together with Part One Orders notifying the declaration of illegal absence and date of SOS are to be forwarded to Service Headquarters for Service Members and DHQ Personnel Branch for Officers.

40. Units to commence clearance procedures immediately and receive authority for discharge from Service Headquarters within twenty one (21) days from the date of conviction for personnel being handed dismissal award of Service No Longer Required on conviction.

Absent Without Leave /Deserter’s Pay Procedures

41. Absent Without Leave for Officers from one (1) day will automatically mean stoppage of salary, while for Service members it will be from the date of abseight. To reinstate the salary after REJAB the Unit must forward a copy of Part II orders to DHQ for Officers or to Service Headquarters for Service Members showing disciplinary action taken and pay for days forfeited against the offender.

RESTRICTED

42. To reinstate salary after twenty one (21) days of Absent Without Leave the Unit must forward to Service Headquarters for Service Members and DHQ Personnel Branch for Officers a copy of BOI proceedings plus a copy of Part II orders showing disciplinary action taken.

43. After 90 days, the Unit must publish Part II Orders to declare the Service person a deserter. Reinstatement of the salary upon REJAB shall only be done following the outcome of disciplinary action. Unit shall forward to Service Headquarters for Service Members and DHQ Personnel Branch for Officers a copy of BOI proceedings plus a copy of Part II orders showing disciplinary action taken.

44. Units should commence clearance procedures immediately and receive authority for discharge from Service Headquarters within twenty one (21) days from the date of convictions for personnel being handed dismissal awards or Service No Longer Required on conviction.

Pay and Medical Documentation

45. Instructions on pay and medical documentation are contained in Chapter 18 (Public and Non-Public Funds) and Chapter 20 (Medical Services).

46. Personal documents maintained by units, together with action on loss and disposal on posting are listed in Annex "B" to this Chapter.

47. When it is necessary to replace documents as a result of damage or loss new documents are to be prepared and endorsed "Substituted for original" mislaid/damaged, and initialed by a Records Officer.

Inspection of Documents

48. A Commanding officer is to arrange for all personal documents to be inspected once quarterly. They are also to be inspected on receipt and before dispatch to a new unit. The inspection of medical documents is to be carried out by the Unit Medical Officer. During inspection, a proportion of the entries made during last quarter, selected at random, are to be compared with Part II Orders.

Officers' Records of Service (FF 199)

49. An original FF 199 is to be held by DHQ and a copy at Service Headquarters maintained up to date from entries in the unit Part II Orders and other information provided by the unit. A duplicate is to be held in the unit and Officers are responsible for reporting promptly to their Commanding Officers, any occurrence, which may necessitate an entry in, or an amendment to their record of service.

Qualification and Record (FF 73)

50. This record, which is used for service members only, is to be held and maintained at Service Headquarters. Duplicate Cards are to be held by Formations, Units and Sub-Units.

General Conduct Sheet (FF 121)

RESTRICTED

51. A General Conduct Sheet is to be prepared for each service member under the rank of Senior Sergeant and is to be maintained confidentially by Unit Commander. (See Annex "D" to this chapter).

52. An entry is to be made in the general conduct sheet of every award of punishment against the service member subject to the following rules:-

a. No entry is to be made for an offence which has been entered in the Qualification and Record card (QR Card), nor for a conviction by a civil court or for an award of punishment of one extra guard or piquet or of confinement to barracks, stoppages of leave for one day or of admonition (other than in b. below).

b. An entry is to be made for every other award of punishment, including confinement to barracks, stoppages of pay not exceeding one day's pay or admonition for an offence of seven days' absence or less which involves forfeiture of pay.

53. A service member's general conduct sheet, if containing any entries, will be invalid on the following conditions:-

a. After the prescribed period of basic training upon enlistment.

b. After every continuous period of two years, during which he/she has not been convicted of an offence, which amounts to a service, regimental or general conduct sheet entry.

c. On promotion to senior sergeant including the grant of such acting rank. In such cases the conduct sheet is to be invalidated irrespective of having any entries or not.

Clothing and Equipment Record (FC 25)

54. FC 25 serves as a record of initial and subsequent issues, as well as returned clothing and equipment held at the unit.

Assessment of Service Conduct

55. In order to have a uniform system of assessing an Officer's/ Service member's conduct during his/her Service, Commanding Officers are to make their assessments in the terms shown in paragraph 56 below which is to be entered in the Certificate of Service for Officer's (FB 108A) and Certificate of Service for Service members (FB 108B). Other qualities in respect of officers are as specified in Annex "E" to this Chapter.

56. In addition to giving due consideration to the overall service record, the assessing Officer shall ensure that service personnel satisfy the under-listed minimum requirements in order to be assessed and graded in the following categories:-

a. **Exemplary**

RESTRICTED

- (1) No awards of imprisonment or active service punishment.
- (2) No reduction in rank or forfeiture of seniority.
- (3) No awards of a fine or forfeiture of pay.
- (4) No conviction by court martial or civil court.
- (5) No award of dismissal.
- (6) A minimum of five years continuous service.

Entries bearing duration of more than fifteen (15) years in case of Officers and twelve (12) years for Service Members from the date of award shall be disregarded at the time of assessment.

b. **Very Good**

- (1) Not more than a total of twenty one (21) days of his/her current service spent in imprisonment or active service punishment.
- (2) Not more than one award reduction in rank or forfeiture of seniority.
- (3) Not more than two awards of fine or forfeiture of pay.
- (4) No conviction by court martial or civil court.
- (5) No award of dismissal.
- (6) A minimum of two years continuous service.

Entries bearing duration of more than fifteen (15) years in case of Officers and twelve (12) years for Service Members from the date of award shall be disregarded at the time of assessment.

c. **Good**

- (1) Not more than a total of forty two (42) days of his/her current service spent in imprisonment or active service punishment.
- (2) Not more than two reductions in rank or forfeiture of seniority.
- (3) Not more than three awards of fine or forfeiture of pay. Entries bearing duration of more than twelve (12) years for officers and nine (9) years for ORS before the date of assessment are to be disregarded.

d. **Satisfactory**

- (1) Not more than one hundred and sixty eight (168) days of his/her current service spent in imprisonment or active service punishment.
- (2) Not more than three reduction in rank for or forfeiture of seniority.
- (3) Not more than four awards of fine or forfeiture of pay.

Entries bearing duration of more than nine (9) years for officers and six (6) years for Service members before the date of assessment are to be disregarded.

e. **Unsatisfactory**

This assessment is to be used for all Service members who cannot be assessed under any of the above headings.

RESTRICTED

57. The expression “spent in” refers to the actual period of sentence served after any remission (including remission for good conduct whilst under sentence) or commutation has been made.

58. A Commanding Officer may award an assessment one higher or one lower than that arrived at through the application of paragraph 56 above if there are compelling reasons for doing so. If a conduct assessment is upgraded or downgraded, the Commanding Officer is to inform the OIC Records, giving his/her reasons for such action.

Procedure for Completion of Confidential Reports

59. a. Instructions on completion of Confidential Report for officers are contained in JSF/A1 REVISED (2005).

b. Service members Reports will be made once a year for all service members of the rank of sergeant and above as at 30th June.

60. FF 2079 will be used for Warrant Officers and will be written personally by Officer Commanding and a Commanding Officer being the superior reporting officer. FF 71 is to be used for non-commissioned Officers. It may be written and signed by Service Member’s subordinate Commander but the Commanding Officer must also sign the report and add any remarks if he/she wishes.

61. FF 71 is designed in two pads (large and small). The large form is to be held by the Service Member’s unit and is to be used for the original one yearly report. A copy of it is to be made on the small pad.

62. FF 2079 and FF 71 (small) are to be forwarded to the Personnel Branch Service Headquarters not later than the 31st of July each year and copies are to be held by the unit.

63. Procedure to be followed for disposal of confidential reports for Officer is contained in JSF/A1 REVISED (2005) and is as follows:-

a. Confidential Reports will be written for all officers of the rank of Brigadier and below once a year as at 30th June of the year under review. No Confidential Report for Major Generals and above.

b. Reports are to be initiated by an Officer not below the rank of Lieutenant Colonel under whom the officer is immediately serving, except that a Major who is in command of an independent unit may act as Initiating Officer, provided that Officers reported on are of lower rank. An Officer is not to initiate a report on an Officer of equivalent rank, unless specially authorized by DHQ.

c. Senior Reporting Officers are to add their comments of Part IV of the appraisal form. They are to include in their remarks specific comments as to their agreement with the grading and recommendations of the Reporting Officer. They are not to make manuscript changes to Part II of the appraisal

RESTRICTED

form. The Senior Reporting Officer should, whenever possible, be at least one rank higher than the reporting Officer.

d. Superior Reporting Officer are to add their comments at Part V of the appraisal form. They are to be above the rank of Brigadier.

e. Confidential Reports for Majors and below, to be seen by respective GOC/Bde Commander and be retained by Personnel Branch DHQ.

f. Confidential Reports for Warrant Officers and SNCOs to be written by a Commissioned Officer and to be seen by respective Commanding Officer and Formation Commander, and a copy to be retained in the individuals unit.

Identity Discs

64. Although an item of clothing, identity discs are to be held in the Unit orderly room together with other unit documents, except when personnel are on active service and when it is otherwise ordered by higher authority. The scale of issue of identity discs is two round metal discs each with 38 inches of metallic cord.

65. When worn, the oval discs are to be suspended around the neck, beneath the uniform by 32 inches of metallic cord, and one round disc will be used for marking the respirator anti-gas when this has been issued. Units are to ensure that the second round disc when not fastened to the respirator is kept with Unit documents.

66. Identity discs are to be checked by the Records Documentation Team along with the unit documents. They will only be recorded on the Clothing and Equipment Record when they are issued to the individual.

67. Identity discs, except the disc used for marking the respirator, are to be marked with the personal/service number, name and religion. The religion will be indicated by the appropriate abbreviation as given below. The identity discs used for marking the respirator are to be marked with the name and number only. Abbreviations for religions are as follows:-

- | | | |
|----|----------------|-------|
| a. | Protestant | PROT. |
| b. | Roman Catholic | RC. |
| c. | Muslim | MUS. |

68. Personnel who declare themselves to be members of religions other than those in paragraph 67 normally will have the religion stamped in full. Where, however, space does not permit this, the religion may be abbreviated provided that the abbreviation used is readily understandable and not likely to be confused with another.

Service Identity Card

69. A Service Identity Card is to be issued to all serving personnel in accordance with instructions contained in the Defence Forces Security Standing Orders in lieu of Civilian identity card which is handed over on attestation.

70. When an Officer retires or a Service Member is discharged, he/she is transferred to non-effective list and his/her service identity card will be sent with his/her other documents to the Personnel Branch DHQ.

Record of Leave

71. A record of leave is to be maintained for all Service personnel. All leave for which travel is at public expense will be recorded and also all leave over 48 hours. Service personnel's leave is to be recorded in the Qualification and Record Card (FF199 for Officers and FF 73 for Service Members).

Inquiries Regarding Officers and Service members

72. Records, information or extracts on Officers/Service Members and their dependants may only be furnished by the Personnel Branch to the individual himself/herself or to departments of the Public Service, in accordance with instructions laid down by DHQ.

Preservation and Disposal of Military Documents

73. All documents in the Defence Forces shall be preserved and disposed off in the manner indicated below:-

- a. Secret Documents: To be reviewed declassified and same destroyed after thirty (30) years.
- b. Confidential Documents: To be reviewed declassified and same destroyed after ten (10) years.
- c. All others: To be reviewed and destroyed after seven (7) years except those required for future use.

CHAPTER 3

TRAINING AND CAREER PROGRESSION

Contents	<i>Paragraph</i>
Section I - TRAINING	
General	1
Training of Army Officers	2 - 4
Training of Air Force Officers	5 -7
<i>Training of Naval Officers</i>	<i>8 -14</i>
Command and Staff Courses	15
<i>Selection for Command and Staff Training</i>	<i>16</i>
Service members	17 -19
Reserves.....	20 -22

Training of Defence Forces Constabulary.....	23-26
Training and Reference Manuals	27
Bonding	28-31
Section II – CAREER PROGRESSION	
Officers.....	32-33
Service members	34-36
Commissioning of Service Personnel.....	37
Promotions, Postings and Attachment Boards (Officers).....	38
Promotions, Postings and Attachment Boards (Service members).....	39-40
No. 2 and No. 1 Boards.....	Annex “A”
No.8 to No.3 Boards.....	Annex “B”

CHAPTER 3

TRAINING AND CAREER PROGRESSION

SECTION I

TRAINING

General

1. The initial Military training for Officers will normally be carried out at Kenya Military Academy while training of Service members will normally be carried out at the Recruits’ Training School (RTS) or any other prescribed training centre. Specially selected cadets/recruits may proceed to suitable training institutions or colleges in foreign countries. Initial military training will be carried out as follows:

- a. **Officers**

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(1) **General Service Officers (GSOs)**. After the selection process, successful candidates will undergo basic and advanced Cadet training for a prescribed period. Currently the cadets' curriculum covers 36 months except for those who commission from overseas institutions. Cadets who successfully complete 24 month's training locally shall appear before the Defence Forces Commissioning Board. The Successful Cadets will be designated as Officer Cadets and continue with their advance training and eventually be commissioned as 2nd Lieutenants (2/Lts). Successful Officer Cadets on overseas courses may be commissioned in absentia. Upon Commissioning, the new Officers who trained locally shall serve a probation period of 12 Months, while those who trained in overseas institutions serve a probation period of 24 months.

(2) **Special Duty Officers (SDOs)**. After Commissioning, SDOs will undergo induction training.

(3) **Specialist Officers (Spec Offrs)**. Upon commissioning into the Defence Forces as direct entry Officers, these Officers will undergo prescribed basic military training.

(4) Further training for Officers will be carried out under the direct control of the Service and Branch concerned in accordance with the TCOS.

b. **Service Members**

(1) The recruits from all the three services will undergo basic military course for a prescribed period at the RTS/any other prescribed training centre. On completion of basic training, the recruits will join their respective services and shall undergo further military training locally or abroad.

(2) Further training for service members will be carried out under the direct control of the Service and Branch concerned in accordance with the TCOS.

Training of Army Officers

2. The Service will make appropriate arrangements for all Officers to undergo specific courses relevant to their corps/branches. The courses curricular are to be sanctioned by relevant College/School Control Boards and approved by Operations and Training Branch Army Headquarters and DHQ.

3. Further specialized training shall be the responsibility of respective Corps within the Army in liaison with the Directorate of Operations, Doctrine and Training DHQ.

4. Selection of qualified Officers for further specialized training both in Kenya and Overseas is the responsibility of Service Headquarters. However, Operations, Doctrine and Training Directorate DHQ in liaison with Directorate of Personnel and Logistics DHQ is responsible for obtaining vacancies on the courses and for making

RESTRICTED

arrangements for the Officers concerned to attend the course. Directorate of Personnel and Logistics DHQ is responsible for financial control of all such courses.

Training of Air Force Officers

5. The Service will make appropriate arrangements for all Officers to undergo specific courses relevant to their branches/trades. The courses curricular are to be sanctioned by relevant College/School Control Boards and approved by Operations and Training Branch, Air Force Headquarters and DHQ.

6. Further specialized training shall be the responsibility of respective Branches within the Air Force in liaison with the Directorate of Operations, Doctrine and Training DHQ.

7. Selection of qualified Officers for further specialized training both in Kenya and Overseas is the responsibility of Service Headquarters. However, Operations, Doctrine and Training Directorate DHQ in liaison with Directorate of Personnel and Logistics DHQ is responsible for obtaining vacancies on the courses and for making arrangements for the Officers concerned to attend the course. Directorate of Personnel and Logistics DHQ is responsible for financial control of all such courses.

Training of Naval Officers

8. The standards required for entry into the Kenya Navy as a potential Officer are as laid down by the Service.

9. On completion of cadet training, a potential Naval Officer is accepted into the Kenya Navy as an Officer of the rank of 2nd Lieutenant. The potential Naval Officer must undergo a conversion course at the Kenya Navy Training School (KNTS). On completion of this course, the Officer is categorized into any of the following Branches of the Kenya Navy:-

- a. Seamanship (Executive).
- b. Marine Engineering.
- c. Electrical Engineering.
- d. Supply.
- e. Pay.
- f. Information Technology (IT).

10. The syllabi of the conversion course are laid down by KNTS subject to approval by DHQ.

11. An officer of the rank of 2nd Lieutenant on completion of the conversion course will be posted on board Kenya Navy ships for additional training. The Officer must serve on board for a period of not less than six months before being posted to various branches for further training.

12. The Service will make appropriate arrangements for all Officers to undergo specific courses relevant to their branches/trades. The courses curricular are to be sanctioned by relevant College/School Control Boards and approved by Operations and Training Branch, Navy Headquarters and DHQ.

RESTRICTED

13. Further specialized training shall be the responsibility of respective Branches within the Navy in liaison with the Directorate of Operations, Doctrine and Training DHQ.

14. Selection of qualified Officers for further specialized training both in Kenya and Overseas is the responsibility of Service Headquarters. However, Operations, Doctrine and Training Directorate DHQ in liaison with Directorate of Personnel and Logistics DHQ is responsible for obtaining vacancies on the courses and for making arrangements for the Officers concerned to attend the course. Directorate of Personnel and Logistics DHQ is responsible for financial control of all such courses.

Command and Staff Courses

15. All command and Staff Courses are to be run on tri-service basis at the following designated institutions:-

- a. National Defence College (NDC) Karen or War College in equivalent colleges abroad.
- b. Senior Command Course (SCC) JWC Lanet.
- c. Defence Staff College (DSC) Karen for Grade II Staff Course or equivalent colleges abroad.
- d. Junior Command Course (JCC) JWC Lanet.
- e. Grade III Staff Course DSC Karen or equivalent colleges abroad.
- f. Regimental Admin Course Kahawa.

Selection for Command and Staff Training

16. Except for NDC programme and Specialist Officers, there will be Pre-Course entry examination for all career progression courses upon which selection shall be done as follows:-

- a. **National Defence College (Karen) or Equivalent Colleges Abroad.** Nomination shall be done by Services and approved by DHQ.
- b. **Higher Command Course (JWC -Lanet).** Nomination shall be done by Services' No.2 Board and approved by No.1 Board.
- c. **Senior Command Course (JWC -Lanet).** Nomination and approval shall be done by Services.
- d. **Grade II Staff Course (DSC-Karen).** Nomination and approval shall be done by Services.
- e. **Junior Command Course (JWC -Lanet).** Nomination and approval shall be done by Services.
- f. **Grade III Staff Course (DSC).** Nomination and approval shall be done by Services.
- g. **Regimental Admin Officers Course.** Nomination and approval be done by Services.

RESTRICTED

h. **Pre-Entry Examination.** This may apply to Service Members courses as may be determined.

i. **Criteria for selection of Instructors and Directing Staff in the Kenya Defence Forces.** It shall be mandatory that all Instructors and Directing Staff in Military Institutions will be required to be Defence Instructions Techniques (DIT) compliant. Directing Staff for the Defence Staff College shall be expected to have attended Grade II Staff Course and graded as potential Instructor.

j. **Selection of Directing Staff for Exchange Programme.**

The selection of Directing Staff for exchange programme shall be as follows:-

- (1). DS for the exchange programme will be of the rank and qualifications as set out in the Memorandum of Understanding between Ministry of Defence and the Host country.
- (2). DS will be graduates of Command and Staff College (DSC or equivalent) with an experience of not less than 12 months as DS at Grade 2 staff level.
- (3). DS from the Air Force should be Aircrew, Air Defence Officers or Air Traffic Controllers.
- (4). DS from the Land and Naval/Maritime services should come from relevant arm of the two services.

Service Members

17. Further training for Service Members is carried out under the direct control of the Service concerned in consultation with DHQ for local and foreign courses.

18. Certain specialist courses, for which all services (or more than one service) have a requirement, are run by DHQ controlled colleges which are Tri-service in nature but controlled by specific services. Such courses are:-

- a. Clerks (GD) and Pay courses run by Personnel and Logistics Directorate Defence Headquarters at Defence Forces Pay and Clerical Training School (DFPCTS).
- b. Technical courses run by DEFTEC.
- c. Intelligence courses run by SOMI.
- d. Regimental Admin Course run at School of Ordnance.
- e. Defence Instructions Techniques (DIT) at DEFSHE.
- f. Ordnance Courses at School of Ordnance (SOO).
- g. Transport Courses at School of Transport (SOT).
- h. Electrical Mechanical Engineering Courses at Kenya Army Electrical Mechanical Engineering (KAEME) Kahawa Garrison.
- i. Music Courses at Kenya Army Band School of Music (KABSOM).

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19. These courses are run and organised by the Schools/Colleges, conforming to the approved curricula.

Reserves

20. The Kenya Defence Forces Reserves shall be administered in the manner stipulated in Part XVI of the KDFA. When called up for duty in the emergency situation or prescribed periodical training, the reserves will be eligible for full pay commensurate with the substantive rank as if they were regular service personnel. They are also entitled to travel, accommodation allowance and all other allowances applicable to personnel serving in the Regular Force.

21. Every reservist may be called out for training for a period not exceeding or, for periods not exceeding in the aggregate, twenty-eight days in any one year. A reservist, during any training period may be posted, attached or trained with any Unit of the Defence Forces.

22. Chiefs of Operations and Training, Defence Headquarters will co-ordinate the training of the Defence Forces reserves as required (KDFA Sections 261-263). Training Branch will co-ordinate training of reserve personnel within respective Services.

DEFENCE FORCES CONSTABULARY

23. **Commandant and Inspectors.** The Commandant and Inspectors shall be trained in fire fighting and prevention, dog handling and any other security course that may be deemed necessary.

24. **Constables.** On joining the Kenya Defence Forces Constabulary (KDFC), constables will undergo a basic course for three months or for a period as may from time to time be prescribed.

25. **Further Training.** Further training for constables will be carried out under direct control of Commandant KDFC but the units of attachment can carry out continuous training which they may require provided they keep the Commandant KDFC informed of the scope of such training. The unit shall also be responsible for periodic refresher training in drill and weapon handling. The KDFC will carry out further training on the following:-

- a. Fire fighting.
- b. Provision of Security to ammo depots, key installations and authorized personnel at their static residential areas.
- c. Dog Handling.
- d. Non Commissioned Officers (NCOs') cadre course.
- e. Storekeeping.
- f. Clerical duties.
- g. Driving.
- h. Arms Drill/Weapon Training.

26. Courses will be offered on competitive selection and recommendation by the appropriate authority.

Training and Reference Manuals

27. The Kenya Defence Forces are to use appropriate training manuals and pamphlets, which are issued on the authority of the CDF or respective Service Commander as the case may be, such manuals and pamphlets are to be demanded in the normal way through the Logistics Branch, DHQ or respective Service as the case may be.

Bonding

28. Members of the Kenya Defence Forces selected to proceed for local or foreign courses will be bonded for periods or sums of money as follows:-

- a. Courses lasting six (6) Months and below to be bonded for three (3) years.
- b. Courses lasting more than six (6) Months to be bonded for five (5) years.
- c. Pay a bond at the rate of the full cost of the course, which will include traveling, accommodation, feeding, tuition, stationery, salaries, allowances and stamp duty.

29. Cadets are to be bonded upon commissioning. Those opting for resignation of commission must pay a bond at the rate of the full cost of the course, which will include traveling, accommodation, feeding, tuition, stationery, salaries, allowances and stamp duty.

30. The following courses are to be bonded:-

- a. All sponsored courses taken outside the Country.
- b. All technical, flying and Sea going courses done in our Military institutions.
- c. Local Courses undertaken at the following institutions:-
 - (1) National Defence College (NDC).
 - (2) Defence Staff College (G2 Staff Course).
 - (3) Local Universities (Including DEFCEP).
 - (4) DEFTEC.
 - (5) KNTS.
 - (6) DFMTS.

31. In case of default, Monetary penalties will be calculated on a reducing basis depending on the length of the bonded period served.

SECTION II

CAREER PROGRESSION

Officers

32. On commissioning Officers who qualify, will be granted antedate of seniority as specified in Part I Chapter 6 of TCOS for the Kenya Defence Forces for officers.

33. Promotion for officers will be as follows:-

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- a. **General Service Officers.** Promotion for GSOs is by time and selective competition. However, officers will not become eligible for consideration for promotion to the rank of acting captain and major unless they have passed all parts of the relevant promotion examinations. Intake 30, will be expected to have acquired their under graduate degree to be promoted to the rank of major.
- b. **Special Duty Officers.** Promotion for Special Duty Officers up to the rank of Major is by time and recommendation by their Commanding Officer and is not subject to promotion by selective competition, obligatory promotion examinations or the grant of acting rank. Promotion to the rank of Lt Col and above is by selective competition.
- c. **Specialist Officers.** Promotion up to the rank of Major is by time taking into account the antedate seniority. Promotion to Lt Col and above is by selective competition.
- d. **Command Appointments.** In appointing the CDF, the VCDF and the three Service Commanders, the C-In-C shall take into account:-
- (1) Seniority.
 - (2) Military and formal civil education.
 - (3) The possession of a relevant degree from a university or an institution recognized in Kenya or such other equivalent qualifications as may be approved by the Defence Council.
 - (4) Military and security experience.
- e. For purposes of upholding professionalism, Officers appointed to command a Corp or a Regiment will normally come from that particular Corps/Regiment/Primary specialization consistent with the Corps mission, command and have exceptional command qualities, experience and high standards of discipline in order to enhance morale and *esprit de corps*. This will also apply to schools and colleges.

Service members

34. All service members will be classified as privates after completion of basic military training at Recruits' Training School.
35. Subsequent promotion for Service members will be determined by services in line with TCOS.
36. Service members on joining the Kenya Defence Forces will be categorized into Pay Bands and Pay Levels as set out in the Kenya Defence Forces Pay and Allowance Regulations.

Commissioning of Service Personnel

37. Commissioning of service members may be considered under the following conditions:-

- a. **SDOs**. Where specific vacancies occur in administrative posts such as MT, QM etc subject to meeting the required qualification.
- b. **GSOs**. Service members may be considered for selection to cadet training on the recommendation of the respective service provided they fulfill the required eligibility selection criteria.

Promotions, Postings and Attachments Boards

Officers

38. There shall be a No.2 Board and Service Board whose recommendations shall be subjected to the No.1 Board. The recommendation of No.1 Board will be subjected to Defence Council for ratification and approval. The Constitution and Terms of Reference for the said Boards are as laid out at Annex “A” to this chapter.

Service Members

39. Promotions, appointments and postings/attachments of Service member is an administrative issue that is core to the individual’s career progression and job satisfaction. It is meant to reward and re-organize manpower resource for better returns.

40. There shall be No. 7 to No. 3 Service Boards, except for Kenya Navy which shall have an additional No. 8 Board. The deliberations and recommendations contained in the minutes of these boards shall be subjected to confirmation as laid out in Annex ‘B’. It is to be noted that the final authority for the promotion of any rank from Spte up to WOII shall be No. 4 Board and No. 3 Board for WOI.

CHAPTER 4

RETIREMENT, DISCHARGE AND TERMINATION OF CONTRACT

Contents

Paragraph

General	1
Section I – Retirement and Termination of Commission for Officers	
Reasons for Retirement	2
Prolongation	3
Retention of Officers	4
Re-instatement of Commission	5

Section II – Discharge of Service members

Reasons for Discharge.....	6-
7	
Discharge and Extension.....	8
Dismissal.....	9
Re-engagement.....	10
Re-enlistment.....	11

SECTION III - Retirement Seminars for KDF Personnel 12

Section IV – Termination of Contract for Kenya Defence Forces Constabulary

Commandant and Inspectors.....	13-14
.....	
Immediate Termination.....	15
.....	
Prolongation of Services.....	16
.....	
Constables.....	17
Prolongation of Service.....	18
Discharge on Completion of Contract.....	19
Immediate Termination of Contract by Constables.....	20
Dismissal.....	21-22
.....	

Section V – Termination of Contract of Retired

Re-employed Officers

Reason for Re-employment.....	23
Termination of Contract.. ..	24
Completion of Contract.....	25
Extension of Service on Expiry of Contract.....	26-
27	

Contents

Para

Termination by Notice.....	28-
29	

Renewal of Contract	30-
31	
Section VI – Termination of Contract of RRNCOs	
Termination Reason for re-employment of RWOs/RNCOs.....	32
Termination of Contract.....	33
Completion of Contract.....	34
Extension of Service to 60 years	35-
36	
Termination of Notice.....	47-
38	
Renewal of Contract	39-
40	
Transfer to Reserve.....	41-
42	
Application for Discharge of Service members.....	
Annex “A”	
Final Assessment.....	
Annex “B”	

CHAPTER 4

RETIREMENT, DISCHARGE AND TERMINATION OF CONTRACT

General

1. This chapter gives general guidelines on matters related to retirement and termination of commission for officers, discharge of service members and termination of contract for Kenya Defence Forces Constabulary, Re-employed Retired Officers and Re-employed Retired Warrant Officers and NCOs. This chapter should be read in conjunction with the Kenya Defence Forces Act and Terms and Conditions of Service (TCOS) for the personnel of the Kenya Defence Forces.

SECTION I

RETIREMENT AND TERMINATION OF COMMISSION FOR OFFICERS

2. REASONS FOR RETIREMENT

- a. **Retirement on Age grounds**. All officers of Kenya Defence Forces will be required to retire on age ground as follows:-

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(1) **GSOs.** General Service Officers who are not recommended for further substantive promotions shall retire on reaching the following ages:-

(a) Level 1

Lieutenant.....	39 years
Captain.....	45 years
Major.....	49 years
Lieutenant Colonel.....	51 years
Colonel.....	53 years
Brigadier.....	55 years
Major General.....	57 years
Lieutenant General.....	59 years
General	64 years

(b) Level 2

Subject to performance review, recommendation by Service Commanders and approval by the Defence Council, Officers may be allowed to serve and retire at the following ages:-

Lieutenant.....	40 years
Captain.....	46 years
Major.....	50 years
Lieutenant Colonel.....	52 years
Colonel.....	54 years
Brigadier.....	56 years
Major General.....	58 years

(2) **Special Duty Officers.** Special Duty Officers shall retire on attaining the age of fifty Six (56) years subject to performance review.

(3) **Specialist Officers.** Specialist Officers shall retire on attaining the age of fifty-Six (56) years while Medical Doctors retire at Sixty Two (62) years.

b. **Tenure of Office for CDF and Service Commanders.** The following provisions shall apply to the tenure of office for the Chief of the Kenya Defence Forces, Vice Chief of Kenya Defence Forces and Service Commanders:-

(1) The Chief of the Kenya Defence Forces, the Vice Chief of Kenya Defence Forces and Service Commanders shall serve for a single term of four years or retire upon attainment of the mandatory retirement age, whichever comes first.

(2) The President may remove, retire or redeploy the Chief of the Kenya Defence Forces, the Vice Chief of the Kenya Defence Forces or

RESTRICTED

any of the Service Commanders at any time before the expiry of the term of office.

c. **Premature Retirement.** Establishment changes and/or unsuitability for further appointments not due to misconduct may make it necessary for a regular officer to be retired before he/she attains his/her normal mandatory retiring age.

d. **Compulsory Retirement on Medical Grounds.** The compulsory retirement on medical grounds shall be as follows:-

(1) Officers found to be medically unfit for full service in their branch/department/corps or service will be boarded by a Service Medical Board. If found to be permanently unfit they will be retired on the date to be decided by the President, the Defence Council or Service Commanders as the case may be within twelve months of being boarded as permanently unfit.

(2) Officers commissioned to undertake specific duties requiring special standards of physical fitness, may be retired if found permanently unfit by a medical board to carry out their specific duties. When a suitable vacancy exists they may, however, be offered an alternative commissioned employment in their own service or be transferred to another service.

e. **Resignation of Commission.** An officer may apply in writing at any time to the Defence Council through the Commanding Officer and Service Commander to resign his/her commission except in the time of war, or when his/her Unit has been declared to be on active service or in time of National emergency when Part III of the preservation of Public Security Act is in operation whether generally or in any part of Kenya. Such application must give at least three months notice and will be considered according to circumstances prevailing at the time. The application submitted to Chief of the Defence Force must be accompanied by certificates as per Part 1 Chapter 15 paragraphs 129 - 131 of the Terms and Conditions of Service (TCoS) for the personnel of the Kenya Defence Forces for officers.

f. **Termination of Commission.** Termination of commission shall be as follows:-

(1) An officer who, for any reason, during his/her first eighteen (18) months of actual commissioned service is found to be unsuitable may have his/her commission terminated by his/her Service Commander.

(2) An officer of the rank of substantive Major or below may at any time have his/her commission terminated by the Defence Council.

(3) An officer of the rank of Lieutenant Colonel and above may have his/her commission terminated at any time by His Excellency the President.

RESTRICTED

(4) An officer who has been convicted and sentenced to a term of imprisonment or a fine or discharged conditionally by a civil court or court martial or discharged conditionally for a criminal offence may have his/her commission terminated and will not be entitled to service benefits. The date of termination will be the date of conviction.

(5) Where a service Commander terminates a commission of an officer a full report of the circumstances is to be submitted to the Chief of the Kenya Defence Forces.

Prolongation

3. Any officer who is due to retire or who completes the term of his/her commission, during a state of war, insurrection, hostilities or public emergency may be retained in the Kenya Defence Forces and his/her service prolonged for such further period as the Defence Council may determine.

Retention of Officers

4. Retention of officers after reaching their retirement age as provided for in section 254 of KDFA is subject to:-

- a. Continuing medical fitness.
- b. Suitability for available appointments.
- c. On the recommendation of Service Commanders, and approval by Defence Council.

Re-instatement of Commission

5. The Defence Council may exercise its prerogative to review and recall to active service any officer who has resigned or retired from Service any time while such officers are still on reserve liability. Likewise any officer who has resigned his/her commission and wishes to rejoin the Kenya Defence Forces may apply to the Defence Council at any time while such officer is still on reserve liability and meets all other eligibility requirements. The rank and status of his/her re-entry into the Kenya Defence Forces will be decided upon by the Defence Council.

SECTION II

DISCHARGE OF SERVICE MEMBERS

Reasons for Discharge

6. The reasons for which a service members may be discharged are laid down in sections 247 and 255(1) and of the Kenya Defence Forces Act (KDFA), of the Laws of Kenya and also in Terms and Conditions of Service (TCOS) for the personnel of the Kenya Defence Forces as follows:-

- a. On completion of engagement. Service members leaving the service on completion of their engagement shall be discharged in accordance with the procedure prescribed in appropriate Orders.

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- b. By purchase within three (3) months after the date of attestation.
- c. If he/she is granted a commission.
- d. If he/she is sentenced by court martial or after summary disciplinary proceeding to be dismissed from the Kenya Defence Forces.
- e. If within two (2) years after the date of attestation, his/her Commanding Officer considers that he/she is unlikely to be an efficient member of the Kenya Defence Forces.
- f. For activities or behavior likely to be prejudicial to the preservation of public security.
- g. If he/she is convicted of a civil offence.
- h. If a medical board determines the service member to be mentally or physically unfit for further service.
- i. On reduction of establishment.
- j. At his/her own request, on compassionate grounds.
- k. If for any reason his/her services are no longer required.
- l. In case of Warrant Officers reduced to the rank of Private, they may on their own request be discharged unless there is a state of war, insurrection, and public emergency or if they are on active service.
- m. On direction of the Defence Council for invalidity of enlistment.
- n. By giving a month notice to his/her Commanding Officer at any time upon completion of twenty one (21) years colour service.

7. In addition, any service member whose period of colour service expires, during a state of war, insurrection, hostilities or public emergency or at a time when he/she is on active service may be retained in the Kenya Defence Forces and his/her service prolonged as stipulated in section 254 of the Kenya Defence Forces Act, for such further period as the Defence Council may determine.

Discharge and Extension

8. Service members will normally retire after twenty one (21) years service or on reaching the mandatory retirement age, whichever comes earlier unless their service is prolonged in accordance with section 254 of the Kenya Defence Forces Act. After twenty one (21) years and having not attained the mandatory retiring age, service members may continue to serve on one yearly extension at the discretion of their Service Commander provided they are medically fit and have the ability to perform their duties. Service member's mandatory retirement ages are as follows:-

- Ptes and Sptes..... 48 years
- L/Cpls and Corporal 52 years

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Sergeants.....	54 years
Senior Sergeant	55 years
WOII.....	57 years
WOI.....	58 years

Dismissal

9. A service member shall be discharged if he/she is sentenced by a court martial to be dismissed from the Kenya Defence Forces. After a sentence of dismissal by court martial has been confirmed it will be promulgated to the accused. Dismissal after summary disciplinary proceedings in accordance with section 156 (2) of the Kenya Defence Forces Act, will take effect after confirmation by the Service Commander. If a service member is convicted by a civil court, a certified true copy of the judgment of the court will be required to support his/her discharge in the prescribed manner. Service members dismissed from the service are not entitled to discharge benefits except salary and conveyance allowance to their home district.

Re-engagement

10. A service member may, within two (2) years and not later than nine (9) months before completing his/her current period of colour service, apply for re-engagement for a further period of colour service. The period of re-engagement after nine (9) years of colour service will be three (3) years at every stage up to twenty one (21) years of service. Thereafter renewals will be for one year's continuance in service with the approval of the Service Commander concerned. When considering applications for re-engagement, considerations will be given to the following points:-

- a. Conduct. This will be a minimum assessment of "Very Good".
- b. Medical Standard. Service members recommended for re-engagement and continuance in the service must be medically fit for the service.

Re-enlistment

11. Service members discharged other than for sub-paras b, c, d, e, f, g, k, l, m and n of para 6 above, will be eligible for re-enlistment in the prescribed manner. To be considered for re-enlistment, ex-service members must meet the following additional conditions:-

- a. Must not have reached their 37th birthday.
- b. Must not have been discharged more than three years prior to their re-enlistment.
- c. Must not have had more than eighteen (18) years of reckonable pensionable service.
- d. Must be medically fit on re-enlistment.

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- e. Candidate's overall assessment at the time of discharge from the service with the Kenya Defence Forces must be a minimum of 'VERY GOOD'.

SECTION III

RETIREMENT SEMINARS FOR KDF PERSONNEL

12. The objective of training is to enable Service members to plan and prepare for a secure retirement life after active colour service in the military. The training is meant to enable retiring personnel to re-integrate fully into societal norms and values they have lost contact with because of their job demands in the KDF. The training is also meant to equip them with financial literacy and entrepreneurial skills. The training is conducted on yearly basis catering for personnel who are due to retire within the remaining period of colour service of ten (10) years and below.

SECTION IV

TERMINATION OF CONTRACT FOR KENYA DEFENCE FORCES CONSTABULARY

Commandant and Inspectors.

13. The Commandant and Inspectors of the Kenya Defence Forces Constabulary will have their contracts terminated due to any one or more of the following reasons:-

- a. On attainment of age 57.
- b. Redundancy.
- c. Disciplinary grounds.
- d. Medical grounds.
- e. Inefficiency.
- f. Expiry of Contract.

14. However, in exceptional cases the Chief of the Kenya Defence Forces may award another contract. Those whose contracts are extended must meet the following requirements:

- a. Must have rendered satisfactory service during the previous contract period.
- b. Must be medically fit for service.

Immediate Termination

15. If Commandant or Inspectors of the Kenya Defence Forces Constabulary wish to terminate their services before the expiry of the contract they will be required to give

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three (3) months written notice to the Chief of the Kenya Defence Forces. However if he/she wishes to terminate the contract immediately, he/she shall be liable to pay an equivalent of one (1) month's salary in lieu of notice. Similarly if the Chief of the Kenya Defence Forces wishes to terminate services of a member of the Kenya Defence Forces Constabulary before the expiry of a contract, he/she shall give a three (3) months notice. However if the Chief of the Kenya Defence Forces wishes to terminate his/her services immediately the KDF shall pay him/her equivalent of one (1) month's salary in lieu of notice. Provided this payment shall not be applicable in cases where the services are terminated on disciplinary grounds.

Prolongation of Service

16. The services of the Commandant or an Inspector of the Kenya Defence Forces Constabulary may be prolonged by the Defence Council during a state of war, insurrection, hostilities or public emergency.

Constables

17. The reasons for which a constable may have his/her contract terminated are:-

- a. On attainment of the age of 57 years.
- b. Being absent without leave.
- c. If within a year after the date of his/her attestation, the Commandant Kenya Defence Forces Constabulary considers him to be inefficient.
- d. If he/she engages in activities or behaviour likely to be prejudicial to the preservation of public order and security.
- e. Medical unfitness.
- f. Reduction in establishment.
- g. Completion of the contract period.
- h. One's own request.
- i. Compassionate grounds.

Prolongation of Service

18. The service of constables of the Kenya Defence Forces Constabulary may be prolonged by the Chief of the Kenya Defence Forces during a state of war, insurrection, hostilities or public emergency.

Discharge on Completion of Contract

19. The assessment of military conduct and testimonial will be signed by Commandant Kenya Defence Forces Constabulary. Before leaving the Kenya Defence Forces Constabulary a Constable will be given:-

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- a. Any education or trade certificate to which he/she may be entitled.
- b. His/her National Identity Card.
- c. Discharge certificate and testimonials.

Immediate Termination of Contract by Constables

20.A Constable who wishes to terminate his/her contract immediately may pay to the Government one (1) months' salary. If the Chief of the Kenya Defence Forces terminates a Constable's contract immediately for reasons other than disciplinary grounds, the Government shall pay the Constable an equivalent of one (1) month's salary.

Dismissal

21.A Constable may be dismissed from the service by a Court Martial or by his/her Commanding Officer or Commandant after summary awards of dismissals from the Kenya Defence Forces Constabulary, subject to confirmation by the Chief of the Kenya Defence Forces.

22. These provisions are to be read together with the KDFA (Act No. 25 of 2012)

Subsidiary Legislation relating to the Kenya Defence Forces Constabulary and Terms and Conditions of Service for the Kenya Defence Forces Constabulary.

SECTION V

RE-EMPLOYMENT AND TERMINATION OF CONTRACT OF RE-EMPLOYED RETIRED OFFICERS

Reason for Re-Employment

23.The Kenya Defence Forces currently re-employs Retired Officers in the Rank of Captain to Brigadier in a renewable contract of two (2) years. Re-employment of Retired Officers (RROs) aims at capturing and retaining essential skills. Re-employment of such personnel will be determined by Service Commanders and approved by the Defence Council.

Termination of Contract

24.Reasons for termination of contract for Re-employed Retired Officers (RROs) may be on any of the following:-

- a. On attainment of maximum retirement age of 60 years.
- b. Expiry of contract.

RESTRICTED

- c. If found unsuitable.
- d. For misconduct/disciplinary reasons.
- e. On personal request.
- f. On redundancy.
- g. Due to inefficiency.
- d. On medical grounds.
- i. On compassionate reasons.
- j. On services no longer required or reduction in establishment or for any other reason(s).

Completion of Contract

25.A Re-employed retired officer who is serving under these terms shall serve for a maximum of two (2) terms of two (2) years each and shall have his/her services terminated on completion of the first contract term of two (2) years unless the first term is extended. A special consideration may be given beyond the two (2) year term by the Defence Council.

Extension of Service On Expiry of Contract

26.The retirement age for Re-employed Retired Officers shall be sixty (60) years or on completion of two (2) terms of two (2) years each whichever comes first.

27.Re-employed Retired Officers whose services are extended beyond the first contract of two (2) years must meet the following requirements:

- a. Must have rendered satisfactory service in their previous contract period.
- b. Must be medically fit.
- c. Must be recommended by the service and approved by the Defence Council.
- d. Must not have attained 60 years of age.

Termination by Notice

28.A Re-employed Retired Officer may terminate his/her employment by serving three (3) months notice.

29.The Defence Council may terminate the employment of a Re-employed Retired Officer by:-

- a. At any time.
- b. In lieu of such notice by paying him/her one month's salary provided this payment shall not be applicable in cases where the services are terminated on disciplinary grounds.

Renewal of Contract

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30. At not more than six (6) months and not less than three (3) months before the expiry of the contract any Re-employed Retired Officers opting to renew the contract may do so with approval of the Defence Council provided he/she meets the prescribed requirements.

31. These provisions are to be read together with the KDFA (Act No. 25 of 2012) subsidiary Legislation relating to RRO's as well as the Terms and Conditions of Service for RRO's.

SECTION VI

RE-EMPLOYMENT AND TERMINATION OF CONTRACT OF RE-EMPLOYED RETIRED WARRANT OFFICERS (RRWOs) AND RE-EMPLOYED RETIRED NON COMMISSIONED OFFICERS (RRNCOs)

Reason for Re-employment of RRWOs/NCOs

32. Re-employment of RRWOs/RRNCOs aims at capturing and retaining essential skills. Consideration for re-employment of such personnel will be determined by Service Commanders and approved by the NO.1 board.

Termination of Contract

33. Reasons for termination of contract for Re-employed Retired Warrant Officers/NCOs may be based on any of the following:-

- a. On attainment of retirement age.
- b. Expiry of contract.
- c. If found unsuitable.
- d. For misconduct/disciplinary reasons.
- e. On personal request.
- f. On redundancy.
- g. Due to inefficiency.

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- h. On medical grounds.
- j. On compassionate reasons.
- k. On services no longer required or reduction in establishment or for any other reason(s).

Completion of Contract

34. A Re-employed Retired WO/NCO who is serving under these terms shall have his/her services terminated on completion of each contract term of two ~~3~~(2) years up to a maximum of two (2) terms.

Extension of service on expiry of contract

35. The retirement age for RR WOs/NCOs shall be sixty (60) years.

36. Re-employed Retired WO/NCOs whose services are extended beyond the first contract of two (2) years must meet the following requirements:-

- a. Must have rendered satisfactory service in their previous contract period.
- b. Must be medically fit.

Termination by Notice

37. A Re-employed Retired WO/NCOs may terminate his/her employment by serving three (3) months written notice.

38. The Service Commander may terminate the employment of a Re-employed Retired WO/NCOs by:-

- a. Serving him/her with three (3) months written notice at any employment
- b. In lieu of such notice by paying him/her one (1) month's salary provided this payment shall not be applicable in cases where the services are terminated on disciplinary grounds.

Renewal of Contract

39. At not more than six (6) months and not less than three (3) months before the expiry of the contract any Re-employed Retired WO/NCOs opting to renew the contract may do so with approval of the Chief of the Kenya Defence Forces provided he/she meets the prescribed requirements.

40. These provisions are to be read together with the KDFA No. 25 of 2012, Subsidiary Legislation relating to WO/NCOs as well as the Terms and Conditions of Service for WO/NCOs.

Transfer To The Reserves

41. In line with KDFA Part XVI, a service member who completes the period of nine (9) or more years of colour service and is discharged on completion of engagement with less than twenty one (21) years service is to be transferred to the reserve for a period of three (3) years or until he/she has completed twenty one (21) years service whichever is the less except that a service member is not to serve in the reserve beyond the apparent age of 45 years.

42. All Service Members who are transferred to the reserve are to be discharged from colour service in accordance with the procedure prescribed in appropriate orders.

CHAPTER 5

LEAVE

Contents	<i>Paragraph</i>
Section I	
General	1
Leave Year	2
Categories of Leave	3
 Section II - ADMINISTRATION OF LEAVE	
Officers.....	4-8
Service members.....	9-16
Medical Examination.....	17
Preventive drugs.....	18
Medical attention whilst on leave.....	19-20
Restrictions on Leave	21
Leave Allowance	22
Application Form for Leave - Officers.....	Annex 'A'

RESTRICTED

Leave Allowance Application Form.....**Annex 'B'**
Application Form for sale of Leave – Officers.....**Annex 'C'**
Service member's Leave Pass Form.....**Annex 'D'**

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LEAVE

SECTION I

General

1. Leave is not a right, but a privilege. It is subject to the requirements of the service and is to be granted at the discretion of the Commanding Officer of the unit in which the Officer or Service Member is serving. Nothing in this section shall give service personnel a right to any leave. Commanders at all levels are encouraged to ensure their sub-ordinates take their full entitlement of leave each year.

Leave Year

2. The leave year commences on the first day of January each year.

Categories of Leave

3. The categories of leave authorized for service personnel are as provided for in the TCoS.

SECTION II

ADMINISTRATION OF LEAVE

Officers

4. There shall be a leave forecast for every leave year prepared and maintained by the Commanding Officer of the unit by 30th day of November each calendar year.

5. The application for leave shall be made at least three (3) months prior to the due date of commencement in the prescribed form contained at Annex "A".

6. The leave allowance application form shall be completed and approved on a prescribed form as contained in Annex "B" where applicable.

7. Approved leave shall be published in the Unit Part II Orders and a record thereof be entered in the Officers' personal record in the prescribed form.

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8. If an officer is unable to take leave due to unavoidable or exceptional circumstances, including confinement due to prolonged illness which must be duly certified by a medical officer as the case may be, he/she may commute and sell such leave subject to approval by the Service Commander. The application for sale of leave shall be made in the appropriate form as contained in Annex "C".

Service Members

9. There shall be a leave forecast for every leave year prepared and maintained by the Commanding Officer of the unit by 30th day of November each calendar year.

10. The application for leave shall be made at least three (3) months prior to the due date of commencement in the prescribed manner.

11. The leave allowance application form shall be completed and approved on a prescribed form as contained in Annex "B" where applicable.

12. Before proceeding on leave, a Service Member is to be made aware of the procedure to be followed if he/she becomes sick whilst on leave. The procedure to be followed to obtain an extension is outlined below:-

- a. Written recommendation of the Chief of the location where the service member comes from is to be obtained and passed to the Sub County Commissioner.
- b. The Deputy County Commissioner will send details of the case with his/her own recommendation to the Service member's Commanding Officer. The Service member's Commanding Officer is to advise the Deputy County Commissioner of his/her decision as early as possible.
- c. Service Members are also to contact their immediate commanders or contact the nearest unit whichever is applicable.

13. Service Members proceeding on leave shall be issued with a duly completed "Service member's Leave Pass" Form specimen whereof is contained in Annex "D".

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14. All Service Members are to wear civilian clothes on leave and when proceeding to and from leave.

15. Arms are not to be taken on leave.

16. All items of Service clothing and equipment together with any medals and/or decorations are to be handed into the unit stores for safe custody, before a Service Member proceeds on leave.

Medical Examinations

17. All Service Members are to be medically examined and Part II of the leave pass completed before they go on leave.

Preventive Drugs

18. Sufficient preventive drugs against common diseases are to be issued to all Service Members for the duration of their leave.

Medical Attention whilst on Leave

19. Service Members requiring medical attention while on leave are to contact the nearest Service medical establishment. Where this is not practicable they are to apply to the nearest Government Dispensary. Refund of any expenses necessarily and justifiably incurred in obtaining treatment may be refunded on production of relevant receipts.

20. Service Members' leave is to be recorded in the Qualification and Record Card.

Restrictions on Leave

21. Leave will be taken at the discretion of the Commanding Officer. The number of persons on leave at any one given time will not exceed 10% of the strength of the unit without prior authority from Service Headquarters

Leave Allowance

22. Leave allowance shall be administered as follows:-

a. Annual leave allowance shall be paid in accordance with existing policy.

b. Where an Officer/Service Member is recalled from leave, the person is entitled to an allowance in conformity

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with the existing pay regulations, subject to approval from the Service Headquarters.

c. An Officer/Service Member once paid leave allowance shall proceed on leave on the dates approved on the leave form. Part II Orders shall be published to reflect the same.

d. Sale of leave shall be computed based on monthly salary at the time when that leave was not taken.

CHAPTER 6

DRESS

RESTRICTED

Contents	Paragraph
General	1
Service Dress Committees	
.....	2-4

CHAPTER 6

DRESS

General

1. This Chapter deals with the orders of dress to be worn by members of the Kenya Defence Forces and will include the designated uniforms as authorized by the respective Services dress codes.

Service Dress Committees

2. Each Service will have its own Dress Committee, which will formulate and regulate the dress policy peculiar to the Service. The Service Dress Committees will be subordinate to the Kenya Defence Forces Dress Committee.

3. Each Service is by authority of these Standing Orders to institute Service dress codes as follows:-

- a. The Kenya Army Dress Code.
- b. The Kenya Air Force Dress Code.
- c. The Kenya Navy Dress Code.
- d. The Kenya Defence Forces Constabulary Dress Code.

4. The dress codes are produced under the direction and authority of the respective Service Commander and will contain all the details of the dress for the Service and how they are to be worn. The Service dress code will be approved by the Kenya Defence Forces Dress Committee and subsequent changes will be submitted to the same committee for approval.

RESTRICTED

CHAPTER 7

WELFARE SERVICES

Contents	Paragraph
Section I - Defence Forces Canteen Organization	
General	1
Control and Management of DEFCO	2
Control Measures	3
Section II - Group Personal Accident	
Purpose	4
Claims Administration	5
Section III - Kenya Defence Forces Comrades Association	
Membership	6-7
Subscription	8
Organization	9 - 10
Delegates Meeting.. ..	11
Benevolent Fund Benefits	12-13
Section IV - Defence Forces Medical Insurance Scheme	
Membership	14
Subscription	15-17

RESTRICTED

CHAPTER 7

WELFARE SERVICES

SECTION I

DEFENCE FORCES CANTEEN ORGANIZATION (DEFCO)

General

1. All service personnel and their families are entitled to Defence Forces Canteen Organization (DEFCO) facilities, except in a situation where the Commanding Officer for probable cause, withdraws or suspends access to DEFCO facilities. The prime objective of DEFCO is to procure and supply goods that are duty and tax-free and sell them at retail prices to members of the Defence Forces.

Control and Management of DEFCO

2. DEFCO Board of Directors will be responsible for all policy matters which include:-
 - a. Expenditure.
 - b. Disbursements of funds.
 - c. Employment.
 - d. Discipline.

Control Measures

3. The following control measures shall apply:-
 - a. Officers and Service Members are entitled to draw fuel for a maximum of two (2) vehicles. Fuel cards must be obtained and produced when refueling. However, tractors, commercial

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vehicles and lorries are not allowed to refuel at DEFECO fuel points. In addition fuel will not be purchased in bulk.

- b. Purchase of wines and spirits are to be based on quota system strictly regulated by the Mess Rules.
- c. Only those with DEFECO permits will shop in DEFECO shops. Issuance of DEFECO permits will be restricted to the following:-
 - (1) Service Personnel's Spouses.
 - (2) Authorized MoD Civilians as per the DEFECO Charter.
 - (3) DEFECO staff.
- d. Commanding Officers must ensure that retiring service personnel surrender fuel cards and DEFECO permits before they are cleared on the expiry of their terminal leave.

SECTION II

GROUP PERSONAL ACCIDENT COVER (GPA)

Purpose

- 4. The purpose of GPA is to provide an insurance policy for members of the Kenya Defence Forces who die or are injured in accidents. The principal aim of the policy is to provide immediate funds for sustenance and maintenance, especially in death cases, to the deceased's dependants. The policy is meant to raise the morale and confidence of Service personnel in the performance of their duties knowing that, they or their dependents will be compensated in case of accidental injury/death.

Claims Administration

- 5. The claims administration shall be as follows:-
 - a. Any accidental injury resulting in either death or permanent disability must be reported to the Insurance Company not later than thirty (30) days from the date of incident.
 - b. Documents shall be forwarded to the Insurance Company by DHQ as soon as possible and in any case not later than thirty (30) days.

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- c. **Time frame for reporting.** Unit to Service Headquarters to be within forty eight (48) hrs and Service to Defence Headquarters to be within one (1) week.
- d. **Death Claims.** Documents to be submitted are:-
- (1) Death advice proformae.
 - (2) A certified copy of death certificate.
 - (3) A certified copy of the deceased's identity card or passport.
 - (4) Three (3) months certified pay slips for the month prior to the accident.
 - (5) Military Police report where death occurs within any military premises and/or operational areas including mission areas.
 - (6) A police abstract report for fatal injuries outside any military premises and/or operational areas and/or mission areas where applicable.
 - (7) A certified post mortem report.
 - (8) Copy of the burial permit.
- e. **Injury Claims.** Documents to be submitted are:-
- (1) Injury advice proformae report.
 - (2) Certified copies of three (3) months pay slip for the months prior to the accident date.
 - (3) Police abstract report for injuries outside any military premises and/or operational areas and/or mission areas, where applicable.
 - (4) Military police report for injuries within any military premises and or operational areas including mission areas.
- f. The medical certificate (part of the claim form will at all times be executed by medical specialists), once the claimant has fully healed.
- g. A duly completed personal accident claim form together with all other supporting documents will be forwarded to the company immediately the medical certificate is duly executed.

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- h. Where the permanent Total Disability suffered is up to 5% (five) or the maximum monetary sum of Kshs fifty thousand (50,000.00), no second medical assessment will be required subject to existing GPA policy.
- j. Where permanent Total Disability suffered exceeds 25% (twenty five) a medical assessment shall be at the Company's expense. Letter requesting the claimant to seek an appointment with the (second) assessment doctor giving details and location of such doctor will be dispatched to the insured with a copy to the doctor.
- k. There shall be a joint medical board to assess total permanent disability.
- l. Where the variation between the permanent Total Disability Assessment of the claimant's doctor and that of the Company's up to 10% (ten) and below, the Company's assessment of disability will be adopted for purposes of calculating such claim(s).
- m. In all cases a "Discharge Voucher" will be issued by the Company to the Insured for execution and return.
- n. Upon receipt of the executed discharge voucher the Company will settle the claim(s) as per the existing GPA policy.
- p. All claim settlement shall be made through "CDF CENTRAL FUND A/C".

SECTION III

KENYA DEFENCE FORCES COMRADES ASSOCIATION (DEFOCA)

Membership

- 6. Membership fee for serving personnel shall be two (2) days pay and shall include the following categories:-
 - a. Ex - Service members who were members of the British Legion African Section (Kenya), The Kings African Rifles and East African Forces Old Comrades Association.

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- b. Ex-Service personnel who served in the Kenya Defence Forces after independence.
7. Personnel who were not members of the association during their service in the Kenya Defence Forces shall not be permitted to enroll as members after retirement or discharge. They may however be considered for honorary membership.

Subscription

8. Annual subscription shall be one (1) day's pay for serving personnel. Retired personnel with military pension shall pay two (2) days pension and annual subscription shall be one (1) day's pension or membership fee of Kshs 200.00 and Kshs 100.00 subscription, whichever is higher.

Organisation

9. The Patron of the association shall be the Commander in Chief and the trustees of the Association shall be the CDF, VCDF, Comd KA, Comd KAF, Comd KN, ACDF P&L and two (2) DEFOCA branch representatives. The SOI Legal Services DHQ shall be the Secretary. The Board of Trustees (BOT) will be the governing body of the association.
10. The BOT will meet at such times and at such places as the chairman shall direct. The Trust treasurer who shall be the officer holding the appointment of Col Pay DHQ and the General Manager will be entitled to attend BOT meeting. The board shall meet at such times and places as shall be determined by the Chairman.

Delegates Meetings

11. There shall be two (2) classes of Delegates Meetings as follows:-
 - a. Annual Delegates Meeting. The ADM shall meet not later than 30th November of each year.
 - b. Special Delegates Meeting. The SDM shall meet for any specific purpose.

Benevolent Fund Benefits

12. Benevolent fund is established under the management of General Manager DEFOCA to help members meet funeral expenses of their departed dependants.
13. Funds of the Association may only be used for the following:-

RESTRICTED

- a. Authorized amount will be paid per bereaved family.
- b. The money will be paid to meet funeral expenses in respect of spouse or children (up to the ages of 21 years).
- c. Funds will be disbursed only after approval of an application form. referred to in Annex "A" to this Chapter.
- d. In furtherance of the Associations investments subject to the approval of the Board of Trustees.

SECTION IV

DEFENCE FORCES MEDICAL INSURANCE SCHEME (DEFMIS)

Membership

14. Membership of the Trust shall be voluntary to all Officers and Service Members serving as at Twenty Ninth September Two Thousand and Four (29th September 2004). Officers and Service Members commissioned or enlisted after Twenty Ninth September Two Thousand and Four (29th September 2004) shall be automatically enrolled as contributors in the Trust upon their commissioning or passing out respectively.

Subscription

15. The Contributions shall be pegged at 3.1% of the monthly basic salary. Collection of the members' contributions to the Fund shall commence as follows:-
 - a. In the case of members joining the Kenya Defence Forces after 1st September Two Thousand and Four (1st September 2004), from their first salary after passing out and shall continue for a period of fifteen (15) years.
 - b. In the case of members who joined the Kenya Defence Forces before 1st September 2004, from their first salary following their admission as members and shall continue thereafter for fifteen (15) years and in the event that the remainder of their service is less than fifteen (15) years, the contributor may elect to pay increased monthly contributions to cover the proportion of his/her contribution which would otherwise remain outstanding at the end of his/her service.
 - c. The above Contribution was extended from Fifteen (15) to Twenty (20) years with effect from 1st July 2011.

RESTRICTED

16. Notwithstanding rules 15 (a) and (b) above, a member who has commenced his/her contributions may elect to pay all due contributions in a lumpsum.
17. No benefits due to a member shall become available to him/her or payable until the day following the date of his/her retirement from the Kenya Defence Forces provided he/she is a fully paid up member. A fully paid up member and/or his/her beneficiaries who emigrates from the Republic of Kenya shall be deemed to have forfeited the benefits herein and no refund whatsoever shall be payable by the Board of Trustees in such circumstances provided such benefits will be continued on the return of such a member to the Republic of Kenya.

Beneficiaries

18. Every contributor shall be required to nominate one spouse and a maximum of four (4) children for the purposes of the Trust. A member shall ensure his/her particulars with the Trust are current . There shall be no substitution of dependants during the insurance period. Where a Contributor dies without nominating his/her beneficiaries and the particulars of the beneficiaries are not apparent, the Board of Trustees shall refund his/her contributions to his/her estate.
19. Except for permitted dependants, a contributor shall not be entitled to nominate additional dependants whosoever under the Scheme whether on additional contributions or not.

Retirement, Discharge, Dismissal

20. Every person who has become a member of the Trust shall in the case of serving members of the Kenya Defence Forces remain a member until he/she dies or retires whereupon, in the event of death, whether he/she was a fully paid up member or not, his/her contribution shall be extinguished without affecting the rights of his/her qualified beneficiaries who shall continue to receive their benefits as follows:-
 - a. Spouse for life.
 - b. Children as qualified in the trust rules in the event of a member retiring and being fully paid up, he/she and his/her beneficiaries shall with effect from the date following his/her retirement be entitled to the full range of benefits under the Fund.

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21. Where a serving contributor retires before making all his/her contributions for the said period of twenty (20) years, he/she may either opt for a refund of his/her contribution (without interest) or pay in lumpsum the remaining amount for full membership provided such lumpsum payment shall be paid within six months from the run out date failure to which the member shall be refunded his contribution without interest.
22. Where a serving contributor is dismissed before making all his/her contributions for the said period of twenty (20) years, he/her shall be refunded his/her contribution without interest.
23. A fully paid up member shall not be entitled to refund of his/her contributions.

Meetings

24. The Board of Trustees shall hold meetings routinely as frequently and as regularly as the purpose of the trust shall demand but, except for very compelling and special reasons to be recorded, no period of continuous two (2) months may elapse without a meeting of the board held to review and update itself on the functioning and progress of the trust.

Responsibilities of the Trust

25. For in-patient healthcare, the scheme shall pay 100% of the legitimate bills incurred by a member during his/her hospitalization provided that the total payment with respect to any one family in one calendar year shall be subject to a maximum of Kenya Shillings Two Million (Kshs 2,000,000.00). Before a member begins treatment as an inpatient (except in cases of accident or acute medical emergency), the insured person must obtain prior authorization at least forty eight (48) hours before admission, in writing of the intention to seek such treatment, with full details of the proposed treatment and the name(s) and address(es) of the physician and hospital concerned. If the member does not obtain prior authorization, he/she may be held personally liable for his/her medical costs. In cases of accidents or acute medical emergency, written notification together with reasonable available supporting medical information must be submitted to DEFMIS Headquarters within forty eight (48) hours of the event, or if it is a weekend or public holiday, on the next working day.

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26. For out-patient healthcare, the scheme shall pay 75% (seventy five) of legitimate bills incurred by a member while the member shall be responsible for 25% (twenty five) of the total bill provided that the total payment with respect to any one family in any given calendar year shall be subject to a maximum of Kenya Shillings Four Hundred Thousand (Kshs 400,000.00).

SECTION V

MANAGEMENT OF SPORTS

General

27. Sports policy in the Defence Forces is formulated at DHQ level. The supreme body charged with the governing of sports is the Defence Forces Sports Control Board (DFSCB). The board is chaired by the ACDF P&L and composed of members of various sporting disciplines whose chairmen and OICs are appointed by DHQ Personnel branch.

Sports Funding

28. Sports in the Kenya Defence Forces are funded by CDF Central Fund. A budget is drawn once a year and each discipline equitably allocated funds according to the respective discipline budget pegged on the calendar of events. The amounts to be allocated will depend on the available funds.

Drawing of Sports Funds

29. The OICs through their discipline chairmen, request for authority to draw funds using sports fund withdrawal proformae. Personnel branch DHQ will process the request, checking amongst other things availability of funds to meet the prescribed expenditure and if the expenditure had been budgeted for, OICs will then account for the expenditures.

Accounting For Sports Goods Purchased

30. Sports goods purchased by units and various sports disciplines must be taken on charge in Quartermaster ledgers and be accounted for in full. Spot checks and audits will be carried out to verify such goods purchased against stores accounts.

Accountability of Sports Personnel

31. Units' sports personnel are to be managed and accounted for like any other service personnel. There will be administrative

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instructions issued with a proper command structure put in place. The following will apply:-

- a. Administrative instructions issued.
- b. OIC appointed.
- c. Duration of concentration camps determined as follows:-
 - (1) Unless authorized, Unit level concentration camps should not exceed three (3) weeks.
 - (2) Unless authorized, Formation/Base level concentration camps should not exceed three (3) months.
- d. Camps must be within administrative range of Military Barracks.
- e. Service Headquarter clearance must be sought.
- f. Feeding regulations must be followed.
- g. Privately or individually arranged camps are not permitted.
- h. Daily parade states must be sent and all persons accounted for.
- j. Sports personnel wishing to travel out of the country must seek clearance from Defence Headquarters through their units and Service Headquarters one month prior to departure.
- k. Sports personnel participating in International events may be cleared to be out of the country for a continuous period not exceeding one (1) month or (30) days.
- l. On breaking camp, Service Personnel must revert to their respective units.

SECTION VI

BANKS, SAVINGS, CREDIT AND CO-OPERATIVE SOCIETY

General

32. Membership to Cooperative societies amongst Service Personnel is voluntary and private except for Harambee SACCO where KDF can facilitate payments through check off system.

RESTRICTED

DHQ Responsibility

33. DHQ is not obliged to develop or enforce policies regarding the running and management of cooperative societies. The Cooperative societies are run by a Central Management Committee elected by members through the AGM.

Guarantors

34. Guaranteeing another member to get a society loan is voluntary, private and legally binding. If the loanee defaults, the guarantor(s) will be liable for deductions to make good the loan. DHQ has got no role in this arrangement.
35. Service Personnel who retire shall endeavor to clear their outstanding loan. Guarantors are cautioned to be vigilant whenever loanees are due to retire for any reason. Units are to arrange for clearance by the branch chairman to ascertain a Service persons liability.

Loan Check-off System

36. DHQ will allow commercial banks, Harambee SACCO and other financial institutions with signed Memorandum of Understandings (MOUs) and adequate capital base to advance loans to Service personnel on check-off basis.
37. For loans to be processed through the check-off system, Service Personnel will be required to submit their loan application forms for approval through the chain of command.
38. Upon granting of the loans by the bank(s) that have entered the Memorandum of Understandings (MOU) with DHQ, DHQ as a facilitator will deduct the specified loan repayment amounts and remit to the bank(s) /Harambee SACCO in accordance with the loan agreement(s) between the Service personnel and the bank(s)/Harambee SACCO.
39. No service personnel shall give false information while applying for a financial facility (loan etc) or over commit his/her salary beyond 2/3 of the gross pay. Disciplinary action will be taken against any person who contravenes this paragraph.

RESTRICTED

CHAPTER 8

PERSONNEL CASUALTY REPORTING

Contents	Paragraph
Section I	
General	1
Code Words	2
Section II - Casualty action	
Casualty Evacuation Procedures during Peace Time	3
Identification	4
Investigation	5
Notification	6
Notifiable Casualties	7
<i>Section III - Reporting</i>	
Responsibility for Initial Reporting	8-10
Progress Reports	11
Injury Reports	12-13
Boards of Inquiry	14
Personal Property	15-18
<i>Claims for Pensions or Gratuities in Cases of Death</i>	19-20
Recovery of Public and Service Debts	21
Section IV	
Casualty Evacuation Procedures during peace time.....	22-23
Special Precautions in Aircraft Evacuation	24
Medical Standby Teams	25

RESTRICTED

Regional/Base Status of Medical standby teams26

Section V

Wills27-30

Last Will and Testament.....**Annex
“A”**

Casualty Evacuation Request... ..**Annex
“B”**

Injury Report..... **Annex
“C”**

CHAPTER 8

PERSONNEL CASUALTY REPORTING

SECTION I

General

1. This chapter explains procedures of personnel casualty reporting, disposal of personnel assets and claims for Pensions and Insurance. It is essential that Commanders at various levels ensure that all Service personnel under their command fully understand the various aspects of these procedures, so as to expedite processing of claims and disposal of personnel assets.

Code Words

2. The following special Code Words are authorized for use to MILITARY ADDRESSES ONLY in connection with casualty procedure:-
 - a. NOTICAS Notifiable Casualty.
 - b. KINFORMED Next-of-kin have been informed.

SECTION II

CASUALTY ACTION

Casualty Evacuation Procedures during Peace Times

3. Although the action to be taken varies in certain details according to the nature of the casualty, basically all procedures are divided into the following:-
 - a. Identification.
 - b. Investigation.
 - c. Reporting.
 - d. Recording.
 - e. Burial/Cremation.
 - f. Disposal of personal property in the case of death.

Identification

4. Correct identification and accurate reporting of personal details together with those of the recorded next-of-kin is of utmost importance in any casualty reporting procedure.

Investigation

5. In all cases where a Board of Inquiry is necessary (see Para 15) the responsibility for obtaining evidence of the circumstances of the casualty rests with the Commanding Officer of the Service Member.

Notification

6. In all NOTICAS cases the following will be informed:-

RESTRICTED

- a. Service Headquarters by "Immediate" signal prefixed with the word "NOTICAS".
- b. Personnel Branch Service Headquarters.
- c. The spouse of the Officer/Service Member by personal communication if the spouse is in the duty station. Otherwise this should be made through the Deputy County Commissioner or equivalent.
- d. The next of kin if other than the spouse through the Deputy County Commissioner or equivalent.
- e. The Deputy County Commissioner or equivalent.
- f. The parent unit in cases of temporarily attached personnel. By "Immediate" signal.

Notifiable Casualties

7. This term is used to define those casualties, which must be notified immediately to the next-of-kin and also to the authorities as stated in Para 6 of these orders. Notifiable casualties are as follows:-
 - a. Death.
 - b. Injuries involving the loss of an eye, or any limb.
 - c. Placing on the seriously ill list.
 - d. Wounds received in operations necessitating evacuation to hospital.
 - e. Missing, which includes detention by a foreign power, kidnapping, etc, but NOT illegal absence.
 - f. Return from missing.

Note The death of a Service Member by drowning will not be accepted unless the body has been recovered and identified. Pending the recovery of the body, the casualty will be classified as "Missing, believed drowned".

SECTION III

REPORTING

Responsibility for Initial Reporting

8. Responsibility for first reporting NOTICAS cases rests with the Commanding Officer of the unit with which the Officer or Service Member is serving at the time of the casualty.
9. In the case of personnel temporarily attached to another unit for duty, the Commanding Officer of the parent unit is responsible for all action after the NOTICAS reporting.
10. Reports will be made on Army Form 117 and will be sent to the Service Personnel Branch Records as soon as possible after the injury has occurred. This report will not be delayed because the Medical Officer has not been able to give an immediate opinion as to the severity of the injury. As and when the Medical Officer is in a position to form his/her opinion he/she will do so by means of an

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up-to-date medical report to be forwarded to Service Personnel Branch for attachment to the Army Form 117. Similar action will be taken by the Commanding Officer of the Unit in case of doubt arising in connection with the cause of or responsibility for an injury but it will be very exceptional

for the Commanding Officer of the unit to be unable to state in the first report whether the injured person was or was not on duty at the time he/she was injured.

Progress Reports

11. Any significant change in the condition of seriously ill cases will be reported (by signal) by the DFMH to the Unit concerned. On receipt of this information the Unit will immediately notify all concerned as stated in Para 7 a to f above.

Injury Reports

12. Because at some later date the resultant effects of a serious injury may give rise to a claim for compensation all serious injuries must be reported with a minimum of delay. (See Annex "A").
13. It is frequently not possible to form an immediate opinion as to the severity of an injury or the likelihood of permanent disability. The following will always be reported:-
 - a. All wounds received in actions, which necessitate evacuation for treatment from the area of operations to a unit medical aid post, Medical Reception Station or to a hospital.
 - b. All eye injuries.
 - c. All injuries from whatever cause, which necessitate ADMISSION to a Medical Reception Station or to a hospital. In addition, injuries, which temporarily prevent the injured Officer or Service Member from carrying out his/her normal duties, should usually be reported and an exception should only be made when the injury is obviously trivial. If there is the slightest doubt a report will be made.

Boards of Inquiry

14. The following provisions shall apply to BOI:-
 - a. Boards of inquiry will be convened under the following circumstances:-
 - (1) The injury results in death and an inquiry into the death has not been held by any civil authority.
 - (2) The injury is likely to cause permanent disability in a person and prevent him/her to carry out normal military duties.
 - (3) The injury may have been self-inflicted.
 - b. A board of inquiry should also normally be convened in the case of injuries when there is a doubt as to:-
 - (1) The cause of the injury.
 - (2) Whether the injury arose through the fault of some other person.

- (3) Whether the injured person was on or off duty.

Personal Property

15. On the death of an Officer or Service Member it will be the responsibility of the Commanding Officer to ensure that immediate action is taken for the collection and placing in safe custody of all personal property of the deceased Officer or Service Member. On no account will any personal property be handed over to any person claiming it except that the spouse, if living at the duty station may be given the necessary articles of bedding, children's clothing, etc, required for the journey back to their county. This rule applies even though the spouse may be the nominated next-of-kin.
16. After collection, a list will be made of the personal property under the following headings:-
- a. **Category A.** Clothing and small items which can be dispatched by post.
 - b. **Category B.** Large items, which cannot be dispatched by post such as motorcars, bicycles, furniture, etc.
 - c. **Category C.** Personal property required for the journey home by the deceased's spouse if living at the duty station.
17. Two copies of the list in the foregoing paragraph will be sent to the Service Personnel Branch and one copy will be retained by the unit. The unit will also inform Chief of Personnel DHQ of any public service debts known to be owed by the deceased, e.g. barrack damages, items on loan not returned, mess bills, loans from CRI/CBI, etc.
18. All the property of deceased Service Personnel will be dealt with in accordance with Section 298 of the Kenya Defence Forces Act.

Claims for Pensions, Gratuities or Insurances in Cases of Death

19. When an Officer or Service Member dies, the spouse and dependants may be entitled to a pension and gratuity in accordance with the current Pensions and Gratuities regulations. The procedures in regard to Insurance (GPA) are explained in chapter 7 of this order.
20. It is the responsibility of the Personnel Branches at Services and Defence Headquarters to submit a claim to the Treasury (Pensions' Department). Upon receipt of information of death of an officer or Service Member, Personnel Branch Service Headquarters will obtain the necessary details of the legal beneficiary from the County Administration or its equivalent. This information, together with full details of the circumstances in which the death occurred, will be passed to the Pensions Department-when the claim is submitted. Otherwise, the Service Personnel Branch should always be guided by the records of the deceased particularly in the Qualification Record (QR) card and record of service should be similar to the details contained in the BOI and confirmed by the Commanding Officer and County Administration or its equivalent.

Recovery of Public and Service Debts

21. Public and Service debts which have been notified to Personnel Branch and which have been authenticated by the Commanding Officer of the deceased's unit, may be recovered, on the authority of the Service Commander, from any benefits due to the deceased, if any. It is emphasized that this does not apply to private debts.

SECTION IV

CASUALTY EVACUATION PROCEDURES DURING PEACETIME

22. This gives general guidelines to the required procedures for Casualty Evacuation during peacetime. Casualty Evacuation procedures during operation are provided in

relevant operational orders and may be only supplemented where necessary by these peacetime rules.

23. Instructions for the evacuation of casualties in peacetime have been left to the judgment of the person on the ground. Very often decisions have been made without adequate consultation with Units or Formation medical Personnel. The consequence in some instances has been unnecessary evacuation of medical cases whose treatment may have been competently undertaken on location. A more serious concern has been the grave risk presented in movement by air or road of a casualty whose condition cannot allow movement. With proper and timely initial medical assessment such risks and high cost incurred in the use of aircraft or motor vehicles unnecessarily are bound to be minimized. Casualty evacuation must be based on well defined channels of information, correct levels of decision making and clear assignment of responsibility for action to be taken. The following procedures are to be followed:-

- a. **Information.** Information will be given by voice or signal from the location where the incident involving injury or illness has occurred. Such information will include the nature and seriousness of the injury or illness to the Operation Command Centre (DHQ) or the Operation Centre of a Service Headquarter. Annex "B" contains a format of the content of a Casualty evacuation message request. The information will be dealt with as follows:-
 - (1) **DHQ Ops Command.** The DHQ Ops Command will send the information to the Service HQ Ops Centre concerned with casualty. Chief of Medical Service DHQ will be simultaneously informed of message by DHQ Ops Command.
 - (2) **Service HQ Ops Centre.** The Service Operation Centre will pass the message to the Service HQs Senior Medical Officer (SMO) for action.
- b. **Decision making.** As soon as the SMO has received the message it will be his/her responsibility to contact the Medical Officer nearest to the location from where the incident involving injury or illness is reported. He will obtain a proper medical assessment of the condition of the patient from the Medical Officer on the ground. Based on the assessment of the Medical Officer, the Senior Medical Officer at Service HQs will make a decision whether the patient may be evacuated and, if so, the mode of medical transportation necessary.
- c. **Action** The following action shall be taken:-

RESTRICTED

- (1) The responsibility of tasking military resources for casualty evacuation will be assumed by Operations Command Center. The Service HQ Medical Officer will therefore pass the requirement for air or road casualty evacuation, based on the medical assessment of their patient's condition to his Service HQ Ops Centre. Instruction will then be issued tasking the unit nearest to the patient concerned to use its medical transport resource to the medical facility selected by the Senior Medical Officer.
- (2) When the use of resources from a particular Service (such as the fixed wing aircraft or helicopter aircraft) is required, DHQ Ops Command is to be given the requirement for action. On no account may such Service resource be tasked without explicit instructions from DHQ Ops Command. The Chief of Medical Service DHQ will coordinate serious cases of casualty evacuation referred to DHQ Ops Command. He/she is to be informed of decision and action taken in all other cases through DHQ Ops Command.

Special Precautions in Aircraft Evacuation

24. Casualty evacuation procedures applicable to air transportation are to be observed in all cases in the interest of safety and efficiency. In particular, rules relating to the prohibition of airlifting bodies and patients suffering from notifiable infection or contagious diseases without proper precautions are to be observed scrupulously. This requirement is also to be observed in cases of road casualty evacuation.

Medical Standby Teams

25. Units and Formations of the Kenya Defence Forces shall be required to establish Medical Standby Teams for the purpose of speedy response in the event of medical emergencies occurring in their location. Every unit shall, therefore, ensure that its Medical Standby Teams has personnel on a twenty-four hour (24) duty roster. The teams composition shall be as follows:-
 - a. Medical Officer/Registered Clinical Officer.
 - b. Nursing Officer.
 - c. 2 X Nurses.
 - d. 1 X Driver.
 - e. 1 X Ambulance.
 - f. Escort (In case of road casualty evacuation)

Regional/Base Status of Medical Standby Teams

26. To conserve resources and ensure proper co-ordination of responses in medical emergencies, units and formations will be grouped according to their co-location. Accordingly each Region/Base will ensure that one Medical Standby Team is on duty for seven days (7) at a time on rotation to deal with local medical emergencies. Services HQs Senior Medical Officers will keep up to date records of these teams together with their duty roster and co-ordinate their tasking as may be appropriate. The Regions/Bases will be as follows:-

RESTRICTED

- a. Nairobi.
- b. Moi Air Base.
- c. Kahawa Garrison.
- d. Thika.
- e. Nanyuki and LAB.
- f. Isiolo.
- g. Gilgil.
- h. Lanet and KMA.
- i. Eldoret.
- j. Mombasa - KN formations, Nyali and Mariakani.

SECTION V

WILLS

- 27. All Service Personnel should be informed that in the event of their death, if they do not leave a Will, their property will be disposed off in accordance with Section 298(2) of the Kenya Defence Forces Act.
- 28. If therefore, an Officer or Service Member wishes to make special provision for the disposal of all or part of his/her property in favour of any person or persons, he/she should be advised to make a Will and deposit the it with Personnel Branch DHQ in the case of Officers and Service Personnel Branch in the case of Service Members. The existence of Wills must be published in unit part II orders before they are forwarded to the Service or Defence Headquarters.
- 29. Wills which are kept in Officer's or Service Member's Service Records files must be returned to the individual on his/her retirement or discharge from the service. If the Will names an executor, it will on the Officer's or Service Member's death be sent direct to the nominated executor.
- 30. If no executor has been nominated it will be sent to the Public Trustee's Office in Nairobi with a request that the Public Trustee will undertake administration of the deceased's estate in accordance with the Will. Annex "C" to this order contains a sample of a Will.

CHAPTER 9 **DEATHS AND BURIALS**

Contents

Paragraph

RESTRICTED

<i>General</i>	1
Section I - Burial for Officers, Service Members and Defence Forces Constabulary	2
<i>Immediate Action by Unit Commander</i>	3
<i>Further Procedure when Burial is arranged privately by Family</i>	4
<i>Burials under Military Arrangements</i>	5 - 6
Action by Service Headquarters.....	7
<i>Deaths on Operations</i>	8
<i>Wreaths</i>	9
Commander –in-Chief Condolence.....	10
Flag at half Mast.....	11
National Mourning.....	12
Maintenance of Graves.....	13-15
Record of Burial.....	16
Military Honours During Burial.....	17-18
Section II - Burial for Retired Chief of General Staff/ Chief of Defence Forces	19
Section III - Burial of A Serving Head of State	20-21
Section IV - Burial of A retired Head of State	22
Conveyance of the body	23
Lying in State	24
Conveyance of the Body to the Final Resting Place	25
Honour to be Accorded during Burials	26-27
Half Masting of Flags	28-29
Burial Report	Annex ‘A’
<u>CHAPTER 9</u>	
<u>DEATHS AND BURIALS</u>	

General

1. The following are entitled for military burials/internment:-
 - a. Officers, Service Members and members of the Defence Forces Constabulary.
 - b. Retired Chief of General Staff (CGS) and Retired Chief of Defence Forces (CDF).
 - c. Currently serving Head of State, Retired Head of State and any other person as may be authorized by the Defence Council.

SECTION I

BURIAL FOR OFFICERS, SERVICE MEMBERS AND DEFENCE FORCES CONSTABULARY

Military Honours

2. When an Officer, Service Member or a member of the Constabulary dies, he/she will normally be accorded burial/cremation with military honors at Service expenses. If the family wishes to make private arrangements for the burial, it will be at their own expense.

Immediate Action by Unit Commander

3. Upon the death of Service Personnel, the Unit Commander is to take the following immediate action:-
 - a. Take NOTICAS action as laid down in Chapter 8 of these Orders.
 - b. Find out by the fastest possible means of the deceased's family wishes to make private arrangements for the burial. The family will be notified that in the event that the burial takes place under private arrangements, no assistance from the Service can be given except for the free provision of a standard coffin, payment for the death certificate and a cash allowance towards the cost of transporting the body to the place of burial equal to a single journey from the unit to the home of the deceased. Military transport will NOT be provided.
 - c. Obtain burial/disposal permit from the nearest Government doctor.
 - d. Obtain a Death Certificate (payment for the certificate will be made through Unit Imprest Account).

Procedure when burial is arranged privately by family

4. The Unit Commander shall:-
 - a. Arrange for the burial permit to be handed to the family.

RESTRICTED

- b. Obtain an appropriate coffin whose cost will be met by DHQ.
- c. Pay to the family representative through the Unit Imprest Account, road travel expenses for the journey from the unit to the home of the deceased.

Burials under Military Arrangements

Action by Unit

5. Should the family wish to attend the funeral, the Service through the Unit will provide appropriate transport and or expenses in lieu.
6. The unit concerned will be responsible for the following:-
 - a. Providing a funeral party, including a firing party.
 - b. Show the burial permit to the chaplain officiating at the funeral.
 - c. Sending the Death Certificate, burial permit and burial report (A sample of which is attached as Annex "A" to this Chapter) together with other relevant documents under the cover of a Board of Inquiry (BOI) to Personnel Branch Service Headquarter and DHQ after the funeral. To ensure the processing of the deceased's gratuity is followed through and that the family of the deceased service personnel/next of kin is dully updated.

Action by Service Headquarters

7. Service Headquarters Personnel Branch will:-
 - a. Inform the appropriate Principal Chaplain.
 - b. Arrange for wreaths as appropriate.
 - c. Supervise overall arrangements for the funeral.
 - d. Arrange for a temporary marker for the grave and for the provision of a headstone.
 - e. Arrange for message of condolence as appropriate.

Deaths on Operations

8. When deaths occur on operations, burial is to take place in location and graves marked to be exhumed after cessation of hostilities for reburial.

Wreaths

9. Wreaths will be provided at public expense in the following order:
 - a. **Service Members**
 - (1) Service Commander.
 - (2) Brigade/Garrison/Base Commander.
 - (3) Unit Commander of the deceased (or their representatives).
 - b. **2Lt/Lt/Capt**
 - (1) Service Commander.
 - (2) Brigade/Garrison/Base Commander.
 - (3) Unit Commander of the deceased (or their representatives).

c. **Major and above**

- (1) Commander-in-Chief.
- (2) Chief of the Defence Forces.
- (3) Service Commander.
- (4) GOC/ Brigade/Garrison /Base Commander.
- (5) Unit Commander of the deceased (or their representatives).

Commander-in- Chief Condolence

10. C-in-C condolences will be sent upon the death of any officer of the rank of Major and above. Personnel Branch DHQ will draft such Condolences and forward to the CDF through the ACDF P&L. Such Condolences will only be released to the press after the CDF approval.

Flags at half mast

11. Upon the death of any service personnel of the Defence Forces, Units and Services will fly flags at half mast as shown below till after the burial:-
- a. Ptes -Cpls - Unit of the deceased.
 - b. Sgts -WOs - Bde/Gar/Base of the deceased.
 - c. 2Lts -Cpts -Service of the deceased.
 - d. Majors and above - All Services.

National Mourning

12. All the Military flags in all Kenya Defence Forces Institutions will be flown at half mast upon the receipt of the Presidential directive for all the National flags to fly at half mast during National Mourning days. Personnel Branch DHQ will originate such authority to the Services who will in turn issue instructions to the units under their Command.

Maintenance of Graves

13. The graves in cemeteries under the Commonwealth War Graves Commission are maintained by the Commission. Service personnel will not be buried in these cemeteries without the authority of the commission.

14. Civilian cemeteries are maintained by the local (council) authorities.

15. No public funds will be spent on graves in home locations.

Record of Burials

16. The Personnel Branch DHQ and Service Headquarters will keep a record of all deaths and burials, which will show:-
- a. The deceased's personal particulars.
 - b. The date and cause of death.
 - c. The date of burial.
 - d. The place of burial, including the cemetery plot number.

Military Honors during Burials

17. Full military honors including firing will normally be accorded to all members of the Kenya Defence Forces both in operations and in peacetime locations in accordance with para 32 of chapter 10 of this order.
18. Suicide cases will not be given military honors as stated in Para 16 above.

SECTION II

BURIAL FOR RETIRED CHIEF OF THE GENERAL STAFF (CGS)/RETIRED CHIEF OF THE DEFENCE FORCES (CDF)

19. Military burials/internment with military honours will be accorded to the retired CGS/CDF as follows:-
- a. Kshs five million (Ksh 5,000,000.00) to be given to the family to cover burial expenses.
 - b. A military firing party escorts the body to the grave.
 - c. Bugler to perform the last post.
 - d. A National Flag to drape the coffin.
 - e. Pall bearers will comprise of the serving CDF and retired able bodied CGS/CDFs and members of the family.
 - f. The dress for the pall bearers shall be lounge suit.

SECTION III

Burial for a Serving Head of State

20. In the event of demise of a serving Head of State or any other government dignitary whose burial is approved by the Defence Council, instructions will be issued by the Defence council in consultations with the family members. The instruction will contain the following:-
- a. Immediate embalmment of the body.
 - b. Viewing of the body.
 - c. Movement of the body.
 - d. Programme of events.
 - e. Route.
 - f. Parade format (Guard of Honour) consisting of 1 x Maj, 1 x Capt, 1 x Lt and 96 Service Members from the three Services.
 - g. Dress will be ceremonial with all regalia.
 - h. Security.

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- i. Pall bearers must be Colonels and commanded by a Brigadier unless otherwise stated.
- j. Order of March.

21. Service Mourning will be observed by the entire Kenya Defence Forces. Instructions will be issued by DHQ for the period of Service mourning. Therefore between the time that the service mourning is ordered and detailed instructions are issued, the following rules are to apply:-

- a. Any previously arranged celebratory parade, official reception, business or social function should normally be cancelled unless it is to be attended by a visiting or local dignitary and sudden cancellation might lead to embarrassment or offence.
- b. Parades of routine duty nature may continue. Passing out parade are considered to be part of or the climax of a course and should therefore normally take place, with a minute of silence included as a mark of respect.
- c. Bands may play for marching troops on or to a parade but instrumental music should not be played during inspections.
- d. Service sports events may continue, a minute's silence should be observed at the beginning of the event.
- e. Officers in civilian clothes while on duty during a period of service mourning shall wear decent suits.
- f. Mourning bands are to be worn by Officers and Warrant Officers when attending service funerals and associated memorial Services which are to be held on same day. Mourning bands may not be worn at any other official memorial services or ceremonies such as unveiling of memorials and Remembrance Sunday Celebrations.

SECTION IV

Burial for a Retired Head of State

22. Upon the death of a retired Head of State, a committee composed of family members, military officers and government officials will be formed and is to ensure the following:-

- a. Immediate embalmment of the body.
- b. Decide on the venue where the body will lie in state.
- c. Determine the date and place of burial/interment.
- d. Decide on the length of period of mourning.
- e. Draw the programme of events leading to burial/interment.

Conveyance of the body

23. The body will be draped in national flag and escorted home on a special hearse. The procession shall be composed of Military contingents, Government officials and Mourners.

Lying in State

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24. The funeral committee will select a convenient venue, where the coffin shall be placed on a catafalque in the middle of the hall. Following a brief service, members of the public will be admitted in single file past the coffin as a way of paying their last respects. During the lying in state, each corner of the catafalque will be guarded by military personnel of the rank of Colonels.

Conveyance of the Body to the Final Resting Place

25. A procession composed of pall bearers of the rank of Colonels from the three services, family members, government officials and foreign dignitaries will accompany the body on its final journey to the place of burial/interment.

Honours to be Accorded During Burials

26. Full military honours including firing will be accorded to all members of the KDF both in operations and peace time location. Salutes may be provided as follows:-

Rank/ Corresponding Rank	Salute entitled		Ammo to be expended
	Guns	Rds of Small Arms	
C -in- C	21	-	As authorised by Defence Council
General	19	-	Not to exceed 1000 rds
Lt General	17	-	875
Maj General	15	-	750
Brigadier	13	-	600
Colonel	-	3	500
Lt Colonel	-	3	150
Major	-	3	100
Captain	-	3	50
Lt or 2/Lt		3	35
Service members	-	3	20

27. Salutes of guns or small arms will be fired after the body has been laid to rest in the grave. At the funeral of a General who dies while serving, minute guns of the appropriate number are to be fired during the period the body is being cremated or

lowered into the grave. However, the number of minute guns so fired is not to exceed the number given in the above table.

Half Mastng of Flags

28. The National flag will be flown at half-mast in the event of the death of any of the following dignitaries:-

- a. Head of State.
- b. Member of government as may be directed by the state.
- c. Any distinguished foreign national, as may be directed by the state.

29. The flags of various units of the Defence Forces will fly at half-mast in the event of the death of any of the following dignitaries:-

- a. The Head of State.
- b. A Commissioned Officer.
- c. Service Member (Unit Flag only).
- d. Whenever the State orders the flying of the National Flag at Half Mast.

CHAPTER 10

CEREMONIES

Contents	Paragraph
Section I	
General.....	1
Ceremonies for Visiting Personalities	2
Conditions for Mounting a Guard of Honour	3
Protocol	4
Trooping of the Colour	5
Dress	6
Salutes	7-12
Salutes in the Air.....	13
Gun Salutes.....	14
National Anthem.....	15-16
<i>Section II - Flags</i>	
Sizes and Hoisting of Flags	17
Flying of Flags on Joint Operation	18
Flying of Flags on Aircrafts	19
Flying of Flags on Boats	20
Flying of Flags on Cars	21
Star Plates	22-23
Remembrance Day	24-25

<i>Section III – The Kenya Defence Forces Day</i>	
General	26
Inaugural Celebrations	27
Annual Celebrations Procedure.....	28
Section IV -Laying Of Wreaths At The Founding President’s Mausoleum at Parliament Buildings	
Instructions for the Occasion.....	29
Procedure of the Drills for the Occasion.....	30
Section V – Music Services	
General.	31-34
Service Director of Music/Band Master	35
Director of Music Services Bands.....	36
Musical Uniformity	37-39
Engagements	40
Band Contributions and Subscriptions	41-
43	
Recruits Band Service Members	44-
45	
Pupils/Advance Course	46
Director of Music/Band Master’s Course	47
Spare-time Musical Employment of individual	48
Trade Disputes	49
Foreign National Anthems	50
Occasions When No Fee is Charged	51
Distribution of Monetary Tokens	52
Copyright	53
Maintenance of Instruments	54
Sequence of Laying of Wreaths at the Founding President’s Mausoleum at Parliament Buildings.....	Annex “A”

CHAPTER 10

CEREMONIES

SECTION I

General

1. The Kenya Defence Forces inherited its military ceremonies from the British Forces and continues to borrow heavily from the English customs and traditions. Military Ceremonies is a dress window for the Kenya Defence Forces and is

therefore important that standard procedures are established and maintained to regulate the conduct of the ceremonies in the Defence Forces.

Ceremonies for Visiting Personalities

2. The following are the main guards of honour conducted at any one given time in the event of any visiting Head of State/Head of Government, senior military officers amongst others:-

- a. **Tri-service Guard of Honour.** This comprises of personnel from the three Services. It consists of 15 Officers, 288 Service Members, band and Colour. The Commander of such parade is Lt Col from the service which provides full guard. Such celebrations are done on National Days only.
- b. **Single Service Guard of Honour.** Single Service Guard of honour consists of 5 Officers and 96 Service Members, band and colour. The Commander of such parade is a Major. This is reserved for:-
 - (1) The Head of State/Head of Government.
 - (2) State ceremonies when ordered to do so.
- c. **Half Guard.** Half Guard comprises of ~~one~~ two Officers, 48 Service Members and a band. It is mounted for:-
 - (1) Foreign Head of State /Head of Government.
 - (2) Visiting Chief of Defence Forces or Chief of General Staff.
 - (3) On other occasions subject to the approval of the Defence Council.
- d. **Troops in Line.** Troops in Line comprise of one officer and 19 Service Members lined on either side of the passage of the dignitary. The troops will be in Present Arm position. This will be mounted when the Head of State/Head of Government returns from a visit within COMESA region or when foreign Head of State/Head of Government is on a working visit.
- e. **Quarter Guard.** Quarter Guard is mounted when there is any visiting officer who is in Command from the rank of Brigadier to Lieutenant General. The guard consists of 16 Service Members commanded by a Sergeant. Dress varies depending on the situation; however, no ceremonial dress is to be worn.

Conditions for Mounting A Guard of Honour

3. Unless directed otherwise, a Guard of Honour will not be mounted in the following conditions:-

- a. Before 0600 hrs and after 1800 hrs.
- b. On Sundays.

Protocol

4. As a matter of protocol, the Chief of the Defence Forces and Service Commanders are to see off and meet the President at the airport in civilian attire if sub-para 3. *a* and *b* above applies.

Trooping of the Colour

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5. Trooping of the Colour comprises of not less than three hundred (300) Service Members, thirteen (13) officers, band and Colour. Presentation and Trooping of the colour is done when:-

- a. A new unit is formed.
- b. A unit is disbanded.
- c. During Jamhuri Day Celebrations.

The procedure and drill for presentation and trooping of the Colour is covered in the drill and duties manual as amended from time to time. Consecration of the Colours is covered under Chapter 22 Para 46 to 47.

Dress

6. Order of the dress of the above ceremonies will be as follows:-

- a. **Tri-service Guard of Honour (GOH), Single service Guard of Honour and Half Guard.** All participants will be in red tunic in case of KA and No 1 dress for other services. Dress for others in attendance, will be No. 1 dress except the Service Commander to be in ceremonial dress or its equivalent when his/her Service provides a single service Guard of Honour and on National Days.
- b. Dress for Troops inline will be Red Tunic in case of Kenya Army and No. 1 Dress for other Services. Dress for others in attendance will be No. 2 working dress or its equivalent.
- c. No ceremonial dress is to be worn for Quarter Guards.

Salutes

7. All service personnel are to salute on the occasions and in the manner prescribed in the drill and duties manual. All Officers are to salute their seniors before addressing them on duty or on parade.

8. A salute made to two (2) or more Officers is to be returned by the senior most Officer. Officers will salute all Officers above their rank all the time.

9. Warrant Officers, NCOs and Service Members are to salute all Commissioned Officers. NCOs and Service Members are to address Warrant Officers in the same manner as for Officers, but are not to salute them.

10. All ranks on passing troops or naval landing parties with uncased Colours are to salute the Colours and the Commanding Officer.

11. All ranks and colour parties are to pay the appropriate compliments to Standards, Guidons and Colours, except as otherwise provided, and also when passing an army, air force or naval funeral is to salute the body.

12. An Officer under the rank of a General Officer is not entitled to the compliment of the bugle sounding salute, or the drum beating a ruffle when guards present arms to him/her.

Salutes in the Air

13. The approved method of saluting from aircraft consists of a shallow dive, and climb, but it is to be carried out only when there is a saluting base on the ground, at a display or on special occasions when duly authorized by the Commanding Officer

RESTRICTED

of the station concerned. The flying restrictions prescribed in military flying regulations are to be observed. Salutes are not to be exchanged between aircrafts.

Gun Salutes

14. Gun Salute will be accorded to visiting dignitaries and on occasions as follows:-

a.	Head of State (President)	21
b.	Field Marshal	19
c.	Head of Government/Prime Minister	19
d.	General	17
e.	Lieutenant General	15
f.	Major General	11
g.	Commanding Officer of a Ship	7
h.	Court Martial when Opening (KN ONLY)	1
i.	Court Martial when Closing (KN ONLY)	1

National Anthem

15. National Anthem is only to be played for the Head of State or his/her representative in National Ceremonies. In this case all uniformed personnel in attendance from the rank of Warrant Officer class two (2) up to General are to salute. The rest of the personnel will either Present Arms or be at attention.

16. During a Guard of Honour when the general salute is given to the visiting dignitary, it is only the visiting dignitary to be regarded as being in attendance alone and therefore others in attendance are not to salute.

SECTION II

FLAGS

Sizes and Hoisting of Flags

17. There are different flags with different sizes to be flown or hoisted in various Defence Forces units. These flags have specific measurements and colours, which are to be observed to avoid portraying the wrong insignias. The flags are to be hoisted from the right in order of seniority. The following are the standard measurements:-

a.	National Flag of Kenya72" x 45"
b.	National Flag of Kenya (Ceremonial).....	108" x 72" to cover coffin
c.	Presidential Standard Flag108" x 45"
d.	Defence HQs Flag72" x 45"
e.	Service HQs Flag72" x 45"
f.	Brigade/Formations rectangular Flag60" x 45"
g.	Brigade/Formations triangular Flag60" x 45"
h.	Units Flag rectangular60" x 45"
i.	Coy/Sqn/Bty Flag30" x 32"
j.	Defence Forces Flag Miniature.....	2" x 6"
k.	CDF Car Flag (DHQ)9" x 6"
l.	Commander Car Flag (KA, KAF & KN).....	.9" x 6"

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m. Jumbo Flag (UHURU PARK)..... 12' x 18' It shall be the responsibility of Defence Forces Sergeant Major (DFSM) to inspect the Jumbo Flag and submit daily report to Commandant DHQ CAU. Any defects noted shall be reported and rectified immediately. A spare flag shall be kept at all times.

Flying of Flags on Joint Operations

18. When joint operations are being carried out, should the Officer Commanding the Army, Air Force or Navy be embarked in warship or transport, the appropriate flag of the senior non naval officer of the equivalent rank or above may be hoisted at the fore to denote the presence of the Headquarters. Such a flag should not display any officer's flag, broad pennant or masthead pennant and is to be flown in an inferior position to it.

Flying of Flags on Aircrafts

19. Distinguished flags are not to be flown on operational aircrafts. Except for Heads of State, no other dignitary or Officer of the Defence Forces is authorized to fly a flag when he/she is a passenger in a military aircraft.

Flying of Flags on Boats

20. Boats are to wear the ensigns on the following occasions:-

- a. In foreign waters.
- b. In Kenyan waters when the parent vessel is dressed. When going alongside a foreign warship on all occasions day and night.
- c. In foreign waters, boats are to fly their ensigns when away from their Parent vessels at any time between dawn and dusk.
- d. When colours are flown at half-mast on Parent vessel, boats ensigns (if flown) are also to be flown at half mast.
- e. When a corpse is being conveyed in a boat, either in Kenyan or Foreign waters, that boat is to fly the ensign at half mast.

Flying of Flags on Cars

21. Flags will be flown by the Chief of the Defence Forces, Service Commanders and Infantry Battalion Commanders and Base Commanders during the following occasions:-

- a. Official duties only.
- b. A car flag will not be flown by an Officer wearing civilian clothes on duty.
- c. A representative or any Officer in acting capacity is not to fly the flag of his/her Commander/superior.
- d. A Defence Attaché or Adviser who is accredited as a single Service Attaché or Adviser may fly the car flag of his/her own service when attending functions relating to that service.
- e. Subject to these general rules, commanders may limit the flying of flags when they consider the political or local circumstances in the area make it desirable to do so.
- f. Infantry Battalion Commanders will only fly theirs in Land Rovers or its equivalent. Base Commanders will fly flags within the perimeter of their bases.
- g. A car flag shall not be flown between 1800 hrs and 0600 hrs.

Star Plates

22. C-in-C and Officers of the ranks indicated below are entitled to star plates as follows:-

- | | | | |
|----|--------------|---|--------------|
| a. | C- in - C | - | five stars. |
| b. | General | - | four stars. |
| c. | Lt Generals | - | three stars. |
| d. | Maj Generals | - | two stars. |
| e. | Brigadiers | - | one star. |

23. The star plates are to be covered when the vehicle is not occupied by the entitled officer. The star plates are red for Kenya Army, light blue for Kenya Air Force and royal blue for Kenya Naval Officers. In case of C - in - C the Star plates are to be the colour of the service hosting the function/event. Officers on joint service appointments are to display plates in the joint service colours of horizontal bands of red, light blue and royal blue.

Remembrance Day

24. Armistice days originally commemorated the fallen of the 1914-18 War and included a two-minute silence in November each year on the anniversary of the day and the time of the cessation of hostilities in 1918.

25. Remembrance Day Sunday embraces all Service Personnel and civilians who laid down their lives in the Service of their country in the First World War and all subsequent wars, campaigns and emergencies. It is now observed on the 2nd Sunday of November each year when a minute silence is observed at 1100 hrs during which the following must be observed:-

- a. All guards to turn out Present Arms.
- b. No military aircraft, other than those scheduled services are normally to be in the air during the minute salute.
- c. Mourning bands are not to be worn.

SECTION III

THE KENYA DEFENCE FORCES DAY

General

26. The Kenya Defence Forces Day is observed on the 14th day of October every calendar year. It is a special day on which KDF Personnel are honored and recognized for their contribution in defence of the Nation. It is also a day to commemorate our comrades whose lives were cut short while on duty in the defence of our Nation.

Inaugural Celebrations

27. An inaugural Kenya Defence Forces Day was celebrated on 14th October 2012 with the authority of the President and Commander -in- Chief of the Kenya

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Defence Forces. It was on that day, in the year 2011 that KDF first crossed the borders in the fight against external aggressor.

Annual Celebrations Procedure

28. The annual celebration of the KDF Day on the 14th day of October shall be observed in all Units, Formations and Bases of the Kenya Defence Forces. During the celebrations there shall be a wreath laying ceremony at the monuments built in the Units, Formations and Bases of the Kenya Defence Forces in remembrance of our fallen soldiers during the 'Linda Nchi' campaign or any other monuments that may hereafter be built with the authority of the Chief of Defence Forces, to honour any fallen personnel of KDF.

SECTION IV

LAYING OF WREATHS AT THE FOUNDING PRESIDENT'S MAUSOLEUM AT PARLIAMENT BUILDINGS

Instructions for the Occasion

29. As part of our National Heritage, sitting Head of State lays a wreath at the founding President's Mausoleum at Parliament Buildings on the 22nd day of August every year. This is to commemorate the life of the founding father of the Republic of Kenya, the late President Mzee Jomo Kenyatta. Some visiting Heads of State on state visits to the country also lay Wreaths. Unless otherwise stipulated, the dress code for the occasion shall be as follows:-

- a. Officers and Warrant Officers will be in No 1 dress, Sam Browne, black arm band and swords in reverse.
- b. Participating troops will be in ceremonial dress (Red Tunic for the Army, No 1 dress for KAF and KN White Tunic).

Procedure of the Drills for the Occasion

30. *The procedure for the drill shall be as laid out in Annex "A" to this Chapter.*

SECTION V

MUSIC SERVICES

General

31. The Kenya Defence Forces Band is comprised of the three Service Bands namely:-

- a. The Kenya Army Band.
- b. The Kenya Air Force Band.
- c. The Kenya Navy Band.

32. The Chief of personnel DHQ is responsible for co-ordinating the engagements of the Defence Forces Bands.

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33. Kenya Army Band falls under DHQ Camp Administrative Unit for administration, while Kenya Air force and Kenya Navy Bands are administered by their respective Service Base HQs.

34 The Chief of Personnel HQ KA and Col Personnel KAF and KN are responsible for coordinating the engagements of respective Service Bands.

Director of Music/Bandmaster

35. The Director of Music Kenya Defence Forces Band who will be the senior most Director of the three Service Bands and is responsible to the Chief of Personnel DHQ for:-

- a. All duties undertaken by the three Bands.
- b. Co-ordination and control of Kenya Defence Forces Music policy in liaison with Chief of Personnel DHQ.
- c. Attendance of military and service bands ceremonial and State engagements.

Director of Music Service Bands

36. The Director of Music Service band is responsible to the Service Chief of Personnel/Colonel personnel for:-

- a. All duties undertaken by the Band.
- b. The training of Service Members posted to the Band.
- c. The administration and discipline of the Band in accordance with orders issued by the Service Headquarters.

Musical Uniformity

37 Band instruments are to be of the pitch known as the “International Standard Pitch”.

38. The manual of Trumpet and Bugle sounds for the Kenya Defence Forces is to be adhered to without addition or alteration as regards either to soundings or to their application.

39. The authorized arrangement of the Kenya National Anthem as published by Messrs Boosey and Hwakes, copyright MCMLXIII, is to be rendered in the following style:-

- a. Bass Drum and Side Drum commence with quavers and rolls, marks of expression Piano Crescendo, for one bar and three beats.
- b. Cornets and trombones entry to Bar 3 fortissimo.
- c. Remainder of Band enters at lead into Bar 5, mark of expression Mezzo forte. Cornets and Trombones are to observe this making.
- d. Whole band to crescendo from mezzo forte up to fortissimo for last four bars of Anthem.
- e. Molto rallentando is to be observed in penultimate bar.
- f. Final bar is to consist of quaver on first beat, with quaver rest, followed by a “pause” on a dotted minim.
- g. Strict maesto tempo is to be observed until rallentando and final bar.

Engagements

40. When the Service Bands proceed outside of their locations for the purpose of undertaking an engagement (or engagements), arrangements for the administration of the Bands are to be made by Personnel Branch of respective Services.

Band Contributions and Subscriptions

41. Service Members of the Kenya Defence Forces are not obliged to pay contributions or subscriptions to the Regimental Band Fund.

42. Service Band property is to remain in the custody of the respective Service Director of Music, who is to be responsible for ensuring that such property is maintained in a serviceable condition.

43. Instruments of any type that have been presented to the Band by public bodies or individuals are the property of the Band and are not to be disposed off without the authority of respective Service Headquarters.

Recruit Band Service Members

44. Recruit bands Service Members are to be trained at the School of Music as may be authorized by Service Headquarters on recommendation of the Kenya Defence Director of Music. Instruction is to cover the following subjects:-

- a. Instrumental Training.
- b. Elements of Music (Davenports).
- c. Annual training.
- d. Arrangement of Hymn Tune.
- e. Elementary Harmony.
- f. Orchestration.

45. A recruit bands Service Member is to graduate to the full playing Band when he/she has passed the following examinations:-

- a. AIII Trade Test.
- b. DEFCE Part IV.

Pupils/Advance Course

46. Personnel of the Kenya Defence Forces Bands identified by Kenya Army School of Music (KASOM) showing great potential at an early stage, may be selected to train at the Royal Military School of Music, Kneller Hall, Air force or Navy and any other overseas country for a period of one (1) year training on the instrument and theory of music. Candidates are not to be over twenty six (26) years of age and should have passed the following courses:-

- a. Excelled in Bands Basic Course.
- b. Minimum Trade AII.
- b. DEFCE Part IV.

Directors of Music/Bandmasters Course

47. Selection of candidates for training as Director of Music or Bandmaster is to be made by the Kenya Defence Forces Director of Music on recommendation of Service Directors of Music. Candidates are not normally to be over the age of thirty three (33) years. They must pass the following examinations before selection:-

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- a. A I Trade Test.
- b. DEFCE Part IV (For Service Members)
- c. Theory of Music test set by Service Director of Music.
- d. Pre - Entry exams set by the relevant Schools/Colleges.

Spare-Time Musical Employment of Individuals

48. Spare time employment shall be in accordance with provisions of Section 243 (5) of the Kenya Defence Forces Act.

Trade Disputes

49. Subject to Para 48, members of the Band are not to accept spare time employment in any civilian organization where a trade dispute is in progress. If a Service Member is in any doubt whether a trade dispute is in existence he/she must before accepting the engagement refer the matter to the Service Band Director of Music.

Foreign National Anthems

50. The Service Band Directors of Music (KA, KAF & KN) are responsible for ensuring that their National Anthem library is up to date. If in doubt he/she should check with the appropriate Embassy/High Commission to ensure that they hold the correct Anthem.

Occasions when no Fee is Charged

51. No fee is to be charged on the following occasions:-
- a. Parades or entertainment held in the course of military duty.
 - b. Performances undertaken as part of a scheme officially sponsored by the Government for a national object, where a direct request for assistance had been made by a Government Department and approved by the DHQ.
 - c. For charitable performances approved by the Chief of the Defence Forces.

Distribution of Monetary Tokens

52. Tokens of engagements undertaken by the Service Band are to be taken on charge the band's CRI account for the welfare of band members.

Copyright

53. Performing Rights fees are to be paid annually by the Defence Headquarters (DHQ) to the Music copyright society of Kenya (MCSK), to safeguard against claims for infringement of copyright.

Maintenance of Instruments

54. Maintenance of regimental instruments is to be paid for by respective Service Headquarters at public expense.

CHAPTER 11

HONOURS AND AWARDS

Contents	<i>Paragraph</i>
<i>Section I</i>	
<i>Purpose</i>	<i>1</i>
<i>Section II</i>	
<i>Interpretation</i>	<i>2</i>
Section III	
Designing of National and Military Medals.....	<i>3</i>
Section IV	

Approved Medals	4
Section V	
Entitlement and Qualification for Awards of Medals Bar and Clasp.....	5
<i>Documentation and Certification of Medals</i>	6-10
Storage of Medals.....	11
Investiture	12-13
Section VI - Composition and Design	
Order of the Golden Heart	14
The Uhodari Medal	15
Order of the Burning Spear	16
The Distinguished Conduct Order.....	17
The Distinguished Service Medal	18
The Silver Star	19
The Order of the Grand Warrior of Kenya.....	20
The Head of State Commendation	21
The Campaign Medal	22
The Long Service and Good Conduct Medal.....	23
The Tenth Anniversary Commemorative Medal.....	24
Kenyatta Commemorative Medal	25
The Presidential Installation Medal.....	26
The Twentieth Anniversary Commemorative Medal.....	27
The Ten Great Years of Nyayo Era Medal.....	28
The Twenty Fifth Anniversary Medal.....	29
Twenty Great Years of Nyayo Era Medal	30
Linda Nchi Campaign Medal	31
The Constitution of Kenya 2010 Medal	32
Section VII - Rules Governing Wearing of Medals	
Order of the Golden Heart of Kenya	33
Order of the Burning Spear	34
Head of State Commendation	35
All other decorations and Medals	36
Wearing of Ribbons/Ribands	37
Other Foreign Medals	38
Foreign Medals worn alongside Kenya’s Medals	39
<i>Foreign Medals not worn alongside Kenya’s Medals</i>	40
Section VIII - Recommendation for Awards	
Procedures for making recommendations	41-42

RESTRICTED

Military Awards	43
Special Honours and Awards Committee	44
Bonus and Allowance.....	45-48
Posthumous Awards	49
<i>Prisoners of War</i>	50
<i>Missing Personnel</i>	51
Section IX - Citations	
<i>Criteria for Nominations</i>	52
<i>Form of Citations</i>	53
<i>Citations for Gallantry</i>	54
<i>Devotion to Duty</i>	55
<i>Promotion</i>	56
<i>Award of Orders, Decorations and Medals to members of</i> <i>Foreign Forces</i>	57
<i>The Prerogative of the President</i>	58
Section X - Loss, Replacement and Forfeiture of Medals	
Loss and Replacement of Medals.....	59
Medals of personnel discharged through unsoundness of mind	60
<i>Medals of personnel dying in service</i>	61
<i>Forfeiture of Medals</i>	62-63
Restoration of Awards	64
<i>Procurement of Medals</i>	65
Miniature Medals	66
Form of Recommendation for an Order, Decoration or Medal	Annex ‘A’
President’s Certificate of Award of Medal	Annex ‘B’
Chief of the Defence Force’s Certificate of Award of Medal.....	Annex ‘C’
Additional Administrative Guidelines to Honours and Awards.....	Annex ‘D’

CHAPTER 11

HONOURS AND AWARDS

SECTION I

Purpose

1. The purpose of this Chapter is to provide guidance on all existing and future Honours and Awards in the Defence Forces. It also provides for the rules governing the authority to design, acquisitions, custody, issue, Gazettement, those entitled, benefits, arrangement for investiture, presentation and the order of wearing medals. It makes provision for keeping and custody of Honours and Awards Roll and the issue of miniatures.

SECTION II

Interpretation

2. In this Chapter unless the context otherwise requires, “award” includes an order and decoration:-

“**Approving Authority**”. Approving authority means the President, the Defence Council, the Chief of the Kenya Defence Force or the Service Commanders as the case may be.

“**Decoration**”. Decoration means a medal or insignia given to a member of the Kenya Defence Forces by approving authority in recognition of a gallantry act.

“**Foreign Award**”. Foreign award means an award or honour bestowed on a member of the Defence Forces by a country other than Kenya.

“**Military Service**”. Military service means service with the Defence Forces and shall include the period prior to 12th December 1963 in any of the British Armed Forces.

“**Order**”. Order means a group of persons upon whom a government or sovereign has conferred a honour of dignity, and who are thus entitled to affix to their names designated initials and to wear specific insignia worn as a sign of membership of that group.

“**Roll**”. Roll means a list of personnel granted certain honour or award.

SECTION III

Designing of National and Military Medals

3. The Defence Forces Honours and Awards Committee, shall do the designing of all National and Military medals:-

a. The Committee shall design all the Military Medals, Honours and Awards for approval by the Defence Council.

b. The National awards shall be designed by the Defence Forces Honours and Awards Committee on behalf of the National Honours and

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Awards Committee for approval by His Excellency the President and Commander in Chief of the Kenya Defence Forces.

c. The proclamation to govern an award or medal will be drawn out by DHQ (Legal) in conjunction with the Office of the Attorney - General and thereafter submitted by the DHQ Honours and Awards Committee, to the Office of the President for Gazettement.

SECTION IV

Approved Medals

4. The list of approved medals established by law stands as follows:-
- a. In accordance with LN 114 of 1966 and LN 262-266 of 1983, the under listed medals in sub Para c were created, ordained and are applicable to the members of the Defence Forces in accordance with the declaration made therein.
 - b. The Legal Notices together with other instructions and authorities issued are circulated to the units from time to time and must be read in conjunction with this Chapter.
 - c. The medals shall be worn in proper position according to their precedence and seniority as shown hereunder. The Order of precedence may change as and when new medals are introduced and necessary instructions issued:-
 - (1) The Order of the Golden Heart of Kenya.
 - (2) The Uhodari Medal.
 - (3) The Order of the Burning Spear.
 - (4) The Distinguished Conduct Order.
 - (5) The Distinguished Service Medal.
 - (6) The Silver Star of Kenya.
 - (7) The Order of the Grand Warrior of Kenya.
 - (8) The Head of State's Commendation.
 - (9) The Long Service and Good Conduct Medal.
 - (10) The Campaign Medal (North-Eastern Kenya).
 - (11) The Tenth Anniversary Commemorative Medal.
 - (12) The Kenyatta Commemorative Medal.
 - (13) The Presidential Installation Medal.
 - (14) The Twentieth Anniversary Commemorative Medal.
 - (15) Ten Great Years of Nyayo Era Commemorative Medal.
 - (16) The Twenty Fifth Anniversary Commemorative Medal.
 - (17) Twenty Great Years of Nyayo Era.
 - (18) The Zimbabwe Independence Medal.
 - (19) The British Rhodesia Medal.
 - (20) The O.A.U Chad Medal.
 - (21) The Foreign Medals.
 - (22) UN/AU Medals.
 - (23) The Constitution Medal.
 - (24) The Linda Nchi Campaign Medal.

SECTION V

Entitlement and Qualification for Awards of Medals, Bar and Clasp

5. For a Member of the Kenya Defence Forces to qualify and be entitled to any of the following medals the following regulations will apply:-

a. **Order of the Golden Heart.** The following are classes of the Golden Heart medal:-

(1) **The First Class.** Chief of the Order of the Golden Heart (CGH) reserved only for the President and Commander-in-Chief of the Defence Forces.

(2) **The Second Class.** Elder of the Order of the Golden Heart (EGH) is only awarded to Generals (i.e. CDF) who have previously held the third class in this order. Its recommendation is by the Defence Council. The total number awarded will not exceed ten in the Defence Forces at any one time.

(3) **The Third Class.** Moran of the Order of the Golden Heart (MGH) is awarded to Lieutenant Generals and Service Commanders on the recommendation of the Chief of the Defence Forces through the Defence Council. The total number awarded to serving Officers will not exceed fifteen in the Defence Forces at any one time.

b. **Uhodari Medal (UM).** Uhodari Medal (UM) is awarded to a member of the Defence Forces for most conspicuous bravery or for some daring and prominent act of valor or self-sacrifice or for extreme devotion to duty, involving imminent danger of death. There is no specific number as to how many they should be in the Defence Forces.

c. **Order of the Burning Spear.** The following are classes of Order of the Burning Spear medal:-

(1) **The First Class.** Chief of the Order of the Burning Spear (CBS) is awarded to Major Generals who may or may not have held the third class of this order. Its recommendation is by a Service Commander or the Chief of the Defence Forces, to be approved by the Honours and Awards Committee. The number of serving Officers who will be awarded will not exceed twenty in the Defence Forces at any one time.

(2) **The Second Class.** The Elder of the Order of the Burning Spear (EBS) is awarded to Brigadiers. Its recommendation is as per the first class. The number of serving Officers who are awarded will not exceed twenty five in the Defence Forces at any one time.

(3) **The Third Class.** The Moran of the Order of the Burning Spear (MBS) is awarded to Officers of the rank of Colonels or Lieutenant Colonel. Its recommendation is as per the second class. The number of serving Officers who are awarded will not exceed forty in the Defence Forces at any one time.

Note:

Any member who is promoted to membership of a higher class shall surrender the emblems of the lower class to the DHQ. No one can be a member of two classes of the same order at the same time.

- d. **The Distinguished Conduct Order (DCO)**. The Distinguished Conduct Order (DCO) is awarded to Commissioned Officers of the Kenya Army, Air Force or Navy for conspicuous acts of bravery or some daring act of valor or self-sacrifice involving imminent danger to one's life under circumstances where, the Officer would not qualify for the award of the Uhodari Medal. It may be awarded posthumously. Awards not to exceed ¼ of 1% of Establishment of that service.
- e. **Distinguished Service Medal (DSM)**. Distinguished Service Medal (DSM) is awarded to Service members of the Defence Forces for acts of outstanding performance or devotion to duty. Awards not to exceed ¼ of 1% of Establishment of that service.
- f. **The Silver Star of Kenya (SS)**. The Silver Star shall be awarded to the Members of the Defence Forces for conspicuous acts of valor, self-sacrifice or devotion to duty in the face of danger, where no other military decoration is applicable.
- g. **Order of the Grand Warrior of Kenya (OGW)**. The Order of the Grand Warrior is awarded to members of the Defence Forces for meritorious services and outstanding devotion to duty. When awarded to members of the Defence Forces, the badge signifying the Order may be worn, over uniform only, in such position in regard to other orders, decoration and medals as shall be assigned to it by proclamation. Membership to the order is limited.
- h. **Head of State Commendation (HSC)**. HSC *Military Division* is awarded to a member of the Defence Forces for service rendered in the course of his official duties while Head of State's Commendation *Civil Division* is awarded to any civilian and foreign nationals who have rendered community services and impacted on community development, leadership, enforcement of law and order and examples of success to the community. Awards not to exceed ½ of 1% of Establishment of that service.
- j. **Long Service and Good Conduct Medal (LSGC)**. Long Service and Good Conduct Medal is awarded to service members who have no regimental entry (discipline case) for sixteen continuous years of service. Authority to approve the award of the medal is delegated to Service Commanders for their respective services.
- k. **Campaign Medal (North-Eastern Kenya)**. North Eastern Campaign Medal was awarded to members of the Armed Forces who served for at least thirty days (not necessarily consecutively) in an operation against *Shiftas* in the operation area. Serving in an operational area is either being stationed in an operational area or accompanying or escorting a convoy or carrying out operational flight into the operational area.
- l. **The Tenth Anniversary Medal**. The ten years anniversary medal was awarded to Members of the Kenya Defence Forces who were serving as at 12th December 1973 and had been in service from 12th December 1972 or earlier. A silver bar to the medal is awarded to those members who were in service as from 12th December 1964 or earlier.
- m. **Kenyatta Commemorative Medal**. Kenyatta Commemorative Medal was awarded to Members of the Kenya Defence Forces who were in service on or before 22nd August 1978.

RESTRICTED

- n. **Presidential Installation Medal.** Presidential Installation was awarded to Members of the Kenya Defence Forces who were in service on or before 14th October 1978.
- p. **20th Anniversary Medal.** 20th Anniversary medal was awarded to Members of the Kenya Defence Forces who were in service on 12th December 1983 and must have been in service at least for one year qualifying minimum date, being 12th December 1982. An award of a bar is given to a recipient who has a consecutive service of 10 years qualifying date being 12th December 1973. The possession of the bar shall be signified by the wearing of miniature silver rosette upon the riband when only the riband is worn.
- q. **The Ten Great Years of Nyayo Era Medal.** The Ten Great Years of Nyayo Era Medal was awarded as per Legal Notice No 562 of 1988.
- r. **Twenty Fifth Anniversary Medal.** Twenty Fifth Anniversary Medal was awarded as per Legal Notice No 561 of 1988.
- s. **Twenty Great Years of Nyayo Era.**
- t. **Linda Nchi Campaign Medal.** This medal was awarded as per legal Notice No. 106 of 2012 as follows:-

(1) The medal was awarded to all ranks of the Kenya Army, the Kenya Air Force, the Kenya Navy and the National Police Services who served for at least thirty days between 14th October 2011 and 22nd February 2012, not necessarily consecutively, in an operation against the Al-Shabab in the operation area. Serving in an operation area is either being stationed in the operation area or accompanying or escorting a convoy or carrying out operational flights or maritime manoeuvres into to the operation area.

(2) The medal was awarded posthumously.

(3) The medal shall be worn on the left breast pendant from its ribbon in such a position in regard to other decorations or medals.

- u. **Zimbabwe Independence Medal.** Zimbabwe Independence Medal was awarded to the Members of the Kenya Defence Forces who participated in Peace Keeping Operation in Zimbabwe in 1979-80. This award is only limited to those members who physically participated in the operation and the award was given to only forty nine members of the Army who participated. This is a foreign medal that is recognized in Kenya. Authority is given from the Office of the President, for the medal to be worn alongside Kenya medals.
- v. **British Rhodesia Medal.** The British Rhodesia Medal was a commonwealth medal awarded to those Members of the Kenya Defence Forces who participated in the Peace Keeping Mission between freedom fighters and the Rhodesian Forces during the cease fire run-up period to election (Operation Agila). They are forty nine in number. Authority is given from the Office of the President for the medal to be worn alongside Kenya medals.
- w. **OAU Chad Service Medal.** OAU Chad Service medal was awarded to the Members of the Kenya Defence Forces who participated in Monitoring and Peace Keeping Operation in Chad in 1981-82, and had spent not less than 100 days in military service in Chad. This auspices award of OAU is limited

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to those members who physically participated in the Operation and the award was given to only twenty eight members of the Army who participated. This is a foreign medal that is recognized in Kenya. Authority is given from the Office of the President for the medal to be worn alongside Kenya medals.

x. **United Nations Peace Keeping Medal.** In circumstances where contingents of the Members of the Kenya Defence Forces are serving in a United Nations Peacekeeping or Observer missions in a foreign country, the Secretary General of the United Nations may write to the Head of State of Kenya for permission of an award of that foreign mission to be presented to Members serving in that contingent. If permission is granted, then the award will be published in the relevant defence orders authorizing the award.

y. **Foreign Honours.** The underlying gives discretion on foreign medals:-

(1) Any foreign order decoration or medal issued after 11th December 1963 shall not be worn until a written authority is given from the Office of the President.

(2) In circumstances where a contingent of the Members of the Kenya Defence Forces is serving on a mission in a foreign country the President of that foreign country may write to the Head of State of Kenya for permission for an award of that foreign country to be presented to Members serving in that contingent. If permission is granted, then the award will be published in the relevant Defence orders authorizing the award.

Documentation and Certification of Medals

6. The Office of the President will maintain a roll for National orders, decorations and awards.

7. The DHQ will keep a record of all military medals.

8. The Office of the President will issue a certificate of award for National Honours signed by the President and Commander-in-Chief of the Defence Forces

9. The DHQ will issue a certificate for military honours and awards to be signed by the Chief of the Defence Forces.

10. Each service will issue a certificate for Long Service and Good Conduct Medal, which shall be signed by the respective Service Commander.

Storage of Medals

11. The medals will be procured from relevant sources and shall be stored in the Office of the President and the DHQ where an accurate inventory of all the medals in issued and in custody will be maintained.

Investiture

12. Investiture of all National medals including certain decorations will be presided over by His Excellency the President and Commander-in-Chief of the Defence Forces.

13. Recipients of National medals or decorations who at the same time of investiture are not available or serving outside Kenya will be presented by the appropriate representative of the President i.e. the Chief of the Defence Forces in the

case of those on duty in Kenya and by an Ambassador or High Commissioner in foreign countries.

SECTION VI

COMPOSITION AND DESIGN OF MEDALS

14. **Order of the Golden Heart.** The following are classes of the Order of the Golden Heart:-

- a. **First Class (CGH)**
 - (1) In gold.
 - (2) A Coat of Arms with a red circular band surrounded by the rays of the sun.
 - (3) Suspended by a golden chain whose links are charged with a lion and a shield against a background of a corn field.
- b. **Second Class (EGH)**
 - (1) In gold.
 - (2) Two spears crossed behind a shield with a green circular band surrounded by the rays of the sun.
 - (3) Suspended on a riband of the order.
- c. **Third Class (MGH)**
 - (1) In gold.
 - (2) A cockerel holding an axe against a background of Mount Kenya surrounded by the rays of the sun.
 - (3) Suspended on a riband of the order.

The Uhodari Medal

15. Bronze starred cross.

Order of the Burning Spear

16. The following are classes of the Order of the Burning Spear:-

- a. **First Class (CBS)**
 - (1) A badge in form of a sixteen pointed Silver Star pendant from a sash of the riband of the order.
 - (2) The badge charged with coat of Arms on a golden, background.
 - (3) Similar star to be worn on the left breast.
- b. **Second Class (EBS)**
 - (1) A sixteen-pointed silver star charged with a lion holding a spear crossed on a golden background.
 - (2) It is worn on the left breast.
- c. **The Third Class (MBS)**
 - (1) A sixteen-pointed silver star charged with two spears crossed behind a shield on a silver background.
 - (2) Pendant from a collar of the riband of the order.

The Distinguished Conduct Order

17. The following shall be a depiction of the Distinguished Conduct Order:-

- a. A silver medal in the form of crossed shields and two crossed spears.
- b. A silver cockerel holding an axe in the middle with the words "FOR DISTINGUISHED CONDUCT".

- c. Suspended on a riband of green, yellow, blue and white vertical stripes.

The Distinguished Service Medal

18. The following shall be a depiction of the Distinguished Service medal:-
 - a. Silver medal in the form of crossed shields.
 - b. Silver cockerel with an axe, in the middle.

The Silver Star

19. The following shall be a depiction of the Silver Star:-
 - a. A five pointed Silver Star.
 - b. Suspended on a riband of navy blue, red, green and white vertical stripes.

The Order of the Grand Warrior

20. The following shall be a depiction of the Order of the Grand Warrior:-
 - a. A badge in the form of an eight pointed Silver Star.
 - b. A shield and two crossed spears.
 - c. Suspended on a riband of red, green, white, black and bronze vertical stripes.

The Head of State Commendation

21. The following shall be a depiction of the Head of State Commendation:-
 - a. A small silver or bronze shield.
 - b. Crossed spears similar to those born on the Presidential standard.
 - c. Worn on a riband of plain black one, and one quarter inches long and three eighth of an inch wide.

The Campaign Medal (NEP)

22. The following shall be a depiction of the Campaign Medal (NEP):-
 - a. A white circular medal with a camel.
 - b. Crossed spears there on.

The Long Service and Good Conduct Medal

23. The following shall be a depiction of the Long Service and Good Conduct medal:-
 - a. Cupro- Nickle Medal with a cockerel.
 - b. An axe in the middle.

The 10th Anniversary Commemorative Medal

24. The following shall be a depiction of the 10th Anniversary Commemorative medal:-
 - a. A round cupro- nickel medal.
 - b. Wording “Miaka Kumi ya Uhuru-12th December, 1973” on the reverse.
 - c. Suspended on a riband of red and green vertical stripes.

Kenyatta Commemorative Medal

25. The following shall be a depiction of the Kenyatta Commemorative medal:-

RESTRICTED

- a. Silver medal.
- b. Portrait and the name of President Jomo Kenyatta on one side.
- c. Kenya coat of Arms on the reverse side.
- d. The medal is suspended from a riband of purple, green, black and white stripes.

The Presidential Installation Medal

26. The following shall be a depiction of the Presidential Installation medal:-
- a. Silver medal.
 - b. Portrait and the name of President Daniel Toroitich Arap Moi on the reverse.
 - c. Kenya coat of Arms, the word "Nyayo" and the date of Presidential installation on the reverse.
 - d. The medal is suspended from a riband of green and yellow colour stripes.

The 20th Anniversary Commemorative Medal

27. This medal is as follows:-
- a. Round Cupro-nickle medal.
 - b. Beaded finishing with the wording "Miaka Ishirini ya Uhuru-12th December, 1963-83 on the reverse suspended on a riband of black, red and green vertical stripes.

The Ten Great Years of Nyayo Era Medal.

28. As per Legal Notice No 562 of 1988.

Twenty Fifth Anniversary Medal

29. As per Legal Notice No 561 of 1988.

30. **Twenty Great Years of Nyayo Era**

Linda Nchi Campaign Medal

31. This shall be awarded as per legal Notice No 106 of 2012.

32. **The Constitution of Kenya 2010, Medal.**

SECTION VII

RULES GOVERNING WEARING OF MEDALS

33. **Order of the Golden Heart of Kenya**

- a. **First Class**

- (1) **During Ceremonies**

The order shall be worn on the left breast suspended from the chain, which shall be worn round the neck.

- (2) **On normal occasions**

(a) In civilian clothes the button of the order shall be worn on the lapel buttonhole of the jacket.

(b) In uniform a piece of the riband of the order one and a quarter by three eighth inches shall be worn on the left breast.

- b. **Second Class and Third Class.** As above less button for wear on civilian clothes on informal occasions.

Order of the Burning Spear

34. a. **First Class**
- (1) **On formal occasions**
- (a) The sash of the order shall be worn over the left shoulder (by civilians only).
- (b) The badge of the order pendant from it above the right.
- (c) The star of the order shall be worn low on the left breast (by uniformed personnel only).
- (d) The centre of the order about six inches above the waist.
- (2) **On informal occasions.** In uniform a piece of the riband of the order one and a quarter by three eighth inches shall be worn on the left breast.
- b. **Second Class**
- (1) **On formal occasions.** The star of the order shall be worn on the left breast with the centre of the order about six inches above the waist.
- (2) **On informal occasions.** A piece of the riband of the order one and a quarter by three eighth inches shall be worn on the left breast.
- c. **Third Class**
- (1) **On formal occasions**
- (a) The order shall be worn centrally on the breast from the riband of the order.
- (b) It is worn round the neck.
- (c) Riband to be of such length that the order hangs just below the knot of the tie.
- (2) **On informal occasions.** In uniform only a piece of the riband of the order one and one quarter by three eighth shall be worn on the left breast.

Head of State Commendation

35. a. **On formal occasions**
- (1) When orders, decorations and medals are worn, to be worn on a black riband measuring one and one quarter by three eighth inches below the centre of the medal.
- (2) If no decorations or medals are held, to be worn on the left breast in the centre and immediately above the "breast pocket.
- b. **On informal occasions In uniform.**
- (1) When only the ribands of orders/decorations/ medals are worn, to be worn as a black riband measuring one and a quarter by three eighth inches immediately on the left of all other ribands.
- (2) When no decorations or medals are held, to be worn on the left breast in the centre of and immediately above the breast pockets.

All other decorations and Medals

36. a. **On formal occasions**
- (1) All other Kenya decorations and medals shall be worn pendant from their ribands on the left breast.
 - (2) Where more than one decoration or medal is held they shall be worn immediately on the left of all other ribands.
 - (3) When no decoration or medals are held to be worn on the left breast in the centre of and immediately above the breast pocket.
- b. **On informal occasions**. A piece of the riband of all other Kenya decorations and medals, each one and a quarter by three eighth inches together with the ribands of the orders of the Golden Heart of Kenya, Burning Spear and Grand Warrior of Kenya if held shall be worn on the left breast in the order of precedence as outlined in, the seniority, with the riband of the senior order, decoration, or medal nearest to the centre of the body, and the ribands shall be affixed to a bar or bars of appropriate length.

Wearing of Ribbon/Ribands

37. Ribbons or Ribands will be worn in the same precedence of medals as shown in paragraph 4, on a piece of metal bar to be pinned on the left breast. No more than four ribbons will be on one bar. In the event of more decorations two or more bars will be used with a shorter bar holding the senior awards always-on top.

Other Foreign Medals

38. All foreign medals awarded before 12th December 1963 shall be worn in precedence after the Kenya medals in relevant position as they were worn before 12th December 1963. All Kenyan awards, take precedence of all foreign medals.

Foreign Medals Worn Alongside Kenya's Medals

39. Medals presented to members of the Defence Forces in an operation in a foreign country by that country will be worn as appropriate together with Kenya medals after approval by the Honours and Awards Committee. Part II Orders publications will, be an authority. It will be worn in such a manner and position as stipulated by the Honours and Awards Committee.

Foreign Medals Not Worn Alongside Kenya's Medals

40. Medals presented to members of the Defence Forces, as a good will gesture during a visit to a certain country will not be worn alongside Kenya medals. They may only be worn during visits, celebrations or functions to or of that country. This will not be published in Part II Orders.

SECTION VIII

RECOMMENDATION FOR AWARDS

Procedures for Making Recommendations

41. These awards are given once in a year on Jamhuri Day, 12th December. The recommendations for these awards are forwarded to the Office of the President in the following manner.

42. The following process will be used in making recommendations for honours and awards:-

- a. **Unit Level**. At Unit level the process shall be as follows:-

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- (1) The recommendations from units are sent to Service Headquarters by the Commanding Officer on form FF 90 in triplicate by 1st September for Jamhuri Day awards.
 - (2) The covering letter for the recommendations is to be marked "HONOURS STAFF CONFIDENTIAL" and the envelope marked "STAFF CONFIDENTIAL". Members may be recommended for Uhodari medal, the Order of the Burning Spear, Order of the Grand Warrior, Distinguished Conduct Order, the Distinguished Service Medal or Head of State Commendation.
 - (3) While filling FF 90 care must be exercised as overall liberal recommendation must be justified and not just a simple recognition of a good single service.
- b. **Service Level.** At Service HQs level the process shall be as follows:-
- (1) Service Honours and Awards Committees are formed under the directions of a Service Commander. No. 2. Board may substitute a Service Honours and Awards Committee depending on the wish of the Service Commander and the urgency of the case at hand.
 - (2) All recommendations must bear the Service Commanders' signature. Deserving cases will be forwarded to DHQ.
- c. **Defence Headquarter Level.** At DHQ level the process shall be as follows:-
- (1) The Chief of the Defence Forces will detail a Defence Forces Honours and Awards Committee which will consider and approve the nominees from the services before passing it to No. 1 Board for final approval and Defence Council for ratification.
- d. **National Level.** At National level the process shall be as follows:-
- (1) The National Honours and Awards Committee will then consider the recommendations from Defence Council and forward it to the President and Commander in Chief of the Defence Forces for approval.
 - (2) Having been approved by His Excellency The President and Commander in Chief of the Defence Forces, the names of the recipients will formerly be published in the Kenya Gazette.
 - (3) The President's Certificate of Award of Honour signed by His Excellency the President and Commander in Chief of the Defence Forces will be given to the recipient during Jamhuri Day or as and when the case applies.
 - (4) The composition of the National Honours and Awards Committee is as hereunder:-

Chairman

- (a) Head of Public Service and Secretary to the Cabinet or the equivalent.

Members

- (b) Principal Secretary in the Ministry for the time being In charge of Internal Security.
- (c) Principal Secretary In the Ministry of Defence.
- (d) Chief of the Defence Forces.
- (e) Inspector General of Police
- (f) Commissioner of Prisons.

Secretary

- (g) To be appointed by the Chairman.

Military Awards

43. The same procedure will be adopted as above. The person to whom the authority is delegated to approve and award the medal will sign the certificate for award in his own hand and give it to the recipient as and when the case arises.

Special Honours And Awards Committee

44. Following a successful mission or operation the Service Commander or Chief of the Defence Forces may appoint a special Committee for honours and awards to review recommendations for honours and awards to deserving cases in that Service or in the Defence Forces as the case may be. This is in exceptional cases where the formal occasions for awards need not be observed. The special committee of honours and awards where appointed will alleviate the unnecessary delays pertained to formalities especially where cases of bravery demand immediate attention to meet the desired impact to the recipient and the society. While making recommendations for an order, decoration or medal the following will be observed during deliberations:-

- a. The act for which an award is recommended must be specific. An individual cannot be awarded a medal for the achievement of a group unless his acts were indeed conspicuous as to fall extremely outside his normal scope of duty or job description.
- b. Recommendation for an award should be for an act not falling within one's ordinary course of duty.
- c. No award should be made where the performer in the course of executing the act, enjoyed some unusual advantage by way of access, relationship or by his position. An award will be appropriate only and when the advantage was exploited in some unusual manner involving original initiative, valor or devotion to duty.
- d. Over liberal recommendation degrades the value of an award.
- e. A recommendation must be justified and not just a single recognition of good service.
- f. A person may not be awarded a medal exclusively on his/her own story or evidence but such narration should be corroborated by other direct or indirect sources.

Bonus and Allowances

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45. All medals do not draw a bonus or allowance with the exception of the Long Service and Good Conduct Medal. Recipient of Long Service and Good Conduct Medal after 16 years service is entitled to one month's basic salary at the rates applicable on award of the medal.

46. The recipient of LSGC medal as above after 21 years service will be entitled to half month's basic salary at the rate applicable on discharge.

47. If the recipient dies in service, in both cases as stated above, a gratuity will be given to the legal beneficiary.

48. In the event of a recipient being commissioned, his/her bonus of LSGC Medal will be computed and paid to him at the time of his commission upon being discharged from other ranks service. No further bonus will be paid to him on retirement as an Officer.

Posthumous Awards

49. A posthumous award is that award given for an act of bravery in an action where the performer was killed. Posthumous awards will include UM, DCO, DSM, SS, HSC or any other award as approved by the National Honours and Awards Committee.

Prisoners of War and other Persons Detained as a result of Active Service

50. An individual who is reported and confirmed to be a prisoner of war or detained as a result of active service may be given an award in absentia or when he rejoins provided that the recommendation was made before he became prisoner of war or so detained. In circumstances beyond his control a recommendation for gallantry in the action, which resulted in the individual being captured, will be forwarded to Defence Forces Honours and Awards Committee for consideration. The recommendation will then be placed in PW or detained persons pool for further consideration. Action will be taken after state of hostility or if the individual rejoins his unit before the time. Special credit will be given to:-

- a. Repeated attempts to escape.
- b. Continuing to escape alone when other members of the party have given up.
- c. Being the leader of a party.
- d. Escaping when sick or suffering from wounds.
- e. Bringing back useful information.

In the event of any more information being unavailable the case will read "for gallant and Distinguished Service in the Field".

Missing Personnel

51. Recommendation in respect of individuals for gallantry in an action in consequence of which they become "missing" will be forwarded to his Service Headquarters for review by Defence Forces Honours and Awards Committee. After consideration the recommendation will be placed in a "missing" pool for review when more information is received. In the event of any more information being unavailable the case will be dealt with as the case for posthumous awards.

SECTION IX

CITATIONS

Criteria for Nominations

52. All titles of honour are awarded on merit. Officers and Service members who are honoured by the President must therefore be men and women of proven integrity; whose role in and contribution to the Defence Forces and the country in general have been adjudged exemplary, inspiring, or personnel who have excelled in service to the Defence Forces, and to the

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country, through display of exceptional brilliance, courage, commitment and valor in their abilities, such that the award is seen to be a very special, coveted distinction.

Form of Citations

53. Citations must be explicit, such that they leave no doubt as to why the nominee is being proposed for an award. Ambiguity should therefore be avoided when presenting a citation for nomination.

Citations for Gallantry

54. Citations for gallantry such as the Uhodari Medal, the Distinguished Conduct Order, the Distinguished Service Medal, the Silver Star of Kenya or the Head of State's Commendation should give detailed accounts of the daring acts of bravery, valor, or self sacrifice involving danger to the nominee's life which renders the nominee eligible to the award.

Devotion to Duty

55. It should be noted that whereas devotion to duty is recognizable for an award, such devotion must go "beyond the call of duty".

Promotion

56. Promotion in the Military is a form of recognition of an officer's performance and may render the officer eligible for an award. Such an award will, however, be in recognition of the service rendered and not as a result of the promotion. Service Personnel promoted are therefore subjected to the same nomination rules and procedures governing the decorations for which they are recommended.

Award of Orders, Decorations and Medals to Non-Kenyan Citizens

57. Foreign Forces who have associated with the Kenya Defence Forces and the National Police Service are eligible for decoration. It is accepted practice that when a government wishes to confer an award on a national of another country the national's government would naturally wish to be consulted to ensure that it has no objections to the proposals being made.

The Prerogative of The President

58. Titles of honour shall be conferred by the President in the name of the people of the Republic of Kenya in accordance with article 132 (4) (c) of the Constitution. Therefore, the awarding of the titles of Honour, Orders, Decorations and Medals is the prerogative of the President.

SECTION X

LOSS, REPLACEMENT AND FORFEITURE OF MEDALS

Loss and replacement of Medal

59. a. It is of utmost necessity that care should be exercised to ensure that an award does not fall into the hands of unauthorized persons. A medal will be replaced at public expenses when:-

RESTRICTED

- (1) Loss occurs following enemy action.
 - (2) Causes falling beyond recipients control.
 - (3) Loss occurs out of exigencies of the service.
- b. Recipient will not make any claim for compensation whatsoever when the medal is replaced at public expense.
- c. Where the loss arises out of negligence on the part of the recipient or out of causes not attributed to service duties, replacement will be chargeable to the recipient.
- d. In the event of a loss following death of the recipient replacement will not be effected except for a loss arising out of enemy action.
- e. A person who loses a medal or part thereof is to report the loss to his Commanding Officer or other Officer under whom he falls who will effect replacement as outlined above. Where replacement is to be effected through repayment, an application is placed to the DHQ by filling form FF 90 and accompanied by the original record of evidence (statement) taken by the Officer Commanding. Replacement will be effected after two months elapse from date of the loss.
- f. Repair to the Medal etc. should be done through authorized contractors. Medals are not to be taken to the contractor independently but through the official channels. Individuals will be held responsible for loss or damage to the medals by the contractor if the repair was not authorized.
- g. The regulation also covers ex-service members and the same procedure is to be adopted but the application accompanied by a statutory declaration is to be sent direct to DHQ
- h. After publication and issue of the medal or medals, the medals will form part of military kit and will be displayed together with other items of issue to the service members during inspection.

Medals of Personnel Discharged through Unsoundness of Mind

60. Medals of a person discharged due to unsound mind and who is sent to a mental hospital or handed to provincial administration will be forwarded to Personnel Branch DHQ with any other relevant information.

Medals of Personnel Dying in Service

61. Medals of a member of the Defence Forces, who die in service, will be disposed of at the discretion of the Defence Council.

Forfeiture of Medals

62. The Honours and awards will be forfeited under the following conditions:-

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a. *National Honours and Awards. The conditions under which orders, decorations and gallantry awards are forfeited are laid down in the proclamation creating the medal.*

The President and Commander in Chief of the Defence Forces may annul award of the decoration and may restore it after that annulment. An annulment and restoration will be published in the Kenya Gazette.

b. **War medals and other medals (Military)** A member of the Defence Forces shall forfeit a medal or clasp awarded and a gratuity pertaining thereto not already paid, if convicted of any of the following offences:-

- (1) Treason.
- (2) Mutiny or failure to suppress mutiny.
- (3) Sedition.
- (4) Cowardice.
- (5) Desertion.
- (6) Disgraceful conduct.

c. The medals will be handed to the non-effective section in the DHQ, which will maintain a record of such medals.

d. A member of the civil society shall forfeit a medal and/or honours awarded and all appertaining thereto, if convicted of any of the following offences:-

- (1) Treason.
- (2) Sedition.
- (3) Murder.
- (4) Economic Crimes.
- (5) Corruption.
- (6) Drug trafficking.
- (7) Rape.

63. The forfeited medals will be handed over to the Office of the President for record and retention through the nearest Government agency.

Restoration of Awards

64. An award forfeited following a conviction other than for treason, sedition, mutiny or cowardice may be considered for restoration by the Defence Council under the following circumstances:-

a. After a minimum of three years following release from detention or prison.

b. In event of conviction where custodial sentence is not awarded in the specified offence, a minimum of three years will be observed. During the review for restoration, it will be necessary for one not to have committed an offence during that period that would normally have disqualified him from the grading of "exemplary" character on discharge.

c. A member of the Defence Forces deserting from his unit during state of hostility, will lose an award instituted during that state of hostility and the award will not be reviewed for restoration under the above conditions unless the member subsequently rejoined his unit before termination of the state of hostility where he must have rendered approved service.

Procurement of Medals

65. The procurement will be done in the following manner:-
- a. Once a design of a medal and parts thereof have been approved by the National Honours and Awards Committee, quotation will be obtained from competent firms to manufacture the medal and parts thereof. Having obtained the quotation, Ministry of Defence will forward the figures to the Office of the President and the cost of the medals for authority to spend the money. It is after the authority to spend the money is given that DHQ will instruct the selected firm to manufacture the medals.
 - b. An approval of a certain design for any medal by the Honours and Awards Committee at any level is not an authority in itself for Ministry of Defence to enter into transactions of any kind with the selected firm until sub-Para a. above is complied with.
 - c. The Defence Forces Honours and Awards Committee will approve a design, select the firm to manufacture the medals and miniatures, determine the sum of money to be spent on the total medals and make relevant instructions to meet the cost immediately, the Chief of the Defence Forces may direct that the medals be procured and charged to uniform and clothing account. This account should be reimbursed during revised estimates by the Office of the President.
 - d. All the medals and miniatures will be issued to the recipients cost free and as part of uniform and clothing except where an individual is making good a lost medal as specified in paragraph 59.
 - e. The Office of the President is responsible for acquiring both National and Military medals. The account to meet the cost of medals and parts thereof will be held in the Office of the President.
 - f. Ministry of Foreign Affairs will stand for costs involved in transaction and acquisition of foreign medals given to members of the Defence Forces where payment is required or to a National or Military honour given to foreign troops serving in the Republic of Kenya and qualify for a medal or medals. This transaction will be initiated through the Office of the President. Where a person qualifies for a medal and is not in the Republic the medal will be conveyed to him either through his High Commission, Embassy, Consular Military Attaché in that foreign country.
 - g. Medals and miniature medals will be manufactured at the same time and their cost jointly worked out to avoid duplication of work, expenses and to save time.

Miniature Medals

66. These are designs or a reduced design of a medal worn to represent the actual medal on certain occasions as stipulated in the proclamations. The miniature medals will be worn in appropriate position as given in the seniority of medals. The Defence Forces Honours and Awards Committee will design the miniature medal itself. The conditions applying to medals will also apply to the miniature medal.

CHAPTER 12

COURTS MARTIAL

Content	Paragraph
Section I	
General	1
Action by Commanding Officer or Appropriate Superior Authorities	2-5
Action by DMP	6
Convening of Courts-Martial	7-8
Examination of Charges and Evidence	9
Representation of the Accused at the Trial	10
Composition of Courts	11
Attendance of Civilian Witness	12
Hours of Sitting	13
Venue of Court	14
Duties of Prosecutor	15
Medical Examination of Accused	16
Custody of Accused During a Trial	17-18
Evidence before Courts Martial	19
Service Record of the Accused	20

Section II - Investigation of Charges

Prescribed Investigations	21-23
Accused to be given Abstract and Charge Sheet	24
Addition of Fresh Charges	25
Minor Offences to be dropped	26
Charges under Section 42, Kenya Defence Forces Act	27-28
Recording Values in Charges	29-30

Section III - Sentences-Disposal of Proceedings-Appeals

Consideration of Sentence	31-36
Guide to award of Fines	37
Award of Imprisonment	38
Forfeiture of Seniority	39
Reduction in Rank Officers.....	40
Reduction in Rank Warrant officers and Non-Commissioned officers.....	41
Restitution and Compensation Orders	42-45
Mode of Promulgation of Proceedings	46-47
Disposal of Proceedings of Court-Martial	48-50
Certificate of Medical Examination	Annex “A”

CHAPTER 12

COURT-MARTIAL

SECTION I

General

1. In all matters relating to courts-martial an Officer shall comply with the provisions of the Kenya Defence Forces Act, the Kenya Defence Forces Rules of Procedure and the Forces (Court Martial) Rules of Procedure. If an Officer is in doubt on any particular point, he/she should not hesitate to seek legal advice before taking any step which might invalidate the proceedings.

Action by Commanding Officer or Appropriate Superior Authority

2. A Commanding Officer or Appropriate Superior Authority may take any of the courses provided in Kenya Defence Forces (Summary Disciplinary proceedings) regulations 20, 21 and 22.

3. Where Commanding Officer or Appropriate Superior Authority submits a case to the Director of Military Prosecution (DMP) for trial by court martial, he/she shall forward the following documents:-

- a. The abstract of evidence.
- b. A statement of the character and service record of the accused.
- c. Written reasons for his/her action and a recommendation of how the charge should be proceeded with.

4. After forwarding the case in accordance with Para 3, the Commanding Officer or Appropriate Superior Authority shall not otherwise deal with it unless it has been referred back to him/her with a direction that it shall be dealt with summarily, provided that the DMP shall not refer the case back to the Commanding Officer or Appropriate Superior Authority for trial where the accused has opted for trial by court martial.

5. Where, however, an Officer having power to award a summary punishment under section 148 (1) of the Kenya Defence Forces Act, has taken steps to try summarily any charge for the trial of which he/she could have convened a court martial, he/she may at any time before he/she has arrived at a finding in such summary trial give directions that the accused should be brought to trial by court martial on any such charge or charges, and shall not by reason of anything done with the intention of dealing with any such charge summarily be in any way affected in the exercise of his/her powers under his/her warrant.

Action by Director of Military Prosecution (DMP)

6. When the DMP or his/her representative at the Service as the case may be, receives an abstract of evidence against an accused he/she shall, if he/she does not refer the matter back to the Commanding Officer or Appropriate Superior Authority, refer the case to the Defence Court Martial Administrator (DCMA) or Service Court Martial Administrator (SCMA) as the case may be for convening of a court martial.

Convening of Court-Martial

7. A court-martial may be convened by the Defence Court Martial Administrator (DCMA) or Service Court Martial Administrator (SCMA) as the case may be.
8. The convening authority shall apply to the Chief Justice for appointment of a Judge Advocate.

Examination of Charges and Evidence

9. Every charge preferred against an Officer or Service Member and the circumstances on which it is founded are to be carefully examined by the DMP who is to satisfy himself/herself that:-
 - a. The charge alleges an offence against service law.
 - b. The charge is properly framed in accordance with the Rules of Procedure.
 - c. The accused is liable to be tried as being a person subject to Kenya Defence Forces Act and that he/she is not exempt from liability to be tried by reason of Section 212 or any limitation of time provided by Section 210 of the Kenya Defence Forces Act.
 - d. The evidence is sufficient to justify trial.

Representation of the Accused at the Trial

10. At the time when an accused person is supplied with a copy of the abstract of evidence and of the charge sheet he/she is to be informed of his/her rights in regard to his/her defence in accordance with Kenya Defence Forces Court Martial Rules of Procedures DF(CM)RP rule 8 and 26.

Composition of Courts

11. The general rules and restrictions as to the number and description of Officers required in the composition of a court-martial are contained in the Kenya Defence Forces Act Part IX. In addition the following rules are to be observed:-
 - a. The presiding Officer of a Court Martial shall be the Judge Advocate.
 - b. When a Commanding Officer of a unit is to be tried, as many members as possible are to be Officers who have held or are holding command equivalent to that held by the accused.
 - c. When the accused is an Officer at least one of the members shall be of equivalent rank to that of the accused and in the case of a Service Member at least one of the members must be the lowest ranking officer in the Kenya Defence Forces.
 - d. When the subject of a court-martial involves technical considerations affecting any particular branch of the Service an Officer of the branch concerned may be detailed as a member of the court.
 - e. Generally and where possible a court martial is to be composed of Officers belonging to different services.
 - f. Where a re-trial is ordered no Officer who was a member of the court for the previous trial should be detailed as a member or waiting member of the new court.

Attendance of Civilian Witness

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12. A civilian required to attend a court martial must be summoned by means of a form prepared in accordance with Form VI of the Fourth Schedule to the DF (CM) RP.

Hours of Sitting

13. The sittings of Courts Martial shall be in accordance with DF (CM) RP 84.

Venue of Court

14. A court-martial is normally to be held at the place where the accused is, but the convening Officer may cause the court to be convened at any other place, which he/she considers to be more convenient. No change of place is to be made, however, when it appears that the accused is likely to be prejudiced in his/her defence by such change. Officers and Service Members at a court martial shall comply with directions on dress, drills and any other directions given by the Convening Officer.

Duties of Prosecutor

15. It is the duty of a prosecutor to bring all the facts fully before a court in evidence and to take care, especially when the accused is not assisted in his/her defence, that no material fact in connection with the offence charged is omitted which, if given in evidence, would favour the accused.

Medical Examination of Accused

16. An accused person is to be examined in respect of fitness for trial by a Medical Officer on the first day of the trial before the Court sits. The Commanding Officer of the accused is responsible that no accused person is brought before courts martial if, in the opinion of the Medical Officer, he/she is unfit to undergo his/her trial. Thereafter, it is upon the Presiding Officer of the Court or the Commanding Officer to require the accused to be medically examined at any time.

Custody of Accused during a Trial

17. An accused person will be held under close arrest during his/her trial. When brought before a court martial, if he/she is an Officer, Warrant Officer or NCO he/she is to be attended by an Officer, Warrant Officer, or NCO having him/her in custody, or, if of a lower rank, by an escort. The Officer, warrant Officer, NCO or escort, in charge is responsible for the safe conduct of the accused, but is to obey the directions of the court while the accused is in court. An accused person is not to be handcuffed unless this is absolutely necessary for the purpose of preventing his/her escape, rescue or of restraining his/her violent conduct.

18. The Presiding Officer of a Court Martial may, at his/her discretion order the accused to be held under open arrest or released without prejudice to re-arrest for the period of any adjournment of the court.

Evidence before Courts Martial

19. The adducing of evidence before Courts Martial shall be in accordance with Section 170 of the Kenya Defence Forces Act as read with the provisions of the DF(CM)RP.

Service Record of the Accused

20. When an accused is to be tried by court-martial, the particulars of his/her conduct and all convictions by court-martial, summary awards and any civil convictions recorded on his/her conduct sheet are to be obtained and inserted on Form IV, both for the information of the DMP and for the purpose of being given in evidence before the court in accordance with provisions of DF (CM) RP rule 70.

SECTION II

INVESTIGATION OF CHARGES

Prescribed Investigations

21. The Military Police shall investigate a complaint against Service Personnel in accordance with rule 9 of DF (CM) RP and the evidence must be reduced to writing in the form of an abstract of evidence.

22. Every effort is to be made to ensure that the abstract of evidence contains all the facts, which may have a bearing on the case. In cases where charges may depend on matters of local knowledge, it is essential that the Officer or Service Member taking the abstract of evidence ensures that such matters are fully brought out in the evidence. In cases where charges may depend on rules, orders or instructions of any kind, particularly if they are of purely local application, the abstract of evidence must refer to them.

23. After considering the abstract of evidence, a Commanding Officer may dismiss the charge if he/she, in his/her discretion thinks that it ought not to be proceeded with or, if he/she thinks that the trial of the accused by court martial is not justified and should dispose of it summarily provided it is within his power to do so.

Accused to be given Abstract of Evidence and Charge Sheet

24. A copy of the abstract of evidence and of the charge sheet must be served to an accused person by the Military Police on the direction of the Commanding Officer and, if necessary, explained to him/her as early as possible as and in any case not later than 24 hours prior to his/her trial by courts martial. When an abstract of evidence is handed over to the accused DF (CM) RP rule 10 is to be complied with.

Addition of Fresh Charges

25. Where fresh charges are added to a charge after the accused has been remanded for trial by court-martial, he/she must again be brought before his/her Commanding Officer who must read over the charges to the accused and give him/her an opportunity to respond, if the Commanding Officer still thinks fit to do so, he/she must then remand the accused for trial by court-martial on the fresh charges.

Minor Offences to be Dropped

26. When an accused person is to appear on a serious charge and charges for minor offences are pending against him/her, or the circumstances of the serious offences disclose minor offences the DMP may use his/her discretion to strike out any minor offence/s and direct that it should not be proceeded with.

Charges under Section 96 of the Kenya Defence Forces Act

27. In framing charges under section 96, Kenya Defence Forces Act, if there is no evidence of some positive act of pawning or selling arms, equipment, clothing etc, a charge of "making away with" should not be preferred, the offence in such circumstances should be charged as one of "losing" under paragraph b. of that section.

28. The value of any articles of public property (e.g. arms, ammunition, equipment, public clothing, etc.) in respect of which it is desired to empower the court to award stoppages should be recorded in the "particulars" and proved in evidence as directed in paragraph 29 below.

Recording Values in Charges

29. When a charge is being laid in respect of any offence which has occasioned any expense, loss, damage or destruction in respect of which it is desirable that the court should have power to award stoppages or to order the payment of compensation under Kenya Defence Forces Act Section 182, the following points are to be observed:-

a. Where it is intended to prove any facts in respect of which payment of compensation can be awarded as a consequence of the offence charged, the "particulars" should state those facts, and evidence must be given by the prosecution to show the amount, which ought to be deducted from the pay of the accused.

b. There must be added at the end of the particulars a statement of any expense, loss or damage, in respect of which the court will be asked to award stoppages or the payment of compensation.

30. For the purpose of the trial, values are to be assessed and evidence taken as follows:-

a. When an article, which has an official value, has been lost or made unserviceable, a witness is required who can prove the value of the article at the date of the loss. This value is to be included in the particulars of the charge.

b. When the official cost of an article can not be ascertained, competent evidence is required to prove the approximate value, which is to be included in the particulars.

c. When an article has been damaged but not made unserviceable, evidence is required to prove the amount of the damage, which is the cost of repairing it.

d. In the case of absence or desertion, the deficiencies to be alleged in a charge before a court-martial under section 96 (1) (b) Kenya Defence Forces Act are those ascertained when the accused rejoins, not necessarily those found on the commencement of the absence or by a board of inquiry.

SECTION III

**SENTENCES, DISPOSAL OF PROCEEDINGS, APPEALS
CONSIDERATION OF SENTENCE BY COURTS**

31. When a person is sentenced, a court martial is to have regard not only to the nature and degree of the offence and the previous character of the accused as proved by evidence, but also to the nature and amount of any consequences which, under regulations, are involved in their findings, or entailed by their sentence, in addition to the punishment they award. The court is also to consider if any circumstances have been disclosed by the evidence in extenuation or aggravation of the offence. The court is also to have regard to the length of time an offender has been in close arrest awaiting trial.

32. Where attention has been called in local orders to the unusual prevalence of the offence of which the accused has been found guilty, the court is to pay regard to the fact that such warning had been issued.

33. Sentences must necessarily vary according to the requirements of discipline, but in ordinary circumstances, and for a first offence, a sentence should be light.

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34. Care must be taken to discriminate between offences due to youth, temper, sudden temptation, or unaccustomed surroundings, and those due to premeditated misconduct.

35. If an accused has elected to be tried by court martial instead of accepting the award at Summary trial the mere choice of trial by a court martial should not be ground for more severe punishment by a court martial.

36. When an offender is convicted on two or more charges the sentence should be that which is considered adequate for the greatest of the offences, with some addition for each of the other charges, bearing in mind the provisions of Kenya Defence Forces Act, section 180 and section 181.

Guide to award of Fines

37. The maximum permissible fine is an amount equal to three months pay at the rate issuable on the date when punishment is awarded. Pay for this purpose is deemed to be the offender's gross basic pay including any increments, and any additional pay which is payable on a continuous basis other than allowances, no account being taken of any other forfeiture or any deduction, compulsory or voluntary, to which the pay may be subject on that date.

Award of Imprisonment

38. A court-martial, in framing sentence of imprisonment, is to observe the following rules:-

- a. Terms of imprisonment not amounting to six months are to be awarded in days.
- b. Terms of imprisonment amounting to six months or more but less than twelve months are to be awarded in months, or months and days.
- c. Terms of imprisonment amounting to twelve months or more are to be awarded in years or years and months.

Forfeiture of Seniority

39. When an accused is sentenced by a court martial to take seniority in his/her rank as if his/her appointment to that rank bore a specific date later than that of his/her actual appointment, he/she will take seniority above any other person appointed to that rank on the date so specified. This order will also apply when a similar punishment is awarded summarily by an appropriate superior authority.

Reduction in Rank - Officers

40. An officer reduced to lower rank by a sentence of court martial will with effect from the date on which the sentence was originally pronounced take rank and seniority in the lower substantive rank according to the date he/she was originally promoted to the rank.

Reduction in Rank, Warrant officers and Non-Commissioned officers

41. A Warrant Officer or Non-Commissioned Officer reduced to a lower rank by sentence of court-martial will with effect from the date on which the sentence was originally pronounced take rank and seniority in the lower substantive rank according to the date he/she was originally promoted to that rank. When reduction to a lower rank which has not been held previously is ordered, seniority in the lower rank is to be determined by the Service Personnel Branch in relation to the seniority originally held in the rank immediately below the one to which he/she has been reduced or, if this is not applicable, at the Commander's discretion in the light of all the circumstances.

Restitution and Compensation Orders

42. Under section 182, Kenya Defence Forces Act, when a person has been convicted by court-martial of unlawfully obtaining any property, whether by stealing it, receiving it knowing it to have been stolen, fraudulently misapplying it or otherwise

RESTRICTED

the court martial may, in the circumstances referred to in section 182 of the Kenya Defence Forces Act, make a restitution or compensation order.

44. Where the sentence awards, or includes an award of, forfeiture of seniority of rank, or reduction to lower rank or reduction to private, instructions should be given at the same time that the accused is not, unless the exigencies of the service demand it, to be placed on any duty whatsoever until after the promulgation of the proceeding.

45. An accused who has been sentenced to imprisonment is invariably to be retained in close arrest.

Mode of Promulgation of Proceedings

46. Where there has been a conviction by court martial on all the charges or on one or more of them, the proceedings of the court, including the charges, findings, sentence, recommendation to mercy (if any) are invariably to be promulgated by communication to the accused. The date of promulgation is to be recorded on the proceedings.

47. The result of every court martial against an Officer or Service Member is to be published in unit Part II orders.

Disposal of Proceedings of Courts Martial

48. The proceedings are to be forwarded to the Commanding Officer of the offender's unit by the Convening Officer for promulgation.

49. As soon as possible the proceedings of all courts martial are to be forwarded by the Presiding Officer to the Convening authority for custody.

50. The proceedings of a court martial, whether transmitted before or after promulgation are to be accompanied by a letter specifying the nature of the contents, and are to be sent by one of the methods laid down for the transmission of confidential documents. All papers in reference to a court martial are to be marked "CONFIDENTIAL". Court Martial Administrator is to advise the Presiding Officer on this procedure.

CHAPTER 13

BOARDS OF INQUIRY

	<i>Paragraph</i>
Contents	
Section I	
General	1
Matters for Reference	2
Aircraft Accidents	3
Ship Accidents.....	4-6
Reference to Defence Headquarters	7
Convening Authority	8
Constitution	9
 Section II - Orders for Assembly and Terms of Reference	
Place and Time of Assembly	10
Publication in Unit Orders.....	11-12
Board to Express Opinion if Directed	13
Specimen Convening Order	14
Record of Proceedings.....	15
 Section III - Responsibilities of the Board	
Opinion of the Board.....	16
Answering of Questions by Witness	17
Attendance of Witnesses	18
Expenses of Civilian Witnesses	19
 Section IV - Procedure	
Evidence on Oath	20
Interpreter/Short Hand writer	21
Form of Oath	22
Evidence Type Allowed	23
Evidence Privileged	24-25
Admissibility of Evidence	26-27
Recording of Evidence	28
Action when Character of Officer or Service member is affected ...	29
Legal Representation of Affected Persons	30
 Section V - Findings	
Findings to be based on Evidence	31
Disclosure of Irregularities	32
Determining Circumstances of Loss or Damage.....	33-34

RESTRICTED

Finding of Error of Judgment 35
..... 35
Finding of Negligence 36
..... 36
Compensation 37
..... 37
Admission of Liability 38
..... 38
Signing of Proceedings 39
..... 39
Disposal of Proceedings 40
..... 40
Section VI - Miscellaneous Provisions
Disclosure of Proceedings 41
..... 41
Avoidance of Delay 42
..... 42
Progress Reports 43-44
..... 43-44
Disciplinary Action 45-47
..... 45-47
Separate Aspects of Same Offence 48
..... 48
Accidents Involving Technical Factors 49
..... 49
Specimen of Convening Order for a Board of Inquiry..... **Annex "A"**
..... **Annex "A"**
Specimen Progress Report **Annex "B"**
..... **Annex "B"**

CHAPTER 13

BOARDS OF INQUIRY

SECTION I

General

1. Board of Inquiry procedure is governed by regulations made under section 301 of the Kenya Defence Forces Act No. 25 of 2012 and known as “The Kenya Defence Forces (Board of Inquiry) Regulations.

Matters for Reference to Board

2. The purpose for which a board may be assembled is to investigate and report on the facts relating to:-

- a. The absence of any person subject to the Act.
- b. The capture of any person by the enemy.
- c. The death of any person subject to the Act, where an inquiry into the death is not required to be held by any civil authority.
- d. A fire, whose cause is unknown, or when the estimated damage exceeds Kshs 5,000.00 and/or there is death or serious injury.
- e. A claim for compensation for loss or damage of private effects (see Chapter 14 paragraph 8).
- f. A traffic accident, if death or serious injury has occurred or where the Commanding Officer is satisfied that this is the best means of ascertaining the true facts (but see subparagraph c, above).
- g. Loss, damage, etc, of stores over KSh. 5,000.00.
- h. Any other matter referred to such a board by the Defence Council or an Officer empowered to convene such a board.

Aircraft Accidents

3. A board of inquiry is to be held to inquire into aircraft accidents as follows:-

- a. If any person is killed.
- b. If any person is injured to such extent as is likely in the opinion of a Medical Officer to occasion his/her absence from duty in hospital for at least seven days.
- c. If the cause has not been established beyond reasonable doubt.
- d. If negligence or default is suspected.
- e. In any other circumstances the Base or Service Commander considers it desirable.

Ship accidents

4. Any damage to a ship is likely to breach watertight integrity. Accidents or any incidents where a ship collides with another vessel/structure or runs aground such that there exists a possibility of damage to the ship, an initial report must be made immediately to the Navy Headquarters for onward transmission to DHQ. This is to be done by way of signal message.

5. It is then the responsibility of the Navigating Officer to arrange for the necessary records to be safely kept to allow an accurate reconstruction of the ships movement for the BOI to establish the facts. A detailed report on the appropriate ‘S’ form is to be made and presented to the Navy Headquarters as soon as practicable.

6. There are hence numerous occasions on which a board of inquiry can be convened in relation to ship incidents. Some of them are listed below:-

RESTRICTED

- a. Incidents where damage is caused by the wash of a vessel or by an appendage of a ship as opposed to the hull.
- b. Near miss incidents where one KN Ship comes into such close proximity to another vessel or a structure that there is a possibility of damage having been done.
- c. Towage incidents, where damage is caused to or by a commercial tug, which has been hired to tow one of KN Ships.
- d. Groundings, including collisions with rocks, riverbanks, other vessels, etc.
- e. Berthing or unberthing incidents in which damage may be caused to vessels or jetty/pontoon.
- f. Damage to fishing gear through navigation or operation of a KN Ship.
- g. Any incident where the watertight integrity of a vessel is suspected to be breached.
- h. Man overboard incidents where the navigation or operation of the ship is to blame. This would normally occur during Replenishment At Sea (RAS) or Officer of the Watch manouevres (OOW).
- j. Firing incidents where negligence is suspected on the part of maintenance personnel or operators.
- k. If the Commander is of the opinion that the information available is insufficient to draw a reasonable conclusion.

Reference to Defence Headquarters

7. The advice of DHQ may be sought upon any matter which is, or may become the subject of a board of inquiry. The advice of DHQ must be sought before an inquiry is convened in the following cases:-

- a. Where it is decided to hold an inquiry, before civil police proceedings are completed.
- b. Where it appears that there may have been fraud or serious neglect.
- c. Where malicious damage might be involved.
- d. Where there is likely to be unwelcome publicity. eg. at a subsequent court martial.

Convening Authority

8. The convening authorities for boards of inquiry are shown in section 301 (1) and (2) of the Kenya Defence Forces Act and Board of Inquiry Regulations.

Constitution

9. The constitution of a board of inquiry is shown in Regulation 5(1) of the Board of Inquiry Regulations. The following instructions are to be observed:-

- a. The convening authority is to appoint the Chairman and members of a board, by name. The Chairman of the board should not be below the rank of Lieutenant and if there is a possibility that the professional reputation or conduct of an Officer may be called into question the Chairman must not be junior in rank or seniority to that Officer.
- b. If the Officer whose conduct or professional reputation may be called into question is a Medical Officer, the board must, if possible include a Medical Officer senior to him.
- c. If the subject matter of the inquiry is a fatal accident, the Chairman is not to be below the rank of Major.
- d. Where the inquiry involves technical or professional knowledge or skill of any kind an Officer having appropriate qualifications is whenever practicable to be included on the board.

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e. Where the investigation involves an inquiry into the loss of medical stores, foodstuffs or barrack equipment on the charge of a Medical Officer or a Service Member in charge of a Medical Reception Station, a Medical Officer should be included as a member of the board.

f. Wherever practicable, when a board is investigating a breach of security or compromise, and at all times when registered documents or documents graded secret or above are the subject of investigation, an intelligence security Officer or Officer of the Service concerned with appropriate security experience should be made a member of the board or be in attendance to advise the Chairman.

g. If the inquiry is likely to be of a complex or difficult nature, the Convening Officer should make application for the attendance of a Legal Officer.

j. No person who has an interest in the case should be appointed on the board.

SECTION II

ORDERS FOR ASSEMBLY AND TERMS OF REFERENCE

Place and Time of Assembly

10. The convening order is to specify the composition of the board and the place and time at which the board shall assemble.

Publication in Unit Orders

11. With regard to a board to be convened with reference to the absence of a Service Member the terms of reference must be stated in the convening order and published in unit routine orders.

12. In other cases, the terms of reference may be published in the convening order and in unit routine orders, but whether they are so published depends, of course, on the nature of the terms of reference themselves. If not so published, the Convening Officer must furnish the board with detailed terms of reference prescribing the nature of the inquiry to be made.

Board to Express its Opinion if Directed

13. The convening order may direct the board to express its opinion on any question arising out of any matter referred to the board.

Specimen Convening Order

14. A specimen Convening Order is shown at Annex "A" to this Chapter.

Record of Proceedings

15. The proceedings of all boards of inquiry (except those on aircraft accidents) are to be recorded on Forces Form 2. If the terms of reference are lengthy they should be shown in précis form on the first page of Forces Form 2 and the full terms should be attached on a separate sheet.

SECTION III

RESPONSIBILITIES OF THE BOARD

Opinion of Board

RESTRICTED

16. A board of inquiry is essentially a fact-finding tribunal. Although its opinions are, and should be, freely given, such opinions are valueless unless they are deductions from fact. Opinions must not be mere conjectures. A conjecture may be plausible, but is of no value whatsoever, for in essence it is a mere guess. An opinion must be a deduction from the evidence. Consequently the board must:-

- a. Elicit all such facts as are necessary to the ascertainment of the truth.
- b. If facts are disputed, endeavour to obtain independent evidence in order to discover where the truth really lies.
- c. Examine meticulously any material available (e.g. remains of an aircraft, damaged vehicles, etc.) with a view to establishing the actual cause of an accident.
- d. Not express an opinion unless it is an inference from proved fact.
- e. In cases where the board is of the opinion that negligence is present, indicate in what respects the person to blame has failed in his/her duty. This necessitates clear evidence as to exactly what duties were cast upon the person.

Answering of Questions by Witnesses

17. The board must bear in mind that a witness cannot be forced to answer any question which may incriminate him/him and that a civilian witness should be told that he/she is not bound to answer questions if he/she prefers not to do so.

Attendance of Witnesses

18. The attendance of witnesses is secured as follows:-

- a. A civilian witness should be invited in writing to attend. If he/she declines he/she should be invited to make a statement. A civilian witness cannot be forced to attend a board of inquiry.
- b. Application for the attendance of a police witness should be made to the Officer-in-charge of the police station concerned.

Expenses of Civilian Witnesses

19. A civilian witness is entitled to receive the reasonable expenses of his/her attendance and a reasonable allowance in respect of loss of time. Rates are shown in the relevant sections of the Pay and Allowances Regulations.

SECTION IV

PROCEDURE

Provisions as to the Evidence on Oath

20. The convening authority has the power to direct that every witness before a board of inquiry may be examined on oath provided that:-

- a. A witness who is a child of tender years may give evidence without being sworn provided the board is satisfied that the witness does not understand the nature of the oath but is of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.
- b. A witness may affirm if an oath is contrary to his/her religious belief.

Interpreter/Shorthand Writer

21. An interpreter and or shorthand writer may also be sworn if the witness gives evidence on oath, subject to the above provision.

Form of Oath

22. The form of oath is to be found in the Sixth Schedule to the Rules of Procedure. The words “board of inquiry” should be substituted for the words “Court- Martial”.

Type of Evidence Allowed

23. The board may receive any evidence, which they consider relevant to the facts they are investigating, whether oral or written, and whether or not it would be admissible in a civil court. In flying accident cases where an automatic voice recording of transmissions, before and at the time of the accident, is available the recording may be admitted as evidence.

Evidence Privileged

24. Evidence at a board of inquiry is privileged and must not be divulged to any unauthorized person.

25. The evidence cannot be used at a court martial, except where a witness or interpreter at the board of inquiry is on trial for making a false statement on oath under section 107 (1) of the Kenya Defence Forces Act or for an offence under section 133 of the Act where the corresponding civil offence is perjury. In such a case a member of the board must give oral evidence as to what the accused said, or must produce the signed statement of evidence which the accused made in his/her presence.

Admissibility of Evidence

26. Although a witness cannot be compelled to answer a question if the answer is likely to incriminate him/her, the board may, and should, ask any question to clarify a point, even though the question would not be admissible in a court of justice.

27. A witness who incriminates himself/herself when giving evidence at a board of inquiry is protected from any direct charge being made against him/her, since the proceedings of a board of inquiry cannot be used as evidence against him/her at a court martial.

Recording of Evidence

28. The facts brought out in evidence should be recorded in the following manner which will enable the reviewing authority to make an intelligent appreciation of the case:-

a. The evidence is to be recorded in the first person in narrative form recording as nearly as possible the words used, and not in the form of questions and answers unless the board thinks it fit to record any question and answer verbatim.

b. The statement of a witness is, to be prefaced by a description of the witness by his/her official number, rank, full name, Unit and designation; it is then to continue with a statement of the date and circumstances in which the witness became associated with the matter under investigation.

c. The evidence of each witness is to be numbered and recorded by hand or typewriter on ordinary foolscap sheets. Only one side of the paper is to be used and a margin of 1 ½” inches wide is to be left on, the left-hand side of the page.

d. The evidence of each witness is to be read over to him/her and any alteration is to be recorded at the foot of his/her evidence as follows:“On his/her evidence being read over to him/her, the witness wishes to make the following alterations”. The evidence is then to be signed by the witness.

e. A witness who is recalled, will retain his/her original witness number. His/her fresh evidence should be prepared with his/her particulars and words

RESTRICTED

to the effect that he/she has been recalled. For example: 3rd Witness: No. 0123456 Corporal Peter Malilo recalled on his/her former oath States: The witness must be reminded that he/she is on his/her former oath.

f. Evidence is to be assembled if possible, in chronological sequence. To achieve this, the Chairman should make a preliminary investigation and then arrange for witnesses to attend as far as practicable in the order he/she wants them.

g. The board is to attach to the proceedings any documents or thing produced by a witness when giving his/her evidence. When an original document or book is produced by a witness, the board may at the request of the witness, compare a copy of it or an extract there from with the original and after it has satisfied itself that such a copy or extract is correct, and the Chairman has certified thereon that the board has compared it with the original and found it correct, the board may return the document or book to the witness and attach the copy or extract as an exhibit to the proceedings.

h. Every exhibit must:-

(1) Be marked with a number or letter.

(2) Be signed by the, Chairman, or have a label affixed to it bearing a number or letter and the signature of the Chairman.

(3) Be attached to or kept with the record of the proceedings, unless in the opinion of the board it is not expedient to attach it or keep it with the record.

Action when the Character of Officer or Service member is affected

29. When it appears that the character or professional reputation of an Officer or Service Member may be affected, the procedure laid down in regulation 13 of Board of Inquiry Regulations must be followed. This is briefly as follows:-

a. The Chairman is to take all reasonable steps to ensure that such person has notice of the proceedings.

b. The person may, subject to rule 13 (1) be present throughout the proceedings. If he/she elects to be present, any evidence, which has been given prior to his/her attendance, should be read over to him/her, and he/she should be given an opportunity to cross-examine these witnesses. After hearing the remaining evidence he/she must be permitted to cross-examine the witnesses.

c. If the person is not present, such fact is to be recorded in the proceedings.

d. After the evidence has been given, he/she may give evidence or call witnesses to give evidence on the matters which may affect him/her.

e. If the board, after hearing all the evidence, is of opinion that he/she is to blame, the board is to inform him/her accordingly and to draw his/her attention to the particular evidence on which such opinion is based, and is then to ask him/her if he/she desires any further evidence to be taken, or wishes to make any further statement.

f. If he/she desires to make a further statement to be taken down, any new points brought to light are to be fully investigated.

g. If the person affected is unable for any valid reasons to be present at the inquiry, the board must inform him/her by letter (or otherwise as may be found convenient) of any statements, appearing to require a report or explanation by him/her, and is to receive from him in writing (or otherwise) any statement in denial, explanation or otherwise. Such statements are to be recorded and attached to the proceedings.

RESTRICTED

- h. If the board, after hearing all the evidence is of opinion that such absent person is to blame it must then take the action laid down in subparagraphs e and f.
- j. Blame should not be placed upon an Officer or Service Member who has had no opportunity of giving evidence to the board of inquiry, or of making a statement.
- k. The Chairman is to report immediately to the convening officer if it becomes apparent that the conduct of an Officer superior to himself/herself will be called into question, or if members of the board might be put into the position of having to consider the conduct of a superior Officer belonging to the same Service as themselves.

Legal Representation of Affected Persons

30. In accordance with regulation 13 (1) of Board of Inquiry Regulations, where it appears likely that any witness may be affected by the findings of the board, such witness may, if he/she desires, be represented either legally or otherwise. The representative may question witnesses, but is not entitled to address the board except with the permission of the chairman. It should further be observed that a civilian witness is also entitled to be legally represented when giving evidence (see regulation 12 (2)).

SECTION V

FINDINGS

Findings to be based on Evidence

31. The findings are to be recorded after all the evidence has been heard. They must be based on evidence and cover all the points upon which the board is required either by terms of reference or by any regulations to report.

Disclosure of Irregularities

32. The board is to draw attention to any irregularity disclosed in the course of the investigation even though in its opinion, it was not a contributing factor to the incident under investigation.

Determining Circumstances of Loss or Damage

33. When directed to determine whether the circumstances of loss or damage were governed by accident or whether they were brought about by error or default on the part of any person involved in the matter and to attribute blame the board should determine:-

- a. What persons were involved in the matter under investigation.
- b. Whether the consequences of such person's action resulted accidentally or from error of judgment or from negligence.

34. If any person involved in the matter is considered to have exercised reasonable care throughout having regard to his/her qualifications and experience and to all other relevant circumstances the result of his/her actions should be regarded as accidental and he/she should be absolved from blame. Such results should also be regarded as accidental, if the board finds that they arose from an error of judgment on the part of the person concerned.

Finding of Error of Judgement

35. Great care must be exercised by the board when arriving at a finding involving an error of judgment. This is so because a little reflection will show that an error of judgment may be equivalent to negligence or even culpable negligence. The phrase “error of judgment” involves a finding of honest mistake accompanied by no lack of zeal. It should accordingly be confined to those cases a person through no fault of his/her own, is presented with alternative courses of action and makes a *bona fide* and honest mistake while trying to do his/her best in the circumstances thrust upon him/her.

Findings of Negligence

36. If the board finds that the results of a person’s action were due to a failure on his/her part to exercise reasonable care which under the circumstances he/she was bound to exercise and that accordingly he/she was negligent they should thereupon decide whether such negligence was excusable having regard to all the circumstances or culpable i.e. deserving of further action by superior authority and should make a finding accordingly. If damage or loss was occasioned by a person in carrying out a duty involving skill the two essential questions which must be answered before a finding of negligence on his/her part can be made are:-

- a. Ought the person to have possessed the requisite degree of skill?
- b. Did he/she fail to exercise that degree of skill? The degree of skill, which should be expected of an individual, must be related to his/her particular background and experience.

Compensation

37. If the board is of the opinion that compensation should be paid by any person involved in the matter under investigation, it should state the amount which they consider should be paid by that person.

Admission of Liability

38. A board of inquiry, or any member thereof, must not make any admission of liability concerning any matter under inquiry or give any undertaking to satisfy any claims, or to initiate or defend any legal proceedings, or negotiate or accept any settlement of any claim made by or on behalf of, or against, the Service or any unit or member thereof.

Signing of Proceedings

39. The findings are to be signed by the chairman and all members of the board, but any member of the board may, if he/she thinks that he/she should do so, sign subject to any reservations which he/she desires to make, or may express his/her dissent from any finding of fact or recommendation arrived at by the other members.

Disposal of Proceedings

40. Disposal of the proceedings is to be as follows:-

- a. The Chairman is to arrange for an original and two copies, unless instructed otherwise, of the proceedings to be prepared. The copies are to be endorsed, “Certified True Copy” in red ink at the top of the first page; this endorsement is to be signed by the Chairman.
- b. All copies of the proceedings are to contain copies of the exhibits where practicable.

RESTRICTED

- c. The grading of board of inquiry papers is to be according to content. Where their content does not justify a security classification, the papers are to be given the privacy marking of "Staff in Confidence".
- d. When a shorthand writer has been employed, the shorthand notes are to accompany the copy or copies of the transcript rendered to the convening authority.
- e. When it is necessary for the convening authority to submit the proceedings before transmitting them.
- f. Proceedings which reveal defects in the operational training or administrative organization, or which reveal some defect in an article of equipment in general use, or relate to accidents in which remedial measures might prevent a recurrence are to be forwarded to DHQ.
- g. The proceedings are to be transmitted with the minimum delay at all stages.

SECTION VI

MISCELLANEOUS PROVISIONS

Disclosure of Proceedings

41. The proceedings of a board of inquiry, or extracts there from, are not to be disclosed to members of the public, the civil police, local authorities or Government civil departments. If applications are received from such persons or bodies, they should be forwarded to DHQ.

Avoidance of Delay

42. It is imperative that boards of inquiry are dealt with expeditiously at all stages. This is particularly important where an irregularity is discovered for which an account holder may be responsible. In order that the facts may be ascertained, and blame, if any, apportioned while material witnesses are available, and to facilitate recovery if a public claim is found to exist against an Officer or Service Member.

Progress Report

43. Progress reports in accordance with the specimen at Annex "B" are to be rendered on all boards of inquiry in order to:-

- a. Bring to the notice of Superior Commanders and administrative staff Officers an occurrence into which a board of inquiry is being held.
- b. Ensure early consideration of any possible disciplinary aspect.
- c. Ensure that DHQ is notified of the existence of any such case which cannot be settled within a reasonable period or which must in any case be referred eventually to DHQ.

44. A progress report is to be rendered on all occurrences being investigated by a board of inquiry one month after the occurrence has been reported and at monthly intervals thereafter.

Disciplinary Action

45. Disciplinary action should not be delayed to await the holding of a board of inquiry unless it is impossible to take adequate disciplinary action without a board of inquiry.

46. Where blame is attributed to an Officer or Service Member a superior Officer should not express his/her displeasure or other form of censure, unless he/she is

satisfied that this action will finally dispose of the disciplinary aspect of the matter as far as the Officer or Service Member is concerned.

47. In cases where it is at all likely that the conduct of an Officer or Service Member may be thought to warrant disciplinary action under the Kenya Defence Forces Act, care should be taken that no communication is made to him/her which might be construed as condonation of his/her conduct or a final disposal of the case.

Separate Aspects of the Same Occurrence

48. A board of inquiry may investigate different aspects of the same occurrence if authorised to do so in the ‘terms of reference’, e.g if an individual is injured in a flying accident, the board assembled to investigate the accident may also deal with the injury. If, however, the convening authority considers that the two matters cannot be conveniently dealt with by the same board, he/she is to convene two boards. The exception to this rule is that in inquiries into illegal absence (including deficiencies of kit) and returned prisoners of war the board must confine itself to these matters and must not deal with any other matter arising from them.

Accidents Involving Technical Factors

49. Technical aspects of any matters under inquiry should be investigated thoroughly so that the board can decide accurately whether the accident was due to:-

- a. Fault on the part of Service Personnel. This will include not only faults on the part of the injured person(s) and others concerned directly with the accident but also faults on the part of any personnel responsible for the issue or enforcing of orders on the subject, and faults on the part of personnel responsible for the maintenance of the equipment.
- b. Defective designs of equipment.
- c. Circumstances which can fairly be regarded as inevitable or unavoidable.

CHAPTER 14

CLAIMS AND COMPENSATION

Contents graph	Para
Interpretation	1-3

RESTRICTED

Claims by the Kenya Defence Forces Authorities	4
General Provisions	5-7
Compensation for Losses of Personal/Private Property	8
Liability	9
Property for which Compensation is Admissible	10
When Compensation is Admissible	11
Traffic Accidents	12-14
Legal Representative	15-16
Fatal Accidents	17
Definition of Risks due to Kenya Defence Forces	
Services	18
Reporting Procedure	19-24
Loss of Money or Valuables, etc	25
Private Motor Vehicles and Bicycles	26
General Conditions	27-29
Investigation of Losses	30-32
Submission of Claims	33-34
Loss during War, etc, or National Emergency	35
Civilian Staff	36

CHAPTER 14

CLAIMS AND COMPENSATION

Interpretation

1. "Compensation Claim" means a claim by or against the Ministry of Defence in respect of injury to persons or animals or damage to property arising out of accidents including (accidents involving vehicles, aircraft, ships or boats) explosions of ammunition, shooting, fires, pillage, theft and wrongful acts committed by Service Personnel or civilian personnel for whom the Ministry of Defence are responsible.
2. "Vehicle" means Kenya Defence Forces mechanical or animal transport-drawn (road or rail) and bicycles.
3. Claims arising out of requisitions, hirings and estate management purchases and other contracts by Ministry of Defence and Civilian staff which fail to be dealt with under other existing instructions and the write-off of loss and damage to public and service property, are not covered by this Order. In such circumstances, reports are to be accompanied by statements of evidence relating to the occurrence and observations of the Commanding Officer which will be of value in investigating the claim.

Claims by the MINISTRY OF DEFENCE

4. An occurrence which may give rise to a claim by the Ministry of Defence against a third party is to be speedily reported to DHQ through Service Headquarters. Such cases arise when damage has been caused to public property on charge to Kenya Defence Forces.

General Provisions

5. No claims falling within the jurisdiction of DHQ will be settled by any other authority.
6. All Service Personnel are strictly forbidden to enter into any correspondence or discussion with any claimant or do anything which may be interpreted as an admission of liability. Claimant, and those acting on their behalf, may be given the address of Service Headquarters to which the original report has been despatched.
7. Any Communications received from a claimant, advocate, insurance company or other interested party will be sent immediately upon receipt to Legal Services Branch, DHQ.

Compensation for Losses of Personal/Private Property

8. The provisions of these regulations apply to all personal and private property owned by Kenya Defence Forces Personnel and their families including privately owned motor vehicles and all family effects. In respect of Officers, the provisions also apply to articles of uniform, kit and equipment which they are issued with or which they are required to replace at their own expense.

Liability

- (1) Save as expressly provided in the following paragraphs, neither the Ministry of Defence nor its servants or agents are to accept liability for the loss of, or damage to, the personal or private property of Officers or Service Members however caused, which is brought on to any land, premises, ship, aircraft or vehicle for the time being used for the purposes of the Kenya Defence Forces, or which is carried, worn or used

RESTRICTED

by Officers or Service Members in the course of their duties as members of the Kenya Defence Forces.

Property for which Compensation is Admissible

(2) Compensation may be admissible only for any of the articles listed below which the owner is obliged to replace in order to comply with Kenya Defence Forces requirements:-

- a. Articles of uniforms and equipment, linen, underclothing and personal gear/rig ordered to be worn on Kenya Defence Forces duty.
- b. Books or instruments being the private property of the owner, used for the benefit of the public service.
- c. Such, articles in possession of the families of Officers and Service Members as are necessary to conform to the service standing of the owners.

When Compensation is Admissible

11. Compensation is limited to uninsurable losses owing to Kenya Defence Forces service not occasioned by carelessness or negligence on the part of the owner or the owner's representative. Compensation is not to be payable in respect of losses due to normal conditions of civil life.

Traffic Accidents

(1) In cases where police proceedings are likely against Service driver, the unit will advise Service Headquarters, by the fastest means, who will in turn advise DHQ without delay.

(2) Where summons have been issued the information will include charges, date, time and place of hearing.

(3) Deaths will be notified by appropriate means of communication. Information will include date, time and place of accident if known. The deaths of military Personnel will be reported in accordance with the instructions contained in Chapter 8. (Personnel Casualty Reporting Procedure) of these Orders.

Legal Representative

15. On receipt of the information called for at paragraphs 12 to 14, Service Headquarters will decide whether or not the Service driver should be defended at public expense.

16. Cases in which there are considerable third party financial interests and fatal cases will receive special consideration. In other cases the Unit will be informed whether or not the driver will be defended at public expense.

Board of Inquiry in the Event of a Fatal Accident

17. It is the responsibility of the Commanding Officer to convene an inquiry in accordance with the Boards of Inquiry Regulations.

Definition of Risks due to Service in the Kenya Defence Forces

18. The risks due to Service Personnel in the Kenya Defence Forces, for which compensation may be given are:-

- a. Those due to the conditions of active Service and, to journeys to and from active Service and to movements of Units.
- b. Accidental fire on aircraft, in barracks, married quarters, ships, boats, bases, billets or camps, where there is no negligence on the part of the owner.

RESTRICTED

- c. Theft at airfields, in barracks, ships, boats, naval bases, billets or camps in absence of the owner for more than 48 hours when all reasonable precautions for the safety of the property were taken by the owner. For Officers, compensation is not normally to be allowed unless the owner, or an individual on the owner's behalf, ensured that the property was secured and locked up and that the keys were entrusted to the care of responsible Officer or Service Members, the property should have been handed into the Unit store.
- d. Destruction on the order of Commanding Officer on the advice of a Medical Officer/ competent authority to prevent the spreading of an infectious or contagious disease (when no other scheme of compensation exists).
- e. Damage clearly proved to be wholly due to the faulty construction or bad repair of Barracks, airfields, bases, billets or camps.
- f. The crashing of an aircraft, destruction by fire of a Service vehicle or sinking or damage of a ship, provided that the claimant was acting in the performance of his/her duty and that he/she was duly authorised under current instructions to have with him/her the articles in respect of which a claim is made.

Reporting Procedure

19. Unit Commanding Officers are to notify without delay every occurrence giving rise or likely to give rise to a compensation claim to DHQ through Service Headquarters.

20. Traffic Accidents are to be reported in accordance with Chap 25 of these Orders.

21. Commanding Officers are to be particularly alert in reporting any damage or wrongful act committed by Service Personnel in training areas outside designated military assets (land).

22. Reports are to be accompanied by statements of evidence relating to the occurrence and observations of the Commanding Officer which will be of value in investigating any claim.

23. Responsibility for notification rests with the Unit on whose Personnel are, or are alleged to have been, involved. If a claimant has not been able to identify the Personnel, or if the Personnel have left the locality, the report is to be made by the Unit which receives the claim or complaint.

24. All letters addressed by, or communications passed by the Unit to Service Headquarters must give the Unit file reference number, the date of the accident, the numbers and names of the Personnel involved and, if applicable, the description of the Service vehicle, aircraft, ship or boat involved.

Loss of Money or Valuables

25. No claim will be admitted in respect of money or valuables or such personal property as the owner elects, on his/her own responsibility, to subject to the risks of Service life, notwithstanding that it may have been deposited for safe custody apart for very exceptional cases merited by prevailing circumstances.

Private Motor Vehicles and Bicycles

RESTRICTED

26. No claim will be admitted in respect of private motor vehicles or bicycles lost or damaged within the confines of military assets and land or used during discharge of Service duty. Commanding Officers are to bring this fact to the notice of all under their command.

General conditions

27. The compensation allowed for each article lost/damaged may be assessed on the basis of the value of such an article at the time of assessment, including any abatement in respect of wear and tear according to the condition of the lost article.

28. If the loser is dead, compensation may be made to his/her legal beneficiary only on proof that replacement was effected prior to death.

29. DHQ may from time to time direct that any article shall be replaced by free issues from store in lieu of a monetary payment.

Investigation of Losses

30. In the event of a loss being sustained in respect of which the owner considers that he/she has, or may have, a claim to compensation, the circumstances and the extent of the loss or damage are to be investigated by the Commanding Officer who may convene a board of inquiry, for the purpose if he/she deems one necessary. The Commanding Officer or board of inquiry is to record an opinion as to:-

- a. Whether the owner is acquitted of all blame for the loss.
- b. Whether the loss occurred in circumstances unavoidable by the claimant.
- c. Whether every effort was made to prevent the loss.
- d. What efforts were made by the claimant, or the claimant's Unit, to trace and recover any missing articles.
- e. Whether lack of owner's insurance of the article(s) is justified.
- f. Whether provision is necessary to meet immediate requirements.

31. When immediate settlement of part or the whole of a claim is considered to be justified, the Commanding Officer's report or the proceedings of the board of inquiry are to be forwarded with the claim to Service Headquarters.

32. In matters regarding claims, the decision of the Service Headquarters or DHQ shall be admissible.

Submission of Claims

33. On receipt of approval, claims are to be submitted on Form 7129 through the usual channels to DHQ Pay Sub-Branch. They are to bear the recommendations of the Service Commander and are to be accompanied by a record of the Commanding Officer's investigation or the proceedings of the board of inquiry.

34. Claims for damages must be supported by receipted bills for the repairs carried out.

Loss during War or National Emergency

35. Applications may be submitted to DHQ for compensation for the loss, destruction or damage, during war or National Emergency. This covers baggage and personal property left behind by Officers and Service Members in barracks, on airbases or naval bases.

Such items should be stored in accordance with existing regulations/instructions and if the loss, destruction or damage was due to the nature of accommodation provided.

Civilian Staff

RESTRICTED

36. Compensation is not to be paid in respect of the effects of civilian staff working in the Kenya Defence Forces or their families, except as may be provided by the Code of Regulations for the Civil Service.

CHAPTER 15

18-25

RESTRICTED

DISCIPLINE

Contents	Paragraph
Section I - General	
Acquaintance with Regulations, Orders and Instructions	
Commanding Officer	1-2
Officers	3
Service members	4-5
Ignorance of Law/Regulations, Orders and Instructions	6
Disclosure of Information	7
Communicating to press, Broadcasting Organizations	8
Responsibility of Officers in General	
Prevention of Crime	9
Order and Discipline	10
Criticism of superiors	11-13
Treatment of Subordinates	14-16
Internal Grievance Mechanism	17
Presents, Favours and Benefits	18
Correspondence with DHQ	19
Visits to Headquarters	20
Correspondence with other Svcs or Government Departments	21
Character and Conduct of Officers	22
Bankruptcy and Liquidation	23
Dealings with Contractors	
Private Dealings not allowed.....	24
Purchase from contractors	25
Testimonials to Contractors	26
Political Activities	27-28
Political Activities in Stations, Camps and Barracks	29-31
Smoking	32-34
Smoking in Aircraft	35
Gambling	36-37
Lending or Borrowing Money	38-39
Intoxicating Liquor	40
Civil Employment	41-44
Adverse Report on Officers on Matters Relating to Discipline	45-47
Concealment of Disease	48

RESTRICTED

Hair/Jewelery/Make up	49
Orders Given by Civilian Employees.....	50-51
Personal Cheques and Bills	52-53
Poaching Game	54
Traffic Accidents	55
Special Powers of Captains of Aircraft or Ships	56-59
Application of Kenya Defence Forces Flying Orders to Other Services	60
Section II - Arrest and Custody	
Power to Arrest or place in Custody.....	61
Service Custody, Definition	62-63
Officer, when to be placed under Arrest	64-65
Officers and Warrant Officers under Arrest	66-69
Non - Commissioned Officers under Arrest.....	70
Other Servicemen, when to be placed under Arrest.....	71-76
Performance of Duties whilst under Arrest	77-79
Temporary Custody in Civil Prison	80
Treatment in Cases of Drunkenness	81-82
Identification of Suspects	83
Provision for Avoiding Delay After arrest	84
Disposal of Case	85-89
Accused Person Remanded, State of Arrest	90-92
Limit of Period of Arrest	93
Section III - Investigation and Disposal of Charges	
General Rules for Investigation	94-100
Disposal of Charges by Subordinate Commander	101-103
Procedure at Trial-Service members	104-112
Consideration	113-115
After the Orders	116-117
Disposal of Charges by Commanding Officer	118-124
Procedure at Summary Trial	125-129
Consideration, Finding and Punishment	130
Procedure Preparatory to Disposal of Charges	131-135
Offences Punishable Summarily..	136-137
Delegation of Disciplinary Command	138-143
Detachment Commanders	144

Section IV - Summary and Minor Punishments

Powers of Unit Commanders	145-154
Execution of Summary and Minor Punishments	155-164
Admission to Hospital Caused by Offence	165-166
Stoppages in Respect of Expenses, Losses or Damages....	167-170
Deductions under Section 218 of the KDFA	171-172
Summary Punishment of Officers	173-177
Reporting of Punishments	178
Restriction of and Compensation for Unlawfully Obtained Property	179

Section V - Absence Without Leave

Desertion and Absence Without Leave	180-188
General Rules for Escorts	189-191
Rules in Regard to Committal Etc	192-194
Medical Examination Prior to Committal	195-197
Service Prisons	198

Section VI - Civil Offences and Civil Suits

Civil Offences	199-202
Attendance of Service members in Civil Court	203-211
Officers Charged in Civil Court.	212-218
Bail	219-220
Forfeiture of Pay Whilst in Civil Custody	221-222

RESTRICTED

Service of Summonses in Civil Cases	223-225
Speedy Disposal of Disciplinary Offences	226
Order for Temporary Confinement in Civil Custody	Annex “A”
Order for Release from Temporary Confinement in Civil Custody	Annex “B”
The Defence Forces Code of Conduct and Ethics	Annex “C”

CHAPTER 15

DISCIPLINE

SECTION I

GENERAL

ACQUAINTANCE WITH REGULATIONS, ORDERS AND INSTRUCTIONS

Commanding Officer

1. Commanding Officers are responsible for ensuring that all Personnel under their command are fully acquainted with and comply with the provisions of the Kenya Defence Forces Act, Kenya Defence Forces Standing Orders, Kenya Defence Forces Standing Instructions and all other orders and instructions issued by Service Headquarters for the security of Service establishments, offices, official documents and for the control of entry into prohibited places.

2. Commanding Officers are also responsible for ensuring that all Service Members under their command understand the provisions of the KDFA on Limitation of Rights and Fundamental Freedoms of persons subject to the Act (Section 42 to 54), Service offences (Section 55 to 136), arrest of persons subject to the Act (Section 137 to 146), Summary Disciplinary Proceedings (Section 147 to 159) and Court Martial (Section 160 to 166). The provisions of these sections should, whenever possible, be explained to Service Members at least once in every six months and to recruits on joining their first Units.

Officers

3. Every Officer is to make himself/herself acquainted with, obey, and so far as he/she is able, enforce, the Kenya Defence Forces Act, Defence Forces Code of Conduct and Ethics (Legal Notice No 126 of 2003) (see Annex 'C' to this chapter), Kenya Defence Forces Standing Instructions and all other Regulations, Instructions and Orders, which may from time to time be issued. He/she is also to conform to the established customs and practices of his/her particular Service.

Service Members

4. Every Service Member will be held personally responsible for making himself/herself acquainted with:-

- a. Kenya Defence Forces Act.
- b. Kenya Defence Forces Standing Orders.
- c. Kenya Defence Forces Code of Conduct and Ethics (Legal Notice No 126 of 2003) at Annex 'C' to this Chapter.
- d. Kenya Defence Forces Standing Instructions.
- e. Such Service, Unit and other orders and instructions as are necessary for the due performance of his/her duties.

5. Service Members are further required to conform to the established customs and practices of their particular Service.

Ignorance Of Law/Regulations, Orders And Instructions

6. Ignorance of law/duly established regulations, orders and instructions is not to be admitted as an excuse for their non-observance. This is to be brought to the attention of all Personnel at least once every three months.

DISCLOSURE OF INFORMATION

Official or Service Information

7. An Officer or Service Member shall not disclose any information relating to official or Service matters to any unauthorized person, unless he/she has been permitted to do so.

Communications to Press, Broadcasting Organizations

8. An Officer or Service Member is forbidden to publish in any form of correspondence whatsoever or voluntarily appear in media, including social media platform in uniform, or communicate either directly or indirectly to the Press, or to any broadcasting organization, any Service information, or express his/her views on any Service subject without special authority. He/she will be held responsible for all statements contained in any communication to private persons which may subsequently be published in the Press or otherwise, or broadcast by any broadcasting organization.

RESPONSIBILITY OF OFFICERS IN GENERAL

Prevention of Crime

9. A Commanding Officer is to exert every effort to prevent crime and to suppress any tendency to screen its existence.

Order and Discipline

10. An Officer is responsible at all times for the maintenance of good order and discipline; he/she is to afford the utmost aid and support to his/her Commanding Officer. It is his/her duty to notice, repress and report any negligence or misconduct on the part of his/her juniors, whether on or off duty and whether the offenders do or do not belong to his/her particular Unit.

Criticism of Superiors

11. An Officer is to refrain from making remarks or passing criticisms on the conduct or orders of his/her superiors which may tend to bring them into contempt.

12. An Officer is also to avoid saying or doing anything which, if seen or heard by those under him/her, might discourage them, or render them dissatisfied with their condition or with the Service in which they are or may be employed.

13. Meetings or discussions by Officers or Service Members with the object of praising or criticizing their superiors are prohibited. The publication of orders praising an Officer or Service Members when he/she leaves a Unit or relinquishes an appointment is forbidden.

Treatment of Subordinates

14. An Officer is to adopt towards his/her subordinates such methods of command and treatment as will not only ensure respect for authority but also foster the feelings of self respect and pride which are essential to efficiency.

15. Unless otherwise demanded, an Officer is not to reprimand Warrant Officers or NCOs in the presence or hearing of their equals or juniors.

16. Warrant Officers and NCOs are to comply with the foregoing principles in dealing with each other and with other Service Members. They are to avoid intemperate language or an offensive manner.

Internal Grievance Mechanism

17. In accordance with Section 303 Of KDFA (2012), the following provisions shall apply on redress of grievances:-

a. **To Officers.**

(1) If an Officer thinks himself/herself wronged in any matter 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 Officer is of junior rank to the Commanding Officer or in any other case to the Chief of the Defence Forces through the Commanding Officer, Higher Commander and the Service Commander.

(2) The Commanding Officer shall either refer the complaint to the military police for investigation if the complaint *prima facie* discloses an offence or investigate the complaint and grant any redress which appears to be necessary unless the complaint is addressed to the Chief of the Defence Forces.

(3) The Commanding Officer or the higher commander may convene a Board of inquiry to investigate the complaint and report to him/her in accordance with section 301 of the Act.

(4) If the Officer does not obtain the redress which he/she thinks, he/she is entitled to, the Officer may forward the complaint to the Chief of the Defence Forces through the Commanding Officer, Higher Commander and the Service Commander.

(5) Notwithstanding regulation 6, the Higher Commander or the Service Commander may grant any redress which appears necessary provided that the Officer by reason of his/her redress not being granted to his/her satisfaction may request in writing that the complaint be forwarded to the Chief of the Defence Forces and the complaint shall be forwarded to the Chief of the Defence Forces.

(6) On receiving a complaint under Paras 1 or 5, the Chief of the 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 Commander other than the Commander through whom the complaint was forwarded to deal with it; or

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

b. **To Service Members.** The provisions of Para 'a' above shall apply to redress of grievances by Service Members.

Presents, Favours and Benefits

18. An Officer or Service Member is forbidden to accept presents in money or kind or to seek or accept favours or preferential terms in his/her private dealing, from public bodies, businesses and private individuals, either in recognition of Services rendered in the performance of his/her duty, or arising out of his/her dealings in an official capacity.

Correspondence with DHQ

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19. An Officer or Service Member is forbidden to write private letters direct to DHQ on (or) official personal matters such as promotion, appointment, posting, transfer, etc. He/she is to refer all such matters to his/her Commanding Officer.

Visits to Headquarters

20. An Officer or Service Member visiting DHQ, Service Headquarters or other Formation Headquarters is to obtain authority from his/her unit prior to the visit and is to observe proper military standards of personal appearance and dressing. Casual dress and smoking are prohibited for all such visitors and personnel on duty there.

Correspondence with other Services or Government Departments

21. An Officer or Service Member is not to enter into direct communication with any Service other than that in which he/she is serving, or with a Government Department, or with any Officer of such Department or with another Service on subjects connected with his/her particular Service or with his/her particular duties or present or future employment in the Service unless authorized to do so by the regulations of the Service or by a superior authority. Any such communication is to be made through the proper channels.

Character and Conduct of Officers

22. An Officer who has been charged or summoned to appear before a civil court with an offence other than a misdemeanor (minor offence) or whose character or conduct has been otherwise impugned is at once to report the circumstances to his/her Commanding Officer for investigation. Pending the investigations an officer may be suspended from duty, when he/she is to be placed under the same restrictions as an Officer in open arrest, but he/she may be permitted to wear plain clothes. In special cases and with the prior authority of the Service Commander the Officer may be permitted to go to his/her home to await further orders. The Officer may be recalled if necessary, for further investigation of his/her case. Expenses incurred by the officer for travel to and from his/her home in such cases will not be admitted as a charge against public funds.

Bankruptcy and Liquidation

23. If an Officer by serious financial embarrassment, bankruptcy, liquidation or other legal proceedings finds himself/herself unable to meet his/her commitments, he/she is to notify the fact at once to his/her Commanding Officer who is to submit a report on the circumstances through the chain of command to DHQ. The Officer may be suspended from duty by his/her Commanding Officer in accordance with paragraph 22, if the circumstances so require. (See also paragraphs 52-53).

DEALINGS WITH CONTRACTORS

Private Dealings not Allowed

24. Officers and Service Member and others in the Kenya Defence Forces employment, must at all times guard against being placed in such a position as may lay them open to suspicion of being influenced in the discharge of their duties, by other than purely public considerations. They are to be scrupulously careful in their

RESTRICTED

relations and are to have no private dealings with contractors, their agents or employees, whether on an honorary basis or otherwise.

Purchases from Contractors

25. Purchases from, or transactions with contractors or their agents which are of a private nature and made in the ordinary course of trade are permissible, but care must be exercised and no favour or preference, whether as regards price, date of delivery or otherwise, is accepted which is not also available to members of the general public, or to the Kenya Defence Forces.

Testimonials to Contractors

26. Private testimonials are not to be given either formally or informally, to contractors as to the use of their wares in the Kenya Defence Forces. Officers are to be extremely careful in any correspondence, which they may have with contractors.

Political Activities

27. An Officer or Service Member is not permitted to take any active part in the affairs of any political organization or party either by acting as a member of a candidate's election committee, or by speaking in public, or publishing or distributing literature in furtherance of the political purpose of any such organization or party, or in any other manner.

28. An Officer or Service Member is not permitted to issue an address to electors or in any other manner publicly announce him/herself, or allow himself/herself to be announced as a candidate or a prospective candidate for election in a political elections or nomination whilst serving in the Kenya Defence Forces.

Political Activities in Stations, Camps and Barracks

29. No political meeting or canvassing is permitted in stations, camps or barracks.

30. No publicity is to be given to meetings, fetes, etc, having a political association. Service transport is not to be used in any circumstances for election purposes unless on official Government duties.

31. An Officer or Service Member is not permitted to attend any political meeting.

Smoking

32. Smoking is a fire risk to premises and a health hazard to non-smokers.

33. Smoking is prohibited in offices and military installations except in designated places for smoking.

34. Smoking in Mechanical Transport Yard is prohibited. See Chapter 25 Section XII (Fire Precautions).

Smoking in Aircraft

35. Smoking in an aircraft is prohibited. This prohibition extends to smoking on the ground, during take-off and landing, during the whole process of re-fuelling, and when oxygen is being used.

Gambling

36. All forms of gambling including bookmaking or acting as an agent for a bookmaker are forbidden in stations, camps and barracks.

37. Any proposal to hold a lottery or sweepstake is to be submitted to the Commanding Officer for consideration or approval. If he/she allows the lottery or

RESTRICTED

sweepstake to be held, he/she is to ensure compliance with the provisions of Laws governing lottery or gambling.

Lending or Borrowing Money and Shylocking

38. Officers and Service Members are forbidden to lend money to or to borrow it from each other.

39. Members of the Kenya Defence Forces are prohibited from shy locking which for the purpose of these orders shall be taken to mean borrowing money using Service/public property as collateral or lending money.

Intoxicating Liquor

40. It is forbidden to introduce intoxicating liquor into any part of stations, barracks or camps, other than canteens, messes and married quarters, or such other places as may be for the time being specified in Unit Orders. A Commanding Officer may give permission to an individual, on application, for beer to be consumed in accommodation areas in which officially approved entertainment is being held.

Civil Employment

41. Except as provided in paragraph 45 below, an Officer or Service Member is not without the special sanction of DHQ to:-

- a. Carry on any profession, engage in trade, or accept any profitable employment.
- b. Be a member of a governing body of any corporation, or of the directorate of any limited company, or of any partnership engaged in any trade or profession.
- c. Assist, advise or act directly or indirectly as an agent for any corporation, company, partnership or individual which, or who, is carrying on any profession, or is engaged in trade, or is profitably employed.

42. Applications for special sanction under paragraph 41 above are to contain a statement to the effect that the applicant undertakes to ensure that:-

- a. His/her private business will in no way interfere with his/her Service duties.
- b. He/she will not take any part in activities connected with the firm, which may give rise to such suspicion, however ill founded, that he/she can use or has used his/her service knowledge to further his/her business interest.
- c. He/she will not take part in any transaction between the firm and the Kenya Defence Forces or any Department or branches of the Government or any semi-public organization
- d. And he/she further understands that no special facilities as regards leave or absence from duty can be granted to him/her.

43. An Officer or Service Member is forbidden to accept any continuous employment for profit. He/she may, however, with the written sanction of the Cabinet Secretary, accept temporary employment during normal leave or part-time employment during off duty hours provided that:-

- a. The activity does not involve the use of official information or individual's efficiency as an officer or Service Member.
- b. The activity does not involve the use of official information or experience acquired in the course of official duties.
- c. The activity will not bring the Kenya Defence Forces into disrepute.
- d. Uniform is not worn.

RESTRICTED

- e. He/she is not remunerated at a lower rate than that paid to a civilian in like employment.
- f. He/she does not replace, or receive the remuneration of a civilian who is on strike.
- g. The Ministry of Defence will in no circumstance accept any responsibility for injury, loss or damage sustained by service personnel or for injury, loss or damage to other parties or property, arising in the course of or out of the activities of Service Personnel during employment outside their Service duty.

44. The restrictions in paragraphs 41 and 43 above do not apply to Officers or Service members on terminal leave.

Adverse reports on Officers on matters relating to discipline

45. If a Commanding Officer or other Officer considers it necessary at any time to make an adverse report upon an Officer touching upon a disciplinary matter which does not warrant actual disciplinary action, such a report is to be made in narrative form and rendered immediately. It is to be graded "Staff Confidential".

46. The Officer reported on is to be shown the original report and be required to sign it. He/she is to be informed that he/she may, if he/she wishes, make a statement in regard to it, and for this purpose he/she may be given a copy of it for temporary retention. He/she is to be warned, however that the copy remains official property and that the taking of extracts or copying is forbidden. If he/she does not wish to make a statement he/she should endorse the original report accordingly.

47. When such a report is transmitted to higher authority the original and the Officer's statement, if any, is to be sent accompanied by the actual remarks of each superior officer through whom it is passed. If the remarks of the officer through whom the report passes do not agree, the conflicting reports are to be inquired into by the next higher authority who is to report his/her opinion and cause it to be communicated to and initialed by the officer reported on. For the purpose of this paragraph the term "Higher Authority" means the Service Commander or CDF, as the case may be.

Concealment of disease

48. In every Unit there is to be a standing order directing that all ranks who know or have reason to suspect that they are suffering from any infectious/contagious/communicable disease (including venereal disease) are to report themselves sick without delay. The Standing Order is to be brought to the attention of all Personnel at an interval not exceeding three months, care being taken to ensure that it is especially brought to the notice of recruits on joining. It must be noted that it is an offence under Section 136 of the KDFA for a Service Personnel to disobey an order for inoculation, vaccination etc.

Hair/Jewellery/Make Up

49. Service Personnel must observe the following with regard to hair, makeup etc:-

- a. **Male Service Personnel.** The hair of the head is to be kept properly cut and well trimmed. Dreadlocks are prohibited. Beards and side-whiskers are not to be worn. If a moustache is worn, it should be trimmed so that it is tidy and natural in appearance. Male Officers/Service Members shall not pierce their ears and shall not wear studs.
- b. **Female Service Personnel.** The hair is to be neat and worn above the collar. The style should not be of an exaggerated nature and colour (if not natural) must be black. Dreadlocks are prohibited. Combs, slides, grips etc,

RESTRICTED

when worn, must be plain and of a similar colour as the wearer's hair. Make up, if used, is to be inconspicuous. Brightly coloured nail varnish is not to be worn. No jewelry is to be visible with uniform other than plain signet rings, and sleeper or stud earrings, one in each ear lobe. Provided that earrings and jewelry (except marriage rings) shall not be worn on parade.

c. **Tattoos/Body Art/Brands.** Tattoo/body art and brands shall be as follows:-

(1) Tattoos/Body Art/Brands and body marks deliberately inserted by way of using indelible ink to draw certain designs and marks on specific parts of the body are prohibited.

(2) Tattoos/Body Art/Brands shall not be worn by members of KDF.

d. **Dress.** Service Personnel will dress formally during functions where uniform is not to be worn. All dress must be modest and of a nature that lends itself to the dignity of the Kenya Defence Forces. Tight, revealing, flamboyant, indecent attires etc are forbidden. Commanding Officers may prescribe the dress code to be observed at functions.

Order given by civilian employees

50. Certain civilian personnel are, by the nature of their duties, required to give instructions to members of the Kenya Defence Forces and members of the Kenya Defence Forces placed under such circumstances will be expected to carry their duties as such.

51. These instructions will be particular to administrative duties only. Matters of operational nature will remain in the domain of the Command Structure.

Personal cheques and bills

52. Presenting a personal cheque to any individual or organization without taking reasonable precautions to ensure that there are or will be sufficient funds is an offence under civil law. The image of the Kenya Defence Forces stands to be tarnished if Service Personnel are unable to meet their financial obligations in due time.

53. However, as a matter of policy, the Services cannot become officially involved with Non-Service individuals or organizations in relation to an individual's private debts. If inquiries or requests for assistance are received from tradesmen, etc, they are to be informed that the Services have no legal right to interfere in such matters. At the same time a Commanding Officer may interview any person alleged to owe money and where possible, offer his guidance and advice.

Poaching game

54. It is an offence, under civil law, for any person to kill, injure, or in any way make away with any wild animal or wildlife trophy (except where he/she has been authorized by license/permit issued by the appropriate authority). Even where such a license/permit is issued to a Service Personnel, the use of Service property/arms/ammunition/equipment/clothing etc. for this purpose is strictly prohibited.

Traffic accidents

55. The provisions relating to disciplinary aspects which may arise from transport services are contained in Chapter 25.

Special powers of Captains of aircrafts or Commanding Officers of Ships

RESTRICTED

56. The pilot or, in the case of an aircraft with more than one pilot, the first pilot, is the captain of the aircraft unless some other person is detailed to be captain by the Officer authorizing the flight.

57. All persons, whatever their rank, while in an aircraft, are to be under the command, in respect of all matters relating to the flying or handling of the aircraft or affecting the safety thereof, of the captain of the aircraft.

58. Any person subject to the Kenya Defence Forces Act, who, while in an aircraft, disobeys any lawful command of the captain of the aircraft, is liable to punishment under the relevant section of the Kenya Defence Forces Act.

59. Similar provisions apply, in respect of orders given by or on behalf of the Commanding Officer of a ship relating to the safety, or handling of the ship, to Service Personnel embarked, irrespective of their rank.

Application of Kenya Defence Forces flying orders to other Services

60. Defence Forces Flying Orders apply to Officers and Service Members of the Army or Navy who are attached to the Air Force for duty or training.

SECTION II

ARREST AND CUSTODY

Power to Arrest or Place in Custody

61. The power of an Officer/member of the Military Police, Warrant Officer or NCO to arrest an offender or suspected offender is defined in section 137 and 139 of the Kenya Defence Forces Act.

Service Custody-Definition

62. Service detention when ordered by the Commanding Officer of Service Personnel (not under sentence) means either:-

- a. **Close arrest.** In the care and custody of an Officer, guard, piquet, patrol, sentry or members of the Military Police.
- b. **Open arrest.** Restricted to defined areas within the Unit, and liable to report his presence at stated times.

63. The nature of the arrest shall be specified in the order for detention which order may be either written or oral.

Officer when to be placed under Arrest

64. An Officer may be placed under arrest by a competent authority without previous investigation when circumstances so require but a Commanding Officer on receiving a complaint, or learning of circumstances tending to incriminate an Officer, is not ordinarily to place him/her in arrest until he/she has satisfied himself/herself that it will be necessary to proceed with the case and to report it to higher authority. He/she may order the arrest of an Officer against whom he/she has directed the Military Police to investigate a complaint, or against whom a charge has been preferred.

65. After the abstract of evidence has been taken and pending trial or final disposal of the case, or if for any reason the taking of the abstract of evidence is delayed, the Officer is to be released from arrest without prejudice to re-arrest unless the circumstances are such that his/her continuance in arrest is considered advisable.

Officers and Warrant Officers under Arrest

66. When an Officer or Warrant Officer is placed under arrest or released from arrest, the Commanding Officer, unless he/she dismisses the case, is to report the

RESTRICTED

matter without delay to Service Headquarters. Service Headquarters is responsible for informing DHQ of all such cases.

67. An Officer or Warrant Officer under arrest is not to wear head dress, sword, sash or belt.

68. An Officer or Warrant Officer under close arrest is to be placed in charge of an escort consisting of another Officer or Warrant Officer (of the same rank, if possible) and is not to leave his/her quarters except to take such exercise under supervision, as the Commanding Officer considers necessary. If circumstances so require, however, he/she may be placed under the charge of a guard picquet, patrol, sentry or member of the Military Police.

69. An Officer or Warrant Officer under open arrest may take exercise at stated periods and within defined limits, which are usually to be the precincts of the station, barracks or camp of his/her Unit. He/she is not to appear in any place of amusement or entertainment or at public assemblies. He/she is not to appear outside his/her quarters dressed otherwise than in uniform.

Non Commissioned Officers under Arrest

70. Paragraph 65-69 shall apply to a Non-Commissioned Officer under close arrest except that the rank of the escort is normally to be a Non-Commissioned Officer of the same rank.

Other Service Members when to be placed under Arrest

71. A Service Member charged with a serious offence is to be placed under arrest forthwith, but if the offence alleged, in the opinion of his/her Commanding Officer, appears not to be serious, it may be investigated and disposed of without previous arrest. He/she is not to be placed in close arrest for offences unaccompanied by drunkenness, violence, or insubordination, unless confinement is necessary to ensure his/her safe custody and for the maintenance of discipline.

72. A Service Member who disobeys an order distinctly given or resists the authority of an Officer or a Warrant Officer or NCO is to be placed under arrest without altercation and the fact immediately reported to his/her subordinate commander.

73. When an Officer, Warrant Officer or NCO has to place a Service Member in close arrest, he/she is to obtain the assistance of one or more Service Members to apprehend and escort the offender to the guardroom and is himself/herself to avoid coming into contact with him/her.

74. A Service Member who is drunk is to be placed in close arrest, alone, if possible and isolated from others. He/she is to be under watch and his/her condition ascertained at least every two hours by a NCO of the guard. Should any symptoms of serious illness be observed, a medical Officer or nursing orderly is to be summoned immediately.

75. A Service Member on being placed under close arrest is to be placed in confinement under the charge of a guard picquet, patrol or sentry and is to be searched and deprived of knives or other weapons. He/she is to be allowed the use of his/her bedding except in case of drunkenness (see paragraph 79 below).

76. A Service Member under arrest is not to wear head dress or belt.

Performance of duties whilst under Arrest

77. An offender, while in close arrest, is to be required to perform any duty, other than such duties as may be necessary to relieve him/her from the charge of any cash,

equipment, stores, accounts, or office of which he/she may have charge, or for which he/she is responsible.

78. If circumstances so demand whereby he/she has been ordered to perform any duty, he/she is not thereby absolved from that duty or from liability to be proceeded against for the offence for which he/she is under arrest. He/she is not to bear arms except by orders of his/her Commanding Officer in an emergency.

79. On active Service, however, he/she may be ordered to bear arms, attend parades, and perform all his/her ordinary duties, provided that care is taken to ensure that he/she is not called upon to perform any duties additional to those performed by Service Personnel who are not in arrest or undergoing punishment. An offender, while in open arrest, may be ordered by his/her Commanding Officer to carry out such duties as may be necessary in the course of his/her training, or such part of his/her ordinary duties as his/her Commanding Officer may consider advisable that he/she should perform.

Temporary Custody in Civil Prison

80. Where a person is in Service custody charged with, or with a view to his/her being charged with, an offence under Part VI of the Kenya Defence Forces Act he/she may be committed by an order signed by his/her Commanding Officer for temporary safe custody for any period not exceeding fifteen (15) days to a civil prison (section 146 of the Kenya Defence Forces Act). The orders for commitment and release shall be in the form as shown in Annex A to this Chapter.

Treatment in cases of Drunkenness

81. A Service Member suspected of being drunk is not to be put through any drill. Whenever possible he/she should be sighted by an Officer as soon as possible to ascertain that in his/her opinion he/she is drunk.

82. A Service Member charged with unfitness or misconduct through alcohol or drugs is to be brought before a member of the Military Police for investigation of the charge.

Identification of Suspects

83. When it is necessary to hold a parade for the purpose of identifying an alleged offender the parade shall be held under the direction of and in the presence of a Military Police Officer not below the rank of a major. The Officer investigating the case should also be present but should not take any part in the proceedings. The following rules are to be observed:-

- a. About twelve (12) persons, including the suspect, should be paraded, they should be of similar age, height and general description.
- b. The suspect should be told the reason for the parade and allowed to object to the presence of any other member of the parade. He/she should also be allowed to choose his/her own position and to change it at any time.
- c. Witnesses should not see the suspect prior to the parade nor be assisted by photographs or descriptions. Witnesses should be introduced one by one and must not be allowed to communicate with other witnesses waiting their turn.
- d. Whilst strict fairness to the suspect must be assured, the ability of witnesses to make identification should be fully tested. They should be allowed to see any member of the parade in different positions and to hear him/her speak, if they so desire.

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- e. Witnesses should be asked to indicate the person whom they identify and should report any suspicions they may have to the Officer in charge of the parade.
- f. Every circumstance should be recorded by the Officer in charge of the parade and carefully noted by the Officer investigating the case.

Provisions for avoiding delay after Arrest

84. The following provisions shall apply for avoiding delay after arrest except for those in active service.

a. The allegations against a person arrested under sections 137 or 141 of the KDFA (2012) shall be investigated without unnecessary delay, and as soon as practicable thereafter either proceeding shall be instituted to deal with the allegations or the person shall be released from arrest.

b. Where a person who is subject to the KDFA (2012) remains in custody for eight (8) days without being tried by a court martial or dealt with summarily:-

(1) A special report on the necessity for further delay shall be made by the person's Commanding Officer to the Service Commander in the prescribed manner; and

(2) A similar report shall be made to the Service Commander in the prescribed manner every eight (8) days until a court martial sits or the person is released from arrest.

c. Where an accused person is on active Service, sub-para (b) shall not apply except so far as is reasonably practicable, having regard to the exigencies of active Service.

d. Notwithstanding the extensions granted under sub-para (b), circumstances under sub-para (c) or limitations of rights of an arrested person provided for under section 54 of the KDFA, a person shall not, at any given time, whether in active Service or not, be held in custody for a period exceeding forty two (42) days in aggregate.

e. Where the summary disciplinary proceeding have not commenced or the court martial has not been convened after the expiry of forty two (42) days, the Commanding Officer may hold the accused person under open arrest on such conditions as he/she may determine.

Offender in Arrest or Awaiting Trial Disposal of Case

85. It is of utmost importance when an Officer or Service Member is under arrest that his/her case should be investigated and that he/she should be brought to trial (if necessary) at the earliest possible moment.

86. The provisions of section 140 of the Kenya Defence Forces Act and Rules of Procedure DF (SDP) Regulation 5, 6, 7 and 8 are to be complied with in every case whether or not the accused is in arrest. The special report (eight day delay) provided for in section 140 (2) of the Kenya Defence Forces Act and in DF(SDP) Regulations 6,7 and 8 is to be sent to Service Headquarters, copy to Defence Headquarters.

87. On receipt of every such report, the Service Commander is to satisfy himself/herself as to the necessity for the offender's continuance in arrest.

88. It is an offence under section 102 of the Kenya Defence Forces Act, unnecessarily to delay the investigation of the case against a person under arrest, or to fail to release such a person when he/she ought to be released.

89. The special report referred to above is to be made in the form set out in Part I of the First Schedule, to the Rules of Procedure and rendered every eight (8) days

RESTRICTED

until the case is disposed of or a court martial is convened but in any event should not exceed forty two (42) days in aggregate. It is to be rendered even if the accused is on active service unless owing to the exigencies of operations this is not reasonably practicable.

Accused Person Remanded - State of Arrest

90. When an accused person is remanded for further investigation or for trial by court-martial (whether upon his/her own election or not) the Commanding Officer is to consider whether he/she may be released from close arrest and placed in open arrest, or released from either form of arrest without prejudice to re-arrest.

91. In law an accused person is deemed innocent until proved guilty and close arrest prior to trial is therefore never to be ordered with the motive of punishing the accused. He/she should be kept in close arrest whilst awaiting trial when:-

- a. He/she is deliberately trying to undermine discipline by acts of misconduct. Isolated instances of insubordinate language or violence would justify placing an accused person in close arrest immediately and retaining him/her there until he/she is brought before his/her Commanding Officer on a charge but would not in themselves justify his/her retention in close arrest whilst awaiting trial.
- b. The offence charged is one for which maximum sentence is death.
- c. His/her conduct is so violent that it would be unsafe to himself/herself or to others not to place him/her in close arrest.
- d. He/she is known to have habitually absented himself/herself without leave and it is considered he/she will unlikely be present to stand trial unless kept in close arrest.
- e. He/she is likely to attempt to influence witnesses.
- f. If the Commanding Officer, having regard of the circumstances of a case, deems continued arrest of the accused necessary.

92. An accused person awaiting trial whom it is not necessary to place in close arrest is to be placed in open arrest if it is considered desirable in his/her own interests or those of Service discipline that he/she should be kept under modified restraint. In all other circumstances he/she is to be released without prejudice to re-arrest.

Limit of Period of Arrest

93. An accused person is not to be held in arrest for more than forty two (42) days in aggregate without summary disciplinary proceedings or court-martial being convened for his/her trial. If after expiry of forty two (42) days no summary disciplinary proceedings or court martial is convened, the person is to be held in open arrest.

SECTION III

INVESTIGATION AND DISPOSAL OF CHARGES

General Rules for Investigation

94. Every complaint against an Officer or Service Member is to be investigated by the Military Police without delay. The charge will be dealt with at the earliest opportunity whether the accused is in arrest or not.

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95. A subordinate/Commanding Officer who does not dismiss or summarily dispose of a charge, is carefully to avoid expressing any opinion as to the guilt or innocence of the person charged.
96. Commanding Officers are to make arrangements ensuring that charges may be heard daily (except weekend and public holidays), and when practicable, in the morning unless operational necessities dictate otherwise.
97. Every Service Member who is charged with an offence is to be brought before his/her subordinate commander and the charge read and explained to him/her. This should be done at such an hour as to allow the Service Member scheduled for disposal by the Commanding Officer to go before him/her at the appointed time.
98. The subordinate commander is to decide whether he/she should dismiss the charge or dispose of the matter, or whether a prima facie case has been established for the trial by the Commanding Officer
99. Where the offence is one which the subordinate commander cannot deal with summarily or one which, in the circumstances, he/she thinks he/she ought not to deal with summarily he/she is, unless satisfied that the case should be dismissed forthwith, immediately remand the accused to appear before the Commanding Officer.
100. Charges against Officers or Service Members can only be dealt with by the Commanding Officer of the Unit in which they are serving or the Commanding Officer of the Unit to which their Unit has been attached. Where the Commanding Officer is personally involved and must give evidence in any disciplinary case, the offender is to be referred to another Unit for trial with written authority from the Service Commander.

Disposal of Charges by the Subordinate Commander

101. The provisions relating to disposal of charges by way of a summary trial and delegation of powers for disposal of charges by summary trial are as contained in the Kenya Defence Forces Act.
102. The Orders parade will be arranged as per the booking in the offence book. The Company /Wing Sergeant Major (Master at Arms for Navy Base and Coxswain for the Navy ships)/Head Constable (for Defence Forces Constabulary) will inspect the orders and make sure that all are clean, smartly dressed and ready to stand in front of the Subordinate Commander. He/she will then take the following steps:-
- a. The Company Sergeant Major or equivalent will then bring the parade to attention, proceeds to the Officer Commanding or equivalent and gives results of the inspection he made.
 - b. Report on the number of cases to be dealt with before the Officer Commanding or equivalent that particular day.
 - c. Hands over the offence book together with all other relevant documents to the Officer Commanding or equivalent.
 - d. Company Sergeant Major or equivalent salutes and returns to the parade and stands at ease. The Officer Commanding or equivalent will at the same time study the abstract of evidence and charges.
103. When the Officer Commanding or equivalent is satisfied with the way the charges are framed and how they are recorded in the offence book, he/she will recall the Sub Unit Sergeant Major or equivalent to brief him/her in the manner in which he/she would like to proceed with the orders and give him/her the name of the first accused to be marched in. The Company Sergeant Major or equivalent will then call the escort followed by the accused and marched in the Officer Commanding or

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equivalent office in that order. Where the accused has nominated a representative in accordance with Section 151 of KDFA, the nominee will then march in and stand at the place designated by the Officer Commanding.

Procedure at Trial – Service Member

104. During the trial of the accused, a Service Member is to be deprived of his/her belt, cap and any other article that can be used as a missile or weapon. The Warrant Officer (CSM or equivalent) should be in possession of the accused conduct sheet (FF121 or FF 73).

105. When the trial takes place, the subordinate commander, Officer in attendance, nominee, escort, witness and Warrant Officer or Non Commissioned Officer marching in the accused will usually wear a headdress.

106. The Officer Commanding listening to the charges must be in uniform and with head dress on. The Presidential Portrait must be hanged in the office and all items except KDFA, DEFSO and other relevant materials must be cleared from the table before the accused is marched in.

107. The subordinate commander reads out the number, rank and name of the accused and ascertains from him/her that these particulars are correct. If they are incorrect they should be amended. The Subordinate Commander then considers the following whether:-

- a. He/she should deal with the charge summarily himself/herself.
- b. He/she ought to remand the accused for summary trial before the Commanding Officer.

108. If the subordinate commander decides to deal with the charge himself/herself he/she shall:-

- a. Read out the charges to the accused. The accused will be required to plead to the charges.
- b. If the subordinate commander decides to hear evidence he/she shall read out the names of the witnesses and inform the accused that if he/she so requires the witnesses shall give their evidence on oath.
- c. The first witness is marched in. If the evidence is to be given on oath, the oath is administered by the subordinate commander. The witness shall then give his/her evidence.
- d. The subordinate commander may at any stage of the trial decide to remand the accused to the Commanding Officer or dismiss the case.
- e. Maintain a record of proceedings.

109. The subordinate commander shall then give an opportunity to the accused/representative to cross examine the witnesses. The accused at this stage is not to make any statements on his/her own behalf but he/she may ask the witness questions.

110. Written statements or précis of statements made by the prosecution witnesses may be read by the subordinate commander instead of a witness being called, unless the accused requires that the evidence be given orally. The accused has the right to demand the attendance of a prosecution witness. If he/she so demands, the subordinate commander must adjourn the case to allow the witness to attend.

111. After all the prosecution witnesses have testified, the accused in his/her defence may adduce evidence on oath or make a statement without being sworn or hand in a written statement as to the facts of the case and may, if he/she so desires call witnesses who shall give their evidence orally and in his/her presence in support of his/her case.

112. Any right granted by the Kenya Defence Forces Act or the rules of procedure to an Officer or Service Member or a member of the Constabulary at a Summary Disciplinary Proceeding to call or examine witnesses or to address the Commanding Officer or Appropriate Superior Authority as the case may be, may be exercised on behalf of the Officer, Service Member or member of the constabulary by his/her representative that may be appointed under the provisions of Section 151 of the Kenya Defence Forces Act.

Consideration

113. After hearing all the evidence, the subordinate commander shall consider whether or not the accused is guilty. If he/she considers him/her not guilty, he/she will dismiss the case. If he/she is not satisfied he/she may refer the case to Military Police for further investigations. If he/she considers the accused guilty he/she must make a further decision as to whether he/she can and should deal with the case or remand it to the Commanding Officer.

114. Where the subordinate commander considers the accused guilty but the case is one which he/she considers that he/she ought not deal with, he/she will not announce a finding of "guilty" but will remand the case for disposal by the Commanding Officer.

115. If he/she considers his/her own powers of punishment are not adequate he/she will not announce a finding of "guilty" but remand the case for disposal by Commanding Officer. However, if his/her powers are adequate he/she will proceed to record a finding of "guilty" on the charge sheet (FF252) and announce the same to the accused.

After the Orders

116. The Warrant Officer/Company Sergeant Major will bring the orders to attention and reports to the Officer Commanding the end of the orders and then asks for permission to carry on.

117. Where the Commanding Officer is a witness in any disciplinary case, the accused is to be attached to another Unit for trial, subject to authority from the Service Commander.

Disposal of Charges by Commanding Officer

118. When a subordinate commander has remanded an accused for summary trial by his/her Commanding Officer he/she shall submit a separate FF 252 for each charge for entry into the Unit offence book before the hour fixed for trial.

119. The outcome of the summary trial by the Commanding Officer is to be entered in the Unit offence book and FF 252 is to be completed accordingly.

120. Subject to the satisfaction of the conditions set out under Section 152 of the Kenya Defence Forces Act, the Commanding Officer then will specifically deal with a case against the following:-

- a. Any charges against an Officer or Warrant Officer.
- b. Any charges against an NCO or Service Member which has been remanded to the Commanding Officer by a subordinate commander.
- c. Any charges against a civilian to whom Part I of KDFA applies by virtue of section 5.

121. The Commanding Officer will commence the disposal of a charge preferred against an accused person without unnecessary delay upon the receipt of the charges and abstract of evidence from the Military Police. He/she will take the charge as entered in FF 252.

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122. A Regimental Sergeant Major / Base Sergeant Major/Coxwain will parade the following in advance:-

- a. The accused.
- b. The witness.
- c. The Escort.
- d. The RP/NP.

123. He/she (Regimental Sergeant Major/Base Sergeant Major/Coxwain) will inspect the orders/ tables parade and report to the adjutant that they are ready.

124. The adjutant will do the following:-

- a. Prepare any document/exhibits relating to the charges.
- b. Inspects the Personnel in Para. 122 above and satisfy himself/herself that they are clean, tidy and ready for charges. He/she will delete the names of those not present and inform the Commanding Officer that the orders/tables are ready.
- c. He/she will ensure that the Subordinate Commander of the accused is available.
- d. When the Commanding Officer is ready the Adjutant will call the Regimental Sergeant Major/Base Sergeant Major/Coxswain to march the orders/tables near the Commanding Officer's office entrance.
- e. He/she will call the subordinate commander of the accused who is to attend with the Service Member's documents.
- f. When the adjutant gives a signal to the Regimental Sergeant Major/Base Sergeant Major he/she shall bring the orders to attention and sound the Bugle.
- g. Immediately after the bugler, Regimental Sergeant Major/Base Sergeant Major marches in the first accused as per the list led by the Escort.

Procedure at Summary Disciplinary Proceeding

125. During the Commanding Officer's orders/Tables procedures for marching in the accused are the same as for subordinate Commanders orders except that the Regimental Sergeant Major/Base Sergeant Major takes the place of Company Sergeant Major. An Officer or Warrant Officer under arrest will not wear the Sword, Sash or Spurs. However they will not remove the cap or the belt. The escort must be of an equivalent Rank.

126. The Commanding Officer shall read out and if necessary explain the charges to the accused in the same manner as in the case of a subordinate Commander.

127. The Adjutant is normally required to stand beside the Commanding Officer, when other ranks are on trial holding the accused's regimental conduct sheet FF 73. In the case of Officers, the accused subordinate Commander is normally present also, standing on the other side of the Commanding Officer with FF 199 of the accused.

128. If the Commanding Officer is of the opinion that the accused ought to be tried by court-martial due to nature of the offences, or he/she cannot deal with the charge himself/herself, the Commanding Officer shall refer the case to the DPM for determination or may remand the accused for trial by court martial.

129. The Commanding Officer will hear the evidence following the same procedure as in paragraph 105-111 above.

EXPLORE SCENARIOS FOR A SITUATION WHERE THE ACCUSED HAS PLEADED GUILTY

Consideration, Finding and Punishment

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130. Having heard the evidence, the Commanding Officer will proceed as follows:-
- a. He/she will determine whether the accused person is guilty or not and record either a finding of guilt or not guilty.
 - b. If he/she finds the accused not guilty, he/she shall record a finding of not guilty and dismiss the charge.
 - c. If he/she finds the accused guilty, he/she shall record a finding of guilty and afford him/her an opportunity to mitigate before pronouncing the award.

Procedure Preparatory to Disposal of Charges

131. Before proceeding with the charge it is the duty of the Commanding Officer to ascertain that the Service Member is liable to be proceeded against, having regard to the limitations of time prescribed by section 210 of the Kenya Defence Forces Act. For the purpose of exemption from trial under subsection (5) of that section, a Service Member will be considered as having served in an exemplary manner if at any time during his/her Service since his/her desertion he/she has no entry in his/her service conduct sheet for a continuous period of three (3) years.

132. A Commanding Officer is to ensure as a matter of duty that before an accused is brought before him/her the accused has been advised of his/her right to be represented by a representative of his/her choice and that the accused person has made the nomination or declined to make a nomination. Where the accused person has made a nomination, the Commanding Officer will indicate whether the nominee is available or not and inform the accused person accordingly. The nomination of the representative is to be made within 24 Hours of the receipt of the abstract of evidence and the charge sheet.

133. When proposing to deal with a charge summarily, the Commanding Officer is to satisfy himself/herself that the evidence produced before him/her is sufficient to disclose the exact nature of the offence. If he/she is not so satisfied he/she should remand the Service Member for further inquiries. If it appears necessary, he/she is to amend the entry in the charge report, so that the charge as therein entered shows the correct nature of the offence. Commanding Officers are to remember that any charge must be properly proved by adequate evidence whether it is tried by court-martial or dealt with summarily.

134. If on the investigation of a charge sufficient evidence is not forthcoming as to whether the accused has or has not committed the offence, and there is no opportunity of carrying the investigation further at the time of trial, if the offence charged is serious, may be released from arrest and ordered to do duty without prejudice to his/her re-arrest when further evidence is forthcoming and the matter can be further inquired into. If however the offence charged is not serious and there is no probability of sufficient evidence being obtainable within a reasonable time the charge should be dismissed.

135. When a Service Member is charged with one offence and another offence comes to light, the investigation of which cannot be immediately completed or preceded with, the investigation and trial in respect of the original offence may proceed independently and the trial for the other offence shall be dealt with on completion of investigations.

Offences Punishable Summarily

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136. The Sections of Part VI of the Kenya Defence Forces Act under which a Commanding Officer shall not deal summarily with a charge are laid down in the Kenya Defence Forces (Summary Disciplinary Proceeding) Regulations.

137. A Commanding Officer may deal with charges under any other section summarily. He/she may refer a charge for any offence to Director of Military Prosecutions for disposal by court martial even if the offence is within his/her summary jurisdiction.

Delegation of Disciplinary Command

138. Where two or more independent Units are stationed in the same Garrison or general area, the Chief of the Kenya Defence Forces for DHQ controlled Units or the Commander for single Service Units may direct that for disciplinary purposes only, any of such Units are to come under the command of another such Unit, provided that the Commanding Officer of the latter Unit is senior to the Commanding Officer of any Unit placed under his/her disciplinary command.

139. The senior Commanding Officer so nominated is to delegate powers of punishment over Service Member to the Commanding Officer of the Units placed under his/her disciplinary command in accordance with the Kenya Defence Forces (Summary Disciplinary Proceedings) Regulations 4 and 28.

He/she is not empowered to delegate powers of punishment over Officers, but may delegate powers over Service Member up to full Commanding Officer's powers according to rank.

140. Unless an independent Unit is placed under the disciplinary command of another Unit in accordance with paragraph 136 above, the Commanding Officer is directly responsible to the Chief of the Kenya Defence Force (Defence Headquarters controlled Units) or the Commander (single service Units) for all disciplinary matters. The Chief of Defence Force may, however, direct an Officer of the rank of lieutenant colonel or above to act as appropriate superior authority in respect of disciplinary offences by Officers from any given Unit or Units.

141. Where this has been done, the Commanding Officer of any Unit must refer a disciplinary case against an Officer to the appropriate Superior authority if it is beyond his/her powers of summary punishment.

142. Any directions given by the Commander for a Unit to come under, the disciplinary command of another or for an Officer appointed appropriate Superior authority is to be published and reported to DHQ.

143. When a Commanding Officer is absent due to duty, leave, sickness, etc, for more than forty eight (48) hours and the existing powers of any subordinate Commander are insufficient to deal with offences which may arise, the facts are to be reported to Service Headquarters so that an Officer may be appointed in temporary command and assumes full powers of punishment according to his/her rank. In this case DHQ shall be informed of this appointment.

Detachment Commanders

144. The definition of a detachment and rules regarding a Detachment Commander's powers are contained in Defence Forces General and Summary Jurisdiction.

SECTION IV

SUMMARY AND MINOR PUNISHMENTS

Powers of Unit Commanders

145. A Commanding Officer may award to an Officer or Service Member punishments as laid down in sections 155 and 156 of the Kenya Defence Forces Act (Cap 241) as read with Kenya Defence Forces (Summary Disciplinary Proceedings) Regulations. For first offences not of an aggravated nature, admonition is the most suitable punishment. Other punishments should be awarded only when admonition has failed or is unlikely to be effective.

146. See paragraphs 173-177 below regarding summary punishment of Officers.

147. A Captain or Subaltern in permanent or temporary command of a Unit is limited in the disciplinary powers that he/she may exercise by Kenya Defence Forces (Summary Disciplinary Proceedings) Regulations 7 and 8. The disciplinary powers which may be delegated to subordinate Commanders are laid down in the Kenya Defence Forces Act.

148. Punishments of dismissal, reduction in rank of Warrant Officer, reduction in rank of a Senior Sergeant or Sergeant are subject to confirmation by the Commander. When awarding such a punishment, the Commanding Officer is to announce to the offender that it is subject to confirmation and is to render an immediate report by letter or signal to the offender's Service Commander giving details of the offence, previous conduct and any other factors, which influenced his/her decision.

149. The punishment is not to be effected until confirmation is received but the effective date is to be the date of award. Pending confirmation, the offender may be kept under close or open arrest if necessary. If the Commander withholds confirmation, he/she may order the imposition of such less punishment, as he/she considers suitable. (Note: Where a Service Member is sentenced to dismissal, he/she remains in the Service until such date his/her discharge is formally effected by the Personnel Branch Service HQ).

150. Where two or more charges have been preferred against the accused and his/her Commanding Officer proposes to deal summarily with them, the Commanding Officer should deal with all the charges at the same time and award separate punishments for each charge. Each punishment awarded automatically runs from the date of its award.

151. However under a provision to section 200 of the KDFFA, if an accused is found guilty of another offence before sentence is passed on the first conviction any sentence of imprisonment or active Service punishment of each offence shall run consecutively unless it is specifically directed that they shall run concurrently. The effect is that at one hearing, a Commanding Officer may award separate sentences of imprisonment on separate charges and unless he/she directs otherwise one sentence will follow upon another. Thus a sentence of fifteen (15) days imprisonment upon one charge and ten (10) days imprisonment upon another would entail a total of twenty five (25) days imprisonment.

152. The provision in section 156 (2) (b) (i) of the Act prohibits a Commanding Officer from awarding more than a total of forty two (42) days imprisonment or active Service punishment for any number of offences at one hearing. If the offence or combined offences merit imprisonment for more than forty two (42) days the case should be remanded for trial by Court Martial. If a Commanding Officer awards separate sentences of imprisonment or active Service punishment on different charges at the same time, he/she is to note on Form 252 whether the sentences are to run concurrently or consecutively.

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153. Under no circumstances is a Commanding Officer to deal with one charge and defer dealing with another charge against the same accused in order that he/she may award a punishment for the second after the punishment which he/she has awarded for the first charge has been started or completed or in order to exceed the statutory limit of punishment which may be awarded on one occasion.

154. An award of punishment made by a subordinate commander is subject to any remission, which the Commanding Officer may order.

Execution of Summary and Minor Punishments

155. An Officer is forbidden to introduce or adopt any system of punishment, which is at variance with the Kenya Defence Forces Act, Summary Disciplinary Proceedings Regulations or these Orders.

156. For every unit the Commanding Officer is to make a set of Rules for Defaulters.

157. A defaulter shall not be required to perform any part of a punishment, which he/she has been unable to perform by reason of his/her being in hospital or under some concurrent sentence, or being employed on duty.

158. The punishment of Confinement to Barracks (or stoppage of short leave) with extra work is to be carried out as follows:-

a. Personnel undergoing this punishment are not to leave the confines of the Unit without the express permission of the Commanding Officer.

b. On normal working days, defaulters are to be woken fifteen (15) minutes before reveille and are to be employed on extra duty in their trades or on fatigue for periods aggregating to not more than three (3) hours a day (not more than six hours if the rest of the Unit is only working in the morning) in addition to their normal duties. They are also to be required to answer to their names twice daily at times, outside their normal working or additional duty hours to be determined by the Commanding Officer.

c. Sundays and public holidays, defaulters are to perform two (2) hours duty in their trades or on fatigues at some time during the hours at which they would be at work if it were a normal working day. They are required to answer to their names twice daily at times to be determined by the Commanding Officer.

d. In determining the times of the daily parades, the Commanding Officer is to take into account the duties upon which the defaulter is normally engaged, a shift worker on night duty should be required to report at such times during the day, which whilst allowing him/her adequate time for rest, will also ensure restriction on his/her free time.

159. The punishment of Confinement to Barracks (or stoppage of short leave) without extra work also requires defaulters to be woken fifteen (15) minutes before reveille and required to answer to their names five (5) times daily, outside normal working hours at times to be determined by the Commanding Officer. They are not to be permitted to leave the confines of the Unit without the express permission of the Commanding Officer.

160. The punishment of Loss of Privileges is to be interpreted as the deprivation of any particular privilege or privileges applicable to the Unit and the particular defaulters and his/her offence. It may be awarded at the same time as confinement to barracks (or stoppage of short leave) with or without extra work, but if awarded by itself is not to go so far as to cause the defaulter extra work to prevent him/her from proceeding on short leave. Examples of Loss of Privileges, which may be awarded,

are exclusion from the canteen or NCOs Mess, or withdrawal of privilege of seeing welfare film shows.

161. Extra guards or picquets awarded as a punishment are to be carried out at intervals of not less than twenty four (24) hours between such extra duties.

162. A Service Member undergoing minor punishment may be dealt with summarily for offences other than one (1) for which he/she is undergoing punishment provided that in no circumstances is he/she, by reason of any award or succession of awards, to undergo minor punishment for more than twenty eight (28) consecutive days.

163. Whilst any fine which can be imposed on an individual is expressed in the Defence Forces Act, Summary Disciplinary Proceedings Rules in terms of a month's or part of a month's pay, when actually awarding a fine, a Commanding Officer is to express it as a number of days pay on Forces Form 252 and in Part II Orders. To assist Commanding and Subordinate Officers in calculating the amount of money to be deducted from an Officer's or Service Member's pay the following formula is to be used:

a. A day's pay is deemed to be one thirtieth of a month's pay, irrespective of the number of days in the month in which the award is made.

b. A month's pay is deemed to be one twelfth of the annual rate.

164. When a Commanding Officer awards a punishment of forfeiture of seniority, he/she is to record the punishment on Form 252 in the following manner:

"To take seniority in the rank ofas if his/her appointment to that rank bore

Dated the..... day of..... 20.....

Admission to Hospital Caused by an Offence

165. An Officer or Service Member convicted of an offence under section 84 of the Kenya Defence Forces Act forfeits his/her pay for any day, whether before or after he/she is found guilty, on which he/she is in hospital on account of any sickness or injury certified by the appropriate Medical Officer to have been occasioned by the offence. (See section 216 of the Kenya Defence Forces Act and Kenya Defence Forces (General) Regulation 17).

166. Where there are grounds for believing that the sickness or injury in respect of which an Officer or Service Member has been admitted to hospital was occasioned by an offence that might be made the subject of a charge under section 84 of the Kenya Defence Forces Act, his/her Commanding Officer is to make a preliminary inquiry, and inform the Commanding Officer of the hospital of the result in order that the latter may on the Officer's or Service Member's discharge from hospital, certify that the admission was or was not caused by any such offence.

Stoppages in Respect of Expenses, Losses or Damage

167. Where an Officer or Service Member is liable to be awarded the punishment of stoppages in respect of any expense, loss or damage occasioned by his/her offence, the following particulars are to be included in the charge:-

a. In respect of property, this has been lost or destroyed the basic price plus departmental expenses less abatement for wear.

b. In respect of property, which has been, damaged the cost of repair including the cost of labour.

c. In respect of loss of public money the actual amount.

168. The stoppages awarded are to be stated as a specific sum (not exceeding the actual amount of the loss, etc.).

169. In awarding stoppages, the Commanding Officer should bear in mind that the Service Commander or an Officer authorized by him/her for the purpose of section 218 of the Kenya Defence Forces Act has power to order the person responsible for the loss of or damage to public or Service property to pay for such loss or damage up to the full value.

170. Where however the Officer disposing summarily of the charge has already awarded a stoppage of less than the full amount in respect of the same loss or damage, the Service Commander or other authorized Officer cannot increase that amount.

Deductions under Section 218 of the Kenya Defence Forces Act

171. Under section 218 of the Kenya Defence Force Act, the Service Commander if satisfied after investigation that loss or damage to public or service property was occasioned by any wrongful act or negligence on the part of an Officer or Service Member, may order the person responsible to pay a specified sum as or towards compensation for the loss or damage. Similarly, a Commanding Officer is hereby authorized to order such deductions. This power may be exercised whether or not the person responsible has been made the subject of disciplinary action provided always that he/she has not been acquitted in circumstances involving a finding of not guilty of the wrongful act or negligence in question and that he/she has not been awarded stoppages, however small, in respect of the same loss, etc.

172. The investigation for the purposes of Section 218 of the Kenya Defence Forces Act is to be by a Board of Inquiry convened under section 301 of the Kenya Defence Forces Act if the amount of loss, etc, exceeds KShs 5,000/-. For losses, etc, below this sum, deductions may be ordered after an inquiry conducted by the Commander or Commanding Officer or any Officer authorized by them (See Defence Forces General Regulations, paragraph 15 and particularly sub-paragraph (2)) before any deduction or deductions are ordered. Any loss or damage resulting in a deficit of over KShs. 1,000 remaining to be written off shall be reported to DHQ.

Summary Punishment for Officers

173. Provided a charge is not barred from summary trial by DF(SDP) Regulation 23, section 148 and 155 of the Kenya Defence Forces Act authorize a Commanding Officer to deal summarily with offences by Officers up to given limits of punishment. When a Commanding Officer is authorized and decides to deal with a case summarily, the procedure and form to be used are the same as for Service Member.

174. All other charges against Officers are to be referred to the appropriate Superior authority. Before announcing his/her finding in a summary trial the Commanding Officer, if he/she intends to award one of the punishments listed in section 81 (5)155 (5), must give the accused Officer the option of trial by court martial. If he/she chooses to be tried by court martial, a finding is not to be recorded but the case is to be referred immediately to the DMP. If the accused Officer accepts the Commanding Officer's award, this fact should be recorded on Form 251 and the entry signed in acknowledgement by the Officer.

175. The procedure to be followed in regard to summary dealing with charges by any appropriate Superior authority is laid down in KDFA. An appropriate Superior authority is not to deal summarily with a charge where the accused Officer has already elected to be tried by court martial before his/her Commanding Officer nor with any offence listed in Kenya Defence Forces Act.

176. If the appropriate Superior authority cannot, or does not wish to deal with a charge summarily, or if an accused Officer has elected to be tried by court martial

under section 155 (5) before the appropriate Superior authority announces a finding, the case is to be referred immediately to DMP through Service Headquarters.

177. All summary punishment awards to Officers are to be published in Part II Orders and form 251 forwarded to Service Headquarters. The original copy of the Record of proceedings before an appropriate Superior authority (Rules of Procedure, Third Schedule.) is to be forwarded to DHQ.

Reporting of Punishments

178. The Commanding Officer shall within fourteen (14) days forward the findings of trial in writing to a Superior Commander for review. The Superior Commander must review within fourteen (14) days of receipt of the finding and inform the accused person on the outcome in writing. All punishments awarded are to be published in Part II Orders immediately. Charge Sheets are not to accompany Part II Orders.

Restitution of and Compensation for Unlawfully Obtained Property

179. Section 182 of the Kenya Defence Forces Act details the provisions for ordering restitution or compensation after an offender has been convicted of unlawfully obtaining property. The form in which a Restitution Order shall be made is shown in Rules of Procedure, Fifth Schedule, and Part II. Where any such order is made after a summary trial, the original is to be retained by the Unit and a copy is to be attached to Charge Sheets and forwarded to DHQ through Service Headquarters.

SECTION V

DESERTION AND ABSENCE WITHOUT LEAVE

180. As soon as it is known that a person subject to the Act has absented himself/herself without leave, any clothing, arms, ammunition or other equipment and any other public or Service property issued to him/her for his/her use and left behind by him/her is to be placed in safe custody and an inventory taken.

181. The Commanding Officer is to notify the civil administration and civil police and take any other reasonable steps to ensure the speedy surrender or arrest of the absentee. When a Service Member has absented himself/herself for a period of eight days procedure to be followed is as enumerated at Chap 2, Para 32-37.

182. When an Officer or Service Member has been absent without leave for a period of not less than twenty-one days (21) his/her Commanding Officer is to convene a board of inquiry with reference to the absence and the deficiency (if any) in clothing, arms, ammunition, other equipment or any other public or Service property issued to him/her for his/her use (See Chapter 26).

183. If the Board is satisfied that the Service Member is illegally absent, its findings are to be recorded in accordance with section 302 (1) of the Kenya Defence Forces Act. The Findings shall also be reported in Part II Orders in the following format.

The Board finds thatabsented himself/herself without leave or other sufficient cause fromat.....on..... and that he/she is still so absent.

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On it was found that he/she was deficient and he/she is still deficient, of the following articles of kit or other service property.

Items	Deficient	value
.....
.....
.....
.....
.....

- 184. The board's findings will constitute authority for:
 - a. The absentee to be struck off strength of Unit.
 - b. His/her pay to be stopped from the first day of absence.
 - c. Any kit etc. found to be taken on Unit charge and struck off the individual's charge.
 - d. All stores deficiencies to be written off pending the rejab of the service personnel. Any write-off under this order of more than Kshs. 1,000 is to be reported immediately to Defence Headquarters through Service Headquarters.

185. When an absentee has been taken into Service custody on arrest or surrender, his/her Commanding Officer is to be asked to send an escort to collect him/her. If, however he/she surrendered himself/herself and appears to be merely absent without leave and not a deserter he/she may be given a warrant and sent to his/her Unit without escort, the expenses being subsequently recovered from him/her. A certificate in the following form is to be given to the escort or sent to his/her Commanding Officer:

Kenya-Defence Forces Act

I,Rank, Name and Unit
 Certify that(Number, Rank, Name and Unit
 Was arrested*/surrendered* himself/herself at(Place)
 At.O'clock on the,20.....
 Dated this day of 20

Where the person arrested / surrendering* was confined on being taken into custody.....
 (Signature).....
 (Rank and Unit or Service)

*** Delete words not applicable**

186. When a notification is received from the civil police that a person has been arrested or has surrendered himself/herself as being illegally absent action is to be taken as follows:-

- a. Where the notification is received by the Service Member's Commanding Officer, the Commanding Officer if satisfied that he/she is illegally absent from the Unit is to send an escort to take him/her into Service custody.
- b. If the Service Member does not appear to be illegally absent, the civil police are to be informed and an escort need not be sent.
- c. An escort is to be provided with written authority in the following form to receive an absentee into custody (the strength of the escort is to be in accordance with the provisions of paragraph 202).

Authority for the Removal in Custody of a Person Illegally Absent

To:.....

I request you to deliver

(Number, Rank, Name and Unit) to the escort producing this authority.

PlaceDate

Signature, Rank and Appointment of Officer providing escort.

187. Absence is terminated when an absentee either:

- a. Reports back to the unit from which he/she went absent or the Unit to which, in the meantime, he/she has been posted; or
- b. Is placed in custody (close or open arrest) by the civil authorities or any Service Unit.

188. See section 216 of the Kenya Defence Forces Act and Kenya Defence Forces (General) Regulation 17 regarding automatic forfeiture of pay for absence.

General Rules for Escorts

189. The escort of a Service Member, other than a NCO, is as a rule to consist of one NCO and one private. When however, an absentee is to be conducted to his/her Unit after surrendering himself/herself, an NCO is sufficient. (see also paragraph 205).

190. When parties of two or more Service Members are being escorted from one place to another the number of Service Members to form the escort in addition to the NCO in charge need not ordinarily exceed half the number to be escorted.

191. An escort is responsible for the safety of a Service Member entrusted to its charge and is to be provided with handcuffs. If the Commanding Officer considers, that a Service Member is likely to escape or to be violent, he/she may order him/her to be handcuffed throughout the journey. Otherwise, handcuffs are to be used at the discretion of the NCO of the escort only if the Service Member is violent or attempts to escape. A Service Member should not be marched handcuffed in Service custody through a public thoroughfare unless such a course is absolutely necessary.

Rules in Regard to Committal, Transfer, Removal or Release

192. The rules to be observed in regard, to the committal of persons, sentenced under the Kenya Defence Forces Act to imprisonment to civil prisons or Service prisons are contained in the Kenya Defence Forces (imprisonment) Regulations.

193. The forms to be used for the committal, transfer, removal or release of such persons are specified in 1st, 2nd and 3rd Schedules of the Kenya Defence Forces (imprisonment) Regulations.

194. The forms to be used for the temporary reception in civil custody and return to Service custody, of persons charged with or to be charged with offences under Part VI of the Kenya Defence Forces Act are shown at Annex "A" to this chapter.

Medical Examination Prior to Committal

195. Before a Service Member is committed to a civil prison or Service prison he/she is to be examined by a Medical Officer who is to furnish a certificate as to his/her state of health and to report any disability likely to interfere with the carrying out of the punishment awarded.

196. If the Medical Officer considers a Service Member unfit for the ordinary work of imprisonment or training he/she is to state the grounds on which his/her opinion is based.

197. A Service Member is also to be medically examined on being transferred from one Service prison to another or to a civil prison.

Service Prisons

198. Service prisons are governed by the Kenya Defence Forces (Imprisonment) Regulations. In addition, the instructions contained in the following sub- paragraphs are to be complied with:-

- a. **Duties of Warrant Officer or NCO in charge.** The Commanding Officer of a Unit providing a Service prison is to detail a suitable Warrant Officer or NCO to be in charge of the Service prison. This Warrant Officer or NCO is to exercise his/her authority with firmness, good temper and humanity, is to abstain from the use of irritating language and is on no account to ill-treat any Service Member in custody. He/she is to take care that his/her assistants follow the same rules of conduct. He/she is immediately to report to the Medical Officer the case of any Service Member in custody who appears to be unwell or wishes to report sick at a time other than during normal medical inspections.
- b. **Employment of Service Prisoners.** The employment of Service prisoners shall be as follows:-
 - (1) A programme of work and general routine is to be included in Unit standing orders. The timetable is to comply with the conditions of Kenya Defence Forces (Imprisonment) Regulations.
 - (2) The Warrant Officer or NCO in charge is to ensure that Service Members under sentence have in their possession on arrival sufficient washing and cleaning material (e.g. soap, boot polish, etc.) to last throughout the period of their sentence. Facilities are to be provided for washing, shaving and bathing but toilet articles are only to be issued when required for use.
 - (3) Service Members under sentence are to keep their own rooms, utensils and furniture clean and orderly. Articles and materials for the cleaning of service prisons are to be issued as necessary.
 - (4) Service Members under sentence are to be provided with blankets and bedding on the same scale as for other Service Members in the Unit.
 - (5) An Officer is to visit the Service prison and see each person under sentence at least once in every 24 hours.

SECTION VI

CIVIL OFFENCES AND CIVIL SUITS

Civil Offences

199. The question of whether an Officer or Service Member who is alleged to have committed a civil offence, unconnected with Service duty should be tried by a civil court or handed over for disciplinary action by the Service authorities should be decided by the Service Commander. Director of Military Prosecutions in consultation with the Commanding Officer, where the civil authorities have taken jurisdiction the DMP or the Commanding Officer will not assume jurisdiction unless the civil authorities refer it back to the Service Authorities.

200. The general principle is that an offence which involves only Service Personnel on Service premises should be dealt with by the military authorities

201. Commanding Officers are, at the earliest opportunity, to report to the Civil Police and DHQ through Service Headquarters:-

- (4) Any offence, which constitutes treason, murder, manslaughter, treasonable felony, rape or sexual assault.

RESTRICTED

(5) In case of serious injury whether to a civilian or a person subject to Service law and whether due to assault or accident, for which a person subject to Service law is alleged to be responsible.

202. When an Officer or Service Member is handed over by the civil police for disciplinary action to the Service authorities, the accused's Commanding Officer is to notify the Inspector General of Police or local police representative of the result of any proceedings taken against the accused.

Attendance of Service member at Civil Court

203. Whenever a Service Member is charged with an offence before a civil court he/she is to report the matter forthwith to his/her Commanding Officer in order that the necessary arrangements may be made for his/her attendance at the court and for the provisions of paragraph 216 to be complied with.

204. When a Commanding Officer receives information that a Service Member under his/her command is to be charged with an offence before a civil court he/she is, in the following circumstances, to detail an Officer not below the rank of Lieutenant to attend the court:-

- a. If he/she considers such a course desirable, or.
- b. If the accused has requested that an Officer appear as witness on his/her behalf, or
- c. If the court has asked for the attendance of an Officer.

205. The Officer detailed to attend and follow the proceedings should whenever possible, have personal knowledge of the accused.

206. The Commanding Officer of the Service Member's Unit is to provide for the Officer detailed to attend:-

- a. A character assessment if the Officer detailed has no personal knowledge of the accused.
- b. Particulars of the accused person's Service record, age, education and previous employment together with any available details of his/her domestic and family circumstances.
- c. A statement of the Service Member's current entitlement of pay and allowances, and the amount of any compulsory deductions in force, together with information concerning the maximum amount of fine chargeable against pay (see paragraph 209 below).
- d. A statement, whether he/she intends, in the event of conviction to recommend the Service Member's discharge or retention in the Service.
- e. A statement as to any possible Service penalty arising from the same incident (e.g. punishment or deduction from pay in respect of vehicle accident).

207. The Officer detailed to attend the court is to wear uniform, and the Commanding Officer is to ensure that the accused Service Member appears in court correctly dressed in uniform.

208. The Officer attending the court is, if required by the court to make known to the court:-

- a. The character assessment (203 a. above) of the accused.
- b. All the information with regard to the Service Member's general character or background which is within his/her personal knowledge or which has been provided by the accused person's Commanding Officer. He/she is not to take with him/her the Service Member's Conduct Sheets.

209. To assist the court in determining its sentence, the Officer must be prepared, if asked, to tell the court whether or not the Service Member's Commanding Officer having taken into account his/her Service record and potential in the Service, proposes to recommend his/her discharge from the Service, if he/she is convicted. In all cases where a Service Member is sentenced to imprisonment, the Commanding Officer is to consider whether or not he/she recommends discharge and report his/her recommendation to Service HQs through normal channels.

210. When the court imposes a fine which the offender is unable to pay immediately from his/her own resources the Officer who accompanies him/her may pay, on the Service Member's behalf, any fine imposed by the court. The amount paid is to be charged against the Service Member's account in accordance with the provisions of section 217 of the Kenya Defence Forces Act. If however, the fine imposed is such that, in the ordinary course, recovery could not be effected from the Service Member's account within a period of three (3) months from the date of conviction, or if he/she is due for discharge before the fine can be recovered, the circumstances should be explained to the court and the Officer should not pay the fine or any part of it.

211. A certified copy of the judgment is always to be obtained from the court unless the offence and sentence are of a minor nature, details of conviction and punishment are to be published in unit Part II Orders as soon as possible and the certificate forwarded to Personnel Branch Service Headquarters when received.

Officers Charged in Civil Court

212. An Officer who is charged with an offence before a civil court is to report the matter forthwith to his/her Commanding Officer. This does not apply when the civil offence charged is a minor offence under the Road Traffic Act, and the Officer was not on duty at the time of which it is alleged he/she committed the offence (see also paragraph 22 as to an Officer's duty when his/her character is impugned).

213. When the Commanding Officer receives information that an Officer under his/her command is charged with an offence before a civil court, he/she is to report the matter to the Service Commander giving such details of the circumstances as may be available. He/she is to state, at the same time, whether the Officer has been suspended from duty under paragraph 22.

214. If the Commander is of the opinion that the charge reflects, or would reflect, if there was a verdict or finding of guilty, on the Officer's character or conduct, he/she is to report the circumstances to DHQ at once without awaiting the result of the proceedings.

215. If an Officer is convicted or bound-over, or otherwise dealt with by a civil court, a certified copy of the order of the court is always to be obtained under section 207 of the Kenya Defence Forces Act by the officer's Commanding Officer. The Commanding Officer is to forward the certified copy of the order to the service Commander.

216. When an Officer is convicted or bound-over, or otherwise dealt with by a civil court, the Service Commander is to require the Officer to submit a written explanation as to the circumstances. This explanation, together with a certified copy of order of the court if available, is to be forwarded to DHQ through the normal channels with the Commander's recommendation as to the action (if any) DHQ should take in the

RESTRICTED

matter. The procedure set out in paragraphs 45 - 47 for the submission of an adverse report upon an Officer is to be followed. Unless the Commander considers it desirable, action need not be taken under this paragraph if the offence was a minor offence under the Traffic Act.

217. When an Officer is sentenced to imprisonment or death by civil court, the Commanding Officer must (in addition to and in advance of any action required by paragraphs 212 - 215) immediately notify DHQ through Service Headquarters at the same time stating whether or not the Officer has been released from custody pending appeal.

218. When it has been decided that a notation of a civil conviction or finding of guilty shall be made in an Officer's official record, notification will be sent by DHQ to the Service Commander who is to inform the Officer concerned.

Bail

219. An Officer or Service Member released on bail from civil custody should be treated no differently from other Officers or Service Members except that:-

- a. He/she is not to be posted out of the area in which he/she is serving until the civil proceedings have been completed.
- b. He/she is to be made available to surrender to his/her bail when required to do so.
- c. Since one of the purposes of releasing him/her on bail is to enable him/she to prepare his/her defence to the civil charge, he/she is to be allowed reasonable opportunity and facility for that purpose, whether or not he/she is under arrest or undergoing punishment for a Service offence.

220. Commanding Officers have authority to make an advance of up to one month's pay to Officers or Service Member for the purpose of payment of bail. Such advances need not actually be deducted from any pay due whilst awaiting trial since the money is refundable on the offender's appearance in court. Cases where bail exceeds a month's pay or is not in the offender's own recognizance's are to be reported immediately to Service HQs.

Forfeiture of Pay Whilst in Civil Custody

221. Any Officer or Service Member in civil custody, i.e. arrest prior to trial or attendance at court, if subsequently convicted of the crime in question, is liable to forfeit pay under Kenya Defence Forces Act, section 216, and Kenya Defence Forces (General) Regulation 17 unless he/she is on leave at the time. The rule in subparagraph (c) of that regulation (that no account is to be taken of absences of less than six (6) hours unless a Service duty devolved on some other person) applies.

222. However in less serious cases the Commanding Officer may at his/her discretion grant an Officer or Service Member the necessary number of days privilege leave (to be deducted from any annual leave due) to cover absences under arrest before

trial or for appearances in court. Any period of absence for these reasons is to be reported in Part II Orders showing any forfeiture of pay incurred or leave taken.

Service of Summons in Civil Cases

223. The Civil Procedure Rules lay down the method of Service of a summons in a civil suit on a public Officer or a Service Member. Order V. Rule 19 (1) of the Civil Procedure Rules is as follows:-

“Where the defendant is a Service Member the court shall send the summons to his/her Commanding Officer, together with a copy to be retained by the defendant”.

224. This procedure applies to Service Members of the Kenya Defence Forces. The duties of the Commanding Officer are merely to effect Service and this should be done as quickly as possible. He/she should not at any time go into the merits or alleged merits of the case concerned. (See paragraphs 52 - 53 regarding debts).

225. In the case of Officers, Service of summons will be effected on the concerned Officer in person.

Speedy Disposal of Disciplinary Offences

226. The punishment of offenders for breaches of Military disciplinary law is one of the essential tools available to Commanders in the maintenance of discipline and good order. In exercising this power, Commanders must follow correct procedure and observe timeliness if the punishment of offenders is to achieve its desired effect of deterrence. It is emphasized, therefore, that neglect to take appropriate action on all reported offences promptly and in accordance with the Kenya Defence Forces Act undermines leadership and endangers the Military institution. As a general rule, the punishment should be commensurate with the offence.

CHAPTER 16

SECURITY

<u>Contents</u>	<u>Paragraph</u>
SECTION I - SECURITY ARRANGEMENTS	
General	1
Responsibility	2
Security Officer	3
<u>Unit Security Standing Orders</u>	4
<u>Classified Documents</u>	5
Access to Classified Documents	6
Receipts and Registration	7
SECTION II - SAFE CUSTODY OF DOCUMENTS	
Buildings	8-9
Containers	10-12
Keys to Safes and Containers	13
Loss of Keys	14
Check of Keys	15

RESTRICTED

Combination Locks	16
Additional Safeguards	17
<u>Reporting the Loss of a Classified Document.....</u>	<u>18-19</u>
<u>Reporting the Loss of Keys</u>	<u>20-21</u>
Military Identity Cards	22
SECTION III - ACCOUNTABLE DOCUMENTS	
Markings	23
Accounting	24
Removal of Documents from Offices	25-31
Docket Cover	32
Security Vetting.....	33
Formal Signal Messages.....	34-36
Method of Marking	37
Methods of Transmission	38
Ciphers.....	39-41
Voice Codes	42
Voice Procedure	43
Code Word and Nicknames Definitions.....	44-45
Code Words	46-47
Provisions of Code Words	48
Code Words for Trials and Exercises	49
Nicknames	50
Selection of Nick names	51
Future Intentions	52
<u>Security of Access to Military Installations</u>	<u>53</u>
Guards and Patrols	54-55
Guard Dogs	56
Perimeter Fences	57
Passes and Permits	58
Keep System	59-60
Security Inspections	61-62
 Security of Operations	
Documents	63-67
Visitors	68
Press	69
Capture	70
Prisoner of War	71-72
Security of Arms and Ammunition	
General	73
Responsibility	74
Buildings	75
Internal Security of Armouries	76-84

RESTRICTED

Arms Registers and Checks 85-86
Storage of Ammunition in Armouries 87
Keys Control to Armouries and Magazines 88-92
Guards and Sentries 93-95
Guard Orders and Instructions for Arms
Store Service Members 96
Issue of Arms and Ammunition to Service Personnel 97
Safe Custody of Arms and Ammunition in the Field 98
Losses and Recovery of Arms and Ammunition 99-100
Unit Standing Orders 101
Works Services and Alterations to Armouries and Magazines.. 102

Security of Private Arms and Ammunition

General 103-104
Responsibility 105
Issue and Custody 106-113
Reporting of Loss or Theft 114
Safe Custody of Arms and Ammunition in Unit Armouries 115-116
Registers 117-119

SECTION IV - DUTIES, GUARDS AND PICQUETS

Duties 120-121
Guards and Sentries 122-130
Guards Over Aircraft 131

SECTION V - SECURITY OF PERSONNEL

Provision of Security to Retired General Officers 132
Additional Benefits for Retiring CDF, VCDF and Svc
Comds who Executed Ops Linda Nchi..... 133-134

SECTION VI – ICT

Computing Ethics 135-136
Security of Digital and Information Systems 137
Information/Data security 138
Internet – Email security 139
Computer passwords security 140
Virus Protection..... 141
Communications and IT Sub-branch Responsibility
..... 142
Guidelines for MOD pers on prevention of Viruses 143
Server installation standard 144
Maintenance of ICT Equipment 145
Replacement and phasing out of ICT Equipment 146
Procurement Procedures 147-148
Responsibility for IT... .. 149

<u>Defence Forces Security Vetting Instructions</u>	<u>Annex "A"</u>
<u>Security Survey Report</u>	<u>Annex "B"</u>
<u>List of Appointments, Trades and other Categories</u>	<u>Annex "C"</u>
<u>Security Statement</u>	<u>Annex "D"</u>
<u>Details Required in Unit Vetting Registers</u>	<u>Annex "E"</u>
<u>Screening Proforma</u>	<u>Annex "F"</u>

CHAPTER 16

SECURITY

SECTION I

SECURITY ARRANGEMENTS

General

1. These orders are made to provide guidelines on security matters.

Responsibility

2. All ranks are personally responsible for the security of any classified material, which is in their custody, for the safeguarding of any classified information that they may know and for reporting any breach of security to a responsible Officer.

Security Officer

3. All Units are to appoint Unit security Officers by name. In the case of major Units or higher it is to be the second-in-command.

Unit Security Standing Orders

4. Units are to produce their own security standing orders, a copy of which is to be sent to Service Headquarters and DHQ and must ensure that their contents are brought to the attention of all ranks and civilian employees.

Classified Documents

5. All official documents must be protected if the disclosure of the information that it contains will jeopardize the national security. Classified documents are divided into the following four categories:-

RESTRICTED

- a. **Top Secret**. Information which if disclosed would cause exceptionally grave danger to National Security.
- b. **Secret**. Information which if disclosed would endanger national security, seriously injure the interests or prestige of the nation, or be of great advantage to a foreign nation or subversive organization.
- c. **Confidential**. Information which if disclosed would be prejudicial to the interest or prestige of the nation or be of advantage to a foreign nation or subversive organization or cause administrative embarrassment or difficulty.
- d. **Restricted**. Information which requires some security protection but less than that needed for confidential.
- e. **Staff in Confidence**. Staff in Confidence is not a security classification but is to be used as a protection for documents of a personal nature whose contents do not affect the interests of national security.

Access to Classified Documents

6. Authority for production or copying of classified documents is limited as follows:-

- a. **Top Secret**. To be authorized by an Officer of the rank of Lieutenant Colonel or above.
- b. **Secret**. To be authorized by an Officer of the rank of Captain or above.
- c. **Confidential**. To be authorized by an officer of the rank of 2/Lieutenant or above.

Note: Persons who have not been vetted are not to handle classified documents. Only persons who have been Security vetted may type, duplicate or copy documents.

Receipts and Registration

7. These will be as follows:-

- a. Top Secret and copy numbered documents of all other classification:-
 - (3) These documents are to be accompanied by a receipt (AF 16) when dispatched. A close check is to be kept to ensure that AF 16 is returned.
 - (4) These documents are to be recorded in AB 558 (classified documents register), or equivalent.
- b. All other classified documents:-
 - (6) Receipts are to be given for all secret documents, and where required, for confidential documents.
 - (7) Documents will be recorded in AB 558, or equivalent.
 - (8) Units will maintain two AB 558s for in and out.

SECTION II

SAFE CUSTODY OF DOCUMENTS

Buildings

8. Documents classified SECRET and above will normally be kept only in buildings, which are guarded or patrolled continuously or to which access is controlled by a pass system.

9. Where the conditions in para 11 below are unobtainable all containers in which such documents are stored which could be removed by four (4) men or less will be fixed on concrete.

Containers

10. **Top Secret.** Safe or cupboard steel fitted with a three (3) wheel combination lock.

11. **Secret.** Cupboard steel fitted with detector lock or other approved steel containers fitted with lock steel security bar, hasp, staple and security padlock.

12. **Confidential.** Cupboard steel fitted with lock and key.

Keys to Safes and Containers

13. Safes and accountable containers:-

a. Officers Commanding Units will maintain a register of all original keys and the names of the persons to whom the original keys have been issued.

b. The holder of the original key will entirely be responsible for the safe custody of the key at all times.

c. The duplicate will be retained by the Officer-in-Charge Barracks and a certificate or receipt held to that effect.

Loss of Keys

14. The loss of Keys will be reported immediately in accordance with paragraph 20 below.

Check of Keys

15. Commanding Officers will arrange a quarterly check of all keys and containers on charge.

Combination Locks

16. The following will be observed:-

a. Particulars of a combination will not be carried on the person.

b. The combination of a lock will be changed:

(1) Every six (6) months.

(2) Whenever a member of the staff who knows the combination is posted or relieved.

(3) When it is considered that the combination has been compromised.

c. A record of the combination setting will be placed in a sealed envelope and be sent to Officer-in-Charge Barracks Services. The security grading of the setting will be the same as the highest classification of the contents of the safe it is used for.

Additional Safeguards

17. These are:-

RESTRICTED

- a. Classified Waste Notes, drafts, carbons and duplicator waxes used in production of classified documents will be burnt under instructions issued by the unit security officer. Until destroyed these documents should be stored in the same manner as the classified documents to which they refer.
- b. Electrical/Mechanical Engineers or a civilian firm will remove the Typewriter ribbon or storage device from the Typewriting machine or computer respectively prior to repair.
- c. Safes are to be concreted in and, whenever possible, situated so that they are visible to a patrolling sentry. At night they should be illuminated.
- d. Offices. The documents will be preserved as follows:
 - (1) At night all classified correspondence will be removed from offices and placed in a suitable container.
 - (2) Offices when unoccupied will be locked.
- e. Verbal Communication. There will be no discussion of classified matters or reading of classified documents in public places.

Reporting the Loss of a Classified Document

18. The loss of classified documents will be reported immediately and simultaneously by the fastest possible secure means to:-

- a. Service Headquarters.
- b. The originator of the documents.

Note: A thorough search will be held and a Board of Inquiry convened.

19. If the loss occurs outside military premises Operations/Intelligence will be informed and permission sought to inform the civil police.

Reporting the Loss of Keys

20. The loss of keys will be reported immediately to:-

- a. Formation Headquarters.
- b. The person holding the duplicate key.

21. All classified documents in the steel cupboard or safe will be checked immediately the loss is known. The documents will be removed and placed in a new cupboard or safe.

Military Identity Cards

22. All losses will be reported to appropriate Headquarters, and the nearest Police Station. If lost by accident the Identity Card may be replaced on public expense. If loss is by negligence the person concerned is liable for disciplinary action and bearing the cost of replacement.

SECTION III

ACCOUNTABLE DOCUMENTS

Markings

23. Accountable documents will bear the following markings:-

- a. Security classification (TOP SECRET, SECRET or CONFIDENTIAL).
- b. Copy Number.

RESTRICTED

- c. Reference Number.

Accounting

24. The accounting procedure for accountable documents is as follows:-

- a. **Receipt.** Both external and local accountable documents will be registered in AB 558 or equivalent registers.
- b. **Checking.** A physical check of accountable documents will be made quarterly by the Officer Commanding Unit, and a certificate forwarded to Service Headquarters stating that the check has been carried out and that all documents were found correct.
- c. **Hand over/Take over.** A check of all accountable documents will be made on the hand over /take over upon appointments. A certificate to this effect will be forwarded to Formation Headquarters.

Removal of Documents from Office

25. Persons dealing with documents classified confidential and above will not remove them to their quarters or homes to continue work on them except in very special cases, and never without the approval of their superiors, which will not be given in the case of TOP SECRET documents. Should such removal be permitted in other cases it will be recorded in the appropriate register and adequate means of safeguarding the document must be available in its new location.

26. Carriage and Transmission of Documents:-

- a. Top Secret to be double enveloped, the inner envelope to be wax sealed. Transmission by courier only. Transmission by air prohibited except for reasons of operational necessity. No security marking to appear on outer envelope.
- b. Secret to be double enveloped, the inner envelope to be wax sealed. Transmission by courier or Registered Post. No security marking to appear on outer envelope.
- c. Confidential to be double enveloped, the inner envelope to be sealed using wax, water seals or cello tape. Transmission by Registered Post. No security marking to appear on outer envelope.
- d. Restricted to be single enveloped, transmission by ordinary post. No security marking to appear on envelope.
- e. Internal Transmission of Top Secret, Secret and Confidential documents to be circulated under cover and, for Top Secret and Secret papers against signature.

27. When classified documents are required for meetings or conferences they should, whenever possible, be sent ahead by appropriately secure means.

28. If it is necessary to carry classified documents from place to place they should be enclosed in a securely fastened container, which must always be in the bearer's possession and never left unattended. In particular, classified documents are never to be locked in the boot of unattended car.

RESTRICTED

29. A label will be affixed to the containers showing the action to be taken by the finder in the event of loss. Suitable wording of this label is as follows:

"Anyone finding this brief case is asked to telephone (Insert Headquarters Unit Telephone Number) or the nearest Kenya Defence Forces Establishment or to hand it in at the nearest Police Station, to a Railway Authority, to a Airport Authority or a Sea Port Authority with a request that they should contact the Kenya-Defence Forces."

30. During overnight or other breaks in conference or meetings, the holder of classified documents must ensure that they are stored under official arrangements in a manner appropriate to their classification. A record of deposit and withdrawal will be made.

31. Under no circumstances will documents classified CONFIDENTIAL or above be kept in a hotel, club or similar premises, even if under lock and key. RESTRICTED documents may be kept in such places provided that the holder takes adequate precaution to ensure that no unauthorized person has access thereto.

Docket Cover

32. As far as possible colored docket covers will be used for classified packs. Usual color code is:-

a.	Top Secret	-	Red
b.	Secret	-	Green
c.	Confidential	-	Pink
d.	Staff -in- Confidence	-	Yellow

Security Vetting

33. See Annex "A"

SECURITY OF COMMUNICATIONS

Formal Signal Messages - Classification

34. A formal message containing classified information will be classified by the originator in one of the following classifications:-

- a. Top Secret.
- b. Secret.
- c. Confidential.
- d. Restricted.

35. If of no security value the message will be graded as "UNCLASSIFIED".

36. Only the lowest classification consistent with the degree of protection required will be used.

Method of Marking

37. The originator marks the classification, in abbreviated form, in the space provided on the message form F SIG 52 or manuscript copy in lieu of the form.

Method of Transmission

38. The SIGCEN is responsible for transmitting messages by the fastest method available consistent with their security classification and precedence.

Ciphers

39. G6/A6/M6 Staffs in the Service Headquarters are the custodian of Cipher equipment.

RESTRICTED

40. Services will appoint a Custodian Officer who is responsible for the safeguarding of unit cipher equipment.

41. If it is known or suspected that cipher equipment has been compromised or lost the matter will be reported to DHQ.

Voice Codes

42. Voice codes, SLIDEX and GRIDDLE are designed for use in operations for concealing the texts, or certain portions of text, in voice conversations. They are simple to use and their security value is therefore limited; they should not be considered as a substitute for cipher.

Voice Procedure

43. The use of incorrect procedure in the transmission of verbal messages by radio is a source of insecurity. It is therefore essential that all ranks who may have to pass messages by radio should be taught correct voice procedure and be thoroughly practiced in its use. This training is a unit responsibility.

CODE WORDS AND NICKNAMES

Definitions

44. A code word is a single word used to provide security cover for reference to a particular classified matter.

45. A nickname consists of two separate words and is used for:-

- a. Administrative convenience when security cover is not required.
- b. To provide low-grade cover for geographical locations.

Code Words

46. By their definition, code words may be used only for security purposes. Their issue and withdrawal are registered and when in use they are assigned meanings.

Both the code word and its meaning, which is also registered, must be given the appropriate security classification. Frequently the meaning may be classified higher than the word itself.

47. Code words may be used as names for plans, projects, and operations or for designating geographical locations in conjunctions with these. By use of these code words the security of intentions is safeguarded even though particular planning details must necessarily be widely devolved.

Provision of Code Words

48. Where continuing security cover is required, i.e. for long-term planning and experiments or for special projects or high-level exercise planned ahead, all requests for code words must be made to Operations/Training Branch DHQ. Code words are prepared and allotted as required to formation by Operations/Training Branch DHQ.

Code Words for Trials and Exercises

49. For security purposes trials and exercises fall into two categories:-

- a. Those whose procedure or results need to be kept secure.
- b. Those with a low or an exercise security requirement. Code Words for the former category are issued by Operations/Training DHQ as indicated in subparagraph (a) above. Code Words for the latter category are issued from the battalion or unit intelligence section from selected indexes of their own choice, so as to avoid confusion with DHQ code word in use in the Theatre.

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c. All requests for code words must distinguish between words required or designating geographical locations and those required for other purposes. The former are drawn from a special index. The cases where a code word is necessary for reference to a location are very limited in number. Selection of Code Words will be done taking the following into account:-

(1) Care must be exercised to ensure that a code word does not indicate the type of operation with which it is associated. For example, FRIGIDAIRE is not to be chosen for an Arctic Operation.

(2) The use of a series of associated words such as names of cars, trees, birds, etc. for various phases of an operation should be avoided as the use of a group system lightens an enemy's task of interception and identification. A code word which initiates a particular phase of an operation must be given separately and not linked with the overall operational code word; otherwise a name of two words, i.e. a nickname will result.

(3) There is no restriction on the use of names of places as code words but where they are used as cover for geographical locations any risk of confusion must be avoided.

d. Block of code words, which have not been into use, are treated as CONFIDENTIAL documents, both in transit and in custody. Any risk of compromise by identification of words with the agencies receiving them for use is, therefore, avoided.

NICKNAMES

Purpose and Use

50. The purpose and use of nicknames is as follows:-

a. Nicknames may be used for convenience in intercommunication for references to unclassified matters and for target indication.

b. They can be used to facilitate reference to names of places, i.e. it is easier to say BOWLER HAT than HERRINGSCHENHOF.

c. They may be used in reference to geographical locations to indicate the whereabouts of troops during operations. However, they provide very little security cover and, except for target indication, must not be used to refer to a location where activity is identifiable to an enemy.

d. They must not be used to indicate personalities, to identify units or formations or to provide security cover in any other way.

Selection of Nicknames

51. The selection of nicknames is as follows:-

a. Nicknames may be chosen at random. Neither of the two words may be a colour, as the use of colours is reserved. In no case may the second word be ROUTE, ROUT, or any such similar sounding word. Care must also be taken to ensure that the words chosen cannot be run into one and so confused with a code word, e.g. PIG SKIN can easily become PIGSKIN, and consequently a code word.

RESTRICTED

- b. The use of a series of associated words or words taken from a specific group of subjects must be avoided.

Future Intentions

52. It is essential that all originators of messages ensure that FUTURE INTENTIONS are not transmitted in clear, but are given the degree of classification that the importance of the future intentions merits.

SECURITY OF ACCESS TO MILITARY INSTALLATIONS

Principles

53. Control of access is essential to:-
 - a. Deny a hostile agent access to classified information.
 - b. Deny a hostile agent the opportunity for sabotage.
 - c. Deny easy access for thieves.
 - d. Limit the number of persons who may inadvertently gain access to military installations and thereby come into possession of information to which they are not authorized.

Guards and Patrols

54. Buildings in which documents and equipment classified SECRET and above are housed will be guarded or patrolled continuously and access will be controlled at all times by a pass or some similar system.

55. Patrol routes will be chosen to ensure that all targets are adequately covered and where possible that routes are changed frequently.

Where it is not possible to vary patrol route timings should be altered frequently and the direction of the patrol reversed. In all these precautions it is important to avoid adhering to a pattern, which can be of assistance to thieves, saboteurs or agents.

Guard Dogs

56. Guard Dogs are trained to give warning of the approach of human beings in a patrolled locality. They are employed when:-

- a. Their employment saves manpower.
- b. The nature of the installation is such that it cannot be adequately patrolled by other means.

Perimeter Fences

57. Access to all units and establishment should be controlled by a guarded perimeter and a pass or permit system should be employed. A guarded perimeter is required as a defence against pilfering. It is not effective unless it can be efficiently patrolled. Perimeter fences are not always available or acceptable. In these circumstances island fencing of vulnerable or sensitive areas is essential.

Passes and Permits

58. A pass and permit system is required to operate control of this access. This can be by:-

- a. Visual recognition.
- b. Establishment of identity.
- c. Production of a pass or permit.
- d. A combination of sub-para a-c above.

Keep System

59. Where a headquarters or unit houses classified documents or equipment they should be concentrated into a keep. Access to this area should be restricted.
60. Operations/Intelligence will advise as required on all aspects of physical security.

Security Inspections

61. Security Inspection will be carried out annually by a representative of Service Headquarters as part of the annual administrative inspection of units.
62. The inspecting team is required to fill in a report based on Annex "B" to this chapter, which is annotated in block letters with the sort of information that the inspecting team will be looking for.

SECURITY OF OPERATIONS

Documents

63. All documents graded CONFIDENTIAL or above will be kept under lock and key in an approved container except when actually in use. The loss of any such documents or of an Identity Card will be reported immediately to the Unit Security Officer.
64. The Chief Clerk and/ or Senior NCO will arrange for a daily burning of all classified waste as directed by USO.
65. Before going into action every man will be ordered to ensure that he is NOT carrying any letter with unit addresses on them, official documents, marked maps or codes, nicknames etc.
66. Maps marked with information other than enemy locations on them will NOT be taken forward of Unit Headquarters.
67. Field Intelligence Teams are responsible for carrying out final searches of areas vacated by the KA, KAF and KN to ensure that no documents or papers are left behind.

Visitors

68. All visitors to the Headquarters, unless personally known to the sentry, will first be required to satisfy the sentry with record to their identity. Visitors will be directed to the Headquarters information tent.

Press

69. No information of any sort will be released to anyone purporting to be a member of the Press, any News Agency without the prior permission of the Chief of the Defence Forces or Cabinet Secretary responsible for Defence.

Capture

70. All ranks must be reminded that if captured they may only give their interrogator number, rank and name only. International Law requires NO other information to be given.

Prisoner of War

71. Prisoner of War captured in the field or at sea will be interrogated by the capturing unit for tactical information and then passed to Formation Headquarters as soon as possible for secondary interrogation. Detailed Interrogation will be done by DHQ. This will be done at, the first possible opportunity. POW will be searched for

concealed weapons, maps, papers etc., which will be removed. They may retain personal identity documents.

72. A cage for POW may be erected at Formation Headquarter. In an Internal Security Operation, all captured Persons and weapons/ equipment should be handed to the nearest Police Post/Station or the nearest National Security Intelligence Service Office.

SECURITY OF ARMS AND AMMUNITION

General

73. This instruction gives the normal basic security requirements for the safeguarding of military arms and ammunition in the Kenya Defence Forces. It is appreciated that in many instances local conditions and shortages may result in a lower standard of security than is laid down. Nevertheless, it will be expected that every effort be made to ensure the maximum physical security compatible with local conditions and availability of materials.

Responsibility

74. The responsibility for the security of arms and ammunition within any Military Unit rests with Commanding Officer.

Buildings

75. All armouries should have the following requirements:-

a. **Location.** Where possible armouries should be located or adjacent to unit Guard Rooms. Where this is impracticable they will be sited in a well-patrolled area or near sleeping accommodation.

b. **Construction.** All armouries and magazines should be of brick or stone constructions with a solid concrete or stone foundation. The roof should be an integral part of the building or of solid construction without cave gaps.

c. **Walls.** Walls to armouries and magazines should be as thick as possible but under NO circumstances of less than double brick thickness.

d. **Windows.** The buildings should have as few windows as possible and in the case of magazines should have NO windows. Any windows in armouries must be located as high up in walls as possible and ideally their size should not exceed a total area of two square feet in each individual case. All windows will be reinforced with bars of X PM on a rigid frame adequately and solidly bedded into the building.

e. **Entrance.** Armouries and magazines will have only one entrance. Where existing buildings are converted to arm store and ammunition store magazine, all other entrances, which may exist, will correctly be bricked in.

f. **Doors.** The doors to armouries and magazines must be strong enough to overcome a determined effort of entry .Any weakness in their construction must be counter-balanced by reinforcing them with a backing and/or fronting of steel plate and/or an inner steel grill. The fitting of XPM as a reinforcement to armoury and magazine doors is NOT adequate.

g. **Door Fittings.** Bearing in mind that the entrance to any building is normally the weakest point in its physical security, all door fittings must be correctly installed and properly maintained. Where an approved DHQ steel door is not fitted to buildings the following points must be borne in mind:-

(1) Door hinges must be concealed and NOT installed in such a way that the hinge pins are visible. This is to ensure that the doors

RESTRICTED

cannot be removed by knocking out the hinge pins with a drift and hammer.

(2) All bolts, hasps and staples must be fitted so that they cannot be unscrewed or prized off. They will be fitted with bolts, bolt head to be showing and reverse ends burred or filed over to prevent them being withdrawn.

(3) Doors to armouries or magazines will NOT be fitted with Yale or rim locks. These are the most insecure type of locks available and Yale locks (or Yale type) will ONLY be fitted IN ADDITION to approved mortise or security locks. A minimum of two locks should be fitted to doors and an added safeguard of inner bolts provided where doors are double. Where padlocks are fitted these will be of an approved security pattern containing a MINIMUM of 6 levers.

h. **External Security Lighting**. External security lighting must be placed so that the armoury or magazine doors, together with any windows or recesses in the building are adequately illuminated during the hours of darkness.

Internal Security of Armouries

76. All revolvers, pistols another small items should be locked in a steel container firmly secured to the buildings.

77. All other weapons will be placed in racks, which are of stout wooden or metal construction firmly and adequately secured to the building. A stout steel chain or rod will be used in conjunction with padlock to ensure that weapons cannot be illegally removed from racks.

78. By “firmly secured” in the case of racks and chains is meant to ensure that securing bolts for racks are properly rag-tailed and grouted into the wall or floor of the building. The racks should then be fitted over the bolts, secured by nut and washers and the ends of the bolts correctly burred over. All hasps securing chains to the building must similarly be rag-tailed and grouted into the walls or floor.

79. Where it has proved necessary to modify existing buildings and ceiling or floors are not integral parts of the building they will be reinforced by:-

a. A double layer of heavy gauge XPM stapled down and the edges splined over. The splines will be deep screwed and the screw head burred over.

b. A layer of soft board in the case of ceiling will be fitted over the double layer of XPM and the whole will be adequately secured to the building by concreting in. In the case of floors a layer of tongued and grooved timber will be laid above and below the layer of XPM.

80. Where practicable and dependent on the size of such windows, arms will not be stored within six feet of any armoury windows.

81. Where conditions permit a counter will be placed across the entrance to armouries. The only persons allowed beyond this barrier should be armourer or arms store man and other authorized persons.

82. Where arms store man or guards sleep inside armouries the doors will be fitted with a peephole and the doors kept locked at all times except to allow exit or entry of persons who have been identified by the guard.

83. Weapons will be placed in the racks and the racks so sited and numbered as to show at a glance whether any are missing.

RESTRICTED

84. Dependent on the state of internal security and the discretion of the unit commander the working parts of weapons stored in the racks should be removed and stored in an adequate container firmly secured to the building.

Arms Registers and Checks

85. A book showing the registered number and type of every arm stored in the armoury will be held and maintained in units. This book will normally be kept in the armoury itself.

86. All weapons will be checked daily by quantity and a signature provided in a check register to prove such check. A full check by type and serial number will be carried out at least once each week by a Senior Officer not below the rank of Captain and the fact of such check entered in the check register.

Storage of Ammunition in Armouries

87. Ammunition and explosives will **NOT** be stored in the same building in which arms are stored. Ammunition will not be stored in offices, stores or any other place except in magazine without prior authority of the Unit Commander. When this permission is given, special arrangements must be made to guard the ammunition until they are stored back in the magazine.

Keys Control to Armouries and Magazines

88. Armoury and magazine keys will **NOT** bear any tag, label or disc or any other distinctive marking showing that they are in fact keys to or in use within such buildings.

89. The strictest control of all original duplicate and triplicate keys to armouries, magazine, weapon racks and containers will be exercised.

90. Individuals holding such keys will carry them secured to their person by a lanyard or a body chain.

91. The loss or misplacing of any key connected with an armoury, magazine, weapon room or other container will automatically result in an assumption that such key has been compromised. In every instance the lock will be replaced without question immediately. Details of the loss or replacement of such keys and locks will **NOT** be published, but will immediately be reported by fastest secure means to Formation Headquarters.

92. Armoury and magazine keys will **NOT** be placed in unit guardrooms unless they are stored in a concreted-in safe the key to which is controlled by an Officer.

Guards and Sentries

93. Where armouries and magazines are located in isolated buildings, an armed 24 hour guard will be mounted on them irrespective of the fact that they may be manned during working hours by an arms store man or armourer.

94. All magazines will be provided with armed guard during non-working hours.

95. The provision of armed guards of armouries is left to the discretion of the Unit Commander and depends on their location. Where a guard is not provided they will be checked at regular intervals.

Guard Orders and Instructions for Arms Store Service Members

RESTRICTED

96. Orders and instructions for Guards and Arms Storemen will be drawn up both in English and Kiswahili. A copy of orders for the arms store man will be maintained in the armoury concerned. Care will be taken to ensure that such orders are explicit and that personnel concerned are fully conversant with them.

Issue of Arms and Ammunition to Service Personnel

97. Except where arms are issued for cleaning purposes and signed for by a platoon NCO in bulk, NO arms will be issued from armouries unless properly accounted for and a signature provided by the recipient in an issue book maintained for this purpose. Where possible it is recommended that a tally system of individual issue be maintained. On return of arms to the Armoury the fact will be entered in the issue book.

Safe Custody of Arms and Ammunition in the Field

98. The individual is responsible for the safe custody of arms and ammunition issued to him in the field. Explicit instructions will be issued to individuals regarding such safe custody.

Where circumstances so demand arms will be piled centrally under an armed guard. This includes section, platoon and company weapons. Arms will be checked daily, normally at dawn and evening Stand to. Temporary registers will be maintained by sub-units and daily reports rendered to the Officer Commanding.

Losses and Recoveries of Arms and Ammunition

99. All losses and recoveries of arms, ammunition and explosives including bolts, working parts and magazines, will be reported **IMMEDIATELY** by the Unit concerned to:-

- a. The local civil police by fastest possible means and confirmed as soon as possible by letter.
- b. DHQ by signal or telephone or other fastest possible means subject to security aspects.
- c. The report will include details of the type of weapons lost, the serial or registered number together with the date, time and location of the loss or recovery. Where ammunition and explosives are concerned the type, amount and marking will be given. In both cases a brief account of the circumstances will be provided.

100. All cases of loss of arms, ammunition and explosives will be examined by a Board of Inquiry. Unit Orders for the security of arms, ammunition and explosives will be attached to the Board's proceedings.

Unit Standing Orders

101. All Units Standing Orders for the security of arms, ammunition and explosives will include reference to the prevalence of loss and theft of arms and ammunition and will instruct that the strictest precautions be taken for the safe-guarding of such items.

Works Services and Alterations to Armouries and Magazines

102. No works services or alterations to armouries and magazines will be carried out without the advice of DHQ.

SECURITY OF PRIVATE ARMS AND AMMUNITIONS

General

103. These instructions apply to all Military Personnel. Commanding Officers will ensure that they are brought to the attention of all ranks by a publication at intervals in Unit Orders and that the content of these instructions is understood by individuals to whom it applies.

104. Nothing in these orders will be construed as an authority for the issue of a firearms certificate by the civil police and this instruction will not be quoted as such.

Responsibility

105. The responsibility for safe custody of private firearms and ammunition rests with the individual owner. Such person will ensure that arms and ammunition so held are safeguarded and stored in accordance with these instructions.

Issue and Custody

106. Private firearms will only be held by a member of the Defence Forces under the provisions of the Firearms Act. No firearms or ammunition will be held or acquired by an individual in contravention of that Act.

107. In this connection "acquiring" firearms or ammunition means and include hiring, borrowing, accepting as a gift or being in possession of for any other reason or by any other means other than as at Section 7 (7) of the Firearms Act.

108. Military personnel will only be issued with a firearms certificate by the civil police subject to the following conditions:-

- a. That if sporting weapons or ammunition are stored at all times in a unit armoury/magazine or approved home safe when not actually in use.
- b. That if firearms other than sporting held for personal protection or other reasons are kept in an approved home safe when not carried on the person or stored in a unit armoury. Personal fire arms shall not be carried on the person when within military precincts.
- c. An "approved" home safe means one that has been inspected and passed by the civil police as one suitable for the storing of arms and ammunition.

109. Sporting weapons and ammunition will NOT be stored in any other place apart from a unit armoury/magazine or approved home safe.

110. Firearms and ammunition other than sporting will NOT be allowed out of the individual's possession unless placed in an approved home safe, a unit armoury or magazine. In this context the words "out of the individual's possession" means and includes all circumstances where the items concerned are not carried on the person.

111. Where sporting weapons are concerned Section 7 (7) of the Firearms Act provides that guns and ammunition may be carried by a gun bearer or third party on the instructions of licensed owner. When conveying arms and ammunition to and from a safari, owners will ensure that all necessary steps are taken to prevent the loss or theft of such items.

112. Although not an offence to carry ammunition in a public place (Provided the individual is legally licensed to possess) it is against the law to carry them when drunk and disorderly or otherwise incapable, or where about the circumstances make the individual not a fit person to be in possession of such items.

RESTRICTED

113. Under no circumstances will private firearms be left unattended in vehicles regardless of the fact that the vehicle may be within sight. They will NOT be left or carried in the boot of any motor vehicles.

Reporting of Loss or Theft

114. The loss or theft of private firearms and ammunition will be reported immediately and by fastest possible means to:-

- a. The nearest Civil Police Station.
- b. Defence Headquarters.

Safe Custody of Private Arms and Ammunition in Unit Armouries

115. Private firearms and ammunition stored under unit arrangements will be given the same degree of protection as are afforded to military arms and ammunition.

They will be checked by the Orderly Officer or person carrying out such checks, at the same time and together with military arms and ammunition and a signature provided to prove such checks.

116. Where possible private firearms (except shot guns) will not be boxed or bagged but will be secured in racks dependent on the size and type of firearms. They will, where stored in racks be chained in the same way as military arms.

Registers

117. A separate register of private firearms and ammunition will be maintained in respect of private arms and ammunition stored under unit arrangements.

118. Such registers will be maintained in such a manner as to enable an easy check of the total quantities of arms and ammunition held. Details entered will include:-

- a. The serial number of the firearms, quantity of ammunition.
- b. The type and calibre of the firearm or ammunition.
- c. The name of the licensed holder.
- d. The serial number of the firearm, certificate or temporary permit to possess (Civil Police Form 8).
- e. The date deposited in the unit armoury.
- f. Subsequent dates of withdrawal and return.

No person other than the licensed or other person authorized to do so under the Firearms Act will be allowed to withdraw any private firearm or ammunition from a unit armoury or magazine. On each occasion that such items are withdrawn or returned the date will be noted and a signature provided.

119. Any advice required or queries regarding the licensing of private arms and ammunition will be referred to the civil police.

SECTION IV

DUTIES, GUARDS AND PICQUETS

Duties

120. An Officer or Warrant Officer, of the day, or week, will be detailed in each unit to supervise regimental duties.

121. Officers and Service Members will be alerted of the duties in daily orders posted in suitable places in the area of each sub-unit of the Unit, Garrison or Base.

Guards and Sentries

122. A Garrison/Base Commander or Commanding Officer as applicable is responsible for ensuring that the number of Garrison/Base and regimental guards and sentries are reduced to the minimum consistent with security.

123. Guards and Sentries will be mounted at the hours which the Commanding Officer will consider best suited to the prevailing circumstances. All Guards and Armed Sentries, before going on duty, will be inspected by an Officer or Warrant Officer of the Unit to which they belong.

124. A Commanding Officer is responsible for ensuring that the Standing Orders for guards and sentries are up to-date and so worded as to meet the needs for which the guard or sentry is mounted. Standing Orders, of the guard or sentry will be read and explained to members of the guard or sentry mounting parade.

Every sentry will be inspected before going on duty and again on being relieved. Guards or sentries should remain dressed throughout their tour of duty and should not leave the area of the guard room.

125. The Guard or Sentry Commander will visit his/her sentries at least twice by day and twice by night to ensure that they are alert on their posts and know their orders. A Guard or Sentry Commander will never leave his/her Guard or Sentry except to visit his/her Sentries. While he/she is absent from the guardroom, he/her will appoint the Warrant Officer or Non-Commissioned Officer, who is the Second-in-Command of the Guard or Sentry, to carry out his/her duties in the Guard room.

126. Every guard or sentry will turn out at reveille and retreat sounding. On these occasions, the guard or sentry will be inspected by the guard commander.

127. When a fire breaks out or an alarm is raised every guard will immediately turn out armed, and remain so until the fire is extinguished or the cause of the alarm has subsided, unless otherwise ordered.

128. Sentries will be relieved every two hours except that, at night in cold or inclement weather, they may, at the discretion of the Commanding Officer, be relieved every hour.

129. A Guard Commander is to render his/her guard report at the end of his/her guard tour. He/she will at once report any unusual occurrence to the Orderly Officer of the day. On dismissal the guard or sentry will be inspected and its arms examined.

130. All stores or furniture in the charge of a guard or sentry will be handed from one commander to another. The Commander of a relieving guard or sentry will be responsible for their correctness and will note in their report the condition of each article when taken over.

Guard over Aircraft

131. A Garrison Commander or Commanding Officer will, at the request of Kenya Air Force Headquarters or a Police Officer, make arrangements for a temporary guard to be placed on any Kenya Air Force aircraft that makes a forced landing in, or near his station. The guard is to remain on duty until such time as the Kenya Air Force Headquarters make arrangements for the guard to be relieved.

SECTION V

SECURITY OF PERSONNEL

Provision of Security to Retired General Officers

132. Retired Chief of Defence Forces, Vice Chief of Defence Forces, Service Commanders and any other Officer of the rank of Major General and above who had previously served as a Service Commander shall be entitled to the following Personnel to provide services of security, driver and domestic staff:-

- a. **CDF - Eight (8) Personnel**
- b. **VCDF - Six (6) Personnel**
- c. **Service Commanders - Four (4) Personnel**

The benefits will however not apply to an Officer who is dismissed from Service or joins politics in retirement. The number of Personnel as provided in this Para may however be reviewed by the Defence Council from time to time.

Additional Benefits for Retiring CDF, VCDF And Service Commanders who Executed “Ops Linda Nchi”

133. CDF, VCDF and Service Commanders who executed OPS LINDA NCHI are entitled to the following additional benefits on retiring:-

- a. **The General Officers in office as the Chief of Defence Forces, Vice Chief of Defence Forces and Service Commanders who executed the 'Ops Linda Nchi' shall upon retirement be entitled to the provision of six (6) constabulary, for the provision of static security in their residences upon retirement in addition to those in Para 132 above.**
- b. KDF High Command (CDF, VCDF, COMD KA, COMD KAF and COMD KN) be entitled at Public expense to one driver and one 4 x 4 WD Vehicle similar to the one existing in Service at the time of retirement.
- c. Since the threat has grown exponentially and is also existential, in the event of untimely death of the retired General Officer in para 132 above, the benefits provided will cease only at the demise of the spouse in line with the Defence Forces Medical Insurance Scheme.

134. The benefits in Para 132 above:-

- a. Will not apply to the General Officer who is dismissed from the Service.
- b. The benefits are only applicable while one is resident in Kenya.
- c. The continued enjoyment of these benefits are subject to the individual upholding the good image of the Kenya Defence Forces.
- d. The benefits cease in the event of one's employment by the public service where similar equivalent benefits are provided. In the event that those benefits are lower, the retired General (High Military Command) will maintain the ones provided by KDF.

SECTION VI

INFORMATON AND COMMUNICATION TECHNOLOGY (ICT)

Computing Ethics

135. Information and Communication Technology (ICT) resources at DHQ are administered by the Communications/Information Technology (Comms/IT) sub branch. In a networked environment, the Comms/IT sub branch will provide access to the appropriate computing resources and to their attached networks.

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Users are responsible for managing the use of ICT resources and are accountable for their actions relating to information technology security.

136. Users must abide by the following established standards:-

- a. Users should not attempt to circumvent or subvert system, network, or resources of the Internet, destroy the integrity of computer-based information, access controlled information and/or system without authorization.
- b. Users must not unreasonably interfere with the fair use of ICT resources. Examples of unreasonable interference include playing computer games or listening or viewing streaming audio/video for recreation, and intentionally running programs that attempt to violate the operational integrity of the Ministry of Defence.
- c. Users are prohibited from using the Ministry of Defence systems or networks for personal or commercial gain.
- d. Pornography in any form is prohibited on Ministry of Defence systems or networks.
- e. Ministry of Defence systems are not to be used for partisan political purposes, such as using electronic mail to circulate advertising for political candidates or lobbying of public officials.
- f. Users should not use mail or messaging services to harass or intimidate other persons, for example, by broadcasting unsolicited messages, or by repeatedly sending unwanted mail.
- g. Users should access only information or files which are publicly available, or information which they have been authorized to access.
- h. Users should use only the computing resources they are authorized to use and only for the purposes specified by the IT Management of higher authority. Personal storage devices like flash, floppy disks or CDs used or intended for use on Ministry of Defence systems should NOT be used in private/public internet providers cafes/computers.
- i. Users must protect their **USER ID**, password, and system from unauthorized use. Those who share their access with other individuals shall be responsible and will be accountable for **ALL** usage of their passwords.
- j. Users should use only legal version copyrighted software in compliance with vendor license requirements.
- k. Users shall not transport software provided by Ministry of Defence to another computer site without prior authorization from Comms IT sub-branch. To do so constitutes theft.
- l. Users are prohibited from installing software/hardware for personal use on Ministry of Defence systems.

Security of Information Systems

137. To prevent security compromise and boost security of ICT systems in Ministry of Defence, special equipment/systems and other measures may be required. These include:-

- a. **Physical Security**. Physical security entails procedures to secure areas that contain ICT infrastructure.
 - (1) The physical security of the systems used for mission critical ICT operations of the Kenya Defence Forces shall be defined and be the responsibility of the accounting officer and his assignees. In addition the physical security must be the responsibility of all

RESTRICTED

commanders and especially the appointed (by name) system administrators.

(2) Access to computer working areas (server rooms, computer laboratories, offices with sensitive data etc.) must be controlled through the use of security devices such as locks, swipe cards etc. Biometric Access Control could also be employed to control access through human measurements, such as fingerprinting and voice printing.

(3) Strict control should be maintained over the inventory and issue of security access devices (keys and cards).

(4) Loss of security access devices (cards and keys) must be reported within twelve (12) hours to the officer in charge of security.

(5) Secure safes and cabinets must be provided for the storage of electronic storage devices and other portable devices.

shall

(6) An up to date list of personnel in possession of these devices be maintained on a regular basis and archived.

and

(7) Windows, particularly those on the lower floors of buildings other possible access points must be reinforced to effectively prevent forced access.

(8) Computer equipment must be comprehensively insured against theft, fire or other causes of damage.

(9) A Properly maintained air-conditioned environment, where applicable, shall be provided for computer working areas particularly server rooms. Foodstuffs and drinks in computer working areas are prohibited.

(10) Safety of all users shall be maintained at the highest standard including the provision and use of ultra-violet protection screens, proper lighting and appropriate computer furniture.

b. **Computer Security.** The security of Terminal Equipment is crucial in any IT environment and shall entail the following procedures:-

(1) Users should take reasonable measures to restrict viewing of active computer screens by unauthorized person.

(2) Protection of computer equipment and accessories against power failures and faults should be enforced by use of UPS/APS devices.

(3) Strategies on the use of shared and stand-alone printers should be on the same level of security clearance.

(4) Users handling highly classified documents should be provided with stand-alone computers and printers.

(5) Printing of highly classified documents should be strictly controlled through printer monitors and printers servers.

(6) Maintain an up to date inventory register for computer equipment and accessories with proper serial markings.

(7) Encourage use of computers without floppy disk drives, CD ROM writers, and USB flash memories or any other Bring Your Own Device (BYOD) when handling classified information. Removable storage devices should not be used to store highly classified information. Computers storing such information shall be stored at a secure central point.

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(8) Removal of computer equipment from assigned official work area should be prohibited and if need be must be authorised.

(9) Equipment carrying critical/classified information should not be left unattended at any time, particularly when not present in assigned work area. A prior risk assessment of the external location in which the equipment will be used should be carried out.

c. **Network Security.** The overall IT Networks must be safeguarded by employment of the following measures:-

(1) The systems administrator must promptly disable a user's account once the user leaves the organization or changed assignments, or is no longer required to have access.

(2) Folders and directories particularly containing classified Information must be password protected.

(3) Multiple levels of security clearance should be designed and implemented to control access to database and applications.

frequency of
use of

change, use of alphanumeric passwords, length of passwords, password-protected screen savers etc. The use of licensed software programs and applications should be enforced. The renewal of licenses agreements should be adhered to.

(4) A strategy on password management should be formulated and implemented. Such a strategy should include policies on the

Patch Update - Anti-virus and SPAM – Blocking measures should be implemented in all computers and those on network at the server level.

be
restricted to system administrators.

(7) Login attempts should be limited to three.

(8) Ensure clear separation of roles of network/system administrators and users.

should
In extremely sensitive areas the Two-factor authentication be used.

(10) Firewalls i.e. like application Level Gateway (Firewall) and Network-level Firewall should be used as much as possible.

a
Virtual Private Networks with outside communication organization that are not vetted should be avoided. Where unavoidable, screened subnet should be implemented.

control
Session Shadowing feature should be provided to highly vetted administrators and technical support staff a remotely join or take of a users session for diagnosis, support and training.

Information/Data security

138. Information/data should be adequately secured by employment of the following procedures:-

a. Each user should be assigned a unique user ID. Adequate user education should be provided to guide users on password choice and password protection. Sharing of user IDs is not permissible. Data should be classified and stored according to security classification.

b. Electronic communication systems used for transmission of sensitive information should be equipped with suitable security software or devices.

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- c. Ensure the implementation of Network Intrusion detection systems with corresponding network audit trails.
- d. On site and off-site data backups should be implemented for effective disaster recovery and business continuity.
- e. Development of in house human resource capacity for IT hardware and software maintenance should be done regularly.
- f. As much as possible a server farm should be used to provide centralized control. This is a group of servers that are linked together as a 'Single system image' to provide centralized administration and horizon.

Internet/E-mail/Webmail/ Security

139. Currently, most KDF Establishments are connecting to the Internet with little or no security considerations thus exposing KDF documents to unauthorized remote access. To curtail this problem the following should be adopted:-

- a. The KDF should be provided with Internet services, by a common ISP, both at DHQ and Service level.
- b. Computers used to process and store classified documents should not be connected to the Internet.
- c. No military related web sites design should be developed and hosted outside the country without DHQ approval.
- d. Unmonitored and unaccounted for modems on personal workstations with Internet access should be avoided.
- e. Internet, mail service servers, Intranet servers should be separated from data and application servers.
- f. Remote access to computer systems should be restricted unless with express authority from the systems administrator. Reduced privileges of remote access users should be implemented to include no access to shared files, printers and the Internet.
- g. Internet content filtering should be implemented based on rationalized organizational information requirements and acceptable social and moral standards.
- h. It is prohibited for Service personnel to identify themselves with military ranks/duties on the internet, facebook or any other social websites. Service personnel are not to communicate about classified military matters on the internet to unauthorized persons.

Computer Passwords Security

140. The following measures should be adopted:-

- a. All Computer users in Ministry of Defence should not login or open their computers without a proper password. The appointed system administrator/ IT sub-branch should ensure that every computer has a password.
- b. Computer users should not keep default passwords. All test/default passwords should be changed before allowing users to login.
- c. Users should not be allowed to use common passwords.
- d. Users should be restricted from writing down password, particularly on the terminal, computer, or anywhere around the user's desk.
- e. Users should not record their passwords online or send it anywhere via electronic mail.
- f. Users should change their passwords at least every month.
- g. Those authorized to select passwords should pick password that aren't words or names of a fictional character. They should pick passwords with a

mixture of alphabetic, numeric characters and wild/special characters. Use of names of family members, dates of birth or telephone numbers should be discouraged.

h. Different passwords should be used for different machines or network nodes accessed.

Virus Protection

141. The following is prohibited:-

a. Development of any form of computer virus with the intention of distributing the same in Ministry of Defence systems.

b. Intentional distribution of a virus, regardless of type (nuisance or destructive).

c. Intentional creation of false alarms using hoax virus messages.

Comms/IT sub-branch Responsibility

142. ICT resources at Ministry of Defence are administered by DHQ Comms/IT sub branch which is responsible for the following in relation to virus protection:-

a. Isolating the infected computer(s) from the Ministry of Defence's network as soon as possible. Reasonable attempts should be made to notify the primary user or the system administrator before disconnecting from the network.

b. Identifying and isolating the suspected virus or worm-related file and process. Do not power off or reboot computers that may be infected. There are viruses that will destroy disk data if the computer is power-cycled or rebooted. Also, rebooting a computer could destroy needed information or evidence.

c. Attempting to halt and/or remove all suspicious process from the computer. In the case of worm attack, it may be necessary to keep the computer(s) isolated from the network until all the Ministry of Defence computers have been inoculated and/or the Internet sites have been inoculated.

d. Implementing fixes and /or patches to inoculate the computer(s) against further attack.

e. Notifying the users and system administrator prior to bringing the computers back into full operation.

f. Overseeing computer virus protection activities within Ministry of Defence, which include desktops and servers, Internet mail gateway and Exchange Servers.

g. Staying current with the latest virus exploits and maintaining attachment filtering lists through the mail servers.

h. Evaluating, recommending and maintaining virus protection software and/ or tools for use on Ministry of Defence PCs, servers and laptops.

i. Coordinating any training on virus control required for Ministry of Defence Personnel in general.

j. Investigating every report of an apparent virus infection, and make every reasonable effort to determine the source of the infection.

k. Coordinating with the antivirus vendor or other sources on disinfection methods.

l. Ensuring that virus protection software has loaded a 'terminate and stay resident' (TSR) program or service to constantly monitor for viruses to prevent introduction to the network.

m. Informing the Ministry of Defence computer users of new antivirus installs. This procedure is to make sure desktops, servers, or laptops can communicate with the anti-virus management server to receive updates.

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- n. Enforcing Guidelines to Computer Security and Log Management.
- o. Enforcing non usage or installation of unauthorized antivirus license on Ministry of Defence Computers.
- p. Conduct digital forensic investigation for electronic evidence when required.

Guidelines for MOD Personnel on Prevention of Viruses

143. To prevent spread of viruses in Ministry of Defence, computer users must follow the following guidelines:-

- a. Only use proprietary software from a reliable source.
- b. Write protect disks being used for reading purposes only.
- c. Use known licensed virus detection software.
- d. Disable all floppy and other drives in the network.
- e. Use Ministry of Defence provided software on your PC.
- f. Do not use any pirated software.
- g. Make frequent backup copies of your data disks. Make backup copies of all original software as soon as the software is opened. These backup copies should be stored off site.
- h. To prevent infection from “time-released” viruses, a back up of all system software and data should be made at least once a month.
- i. All software should be reviewed carefully before it is installed on a distributed system such as LAN. That means new software, especially shareware and freeware, should be quarantined and tested on an isolated computer.
- j. All programs need to be checked regularly for size changes; any size variations could be evidenced of tampering possibly virus infiltration. Be sure to remove any software that exhibits signs of possible virus contamination.

Server Installation Standards

144. A server purchased cannot be connected to Ministry of Defence network until it is in a Ministry of Defence ICT approved secure state. Prior to connecting the server to the network, the following must be performed:-

- a. Install the operating system from Ministry of Defence approved source, which includes proper licenses.
- b. Remove all unnecessary software, system services and drivers.
- c. Set appropriate security parameters and enable audit logging.
- d. Disable or change the password of default accounts.
- e. Immediately after connecting to the network, install Ministry of Defence approved anti-virus software.

Maintenance of ICT Equipment

145. The maintenance/repair of computer hardware should be done under the following guidelines:-

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- a. Maintenance/repair of computer hardware shall be carried out *in-situ* unless there is a requirement for a replacement of parts that are not available.
- b. Where maintenance and servicing of computers and peripherals is contracted to a civilian firm, then before the computers are released for repair at the contractor's workshop, the computer hard disk MUST be removed and kept in safe custody at the appropriate Service IT workshop.
- c. The system analysts and developers shall maintain the Ministry of Defence management Information System. Where the system is outsourced, the system developer shall train Ministry of Defence IT personnel to the level that will enable them maintain the system without his/her intervention. In addition all outside maintainers should be vetted.
- d. Periodical scheduled maintenance should be in place. Upon expiry of warranty periods, reasonable maintenance contracts should be signed in accordance with Defence Forces procurement procedures.

Replacement and Phasing Out Of ICT Equipment

146. As a generation of communication equipment becomes unsupportable due to obsolescence and lack of spares, such equipment should be centralized at formation/base level for ease of operational use, maintenance through cannibalization and introduction of new generation of ICT equipment. The out of service date (OSD) should be observed to ensure immediate replacement of BER equipment.

Procurement Procedures

147. The procurement procedures of ICT equipment shall include:-
- a. Identification of the user requirements to meet the shortfalls.
 - b. Drawing of user specification requirement.
 - c. Market research to identify equipments from suitable manufacturer.
 - d. Conduct of comprehensive trials by the users and subsequent presentation of their report and recommendations.
 - e. Decision to procure made at DHQ level.
148. Procurement of specialized IT equipment should meet the following considerations:-
- a. All computer equipment purchased should at least meet the minimum industry standards.
 - b. Cabling contractors should adhere to existing local and international (ISO) cabling standards. Contracts should be security vetted and cables monitored with intrusion detection systems.
 - c. Commissioning of all ICT projects from without should be done with the approval of Kenya Defence Forces vetting agencies.

Responsibility for ICT

149. The following personnel will be responsible for the administration of ICT Systems and therefore directly answerable to their Commanders at all levels:-

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- a. **DHQ** The Col COMMS/IT will be the overall System Manager.
- b. **SVC HQs**
 - (1) **HQ KA**. The SOI Comms will be the System Manager deputized by SO2 IT.
 - (2) **HQ KAF and HQ KN**. SO2 Comms will be the System Managers deputized by respective SO3 Comms/IT.
- c. **Formation Hq**. BSOs and Formation Comms Officers will be the System Managers.
- d. **Unit Level**. RSOs will be the System Managers.

CHAPTER 17

MESSES AND CLUBS

Contents	Paragraph
Section I - Officers Messes	
General	1-2
<i>Mess Bills</i>	3
Membership	4-5
Insurance	6
Mess Committee	7
Guest/Dinner nights	8-10
Mess Meeting	11
Mess Inspection.....	12
Officers' Mess Accommodation Surcharge	13
Mess Contributions and Subscriptions	14-19
Control of Spirits	20-24
Section II - Warrant Officers' and Sergeants' Messes	
General	25
Membership Rules	26-31
Mess Committee	32-35
Subscriptions	36-37
Mess Meetings	38-39
Bar	40-42
<i>Insurance</i>	43
Entertainment	44
<i>Discipline</i>	45
Section III - Messing Service-members	
General	46
Messing Officer	47
Provision of Cooks	48-49
Inspections and Security	50-51
Corporals Club and Service member's Canteen	52-53
Duties of the Mess Committee	Annex "A"

CHAPTER 17

MESSES AND CLUBS

SECTION I

OFFICERS' MESSES

General

1. All messes are to be conducted in accordance with written rules approved by the General Mess Meeting with due regard to instructions issued by Service Headquarters and the Kenya Defence Forces Standing Orders (DEFSSO).

2. Every Officer on strength of a Unit or a headquarters is to be a member of the Unit or headquarters mess. The CMC is responsible for ensuring that all the regulations relating thereto are observed and followed. He/she is also to ensure that the mess is conducted without unnecessary expense or extravagance, and, by his/her personal example and advice, is to encourage economical habits and careful management. The cost of living in the mess is to be that which pertains throughout the Service generally. In all messes, the committee and members of the mess will strictly adhere to the regulations and controls put in place to regulate purchase and consumption of alcoholic beverages and tobacco products.

Mess Bills

3. Mess bills, where applicable, are to be sent out by messes not later than the 5th of the month. Every Officer is to pay to the mess Secretary/Treasurer his mess bill and all authorised subscriptions of receipt and the Chairman of the mess committee is to report in writing to the Mess Patron any omission to do so by the 10th of the month.

Membership

4. Every Officer present within his/her Unit, except a married Officer, is to be a dining member of the mess.

5. With the approval of the Mess Patron, the following categories of membership are to be granted:-

a. **Affiliated Members.** All Officers of the Kenya Defence Forces are automatic members and are entitled to all mess privileges and facilities of any mess within the Kenya Defence Forces.

b. **Honorary Members.** Civilian dignitaries and other approved persons who must be of Mess Members' status. Unless otherwise authorized by the CMC, Honorary Members privileges are restricted to the bar, anteroom, Ladies, TV, and Games room. They are prohibited to use Dining room, Single Officers rooms and other places restricted to full members.

Insurance

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6. The whole of the mess property is to be insured against loss by fire, theft and any other risks the Garrison/Base Commander/Commanding Officer may deem necessary. The premiums shall make a charge against the mess funds.

Mess Committee

7. The management of an Officers' Mess is to be conducted by a committee holding the following appointments:-

- a. Chairman of the Mess Committee (CMC) (to be determined by the level of membership).
- b. Mess Secretary.
- c. Mess Treasurer.
- d. Wines Member.
- e. House Member /Property Member.
- f. Messing Member.
- g. Garden Member.
- h. Any other Committee Member as may be deemed necessary.

The duties of the committee members are shown at Annex "A" to this chapter.

Guest/Dinner Nights

8. Formal guest nights are to be used as occasions for offering hospitality to official guests and for the observance of Service customs. They are not normally to be held more frequently than once a month. No Officer is to dine out on this night without the permission of the Mess Patron.

9. Mess kit and/ or lounge suit (as appropriate) is to be worn on formal guest nights and formal dinner nights.

10. Officers may drink to the President's health in water or other non-alcoholic beverages.

Mess Meeting

11. A General Mess Meeting (GMM) is to be held annually by all members of the Mess. The votes of the Officers are to be taken on any proposition of which a difference of opinion exists, and the point is to be decided on by the majority of votes provided that the Mess Patron concurs. The proceedings of the quarterly audit board are to be laid before this meeting.

Mess Inspection

12. The inspecting Officer is at his/her annual inspections to closely investigate the manner in which the mess has been conducted, and is to report to Service Headquarters should he/she find any infringement of the regulations.

Officers' Mess Accommodation Surcharge

13. Officers who are accommodated in the single quarters while retaining their married quarters away from their working stations will be subjected to such monthly accommodation surcharge as provided for the Kenya Defence Forces Pay and Review regulations.

Mess Contributions and Subscriptions.

14. Every Officer is to pay a subscription to defray the ordinary expenses of the mess of which he/she is a member at a rate to be fixed by the GMM. This subscription is to be charged from the date of appointment, and is payable monthly in arrears. An Officer will be required to pay this subscription only to the mess of the Unit with which he/she is serving and is not to be charged with the subscriptions beyond the date on which he/she is struck off the strength of the Unit.
15. The Mess Patron is to prevent an undue accumulation of the mess fund by ensuring that cash balances are kept as low as possible consistent with solvency.
16. An Officer absent from duty on account of sickness or leave for over one month is, after the first month, is to be exempted from payment of the charges.
17. The Mess Patron is to ensure that the Commander sanctions expensive parties.
18. An Officer entertaining private friends is to bear the whole expense of their entertainment.
19. A general subscription, whether voluntary or otherwise, for entertainment, including general charges for lunches and social functions is not to be made without the sanction of the Mess Patron.

Control of Wines and Spirits

20. A strict control of wines and spirits issued to a married Officer not living in the mess is to be maintained. A book showing the Officer's name and the number of bottles to which he/she is entitled per month is to be kept. Issues during the month are to be shown and signed for by the Officer. When the total allocation permitted to the Officer has been reached, a line will be clearly drawn across the sheet and no more purchases will be allowed that month.
21. The control of wines and spirits is to relate to the following:-
 - a. Vodka.
 - b. Whisky.
 - c. Brandy.
 - d. Gin.
 - e. Rum.
 - f. Wines.
22. The allocation will be as laid down from time to time in directive issued by DHQ.
23. Any portion of the unclaimed allocation is not to be carried forward from one month to another.
24. The Mess Patron is to inspect the control book each month. Mess accounting procedure is laid down in Chapter 18 (Public and Non Public Funds) Paras 105-113.

SECTION II

WARRANT OFFICERS' AND SERGEANTS' MESSES

General

25. Every Unit/Base/Garrison shall have a Warrant Officers' and Sergeants' mess. The Commanding Officer will be responsible for ensuring an OIC is appointed who will be charged with its supervision. His duties are shown in Chapter 18 (Public and Non Public Funds) Para 92 *a-m*.

Membership Rules

26. Every Warrant Officer, Senior Sergeant and Sergeant within his/her Unit except those married is to be a dining Member of the Sergeants' Mess.

27. When detached from their Units or Headquarters the Personnel referred to in Para 26 above are to be temporary Members of the Sergeants' Mess of the Unit to which they are attached for duty or administration or of another Sergeants' mess in the station nominated by the Garrison and/or other Commanding Officer with the concurrence of the Commanding Officer concerned.

28. Temporary members are to pay the authorized monthly subscriptions to the mess of which they are temporary members except that for periods of less than fourteen (14) days they are to be treated as honorary members and the monthly subscriptions are to be paid to their own Unit mess.

29. The Garrison/Base Commander is, in consultation with the Commanding Officer concerned, to decide whether the privileges and responsibilities of full membership shall be afforded to temporary members.

30. The privilege of honorary membership of Sergeants' mess may be accorded at the discretion of the Commanding Officer/Garrison Commander to members (or temporary members) of Sergeants' Messes of other Units who are qualified by rank for such privilege and who are actually serving, and to selected civilians.

31. The mess is to be controlled by the Chairman of the Mess Committee as elected by the GMM.

Mess Committee

32. The Management of the mess is to be conducted by a committee, the Chairman of which should not normally be below the rank of Warrant Officer Class II. A treasurer and a messing member are to be elected annually at a mess meeting, subject to the approval of the Commanding Officer.

33. The committee is responsible for the management of the mess, and has power to authorize all ordinary expenditure, but exceptional outlay is not to be incurred without the previous sanction of a full mess meeting and the approval of the Commanding Officer. Honorary members may not take part in the management of the mess.

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34. Neither the senior member nor any honorary member is to act as Chairman of the Sergeants' Mess Committee.

35. The duties of the Treasurer are shown in Chapter 18 (Public and Non Public Funds) Paras 93 a-k.

Subscriptions

36. A monthly subscription as determined by GMM and approved by the Commanding Officer will be payable by all members.

37. The daily rate of messing is to be within the limits as laid down by the Service Commander.

Mess Meetings

38. General Mess meetings, (GMM) which all members are to attend, are to be held annually.

39. Minutes of the proceedings are to be recorded and submitted for the approval by the Commanding Officer.

Bar

40. Bar timings are set according to Unit Standing Orders.

41. The mess is to obtain all its spirits, wines, beers and other supplies through the DEFECO or other firms or traders approved by the Commanding Officer.

42. Limited amount of spirit may be sold in Warrant Officers' and Sergeants' Messes as determined by the Commanding Officer.

Insurance

43. The whole of the mess property is to be insured against fire, theft and any other risks, which the Commanding Officer may deem necessary. The premiums are to be charged against mess funds.

Entertainment

44. Each mess is to draw up rules on matters of detail. The rules are to be approved by the Commanding Officer.

Discipline

45. The Senior Warrant Officer or Non-Commissioned Officer present in the mess is responsible for the maintenance of good order and for the observance of the rules of the mess. Mess accounting procedure is laid down in Chapter 18 (Public and Non-Public Funds) para 105 - 113.

SECTION III

MESSING SERVICE MEMBERS

General

46. It is the duty of the Commanding Officer to see that Service Member's meals are adequate and properly served. He/she is to ensure through the Catering Officer that all transactions in connection with supplies and purchases are in accordance with existing regulations.

Messing Officer

47. Where there is no establishment of a Catering Officer, the Commanding Officer is to nominate an Officer for messing duties who is to be responsible to him/her for all aspects of Service Member’s messing.

Provision of Cooks

48. The Commanding Officer is to ensure that cooks up to establishment strength are trained by attending the appropriate courses.

49. A Non-Commissioned Officer cook is to be appointed in charge of the cookhouse. He/she is to be responsible for all cooking, and all cooks and cookhouse orderlies placed under his/her orders.

Inspections and Security

50. An Officer or Warrant Officer is to inspect the cook house daily and dining rooms during all meals, to see that there is no cause for complaints. This is to supplement the Public Health Technicians’ inspections. The Commanding Officer is to ensure that adequate arrangements are made for the security of all food stores.

51. All Food Handlers’ health is to be verified by a Medical Officer or his/her representative at least once a month and a record of the verification is to be held in the cookhouse.

Corporals’ Club and Service Member’s Canteen

52. Commanding Officers will appoint Commissioned Officers as Officers-in-Charge of Corporals Club and Service Members Canteen in the Unit. The designated Officers in charge of messes will direct all operations in the respective messes.

53. Corporals Club and Service Members Canteen are to be conducted in accordance with written rules approved by the Commanding Officer. The CMC Corporals’ Club/Service Members Canteen will discharge duties as follows:-

- a. Work under the direction of the appointed Officer-in-charge Corporals Club/Service Members Canteen.
- b. In liaison with the OIC Corporals Club/Service Members Canteen, convene and conduct annual General Mess Meetings (GMM).
- c. Ensure that the Mess rules are strictly observed at all times.
- d. Ensure that bar timings as prescribed in the Unit Standing Orders are adhered to.
- e. Ensure that only approved type of drinks are stocked, sold and consumed within its mess.

CHAPTER 18

PUBLIC AND NON - PUBLIC FUNDS

<u>Contents</u>	<u>Paragraph</u>
<u>SECTION I – PUBLIC FUNDS</u>	

<i>General</i>	1-3
AIE Holders.....	4-5

RESTRICTED

Budget Expenditure Items Code.....	6
Budgeting	7
Control Measures	8
Budget Calendar	9
Expenditure Returns	10
Pay and Allowances	
<i>General</i>	11
Imprest Accounts.....	12
Responsibilities of a Commanding Officer	13-16
Management of Imprest Account	17-22
Personal Accounts	23-26
Deduction from Pay	27
Allowances	28
Claims	29
Pensions	30-31
SECTION II – NON-PUBLIC FUNDS	
General	32-39
Disbandment	40
Publication of Appointments	41
Responsibility	42
Dual Appointments.....	43
Change in Appointments.....	44
<i>Records to be Maintained</i>	45
Method of Maintenance.....	46
Retention of Records	47
Bank Accounts	48
Cash Balances	49-55
Loans	56-57
Storage	58
Keys	59
Delegation of Responsibility	60
Regulation for Expenditure Control of Messes	61-65
Conduct of CRI/CBI Funds.....	66
Appointment of CRI/CBI.....	67
Policy of CRI/CBI.....	68
Budget for Expenditure CRI/CBI.....	69
General supervision of CRI/CBI.....	70
Cash Checks	71-72

RESTRICTED

Surprise Checks	73
Ordering of Goods	74
Reporting of Regularities	75
Bank Certificates	76
<i>Investments</i>	77
Outstanding Bills	78
Private Financial Dealings	79
Accounting Responsibilities of CRI/CBI	80
Ordering of Goods	81
Payment of Bills	82
Property	83
Containers.....	84
Unit Canteen.....	85
Preparation FF 1514.....	86
Duties of OIC Unit Canteen	87
Accounting Duties of OIC Corporals' Club	88
Accounting Duties of the CMC Officers' Mess	89
Accounting Duties of the Officers' Mess Secretary	90
Accounting Duties of the Officers' Mess Wines Member.....	91
<i>Accounting Duties of OIC Sergeants' Mess</i>	92
<i>Accounting Duties of the Sergeants' Mess Treasurer</i>	93
Bank Accounts	94-96
Stocks	97
Statement of Account and Balance Sheet	98-99
Comparison of Accounts	100-102
Objectives of Audit Boards	103-104
Appointment of Stocktaking and Audit Boards	105-113
Audit Board Observations	114-115
Interpretation of Accounts.....	116
Principles of Keeping Accounts	Annex "A"
Maintenance of FB397	Annex "B"
Subsidiary Books	Annex "C"
<i>Accounting for Stocks</i>	<i>Annex "D"</i>
Statement of Account and Balance Sheet.....	Annex "E"

RESTRICTED

CHAPTER 18

PUBLIC AND NON PUBLIC FUNDS

SECTION I **PUBLIC FUNDS**

General

1. This section lays emphasis on exercise of financial discipline as outlined in the Constitution of Kenya under Chapter 12, Public Finance Management Act which contains the relevant provisions regarding control and management of Government finances. The overall administration of government finances is vested with the Cabinet Secretary for Finance.
2. All budget holders must operate within the approved budgetary provisions and will abide by the laid down government financial regulations and procedures. They must ensure that planning, programming and budgeting is well coordinated with experts, thoroughly done, supports the core business and is output oriented. The Principal Secretary will be the main link with Treasury on all financial matters.
3. The government appoints Accounting Officers who are normally Principal Secretaries of Ministries/Departments charged with the duty of accounting, controlling and management of funds (resources) allocated to that particular Department/Ministry. The Accounting Officer for Ministry of Defence is the Principal Secretary.

AIE Holders

4. The Accounting Officer will delegate Authority to Incur Expenditure (AIEs) to Budget Holder who will be designated AIE. AIE holders will be responsible for authority, control and management of finances.
5. AIE holders may further sub-delegate to subordinates as authorized who will/is equally to control and manage the finances on as per the laid down procedure and regulations.

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Budget Expenditure Items Codes

6. Budget holders will only use the authorized budgetary expenditure items codes grouped as follows:-

a.	Personal Expenses	000 - 099
b.	Operations and Maintenance	100 - 299
c.	Grants	300 - 399
d.	Construction	400 - 499
e.	Appropriation in Aid	600 - 69

Budgeting

7. Treasury Circular is issued yearly to Accounting Officers giving guidelines on commencing the preparation and processing of the draft budget proposals to all AIE holders. Staff at Formation/Unit level are involved in producing and submitting realistic and workable estimates.

Control Measures

8. AIE holders must observe the following vote control regulations:-

a. **Procedures.** Budgetary control procedures and regulations are covered in chapters 5 and 15 of Government Financial Regulations and Procedures. The regulations require that any Officer who holds any post involving to any degree, the management of Public Funds, must be in government's interest and should be aware of the essentials of vote control procedures outlined in the Government Financial Regulations and Procedures.

b. **Ceilings.** Expenditure by budget holders must be strictly within approved budget ceilings.

c. **Control of Expenditure.** There must be no divided responsibility, only the Officer to whom AIE has been issued is permitted to commit or incur expenditure against it.

d. **Commitments.** Budget holders must ensure that no purchases or orders are made or placed with suppliers without first checking the availability of funds under relevant expenditure items. Commitments should be entered in the vote book and the order endorsed "Funds available, commitment noted in the Vote Book"

RESTRICTED

and signed by the accountant in charge of the vote book for control. Over Commitment is strictly prohibited.

e. **Signing of Payment Vouchers.** No Officer shall authorize vouchers for payment unless he/she has been authorized to do so in writing by the Accounting Officer/budget holder. Specimen signatures for those authorized to sign documents must be submitted to DHQ and updated accordingly. Vouchers must be properly verified and certified before processing for payment.

f. **Documents.** Budget holders must ensure that processing of vouchers and payment of bills is done procedurally, transparently, promptly and without any favoritism, corruption or inducement from contractors/suppliers.

g. **Verbal Authority.** Verbal or telegraphic authority should only be regarded as provisional pending the necessary written authority. It is the responsibility of the Officer concerned to ensure that he/she immediately receives written confirmation of verbal authority.

h. **Reconciliation.** Budget holders must on monthly basis reconcile their vote books and make returns to DHQ. They must also institute checks on their vote books at least once monthly.

j. **Vote Book.** All AIE holders must maintain a vote book where all vouchers are voted.

k. **Circulars.** From time to time all Officers handling finance must acquaint themselves with all issued circulars that govern the controls and management of public finance.

l. **Payments.** Budget holders must promptly process bills for payment of goods and services satisfactorily received. Delays in processing payments should not be entertained. Therefore all bills should be paid before closure of the financial year.

m. **Pending Bills.** Budget holders are discouraged to accumulate pending bills /carryovers; however in case where carryover is inevitable due to nature of the order, this must be a “First Charge” once funds are received at the beginning of a financial year.

RESTRICTED

Budget Calendar

9. Treasury circulars outlining budget calendar is issued each year. Budget Holders are to adhere to the dates stipulated in preparing and submitting their budget.

Expenditure Returns

10. All AIE holders will be submitting to DHQ an accurate and verified monthly financial expenditure and commitment returns by the 25th of every month. The same returns will be compiled and forwarded to treasury by the 10th of the following month.

Pay and Allowances.

General

11. This part provides general guidelines and direction on the administration of Pay and Allowance in the Kenya Defence Forces.

Imprest Accounts

12. The definition and accounting is as follows:-

a. An imprest is a sum of money (Public Fund) to be used for local payment by Units on certain items and may be issued only to an appointed imprest holder.

b. An imprest account is the record of moneys received and payments made by the imprest holder.

Responsibilities of the Commanding Officer

13. The Commanding Officer is responsible for proper management and accounting of Public Finance in his/her Unit. Unit Paymaster is responsible for day to day running of the imprest account.

In absence of the appointed Paymaster, the Commanding Officer may appoint another pay trained Officer or a Warrant Officer to run the imprest account. Such appointment must be in writing.

RESTRICTED

14. The Commanding Officer must personally, at least once in every three-month, commencing in July, at irregular intervals and without forewarning:-
 - a. Check the cash held against the balance shown in the imprest cash book and, at the same time, where the imprest holder is also responsible for other accounts, e.g. Non Public Fund, CRI/CBI, also check the cash held in respect of these other accounts against the cash books concerned, as laid down in Pay and Allowance Regulations.
 - b. Make sure that cash, cheques, and other vouchers are kept in a safe.
15. The Commanding Officer must also check that action is taken on any observations on the imprest account received from DHQ. He/she is personally to sign the replies.
16. Instructions regarding the opening and closing of accounts and the items, which may be paid or received in the accounts, are laid down in Kenya Defence Forces Pay and Allowances Regulations.

Management of Imprest Account

17. The Management of Public Funds requires:-
 - a. An Officer or warrant Officer who is responsible for public money must keep a record of his/her cash transactions as laid down in Kenya Defence Forces Pay and Allowances Regulations.
 - b. He/she must personally make the entries in the cash book at the time of the transaction. He/she may delegate the duty of keeping other pay records to another Officer, Warrant Officer or senior pay clerk, but is to remain responsible for the correctness of the accounts.
18. An Officer or Warrant Officer who holds public funds must ensure that they are properly safeguarded at all times. Balances of cash to be held should not exceed authorized limit stipulated in the Kenya Defence Forces Pay and Allowances Regulations.
19. Every Officer or Warrant Officer who has to make cash payments must either make them himself/herself or ensure that they are made in his/her presence.
20. A Non-Commissioned Officer, Service Member or civilian employee not of Officer status is not to be allowed to handle public money in cash or otherwise unless specially authorized in regulations or orders; nor

RESTRICTED

is he/she to be allowed to handle forms of authority for the issue of money e.g. cheques, postal orders, etc.

21. An Officer or Warrant Officer who is appointed imprest holder must not borrow from, lend or use the imprest to cash private cheques.

22. When an imprest holder changes, action is to be taken as shown in Kenya Defence Forces Pay and Allowance Regulations.

Personal Accounts

23. The pay accounts are held as follows:-

- | | | | |
|----|-----------------|---|--|
| a. | Officers | - | DHQ - CAD |
| b. | Service Members | - | Services - SADs |
| c. | Civilians | - | Ministry of Defence Civilian Personnel |

section.

24. Adjustments to these accounts are made when Part II Orders or other authorized notifications are received by CAD, SAD and Civil Personnel Section. It is therefore important that Units notifies that office quickly of any personal occurrences.

25. The pay of all Officers and Service members is paid monthly in arrears by the Ministry of Defence , to individual bank accounts.

26. The Pay of all civilian employees is to be issued monthly in arrears by Ministry of Defence employee's bank accounts or in cash as they may choose. Cash payments are to be made by imprest holders on receipt of the relevant pay lists and cheques from Ministry of Defence No other payments are to be made by imprest holders unless specially authorized.

Deductions from Pay

27. The pay of Officers, Service Members and Civilian employees is to be available to meet all deductions to which they are properly liable in accordance with the laws of the land and Service orders or other regulations.

- a. Criteria for approving Secured Loans. The Commanding Officer shall ensure that:-
- (1) The remaining period of service is taken into account.
 - (2) Net salary should not be less than 1/3 of gross pay.
 - (3) Expected Gratuity/Pension upon retirement i.e the loan balance on retirement must not exceed 60% of one's expected Gratuity/Pension.

RESTRICTED

- b. Criteria for approving Unsecured Loans. The Commanding Officer shall ensure that:-
- (1) The ability for one to pay without exceeding 3/4 commitment of gross salary.
 - (2) The Run-Out-Date (ROD) and Age should be taken into account.

Allowances

28. Payment of allowance is governed by Kenya Defence Forces Pay and Allowance Regulations as may be amended from time to time.

Claims

29. Claims should be submitted as soon as possible, and normally not later than one month after becoming entitled to the allowance. Except in exceptional circumstances as may be approved by the Defence Council, or by any Officer duly authorized, no claim will be submitted for any allowance relating to any period more than six months antecedent to the date of claim.

Pension

30. The Kenya Defence Forces Pension Regulations are made by the Defence Council under powers granted to it by Section 304 (h) of the Kenya Defence Forces Act, of the Laws of Kenya. The power to grant and the assessment of pension, gratuities and allowances is exercised by the Defence Council with the concurrence of the Treasury in accordance with Pension Regulations, to Officers and Service Members of the Kenya Defence Forces and shall pursuant to Pensions Act be a charge on the Consolidated Fund. In accordance with the said legal authority, the Defence Council determines retirement ages for eligibility to earn pensions, computation formulae, commutation criteria, conditions for disability and death benefits, and the rates for awarding monthly pension paid to the widow(s) and children left behind by a deceased Member of the Kenya Defence Forces.

31. Kenya Defence Forces (Pensions and Gratuities) (Officers and Service Members) Regulations regulates all aspects of pensions for members of Kenya Defence Forces and their dependants. The provisions affect four main categories of pensions as follows:

- a. **Retirement Pension**. A pension granted to an Officer or Service Member in accordance with the Pensions Act, should be

RESTRICTED

assessed at the annual rate of one four hundredth ($\frac{1}{400}$) of his/her pay for each complete month of his/her reckonable service or as may from time to time be determined by the National Treasury in consultation with the Defence Council.

b. **Disability Pension.** The Disability Pension is awarded to those personnel of Kenya Defence Forces who, due to injuries sustained in the course of their official duties, are incapacitated such that they no longer continue in Service. Disability Pension is awarded in addition to any other Service Pension. Disability is assessed in accordance with the Kenya Defence Forces Regulations governing disablement. The existing method of payment is based on the salary at the time of injury and not the salary obtaining at time of retirement.

c. **Dependant Pension.** The Dependant Pension is awarded to the dependant of the Deceased Officer or Service Member serving or retired in accordance with the Pensions Act for a period of 5 years.

d. **Widows/widowers and Children's Pension.** The Pension is awarded as provided for in Pensions Act, to a widow who remains unmarried at the death of a Serving Officer or Service Member at a rate not exceeding $\frac{1}{6}$ of the deceased's rate of pay at the date of his/her death and if there is more than one widow the pension should be shared equally between them. If in addition to the widow, the deceased leaves a child or children, a pension in respect of each child until such a child attains the age of 24 years of an amount not exceeding $\frac{1}{8}$ of the pension awarded to the widow, shall be payable according to existing regulations.

e. **Service Gratuities for Constabulary RROs and RRWO/RRNCOs.** Payment of Service Gratuity for Re-employed Retired Officers (RROs), Re-employed Retired Warrant Officers and Non-Commissioned Officer and Constabulary who have completed their contract service is calculated based on 31% or such other rate as may from time to time be determined by the Directorate of Personnel Management of their basic salary multiplied by (x) the period served. Payment is done after the expiry of contract.

SECTION II

NON-PUBLIC FUNDS

RESTRICTED

General

32. The term "Non-Public funds" covers all funds which may belong to a Unit or Sub-Unit, i.e. Officers' Messes, Sergeants Messes, CRI/CBI is maintained for its benefit. Non-Public funds may not be started or maintained without the written authority of the Service Headquarters.

33. Non-Public funds are regarded as charitable in nature and they are known legally as "Trusts".

34. The Commanding Officer is responsible for the proper application of all funds of his/her Unit, which are to be administered as laid down in these Orders. He/she is to supervise and control the committees for their management.

35. Non-Public funds must be administered in accordance with both Service Orders and the civil law of the land. The civil law is the Trustee Act and the Commanding Officer is the managing trustee of the Unit's Non-Public funds.

36. The Commanding Officer is not to permit any deed of trust to be made regarding the Non-Public funds or property of the Unit without the consent of the appropriate Service Commander. This does not apply to gifts or requests that may be made to the Unit, which are to be dealt with as laid down by the donor.

37. The Commanding Officer is to check the cash and bank balances at irregular intervals and without warning. Where the account holder is also the imprest holder, this check must be done at the same time as the check of imprest funds.

38. The accounts of Non-Public funds are to be audited at intervals not exceeding six months as laid down by the Service Commander.

39. To carry out the above duties the Commanding Officer is to make sure that:-

- a. Sound system of organization exists.
- b. Clear instructions in the method of maintaining accounts have been issued.
- c. An effective and thorough form of audit is carried out and, in addition, make personal tests and checks to satisfy himself/herself that sub-paras a and b are being properly carried out.

Disbandment

RESTRICTED

40. If a Unit is disbanded or amalgamated with another Unit, the disposal of its Non-Public funds is to be decided by the appropriate Service Headquarters.

APPOINTMENTS

Publication of Appointments

41. The appointment of an Officer, Warrant Officer or Non-Commissioned Officer to a position within the Unit which carries with it responsibility for cash, stocks or property is to be published in Part I Orders/Daily Orders.

Responsibility

42. All personnel filling such appointments are to be told of the responsibilities attached to their appointment and instructed in the duties concerned. This is normally to be included in Unit Standing Orders and/or Mess Rules.

Dual Appointments

43. No one person should normally be permitted to control more than one account. If this is unavoidable extra care must be taken in supervision.

Changes in Appointments

44. Changes in appointments, whether permanent or temporary, due to leave, sickness or temporary duty are to be published in Part II Orders and the Commanding Officer is to order suitable hand-over /take-over certificates to be rendered to him/her on each occasion. Both the Officer handing over and the Officer taking over are to sign in the appropriate books.

MAINTENANCE OF ACCOUNTS

Records to be maintained

45. The Commanding Officer is to state in writing the books of accounts or records he/she requires to be maintained for each fund.

Method of Maintenance

46. Accounts are to be maintained in accordance with these Orders. No variation is to be permitted.

RESTRICTED

Retention of Records

47. Books of accounts, subsidiary books and supporting vouchers are to be retained in respect of all funds for a period of at least three years and are to be destroyed only on the authority of the Service Headquarters.

SECURITY OF CASH

Bank Accounts

48. The Commanding Officer is to nominate the bank at which the account of a particular fund is to be maintained. Each account is to have more than one signature. This may be particularly important when a central bank account for the Unit is maintained. In all but very small Units Commanding Officers are to ensure that all cheques require the signatures of the Officer-in-charge of the fund and one other nominated Officer. The following measures are necessary for all safe facilities:-

a. Commanding Officers and all Officers responsible for Non-Public funds are to ensure that a safe, or a properly secured box which must be handed into the custody of a guard when not in use, is available for the safeguarding of cash.

b. The Commanding Officer is to arrange for a nominated Officer to maintain a key register which will contain the signatures of each Officer holding the key of a safe. Duplicate keys of safes and steel boxes or steel cupboards are to be deposited in a bank or with the Security Officer or otherwise safeguarded in accordance with local instructions.

c. Cash, cheque books and bank paying-in books must be kept in steel cupboard when not in use. A locked drawer in a desk is not sufficient.

RESTRICTED

Cash Balances

49. Clear written instructions are to be issued by the Commanding Officer as to the maximum amount of cash balance, which may be held by an account holder.
50. Cheques received are to be paid into a bank within three days of receipt.
51. If, owing to the lack of local bank facilities, the Commanding Officer decides to permit one selected account holder to cash private cheques for Officers of his/her unit, he/she is to issue written instructions as to the maximum amount which can be drawn at anyone time and frequency of cashing cheques.
52. The rules laid down for public funds are to be followed as far as possible in the handling of Non-Public funds.
53. When it is essential for a Non-commissioned Officer or Service Member to handle Non-Public funds (e.g. Officers Mess Caterer), the Commanding Officer is to ensure that instructions are issued so as to restrict his/her responsibility for cash to the minimum.
54. Incoming mail addressed to an Officer in charge of the Funds is to be opened by that Officer personally and not by subordinate staff. All envelopes containing postal orders or open cheques should be posted by an Officer.
55. Cash must always be sent by secure means.

Loans

56. Loans are to be authorized only, by the Commanding Officer or other Officer deputed in writing by him/her. He/she is to restrict loans to special cases only and the amounts are to be kept to an absolute minimum. Any loans are to be authorized in writing and the rate of recovery shown.
57. Loans are not to be made to Officers. CRI/CBI Service Members Funds only are to be used for loans to Corporals and below, and Sergeant's Mess Funds only for loans to members of that Mess.

SECURITY OF MESSES, STOCKS AND PROPERTY

Storage

58. The Commanding Officer is to ensure that accommodation allotted for the safe custody of stocks and property is adequate and secure.

RESTRICTED

Keys

59. The instructions contained in paragraph 48 (b) above apply to the keys registers and safes and keys duplicates of stores containing stocks and property.

Delegation of Responsibility

60. All Officers concerned with Non-Public funds and stocks must realize that at all times no greater responsibility should be placed upon their staff other than that necessary to meet practical and day-to-day needs.

Regulation for Expenditure Control of Messes

61. Expenditure control for all messes are to be in accordance with written rules approved by the Commanding Officer with due regard to any instructions issued by its Service Headquarters.

62. These rules are to contain a clear statement as to the maximum expenditure, which can be authorized by a Mess Committee or any individual member thereof and that any larger expenditure authorized by a Mess Meeting is to be subject to the final approval of the Commanding Officer. Audited accounts of the Messes are to be submitted and approved during GMM which should be held annually.

63. The Commanding Officer is to draw up a list of those traders or firms with who credit dealings are authorized. Credit trading with other firms is not to be made.

64. Price Lists, approved by the Commanding Officers are to be displayed in each Mess and are to be in accordance with the percentage rate of profit as laid down from time to time.

65. Bar Sales shall be on Cash terms only.

Rules for the Conduct of CRI/CBI Funds

66. Rules as indicated for Messes at paragraphs 61 to 65 above are to be laid down for the conduct of the CRI/CBI Fund. This is particularly important where trading operations are carried on by the Unit itself. For ease of nomenclature CRI/CBI (Chairman of Regimental/Base Institute) will include Chairman of any Service Member Fund or any fund maintained for the benefit of Service Member below the rank of Sergeant.

Appointment of CRI/CBI

RESTRICTED

67. The Commanding Officer is usually to nominate a Major as OIC CRI/CBI, unless he/she retains the duties. A junior Officer should not, save in exceptional circumstances, be appointed to this very responsible post. The Officer appointed should not have charge of any public funds or any other Non-Public funds.

Policy of CRI/CBI

68. The Commanding Officer is to lay down in unit Standing Orders the general policy to be followed in Unit activities and the control and expenditure of CRI/CBI funds. He/she is personally to authorize any investment of CRI/CBI funds or the sale of such investments. In his/her orders he/she is to include:-

- a. Matters for which the CRI/CBI must obtain his/her approval.
- b. Matters, which the CRI/CBI has authority to decide for himself/herself.

Budgets for Expenditure of CRI/CBI Funds

69. The CRI/CBI's budget for expenditure in sports, welfare, entertainment, etc, is to be submitted to the Commanding Officer for his/her approval.

General Supervision of CRI/CBI Funds

70. The Commanding Officer should discuss the current position of funds with the CRI/CBI at least once a quarter as well as when he/she has the proceedings of the Audit Board for approval. If there is a Unit canteen he/she is to make sure that the points regarding the duties of OIC Canteen are being properly followed.

INTERNAL CHECKS

Cash Checks

71. An Officer not below the rank of Major is to be detailed by the Commanding Officer to check monthly, without warning, all accounts held in the Unit. The Officer detailed is to rule off the cash columns on both sides of the account, add up the two columns, ink the totals and record in his/her own handwriting on the body of the cash book the balance obtained by subtracting the two figures, signing to the effect that he/she has checked at that date the cash including cheques, money orders and postal orders not paid into the bank and that they agree with the balance as stated

RESTRICTED

72. Where an Officer has been specially authorized to hold funds of more than one account, instructions are to be given by the Commanding Officer that cash holdings of all accounts, whether public or non-public, which that Officer holds are to be checked simultaneously. A certificate of check is to be rendered to the Commanding Officer and should be retained for 12 months.

Surprise Checks

73. The Commanding Officer himself/herself should periodically carry out surprise checks on each of his/her account holders to satisfy that the account holder is maintaining his/her account properly. Evidence of such checks is to be recorded in the appropriate books of accounts.

Ordering of Goods

74. Goods received are to be taken on charge in the stock book or appropriate account on the date of receipt by the Caterer/Storekeeper. The person responsible for ordering the goods is to make sure that this is done.

Reporting of irregularities

75. The Commanding Officer is to ensure that all of his/her Officers know that they have a duty to inform him/her, or his/her second in command, of any irregularity in the handling of Unit funds or property which may come to their notice.

EXTERNAL CHECKS

Bank Certificates

76. The manager of each bank holding accounts for regimental funds of the Unit is to be requested in writing to send certificates of any investments held and a bank certificate of balance as at the last working day of each period to the Commanding Officer by name. These certificates are to be date-stamped, initialed by him/her and handed to the Chairman of the Audit Board personally.

Investments

77. When documents of title to investments are held in safe custody by a bank or similar institution on behalf of the Unit, the bank is to be informed in writing that the documents may be withdrawn or realized only by a written request signed by both the Officer-in-charge of the fund and the

RESTRICTED

Commanding Officer. This is also to be done in the case of deposit or savings accounts.

Outstanding Bills

78. The Commanding Officer is to request authorized Traders (see paragraph 72 above) to furnish him/her, under confidential cover a list of all amounts outstanding from the Unit on the last day of each period to be audited. These statements received by the Commanding Officer from traders should be handed by him/her to the Chairman of the Unit Audit Board. Additionally, these traders should be asked to notify him/her at any time the details of any bill, which has been outstanding against the Unit for a period of over one month.

Private Financial Dealings

79. The Commanding Officer is to inform all traders with whom the Unit has dealings that they should only supply goods to the Unit on receipt of an official order form signed by an Officer of the Unit.

Accounting Responsibilities of CRI/CBI

80. The Paymaster is responsible for proper maintenance of regimental or base accounts. In doing so he/she maintains proper coordination of CRI/CBI.

Ordering of Goods

81. a. CRI/CBI are responsible for all orders for goods on an official order book, the forms of which are consecutively numbered in duplicate, ensuring that he/she holds the only order book in use.
- b. Upon receipt of the invoice for, the goods, the invoice is to be certified, dated and signed by the Officer responsible for the goods, e.g. OIC Canteen, Entertainment Officer, etc. He/she is to certify that the goods as stated have been received that they have been entered in the appropriate stock book etc. where applicable, and that the prices and calculations are correct. The invoice is then to be passed to the CRI/CBI.
- c. Upon receipt of the certified invoice the CRI/CBI is to ensure that details of the invoice are compared with the relative duplicate order form and that a note of any item not supplied or any other discrepancy is made thereon.

Payment of Bills

RESTRICTED

82. He/she is to pay or authorize, in writing, the Paymaster to pay all bills within seven days of receipt. He/she is to notify the Commanding Officer at once why any bill cannot be paid due to insufficient funds.

Property

83. The property will be maintained as follows:-

- a. Two property books are to be maintained, one for all sports equipment and one for all other CRI/CBI property. The former should be kept, by OIC Sports and the latter by CRI/CBI.
- b. The writing-off charge of expendable store (e.g. hockey balls, football stockings. etc) is only to be authorized by the CRI/CBI personally and is to be supported by his/her written authority. He/she is to arrange for periodical checks of bills for purchases of sports property against the entries in the sports property book and ensure that a physical check of all Unit property is made each month.

Containers

84. Where any charge is raised by firms or shops for containers, crates, bottles, etc. supplied, a containers book is to be maintained.

Unit Canteen

85. Where there is a Unit canteen the CRI/CBI is to take effective control and ensure that the OIC Canteen carries out his/her duties correctly. He/she is, to ensure that adequate facilities for the safeguarding of cash are provided for OIC Canteen.

Preparation of FF 1514

86. At the end of each period for audit, the CRI/CBI will close his/her accounts and prepare FF1514.

Duties of OIC Unit Canteen (Detachments)

87.
 - a. The OIC Canteen is responsible for the method of control of receipt of goods, the safeguarding of cash receipts from sales and the security of stores within the canteen. On Detachments the OIC will employ similar methods.
 - b. **Ordering of Goods.** All goods required are to be notified to the CRI/CBI for preparation of an order on the official order. On receipt, these goods are to be checked against the invoices by OIC Canteen. The invoices are to be endorsed as to receipt by the signature of OIC Canteen and date of receipt. Details are to be

RESTRICTED

entered in the stock book immediately the goods are received. Invoices, endorsed as previously stated, are to be passed within 24 hours of receipt to the CRI/CBI.

c. **Issues from Stores.** All issues of goods, etc, from the stores are to be entered in the stock book at the time of issue.

d. **Cash Sales.** OIC Canteen is to ensure that no credit transaction on canteen sales is permitted. All transactions must be in cash.

e. **Cash Collection.**

(1) OIC Canteen is to arrange that the Canteen NCO has a means of safeguarding cash received during the day's trading.

(2) He/she is to ensure that at the close of the canteen for the day the cash takings are counted, entered in ink in a book by the NCO I/C Canteen and handed over for safe custody to the Duty Officer or Orderly Officer who is to sign the Canteen NCOs book as a receipt.

(3) The Duty Officer/Orderly Officer is to hand cash received from the Canteen NCO to the CRI/CBI or Central A/C on the following morning immediately the Officer concerned commences his/her duty for the day, entering details of the transaction in the report he/she renders to the Commanding Officer. The OIC Central A/C or CRI/CBI is to give a receipt for the money handed in.

(4) He/she is to ensure that prior to the commencement of trading in the morning the Canteen NCO balances his/her stock book and notifies him/her of the value of the stock sold on the previous day, as shown by the daily sales sheets.

(5) He/she is to compare this figure with the amount handed in by the Duty Officer/ Orderly Officer and investigate promptly any discrepancy.

(6) He/she is to check at irregular intervals, at least twice a week, the cash float for small change in the possession of the Canteen NCO. This check is to be carried out before the canteen opens for business.

f. Certain stores, e.g. cigarettes are of an attractive nature and should be kept in a locked metal cupboard or similar receptacle both in the bulk stores and in the canteen. All stores must be completely secured at all times.

RESTRICTED

g Checking of Stock. The OIC Canteen is, without warning, personally to check the stock and containers on at least one occasion during the week and verify that the Canteen NCO is performing his/her duties correctly. In addition, he/she is to check that all goods received as shown on invoices have been taken on charge in the stock book.

Accounting Duties of OIC Corporals' Club

88. A Corporals' Club may be operated in large Units where the corporals use a separate room and bar. An Officer is to be appointed OIC of the club and he/she is to be assisted in its management by a small committee of junior Non-commissioned Officers. This committee should be elected annually. The responsibilities of OIC Corporals' Club are the same as OIC Canteen, with the additional responsibility of ensuring that subscriptions payable are paid to him/her and in turn paid by him/her on the day of receipt to the CRI/CBI or Central Account.

Accounting Duties of the CMC Officers' Mess

89. These require that:-

- a. He/she is to exercise general overall supervision of the Mess and to be responsible to Commanding Officer for supervision of the Mess Committee control of Mess Funds, Stock and property and discipline of the Mess staff.
- b. He/she is to supervise the work carried out by the Officers filling the other Mess appointments and authorize any Petty cash "float" which he/she may consider necessary.
- c. Periodically, he/she is to make checks, without warning, of all cash, the bank balance and stocks, the records being initialed to show that this has been done. This is additional to any checks that the Commanding Officer may make.
- d. He/she is to ensure that payments into the bank or central A/C are made by the Mess Secretary whenever his/her cash exceeds the limits laid by the Commanding Officer and that all cheques are paid into the bank within three days.
- e. He/she must satisfy himself/herself that Mess bills are being promptly paid and that creditors' accounts are settled without delay. The name of any Officer whose Mess bill is unpaid by the 10th of the month is to be reported to the Commanding Officer in writing.

RESTRICTED

- f. He/she is to authorize all expenditure charged against Mess funds, e.g. Mess guests and writes-off, subject to any limit imposed by the Commanding Officer.
- g. He/she may authorize capital expenditure within the limits of Mess Rules.
- h. He/she is to obtain from the Commanding Officer the list of traders with whom the Mess is permitted to deal. If a special purchase is necessary from a firm other than those listed, specific authority should be given for this purchase and the Commanding Officer informed.
- i. He/she should scrutinize the completed FF 9268 to compare profit ratios and satisfy himself/herself that the financial affairs of the Mess are satisfactory.
- j. He/she is to examine insurance policies held to ensure that the cover is adequate and that the premiums have been paid up to date.
- k. He/she is to ensure that the Mess Secretary or Treasurer has adequate facilities for safekeeping of cash, etc, and that all storerooms are secure and adequate for the purpose for which they are used.
- l. He/she is to report to the Commanding Officer all bounced cheques by the bank for lack of funds.

Accounting Duties of the Officers' Mess Secretary

90. These require that:-

- a. He/she in coordination with the Paymaster is responsible for the maintenance of the Mess accounts in FB397 and for the proper allocation of credit and charges to correct sub-accounts. All moneys, cash books, cheques, cheque books, paying-in books and official order books held by the Paymaster. The Commanding Officer may, at his/her discretion, delegate the maintenance of FB 397 to another Officer, Warrant Officer or SNCO.
- b. He/she is to ensure that all receipts and payments are entered in FB 397 immediately they occur.
- c. He/she is to prepare daily sheets showing accumulated amounts due during the month from each Officer, such sheets being available for inspection by Mess members daily. This duty may be

RESTRICTED

delegated to the Mess Steward, but if this is done, the Mess Secretary will remain responsible for the correctness of the record.

d. At the earliest possible date after the conclusion of each month, Mess bills are to be prepared and rendered to Officers. The CMC is to be informed in writing of any bills unpaid by the 7th day after issue of bills to Officers. Care must be taken to ensure that Mess bills are presented at the time of departure of Officers leaving the Service.

e. A summary Book of Officers' Mess Bills is to be prepared at the end of each month. The Mess Secretary is to write "Paid" and the date against the total of each Officer's Mess bill in this book as soon as settlement is effected, and sign the entry.

f. Cash (including cheques) is not to exceed the limits laid down by the Commanding Officer.

g. Loans are NOT to be made from Mess funds, post-dated cheques or IOU are NOT to be accepted, nor are cheques to be held back from presentation to the bank or central account.

h. The Secretary is to hold the sole order book for use by the Mess, with order forms consecutively numbered in duplicate, and sign the orders himself/herself, even when the goods are required by the Wines Member or the Messing Member.

i. He/she must pay promptly all Mess creditors. He/she is to ensure that goods are only obtained from listed traders as approved by the Commanding Officer or that the order form has been endorsed as a special purchase by the CMC. Every invoice must be endorsed by an independent member of the Mess Committee to the effect that the goods have been received, entered in the stock book, etc, where necessary and that the details of prices, quantity, calculations, etc, are correct. It is then to be handed to the Mess Secretary who is to compare it with the relative duplicate order form.

j. Insurance premiums must be kept in force by the payment of premiums on the dates due.

k. He/she is to see that interest or dividends on investments, deposits and savings accounts are received and brought to account when due.

l. He/she is responsible for the payment of any extra-duty pay that may be due to the Mess staff.

m. He/she is to maintain a creditors' book and enter in it all purchases made on credit by the Mess.

RESTRICTED

n. In addition, at the end of each period for audit he/she is to obtain stock lists, schedules of debtors and creditors and details of amounts of depreciation to be charged on property from the appropriate Officers of the Mess Committee. Close his/her account and prepare and sign FF1514 by the required date.

Duties of the Officers' Mess Wines Member

91. The officers' mess wines member's duties are as follows:-

- a. The Wines Member is responsible for the safe custody of all bar and cellar stocks, and the maintenance of all records necessary to show stocks held, purchases and sales.
- b. The stock books for both bar and cellar are to be balanced daily, and physically checked by the Wines Member with the actual stock each day, he/she is to check the containers against the containers' book at least twice a week. The following points must be watched when the check is being made:-
 - (1) Check the contents of all containers, crates, etc, and make sure they have not been tampered with.
 - (2) Check all entries in the stock book to make sure they are correct.
 - (3) Ensure that there are no erasures or alterations of figures in the daily sales sheets.
 - (4) Sign and date the stock book as evidence of check every day.
- c. He/she is to obtain cash from the barman each day to the total value of the stock sold in the previous day. He/she is to make sure that the waiters 'bar mans' daily sales sheets are correctly made up, that the totals agree with cash held by the bar man, and that the totals are correctly entered in the bar stock book. He/she is also to make sure that issues of stock from the cellar to the bar have been correctly entered in both stock books.
- d. He/she is to order stock as required, through the Order book held by the Mess Secretary from traders authorized by the Commanding Officer. The Wines Member is to make sure that when goods are received, they are checked with the invoices and the invoice number is entered against the receipts shown in the stock book. The goods are to be taken into stock and entered in the stock book on the day they are received. Invoices are to be endorsed by the wines member with his/her signature and date certifying that the items have been received and entered in the stock book. The invoices

RESTRICTED

are then to be passed to the Mess Secretary for linking with the duplicate order form and eventual payment.

- e. Keep containers' book showing quantities.
- f. He/she is to obtain the authority of the CMC for all write-offs.
- g. Ensure no bar credits are extended to Officers.
- h. Every evening on closing the bar, all cash taking of the day will be handed over to the duty Officer for safekeeping. The bar man/woman in charge must ensure that the duty Officer/Orderly Officer signs to that effect.

Duties of OIC Sergeants' Mess

92. These require that:-

- a. He/she is directly responsible to the Commanding Officer for the safe-guarding of all Mess monies, stock and property, and for the correct maintenance of all the accounts of the Mess.
- b. He/she is to ensure that the Mess Caterer hands over to the Treasurer all cash received by him/her during the day.
- c. He/she is to ensure that all credit purchases are made only from those firms authorized by the Commanding Officer and that a list of such traders is held.
- d. He/she is responsible for making sure that the Treasurer can safeguard all cash held by him/her during the day.
- e. He/she is to ensure that the Mess bar man/Caterer hands over to the duty Orderly Officer every evening, on the closing of the bar, all cash collection for the day. He/she is also to ensure that the Orderly Officer signs the duty Officer's cash collection book as a receipt and passes the cash to UPM on the next day.
- f. All monies, cheque books, paying-in slips, stock and cash books are kept and safe guarded by Paymaster.
- g. He/she is not to hold any cash over the limits laid down by the Commanding Officer.
- h. He/she is to make sure that he/she signs all credit orders for goods in the official order book before the order form is dispatched.
- i. He/she is to pay, or authorize in writing OIC Central A/C to pay, all bills due for payment within seven days of receipt. All invoices must bear the dated endorsement of a member of the Mess Committee other than the Treasurer that the goods have been

RESTRICTED

received and entered in the Stock book, etc, as necessary. He/she is to notify the Commanding Officer at once where any bill cannot be paid owing to insufficient funds.

j. He/she is to check all stocks held (including containers), both of the bar and of any unexpended messing, at least once a week and sign the stock book and the containers' account as evidence of check.

k. He/she is to arrange for the accounts to be closed as early as possible after the last day of the period for audit and for FF1514 to be prepared for presentation to the Audit Board.

l. He/she is to make sure that no chits are accepted in the bar and that no credit is permitted to members.

m. Ensure cheques are not cashed through the Sergeants' Mess Account.

Duties of the Sergeants' Mess Treasurer

93. The duties are as follows:-

a. He/she is normally to be elected at the GMM. He/she is responsible to the OIC Mess that all monies received are accounted for and is to maintain FFB397.

b. The Treasurer may be permitted by the Commanding Officer to retain a maximum of KSh. 10,000 at anyone time as a float for petty cash purchases. These purchases must not exceed KSh 2,000 in respect of any one item. He/she is to obtain a receipted voucher for each purchase.

c. He/she is to be present every morning when the Duty Officer hands over the preceding day's takings to the OIC Mess or Central A/C and must immediately enter the amount in his/her cash account in FB397.

d. He/she is to keep a consecutively numbered order book in duplicate. All purchases must be signed in the official order book by the OIC Mess.

e. Upon receipt of the invoice for the goods, it is to be certified, dated and signed by a member of the Mess Committee other than the Treasurer, or by the Mess Caterer, to the effect that the goods as stated have been received, have been entered in the stock book and that the prices and calculations are correct. The invoice is then to be passed to the Mess Treasurer.

RESTRICTED

- f. Upon receipt of the certified invoice the Treasurer is to compare the details of the invoice with the duplicate order form.
- g. Check the order book against the stock or property book to ensure that all items received have been entered therein.
- h. Ensure statements for credit purchases are linked, as received, with the certified invoice or invoices and passed at once to the OIC Mess for payment by cheque or for authority for payment through the Central Account.
- j. He/she or the CMC is to check the bar stock each day and the stock of containers at least twice weekly, taking into consideration the following points:
 - (1) Goods in cartons or containers must not be accepted without a close check to make sure that the contents are as stated.
 - (2) Check that the daily sales sheets are correct in every detail and that the entries in the stock book have been correctly entered.
 - (3) Initial any alterations in the stock book and erasures must not be made.
 - (4) Sign the stock book as evidence of check.
- k. He/she is responsible for ensuring purchases of goods for messing do not at any time exceed the amount of funds available for this object.

Bank Accounts

- 94. As few bank accounts as possible should be kept by a Unit, most Units will be able to centralize their banking in one Unit bank account kept by the Unit Paymaster and known as the Central Account.
- 95. The Officer in charge of a fund should regard the Central Account as the fund's bank and pay money to the Central Account as to a bank. When cheques are required to be paid, he/she is to authorize the OIC Central Account in writing to draw the necessary cheque(s).
- 96. The following points should be noted:-
 - a. Officers in charge of funds are still responsible for their own accounts.
 - b. Cost of cheques and bank charges should be debited between the various funds.

RESTRICTED

- c. Transfers between funds can be made without paying cash or drawing a cheque.

Stocks

97. Details of the procedure to be adopted for accounting for stock are contained in Annex "D" to this Chapter.

Statement of Account and Balance Sheet

98. When the Commanding Officer orders an Audit Board to be held in accordance with Para 46, the account must be closed down at the date stated and a statement of account and balance sheet prepared on FF1514.

99. Instructions on how this is to be done are given at Annex "E" to this Chapter.

The information given on FF1514 will provide the answers to the questions in paragraph 1 of Annex "A" to this Chapter.

Comparison of Accounts

100. So as to let the Commanding Officer (and the account holder) see quickly and easily how the current account compares with previous periods, the account holder must prepare FF9269.

101. This form shows the following information in respect of:-

- a. The current period.
- b. The previous period.
- c. The penultimate period (or the period before that at b).
 - (1) **Part I** Balances of accumulated funds.
 - (2) **Part II** Available liquid assets.
 - (3) **Part III** Percentage profit on canteen (Or bar or wines).

102. The Commanding Officer can then see if the funds are increasing or decreasing; whether sufficient profit is being made, how the assets of the fund are held and if too much money is tied up in stocks, property etc.

Objectives of Audit Boards

103. The objective of auditing the accounts is to assist the Commanding Officer to supervise and control them. A well planned and conducted audit will disclose whether the accounts have been honestly and properly kept

RESTRICTED

and whether all transactions were authorized. It will assist in detecting errors and fraud.

104. All Non-Public funds as defined in Para 32 are to be audited at dates to be laid down by Service Headquarters.

Appointment of Stocktaking and Audit Boards

105. It is important for audit purposes that stock of all saleable or consumable goods in canteens, messes etc. should be taken on the first day of each new audit period before any transactions for that day commences. Particular attention should be paid to stocks of containers such as bottles and crates as these are a frequent source of loss.

106. This stocktaking should be performed by the internal Stock Taking Board. The board should be convened and published in Part I/Daily Orders before the end of the period to be audited. Commanding Officer must pay particular attention to ensuring that all accounts are closed ready for audit as soon as practicable after the end of the period and that Audit Boards commence their duties as soon as possible after the accounts are ready. Great care must be taken not to hurry an Audit Board unduly as hurried or incomplete audit will defeat its object.

107. Commanding Officers are to publish in Part I/Daily Orders, an Order convening an internal Stock Taking Board in sufficient time to allow the Officers on board to arrange their other duties so that they can give full attention to auditing the accounts.

108. The convening order is to state:-

- a. The names of the Chairman and the two members.
- b. The accounts which they are to audit.
- c. The date to which the accounts are to be audited, i.e the audit period.

109. The board is to be constituted as follows:-

- a. The Chairman.
- b. There are to be two members who will be Officers, except that in minor Units one may be a Warrant Officer.
- c. Civilian auditors are not to be employed.

110. The Board must have a good knowledge of keeping accounts.

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111. The members of the board are to assemble on the day designated by the Commanding Officer. The board will check the stocks on hand and check the cash, sign and date the stock book and FB397.

112. Account holders are to close their accounts, prepare them for audit and submit them to the Chairman by not later than seven days after the end of the audit period. Details are given in Annex "E" to this Chapter. Entries in pencil are not to be accepted.

113. The board is to re-assemble when the accounts are ready for audit, and carry out the main audit. This is to be completed as soon as possible and the Chairman is to hand four copies of the proceedings, including the board's observations and recommendations on FF2 to the Commanding Officer.

Audit Board Observations

114. It is the duty of the Commanding Officer to pursue to finality all observations raised on accounts by the Audit Board. This duty is not to be left to the Chairman or members of the Audit Board. Any observations raised, however minor in character, may prove to be an indication of greater irregularity.

115. The Commanding Officer is to consider the recommendations and, if it is necessary to make decisions or to give orders on any particular points, he/she is to add them to the proceedings in the form of directions.

Interpretation of Accounts

116. Provided that FF1514 in respect of each fund has been prepared properly, the Commanding Officer should in conjunction with the Audit Boards proceedings, be able to obtain, both quickly and accurately, a clear picture of the state of the fund. The following notes are given for guidance:-

- a. **Balances of Cash in Hand**. Are these balances in excess of those laid down? (See para 59).
- b. **Percentage Profits**. Are the percentage profits as recorded on FF2 in accordance with the rates laid down? (See para 74).
- c. **Liquid Capital**. Are the liquid assets of the fund (cash, bank and sundry debtors) sufficient to meet the liabilities of the fund to sundry creditors without liquidation of investments, property or stock?

RESTRICTED

- d. **Accumulated Fund Position.** Does the accumulated fund position show a tendency either to rise over a period or to fall? Is there any unnecessary accumulation of funds which would be better expended for the current benefit of the personnel concerned, or are the funds being dangerously depleted and is there need for stringent action to build them up?
- e. **Sundry Debtors and Creditors.** Does the schedule of debtors and creditors at page 4 of FF1514 show outstanding bills owing by or debts due to the fund, which seem excessive in individual cases? Are there any outstanding from the prior quarter's accounts and, if so, what action has been taken to clear them?
- f. **Insurance.** Is the insurance cover for fire, theft, fidelity, etc, too little or too much, bearing in mind the value of stocks, property, cash, bank, etc, and are all items covered.
- g. **Debtors and Creditors.** Does the schedule of debtors and creditors cover all items?
- h. **Fidelity Guarantee.** Is a fidelity bond held to cover those persons handling cash and bank accounts, and is the cover enough?
- i. **Limits for Write Offs.** Limit of Write-Off for Regimental funds will be as follows:-

(1) Normal Write-offs These are accidental losses arising from defective stock attributed to manufacturer's fault and breakages of stock/containers during handling. These are normally charged on the write – off account in FB 397. Permissible write off are as follows:-

(a) **Unit Commanders.** Maximum Kshs 50,000.00 aggregate per financial year.

(b) **Formation Commanders.** Maximum Kshs 100,000.00 aggregate per financial year.

(c) **Service Commander.** Above Kshs100,000.00 aggregate per financial year.

(2) **Authorized Write Offs.** These are authorized expenditures during mess functions. This will be based on the proposals in form of minutes made by respective General Mess Meetings (GMM) on the basis of the financial state and approved by the Commanding Officer. The maximum amount on aggregate should not exceed 40% of net profit

RESTRICTED

realized in the last audited financial year for respective
messes.

CHAPTER 19

LEGAL SERVICES

22-31

RESTRICTED

RESTRICTED

Contents

Paragraph

<i>General</i>	<i>1</i>
<i>1</i>	
<i>Jurisdiction</i>	<i>2-</i>
<i>5</i>	
Legal Advice and Proceedings	6 -
9	
Summons or other Processes	10
- 12	
Inquiries into Deaths	13
Bail	14
Indemnities	15
Legal Aid.	
16-17	
Drawing of Wills	18
Operational Law Aspects.....	
.....	19-21

RESTRICTED

CHAPTER 19

LEGAL SERVICES

General

1. This chapter gives a general overview on the legal advice and assistance that can be given to service personnel by DHQ or Service Legal Officers.

Jurisdiction

2. Jurisdiction in respect of offences by Service Personnel may lie either with Service authorities under the Kenya Defence Forces Act or it may lie with the civil authorities under ordinary law. In general, jurisdiction lies as follows:

a. Wholly with the Service authorities where the offence is contrary to service law, e.g. desertion or disobedience of a lawful command.

b. With both Service authorities and civil authorities and in particular where the offence can only be tried with the consent of the Director of Public Prosecutions such as e.g. treason, treasonable felony, treachery, murder, manslaughter, rape etc.

c. In a foreign country jurisdiction lies with that country subject to the terms of any treaty or agreement permitting Service authorities to exercise jurisdiction over specified offences.

3. In cases where jurisdiction lies jointly with either the Service or civil authorities, a commanding Officer is to refer to local police authorities the following:-

a. Any case of death or serious injury likely to lead to death, which may justify a charge of murder or manslaughter.

b. Any serious sexual assault, which may afford grounds for a charge of rape.

c. Any other case in which a civilian or his/her property is involved.

d. Any traffic offence, which occurs outside the limits of Government property.

RESTRICTED

- e. Any other offence, which may require to be dealt with by the civil authorities, for example because it is one of a category of offence of importance to the community either locally or nationally.
4. If a Service offender was on duty at the time and the offence constituted a breach of that duty, the civil police will normally hand him/her over to the Service authorities even though the offence may affect the property of a civilian. This would not apply to charges such as dangerous or careless driving which involve risk to the general public. Generally, Service authorities will deal with minor offences committed by service Personnel on Service premises if they can be dealt with summarily.
5. If a Service offender has a civilian accomplice, proceedings against both will normally be taken in a civil court.

Legal Advice and Proceedings

6. When legal advice is required, a clear and concise statement of the facts of the case on which opinion or action is sought is to be sent to DHQ or Service Headquarters where Legal Officers are stationed.
7. When an individual is likely to be made a defendant in civil or criminal proceedings or when a claim against the Ministry of Defence is likely, arising out of an act which was sanctioned by Service authority or which occurred in the course of his/her duty, he/she is to report the matter to his/her Commanding Officer. The Commanding Officer is to forward all relevant details including summons if any to Service Headquarters who will immediately send a full brief to DHQ Legal Services for advice and necessary action.
8. The cost of defence will usually be borne by public funds except where the defendant acted in excess of official authority or with a malicious or improper motive.
9. These procedures will apply where legal proceedings or arbitration proceedings are instituted by or against the Ministry of Defence.

Summons or other Processes

10. Service of summons on a Service Member shall be effected through the Commanding Officer. In the case of Officers, Service must be effected upon the Officer concerned. Commanding Officers are to inform Personnel concerned of the existence of the process.
11. When the individual is serving abroad, Service authorities are to inform the process server that no assistance can be given pending the

RESTRICTED

individual's return to Kenya and the approximate date of return may be given.

12. When a member of the Defence Forces is summoned to give evidence on official matters or to produce official documents in court or give expert evidence all relevant documents and a full statement of the facts concerning the matter in issue is to be sent to DHQ for legal advice on further action.

Inquiries into Deaths

13. Where there is death under suspicious circumstances, an inquest shall be carried out in the civil court and a BOI shall concurrently be constituted.

Bail

14. Where Service Personnel charged with criminal or traffic offences can obtain release from custody on providing bail, Commanding Officers may, if necessary, make advances of salary in respect of the sum required for bail. Each case will be considered on its merits depending on the nature of the alleged offence and the character of the person concerned. Such bail money is to be paid to the court by or in the name of the individual concerned and not in the name of the Service or any other person.

Indemnities

15. As a general rule when a facility, Service or equipment is granted to another party which does not materially benefit the Ministry of Defence Or where the balance of benefits is to the other party, steps must be taken to indemnify the Ministry of Defence against risks which might arise. The purpose of an indemnity is to transfer to another party the financial consequences of the ministry's legal liability together with any other expenses which may be incurred and which would otherwise be payable from the Ministry of Defence budget. The following are examples of activities for which indemnities are required:-

- a. When transport for unofficial or recreational purposes is approved.
- b. Where commercial organizations offer equipment for testing and evaluation by Ministry of Defence in the hope of influencing subsequent Defence procurement, the supplier should provide an indemnity against incidents occurring during or consequent to the trials.

RESTRICTED

- c. When civilian participants are involved in physical or other training programmes supervised by the Ministry of Defence.
- d. During the provision of approved forms of assistance to civil authorities and other outside organizations.

Legal Aid

16. Legal Aid by legal Officers may in appropriate cases be made available to officers and Service Members for:-

- a. The defence of Personnel charged before criminal and traffic courts for offences committed in the course of official duty.
- b. Advice to Personnel on matrimonial, succession, civil and commercial matters.

17. Legal Aid is given free of charge and does not include formal legal representation in civil courts on private matters by Kenya Defence Forces legal Officers. In addition Legal Aid does not cover claims made by Service Personnel on duty against other Service Personnel on duty, against the Ministry of Defence or claims on matters concerning discipline or court martial.

Drawing of Wills

18. Legal Officers are available as part of their Legal Aid duties for instructions on estate planning by Service Personnel including the drawing of Wills. On execution, Wills are to be sealed and with the consent of the testator kept in safe custody in approved document storage facilities after proper recording. Dependants are to be encouraged to seek the guidance of Legal Officers on general matters of administration of the estates of deceased Officers and Service Members. Service Personnel in addition can keep their wills with their personal advocates, in Banks or with trusted representatives.

Operational Law Aspects

19. In whatever capacity the Kenya Defence Forces are employed they must always operate within the law. If a conflict they are engaged in is international, the international law of armed conflict contained in the Geneva Conventions of 1949 and Additional Protocol I of 1977 must be observed. If the operation is non-international, then domestic law as well as international law applying to such operations such as Article 3 common to the Geneva conventions of 1949 and Additional Protocol II of 1977 apply. These conventions have become applicable in Kenya through the enactment of the Geneva Conventions Act, Chapter 198 of the Laws of Kenya.

RESTRICTED

20. Under the Laws of Armed Conflict a soldier may during an armed conflict lawfully engage with lethal weapons any legitimate military target including an attacking enemy combatant. When there is no armed conflict lethal force may only be used where domestic law permits.

21. It is therefore vital that Rules of Engagement (ROE's) governing the conduct of soldiers in any operation in which force may be used (whether in Aid of the Civil Authorities or not) are issued in advance by DHQ and Service Headquarters. Legal Officers are to be engaged in advising on the drawing of those ROE's both for exercises and operations. It will be their duty to pre-empt disciplinary issues as well as claims arising from breaches of ROE's, the Laws of Armed Conflict and Environmental Law and to resolve them when they occur.

CHAPTER 20

MEDICAL SERVICES

Contents

Paragraph

22-37

RESTRICTED

RESTRICTED

SECTION I—GENERAL

Organisation.....	1-2
Administration	3
Promotion Recommendations and Further Training	4
Training of Unit Stretcher Bearers	5

SECTION II—MEDICAL DELIVERY SYSTEM

General	6-8
Transport	9-12
Dental	13
Optical Treatment	14-16
Medical Board Procedure	17
Convalescence Leave	18-19
Medical Assessment	20
Body Weight Control.....	21
Objectives of Defence Forces Weight Control Program.....	22
Commanders Responsibilities	23
Responsibilities of Chief of Medical	24
Responsibilities of Medical Officer.....	25
Responsibilities of Individual Personnel	26
Annual Check Ups	27-28
Medical Equipment and Drugs	29
Custody of Equipment and Drugs.....	30
Medical Comfort and Patients' Diet.....	31

SECTION III—MEDICAL STANDARDS FOR CADETS AND RECRUITS

Cadets/Recruits	32-33
PULHEEMS	34-35
Potential Aircrew	36

SECTION IV—MISCELLANEOUS MEDICAL PROVISIONS

Medical Services Delivery System.....	37
---------------------------------------	----

RESTRICTED

Service Delivery at Military Hospitals and Reception Stations	38
Custody of Medical Equipments and Drugs	39
Sealed Tender Samples	40
Bonding of Military Personnel Sponsored for Courses (local & Abroad).....	41
Non Smoking Zones	42
HIV/AIDS.....	43
SECTION V—MEDICAL DOCUMENTS	
Medical Forms used by Kenya Defence Forces	44
Permitted Body Fat Levels	Annex ‘A’
Permitted Weight to Height Levels Men (Kg – Metres)	Annex ‘B’
Permitted Weight to Height Levels Men (Pounds-Foot)	Annex ‘C’
Permitted Weight to Height Levels Women (Kg - Metres).....	Annex ‘D’
Permitted Weight to Height Levels Women (Pounds-Foot).....	Annex ‘E’

RESTRICTED

CHAPTER 20

MEDICAL SERVICES

SECTION I

General

Organization

1. There is one Medical Service in the Kenya Defence Forces which is known as the Kenya Defence Forces Medical Services and it is made up of:-
 - a. Kenya Army Medical Corps.
 - b. Kenya Air Force Medical Branch.
 - c. Kenya Navy Medical Branch.

All Medical Personnel in the three Branches are inter-changeable within the Services.

2. The Medical Services in the Kenya Defence Forces is organised to provide Medical care to the members of the Defence Forces and their dependants. The Services are established to discharge the following functions:-
 - a. To render medical support to the Kenya Defence Forces during operations and war.
 - b. For the promotion and sustenance of health of the members of Kenya Defence Forces and their dependants.
 - c. For the care and treatment of those disabled by sickness or injury.
 - d. Defence Forces Memorial Hospital which shall be the KDF referral facility.

Administration

3. Each Service has a duty to administer its medical resources. Chief of Medical Services at DHQ coordinates all activities pertaining to the provision of medical care and issues professional guidelines to meet objectives of the Medical Services.

Promotion Recommendations and Training

4. Promotion of medical Personnel will be done through Service administrative channels in consultation with the Chief of Medical

RESTRICTED

RESTRICTED

Services, training both military and professional shall be undertaken at approved Institutions locally and / or Overseas.

Training of Unit Stretcher Bearers

5. Medical Officer in Charge of Medical Reception Stations/BMC/Sickbay are to be responsible for the training of Unit stretcher-bearers at a scale of two per Platoon or other Service equivalent.

SECTION II

MEDICAL SERVICES DELIVERY SYSTEM

General

6. Medical cover for Service Personnel and their dependants is the responsibility of the Kenya Defence Forces. When specialist Services or hospitalization are required and not attainable in the Kenya Defence Forces medical facilities, government facilities are to be used. If these are not available special arrangements with other approved local medical institutions within the country may be made with the co-ordination and approval of DHQ. Service Personnel and their dependants are entitled to free medical, surgical and obstetrical treatment at basic Government hospital level or as authorized by DHQ. Requests for overseas treatment may be sought through Service HQs on a case by case basis.
7. Civilian personnel employed by the Kenya Defence Forces may obtain out-patient treatment at no cost.
8. "Dependants" in paragraph 6 above shall be deemed to mean named spouse and children below the ages of 21 years or 25 years in the case of school going children, as recorded on the Officer's or Service Member's Service documents.

Transport

9. When a Medical Officer is required to use his/her own private car on Service duty in an emergency or when Service transport is not available expenses incurred may be charged to Service funds at appropriate motor mileage allowance rates.
10. Personnel accommodated in Military quarters or approved hiring may be authorized to use Unit transport when required to attend for medical treatment. In all other cases transport is to be at the individual's expense.

RESTRICTED

11. Ambulances are to be used for patients only.
12. Families living near military camps should receive medical care in such locations, provided that there has been prior liaison with the concerned Units to be able to positively identify Service Personnel dependants. Families not living in station are to receive medical treatment from local medical sources. Bills may be paid by individual and processed through Units for refund. Otherwise all bills not met by individuals are to be processed through Unit channels to Service Headquarters Personnel Branch.

DENTAL AND OPTICAL TREATMENT

Dental Treatment

13. Dental treatment is available through military Dentists. When authorized by the Chief of Medical Services, contract arrangements may be done with a civilian Dentist in special cases when a military Dentist is not available. Cosmetic dental treatment is an individual's responsibility (this does not however include dentures).

Optical Treatment

14. When authorized by Medical Officer, entitled personnel will obtain services within existing contracted prices. Prices of the service over and above the existing contract prices will be borne by the Service Personnel on treatment.
15. Adoption of K Med 79 (Revised) to be used in place of K Med 79.
16. Prescribing for spectacles/lenses will be authorized by Ophthalmologist or the Ophthalmic Clinical Officer but the Chief Ophthalmologist will authenticate all details and sign the last part of K Med 79 (Revised).

Medical Board Procedure

17. a. A medical board is to be held in respect of Service Personnel for any change of PULHEEMS classification in all instances where an Officer or Service Member medical condition is likely to affect his/her Service efficiency.
- b. A request for a medical board is initiated by the Formation/Unit Medical Officer in consultation with the Formation/Unit Commander. The request is then forwarded to the Service HQ which will forward the same to DHQ P& L for coordination and information.

RESTRICTED

- c. A medical board shall consist of the chairman, two Officers, one of whom must be from the Corps/Trade of the Service Personnel undergoing the medical board and two Medical Officers one of whom must be a specialist in the relevant medical discipline.
- d. A medical board's findings must be based on a preponderance of the evidence. Its recommendations must be supported by the board's findings.
- e. A medical board determines whether the Service Personnel is medically and physically fit /unfit to perform the duties of the Service Personnel's office grade, rank or rating, whether the Service Personnel disability is of a permanent nature and whether the disability meets the criteria established by law for compensation.
- f. A medical board recommends an award of disability compensation according to the rates set by the established law.
- g. A medical board will forward its proceedings to the Service HQ for action within fourteen (14) days from the date of the convening order.
- h. Upon determination by the medical board that an Officer or Service Member has a severe illness or a permanent physical disability and is unfit to perform military duties, the Officer or Service Member is to be awarded the appropriate disability compensation award and be recommended for discharged from the Service on medical grounds.

Convalescence Leave

- 18. The Medical Officer, acting in conjunction with the Commanding Officer may allow serving personnel a period of convalescence leave not exceeding fourteen (14) days. However a consultant may give up to twenty eight (28) days depending on the condition of the patient.
- 19. All Officers of the Kenya Defence Forces are to have a Medical check up every year. In addition aircrew Officers will undergo specific Medical examinations as required by their profession on discharge from hospital after any in-patient case.

Medical Assessment

- 20. Assessments in accordance with the **PULHEEMS** systems are to be made for all ranks on the following occasions:-

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- a. Enlistment and re-enlistment.
- b. Discharge from Service.
- c. Change of Branch/Trade (Officers only).
- d. Re-engagement or continuance Service.
- e. After discharge from hospital for any disease or injury that required in-patient care.
- f. Any other occasion when considered necessary, by the Unit Medical Officer.

Body Weight Control

21. Military Personnel should be able to meet the physical demands of their duties under combat conditions. This is in conformity with presenting a trim military appearance at all times since excessive body fat connotes a lack of personal discipline and may indicate a poor state of health, physical fitness or stamina.

Objectives of DFWCP

22. The following are the objectives of DFWCP:-
 - a. Assistance in establishing and maintaining self discipline, operational readiness, optimal physical fitness, health and effectiveness of military Personnel through proper weight control.
 - b. Prescription and adoption of the recommended weight/height and body fat standards as outlined in set standards.
 - c. Provision of procedures for which Personnel are counseled to assist them in meeting the standards as prescribed.
 - d. Fostering high standards of professional military appearance/image expected of all Personnel.

Commander's Responsibilities

23. All Commanders in the Kenya Defence Forces will be held accountable for ensuring that this programme is effected in their commands as follows:-
 - a. Development of proactive fitness programmes that clearly establish physical fitness as a Unit value and make it easy for their Personnel to attain and pass set standards.

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- b. To organize and ensure that all Military Personnel in their command do and pass the annual PULHEEMS, APRT and DFWCP as prescribed.
- c. Maintenance of date on weight control standards on all military Personnel in their command and submission of the same in their bi-annual reports to the higher headquarters.
- d. Submit returns for all Service Personnel under their command following which annual returns will be incorporated in the ANNUAL PERFORMANCE CONTRACT of each year by the 30th of June.

Chief of Medical Responsibilities

24. The responsibilities of Chief of Medical shall include:-

- a. Evaluation of the medical aspects as DFWCP.
- b. Establishment and reviews of the procedures for the determination of body fat content.
- c. Provision of guidance on improving the nutritional status of military Personnel.

Medical Officers' Responsibilities

25. The responsibilities of Medical Officer shall include:-

- a. Instituting weight reduction and counseling programmes in military medical facilities in support of DFWCP.
- b. Identification of over weight Personnel and assisting commanders by providing weight reduction counseling to the overweight personnel to conform to the set standards within the set timeframe.

Individual Personnel Responsibilities

26. The responsibilities of individual personnel shall include:-

- a. All Officers, Service Members have personal responsibility in meeting and maintaining the standards as prescribed by DFWCP.
- b. Each individual is responsible for seeking medical advice on his/her fitness status and committing own time on improvement programme to complement Unit programmes.

Annual Check-up

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27. All military Personnel to be weighed at a minimum every six (6) months during the annual PULHEEMS and during the APRT.
28. Military Personnel who fail the PULHEEMS, APRT or DFWCP will be required to retire. Permitted body fat and weight levels are shown in Annex “A” to “E” of this chapter.

Medical Equipment and Drugs

29. All purchases are made through contractual agreements approved by the Ministerial Tender Committee. A few expendable items may be purchased through quotations but in strict conformity with Public Procurement and Disposal Act.

Custody of Equipment and Drugs

30. The Regimental or Base Medical Officer-in-charge of a Medical Station is to be responsible for the accounting and safe Custody of all Unit Medical equipment. A monthly check of all non-expendable items on charge is to be made and recorded.

Medical Comfort and Patients Diet

31. Upgrade of ration scale 9 to accommodate the existing deficiencies in patients’ diet will be in accordance with Annex “F” to this Chapter.

SECTION III

MEDICAL STANDARDS FOR CADETS AND RECRUITS

32. All potential Cadets/Recruits are to be examined by a Medical Officer on arrival in Camp within two weeks of initial recruitment, and K Med 1 to be completed by the Medical Officer.
33. The requirements for Cadets /Recruits are contained in the Kenya Defence Forces Recruitment Aptitude Standards and the Kenya Defence Forces Medical Standards Manuals.

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PULHEEMS

34. The minimum PULHEEMS Employment standard for all Cadets/ Recruits is to be as follows:

CP PULHEEMS PES = FE 222221122

35. The assessment of personality, intelligence and learning capacity is a difficult task but, nevertheless, one that must receive due attention. It is felt that a certain amount of experience is necessary in judging these qualities. Everyone has his own way of summing up people.

Potential Aircrew

36. In the cases of **Potential Aircrew**, initial examination is to include:-

- a. ECG reading.
- b. Blood examination for Sickle Cell tendency.
- c. Audiometry.
- d. Refraction.
- e. Chest X-ray.

SECTION IV

MISCELLANEOUS MEDICAL PROVISIONS

Medical Services Delivery System

37. This will be achieved as herein after provided in Para 34 and 35.

Service delivery at military hospitals and reception stations

38. Service delivery of Military hospitals and reception station shall include:-

- a. Each military health facility must have an appointed Medical Officer in charge.
- b. Medical Officers in charge of military health facilities must provide the desired leadership:-
 - (1) Personally exhibiting the professionalism expected of them.

RESTRICTED

- (2) Demonstrating proper responsibility in administering Personnel under them.
- (3) Effectively controlling and supervising provision of quality medical care through routine and impromptu checks, such checks must be traceable.
- (4) Providing proper professional guidance to their immediate Commanders.
- (5) Ensuring that medical Personnel under their charge exhibit courtesy during their service delivery.
- (6) Realization of the importance of the professional calling of medical Personnel and being available in their duty stations to serve patients appropriately.

Custody of medical equipment and drugs

39. Para 25 stipulates the responsibility of the RMOs/BMOs in charge of MRS/BMC/Sick bay with regard to safe custody of all Units medical equipment. They are further to adhere to the following instructions:-
 - a. Certifying and processing for approval by Unit/Formation Commanders for drugs and other medical stores including medical equipment.
 - b. Certifying that supply of drugs and other medical stores to the Unit/Formation are received and stored according to the existing Kenya Defence Forces regulations.
 - c. Monitoring and ensuring that the issuance of all medical stores is done in accordance to the laid down procedures.
 - d. Ensuring that dispensing of drugs to patients from Unit/Formation is done as per the prescribing clinician's prescription and that documentation is made for accountability.
 - e. Monitoring the serviceability of all medical equipment in the Unit/Formation and retaining a register for the same promptly initiating maintenance service and repairs for the equipment when warranted.
 - f. Maintaining adequate stock levels of drugs and other expendable medical stores as required by the Unit/Formation.

RESTRICTED

- g. Preparing and forwarding monthly return to the Service Headquarters on the situation of drugs, other medical stores and equipment.

Sealed tender samples

- 40. Each Service drug store and the main drugs store at DFMH must display samples conspicuously for all to note. Officers in charge of drug stores must ensure that only medical supplies which meet the required specifications, are accepted.

Bonding of military medical personnel sponsored for courses (Locally or abroad)

- 41. This will continue to conform to the laid down Terms and Conditions of Service for Personnel of the Kenya Defence Forces.

Non-smoking zone

- 42. The following areas have been designated as non-smoking zones in conformity with the government's directives that all government building and premises be smoking free zones:-
 - a. Messes.
 - b. Offices.
 - c. Living quarters.
 - d. Places of worship.
 - e. Gymnasium.
 - f. AMMO and POL Points.

Note: Unit/Formation Commanders shall design smoking zones within their establishments.

HIV/AIDS

- 43. a. Anti Retroviral (ARV) for HIV/AIDS will be provided free in all establishments.
- b. DHQ HIV/AIDS programme will determine the Kenya Defence forces prevalence rate through comprehensive scientific methods.
- c. Units/Formation will continue to provide counseling & guidance services to all their Personnel.

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- d. Services will initiate “Orphans and Vulnerable Children” programme as a welfare activity.

SECTION V

MEDICAL DOCUMENTS

Medical Forms used by the Kenya Defence Forces.

44. The Medical documents in use by the Defence Forces are as follows:-

K. Med.	1	Medical Examination Report (Entry).
K. Med.	4	Medical Envelope.
K. Med.	8	Report or a Case referred for Psychiatric Examination.
K. Med.	9	In-Patient Case Notes Cover.
K. Med.	13	Clinical Chart.
K. Med.	18	Treatment Card.
K. Med.	19	Medical Board Proceedings.
K. Med.	23	Record of Medical Board Proceedings.
K. Med.	142	Special Medical Examination.
K. Med.	1	Medical Examination Report (Entry).
K. Med.	2	Record of Entry Examination.
K. Med.	3	Medical Examination Consent Form.
K. Med.	4	Medical Envelope.
K. Med.	5	Attendance and Treatment Card.
K. Med.	6	Out-Patient Reference Sheet.
K. Med.	7	Record of Out-Patient Notes.
K. Med.	8	Report or a Case referred for Physical Examination.
K. Med.	9	In-Patient Case Notes Cover.
K. Med.	10	In-Patient Case Notes.
K. Med.	11	In-Patient Case Notes (Continuation Sheet).
K. Med.	13	Clinical Chart.
K. Med.	14	Record of In-Patient Case Notes.

RESTRICTED

K. Med.	15	In-Patient Record (Continuation).
K. Med.	18	Treatment Card.
K. Med.	19	Medical Board Proceedings.
K. Med.	23	Record of Medical Board Proceedings.
K. Med.	25	Notification of Infectious Diseases.
K. Med.	26	Field Medical Card.
K. Med.	27	Admission and Discharge Book.
K. Med.	142	Special Medical Examination.
K. Med.	143	Special Medical Examination Report.
K. Med.	156	Physiotherapy Request and Treatment.
K. Med.	551	Report on accidents or Self-inflicted Injury.
K. Med.	657	Temporary Re-assessment of Employment Standards.
K. Med.	3884	Certificate of Inoculation.
K. Med.	4061	AF Dental History Card.
K. Med.	458	Medical Record Card.
K. Med.	458A	Medical Progress Card.
K. Med.	6539	Periodical Medical Examination.
K. Med.	6540	Special Examination Record.
FO.	20	Payment Voucher.
Civil Form Med.	41	List of Authorized Stores and combined Price List.
Civil Form Med.	42	Receipts and Issue Voucher.
Civil Form Med.	43	Combined Requisition and Issue Voucher.
Civil Form Med.	64	Write-off for Hospital Stores Monthly.
Civil Form Med.	73	Request for Haematological Examination.

RESTRICTED

Civil Form Med.	76	Request for Pathological Examination.
Civil Form Med.	91	Dispensary Report on Non-Government Patients.
Civil Form Med.	103	Fluid Balance Chart (Intake and Output).
Civil Form Med.	109	Prescription Form.
Civil Form Med.	120	Ward Diabetic Chart.
Civil Form Med.	131	Child Welfare and Ante-Natal Clinic Card.
Civil Form Med.	133	Ante-Natal Welfare Card.
Civil Form Med.	135	Leprosy Out-Patient Card.
Civil Form Med.	165	Request for Orthopaedic Treatment.
Civil Form Med.	171	Ophthalmic Case Sheet.
Civil Form Med.	206	Request for X-ray Examination.
Civil Form Med.	311	Voluntary Admission to Mental Hospital Schedule.
Civil Form Med.	312	Voluntary Admission to Mental Hospital Second.
Civil Form Med.	314	Recommendation for Temporary Treatment.
Civil Form Med.	320	Treatment Card (Psychiatric).
K Med	144	Assault Medical examination Report.

These Forms are obtained from Government Stores or from Ordnance Depot Special Service Documents are required for the Kenya Defence Forces.

CHAPTER 21

EDUCATION SERVICES

Contents

Paragraph

RESTRICTED

General.....	1
Responsibilities	2
Education Personnel.....	3
Promotion, Recommendations and Further Training	4
Kenya Defence Forces Education Scheme..	5
Management of Defence Forces Sponsored Public Schools	6-10
Higher Education for Military Personnel.....	11
Defence Forces School of Higher Education.....	12
Policy on Refund of Tuition Fees	13
The Defence Forces Continuing Education Programme.....	14-16
The Defence Instructional Techniques.....	17-19
Correspondence Courses	20-21
Defence Forces Libraries	22-24
<i>Library Rules</i>	25
<i>Unit Librarians</i>	26
Accounting.....	27
Loss and Damage.....	28
Disposal to Salvage.....	29

CHAPTER 21

EDUCATION SERVICES

22-53

RESTRICTED

RESTRICTED

General

1. The Defence Forces Education Corps is established to provide, uplift, supplement and/or facilitate the formal and professional education to members of the Defence Forces and to some extent to members of their families.

Responsibilities

2. The Education Corps is organized to undertake the following responsibilities:-
 - a. Implementation of the general Education Policy.
 - b. Routine advice to Service Commanders on general and technical education matters.
 - c. Implementation of the Kenya Defence Forces Certificate of Education in improving the professional quality of Service Personnel.
 - d. The supply of educational, recreational, journals, periodicals and newspapers.
 - e. Liaison with external education authorities, agencies, public/private tertiary institutions and universities.
 - f. Administration, management and co-ordination of the Defence Forces Continuing Education Programme.
 - g. Management of public nursery, pre-primary, primary and secondary schools under the Defence Forces sponsorship.
 - h. Offer assistance in the placement of children of Kenya Defence Forces Personnel into public schools/tertiary institutions.
 - j. Designing and facilitation of relevant staff development training programmes based on the prevalent training needs of the Defence Forces.
 - k. Facilitation of military map reading classes and the enhancement of the officer's level of preparedness in current affairs towards the promotion examination.
 - l. Recruitment, training and development of education personnel.

RESTRICTED

- m. Directly support military institutionalized training by rendering instructional services in relevant areas of study.

Education Personnel

3. Education Personnel, in the field are responsible to their respective Unit/Base/Formation Commanders for all matters affecting education in the Units/Bases/Formations to which they are attached.

Promotion, Recommendations and Further Training

4. Instructions on recruitment, training and promotion of Education Personnel are contained in the respective Terms and Conditions of Service for the Defence Forces. Further professional training of Education Personnel will be undertaken at approved institutions locally and overseas in consonance with the prevalent service needs.

Kenya Defence Forces Education Scheme

5. The objective of the Kenya Defence Forces Education Scheme is to educate and develop Service Personnel, rendering them more efficient and effective as Service Personnel and citizens.

Management of Kenya Defence Forces Sponsored Public Schools

6. The Kenya Defence Forces has committed enormous sponsorship to the provision of education facilities within the military establishments. Consequently, all Nursery, Pre-Primary, Primary and Secondary Schools under the Defence Forces sponsorship will fall under a common management armpit. Nevertheless, provision under Chapter 211 of the Laws of Kenya will still remain applicable.
7. Admission into Kenya Defence Forces sponsored public Schools is to be the responsibility of the Head Teachers of the pre-primary, primary and secondary in conjunction with the Ministry of Education.
8. However, the policy of 80% military and 20% civilian admission ratio in all classes remain the guiding principle. Any variations must be authorized by the DHQ.
9. Enrolment and admission shall be carried out without discrimination on tribe, religion, social background or/and Unit of the candidate or parent.

RESTRICTED

10. Admission for Form One will be on competitive basis and in consonance with the prevalent admission guidelines as provided for by the Ministry of Education for respective annual selection.

Higher Education for Military Personnel

11. Services will continue to sponsor Service Personnel to study for degrees in relevant fields.

Defence Forces School of Higher Education

12. The mission of the Defence Forces School of Higher Education (DFSHE) is to offer cost effective training development programmes for Defence Forces personnel to advance their professional skills and cultivate quality of character in leadership. The School is charged with the responsibility of:-

- a. Educating Service Personnel through correspondence and face-to-face tuition and preparing them for military and civilian higher academic examinations.
- b. To train Service Personnel in foreign languages as will be periodically dictated by prevalent duty needs.
- c. To revamp staff development for instructors for Defence Forces training institutions.

Policy on Refund of Tuition Fees

13. Service Personnel who wish to pursue degree courses privately will be refunded all tuition fees and other relevant expenses like stationery, library and examination expenses on successful completion of the course. However, the field of study must be relevant to the Service and one has to apply and be granted clearance by the Chief of the Defence Force, through service commanders prior to enlisting for the course.

The Defence Forces Continuing Education Programme

14. The Defence Forces Continuing Education Programme (DFCEP) is an academic initiative, which is available to Cadets and Serving Officers. The programme facilitates linkages to a diversity of University course programmes in the local public universities. The broad scope of academic and professional linkages is covered under five distinctive columns as follows:-

RESTRICTED

- a. Column I Egerton University.
 - b. Column II Nairobi University.
 - c. Column III Jomo Kenyatta University of Agriculture and Technology.
 - d. Column IV Kenyatta University.
 - e. Column V Parallel and Open Learning University programmes.
15. The main objectives of the programme are:-
- a. To provide flexible opportunities for academic programme as envisaged in the strategic policy under the 2003 Mission of Academic Development in supporting Human Resource Development.
 - b. To expand the current collaborative mandates with the local public universities in relevant academic, technical and professional fields.
 - c. To encourage Officers to pursue tertiary academic and professional education programme leading to degree qualifications in areas of their own interest.
 - d. To enhance recognition by local public universities of the diverse military training programmes and endeavour to formulate credit transfer mechanism to benefit deserving Service Personnel.
16. Admissions and sponsorship to courses in DFCEP will be administered under current policy provisions based on the prevalent Service needs.

The Defence Instructional Techniques

17. The Defence Instructional Techniques (DIT) approach is a deliberate training intervention strategy for achieving universal standards in the planning and conducting of instructional activities in all military training institutions. The Defence Forces School of Higher Education (DFSHE) is designated as the implementing authority through Courses of Instruction conducted at DFSHE premises and DIT Mobile Teams, which cover the entire Defence Forces.
18. The core objective of the DIT approach is to upscale and standardize the design, planning and delivery of the diverse instructional activities

RESTRICTED

covered within the Defence Forces individual training function. The DIT approach therefore endeavors to:-

- a. Standardize the critical common-user training support documents relevant to the individual training function in the Defence Forces.
 - b. Standardize the trainers planning and delivery techniques of the specific training events.
 - c. Continuously monitor the DIT compliance status in all military training institutions, based on the existing instructor suitability and competence levels.
19. The DIT compliance is a mandatory pre-deployment requirement for all directing staff/instructors posted to military training institutions. In this regard, all Commanders and Commandants are to ensure this is fully implemented within their training institutions and demand evidence of compliance.

Correspondence Courses

20. In certain cases and with recommendation of Commanding Officers, Senior Education Officers at Service HQs and approval of DHQ Service Personnel may take correspondence courses with approved colleges with fees paid from public funds.
21. Such correspondence courses are normally to be in preparation for a recognized public examination. The number of students from any Service and the number of subjects offered is to be notified to DHQ from time to time.

Defence Forces Libraries

22. DHQ through the Defence Forces Library Services is to be responsible for the supply of all books required for use in the Defence Forces in the following categories:-
- a. Textbooks for classes held under the Defence Forces Education Scheme.
 - b. Textbooks for Forces correspondence courses.
 - c. Unit Libraries general reading and reference books.
 - d. Reference textbooks for sustaining DFCEP.

RESTRICTED

- e. General Education books.
23. DHQ is responsible for the selection and ordering of all books through the Senior Education Officers at Service Headquarters. Demands for particular books are to be made through Unit Education Officers to Colonel Education.
24. Charging system of Library Books:-
- a. Each book is to be taken on charge by the Unit Librarian.
 - b. Consolidated lists of books taken on charge are to be forwarded to Colonel Education for accountability purposes.
 - c. All Library books will be processed i.e Accessioned, Catalogued, Classified, book pocketed and given appropriate call number before being shelved.
 - d. It will be the responsibility of each Unit Librarian to account for the circulation of each book.

Library Rules

25. Library Rules as follows are to be displayed in each Library and borrowers are to sign the green ticket to show that they have read the rules:-
- a. Two books only may be borrowed at any time and for a period not more than two weeks.
 - b. Books may be retained for a further period on being re-stamped.
 - c. All books are to be stamped with the date due in.
 - d. The borrower is held responsible for the condition of the book.

Unit Librarians

26. Each Library will be manned by a full time Librarian. His/her duties are:-
- a. The general organization and administration of the Library.
 - b. Accounting for all the books in the Library.
 - c. Control of the Library circulation desk.
 - d. Recalling for over-due book is by use of reminder cards.

RESTRICTED

Accounting

27. The following measures will be exercised in accounting:-
- a. All books issued through Colonel Education are to be accountable in accordance with normal procedure.
 - b. Books of a published price of KShs 15 or less may be regarded as expendable and be taken on charge as such. However, every effort is to be made to guard against loss or damage.
 - c. A physical check of all books is to be carried out by the Units Librarian every six months and a return forwarded to Senior Education Officer of each service.

Loss and Damage

28. The following measures will be exercised to control loss and damage:-
- a. It is the responsibility of all who hold books on charge to ensure that adequate arrangements are made for the safe custody of the books, their issue and recovery from borrowers in order to prevent loss.
 - b. Disciplinary action should be taken where appropriate against individuals responsible for loss or damage and debit vouchers raised and dealt with in accordance with instructions laid down in Pay and Allowance Regulation, 1967 part V (as amended from time to time).
 - c. Books lost or damaged are to be valued at 150 % of their full-published price.
 - d. If the cost of the book cannot be ascertained, Unit Education Officer is authorized to assess its value at his/her discretion.
 - e. Applications for write-off of books will be submitted to Senior Education Officer in the service for approval and Issue of appropriate authority.

Disposal to Salvage

29. Books, which are deemed to be completely unserviceable by a Board of Survey, are to be listed and periodically notified to Senior Education Officer who is to issue authorisation for local salvage if appropriate.

RESTRICTED

22-61

RESTRICTED

RESTRICTED

CHAPTER 22

CHAPLAINCY/IMAMS SERVICES

Contents	Paragraph
General	1-6
Conduct of Chaplains	7-10
Responsibilities of Chaplains and Catechists	11
Responsibilities of Commanding Officers	12-17
Classification of Religious Beliefs	18
Change of Religion	19-20
Baptism/Confirmation	21
Marriage	22-23
Confirmation	24
Records of Baptisms, Confirmations and Marriages	25-28
Burials	29
Equipment and Dress	30-36
Rank Structure	37-41
Quarters.....	42
Consecration of Colours	43
Officiating Chaplains	44-47
Organists	48
Visitation of Hospitals, Schools and Detention Centres.	49-57
Consecration of Colours: Order of Service	Annex “A”
Administration of the Chaplaincy	Annex “B”

RESTRICTED

CHAPTER 22

CHAPLAINCY/IMAMS SERVICES

General

1. The Kenya Defence Forces Chaplaincy Services (DFCS) is responsible for the religious administration of the Personnel of the Army, Air Force and Navy. The DFCS is also responsible for the religious administration of the Kenya Defence Forces families. It is the chaplain's duty to promote by all practical means the spiritual welfare of Officers, Service Members and their families under their care.
2. Chaplains are administered in three branches of the Chaplains Services, which are Roman Catholic, Anglican and Muslim.
3. The Kenya Defence Forces Chaplaincy is a DHQ Branch which administer ecclesiastical/Islamic jurisdiction where Roman Catholic Chaplains come under the Bishop of the military Ordinariate, the Anglicans Episcopate come under the Bishop in Ordinary and Muslims under the Chief Kadhi.
4. The Holy See is responsible for appointing the Roman Catholic Bishop to the Kenya Defence Forces, the Archbishop of Kenya is responsible for appointing the Anglican Bishop. The Chief Kadhi is responsible for recommending the recruitment of Imam to the Kenya Defence Forces.
5. The Kenya Conference of Catholic Bishops (KCCB) is responsible for recommending together with the Anglican house of Bishops for Providing Chaplains and the Office of the Chief Kadhi is responsible for providing the Muslim Chaplains (Imam).
6. Chaplains will obtain ecclesiastical jurisdiction from the appropriate Bishop and Principal Imam to the Forces.

Conduct of Chaplains/Imams

26-1

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7. The conduct of Chaplain/Imams should be above reproach in his/her dealings with all ranks, he/she should excel in the charity, tact and courtesy which befit his/her calling.
8. On no account should he/she take part in disputes concerning the internal affairs of the Unit or criticize Superior Officers or their administration. If he/she has cause for complaint in matters concerning his/her own work, he/she should make representation with courtesy and tact.
9. He/she should be punctilious in both giving and returning the salute.
10. It is the rule in the Services that politics and religion are not discussed in the Mess. Chaplains/Imams should be scrupulous in observing this rule and never be tempted to join in arguments or discussions of this kind, which experience has proved so often lead to ill feeling and acrimony. Any serious and honest inquiries from Officers and Service Members regarding religious matters should be referred to a more appropriate time and place.

Responsibilities of Chaplains and Catechists/Imams and Maalims

11. The Chaplains/Imams and Catechist/Maalims are responsible for the following:-
 - a. Arranging and conducting Liturgy.
 - b. Services/all Khutba prayer, conferring of sacraments, conducting funerals for practicing faithful and visiting their practicing faithful in Hospital or under sentence.
 - c. Provides Padre/Islamic Hour during one or two working hours each week.
 - d. Facilitates the teaching of religious instruction to Kenya Defence Forces Schools.
 - e. Pastoral responsibility of the faithful entrusted to him/her under the authority of the Bishop or Principal Imam.
 - f. Guidance of the Bishop/ Principal Imam directs liturgy in his/her own parish.
 - g. Custodian of the Church/Mosque/Madrassa and wakf property.
 - h. Coordinates the proper running of the Church/Mosque office and gives counsel to his/her Christian/Muslim faithful.

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- j. Advices his Commander on all matters relating to spiritual and pastoral care.
- k. Custodian of documentation in his/her local Church/Mosque.
- l. Perform any other duty as allocated to him/her by his/her Bishop/ Principal Imam.

Responsibilities of Commanding Officers regarding Chaplains/imams

- 12. Commanding Officers are to afford facilities to Chaplains and Catechists to hold services in their camps. Commanding Officer is to arrange with their Catechists/Maalims suitable times for Sunday/Friday services and weekly Padre/Islamic hours. The same facilities should be afforded to the families of serving personnel.
- 13. Organized games and recreation and events of a similar nature will not normally be arranged to take place during times of Church/Mosque services.
- 14. Officers and Service Members will not normally be ordered to attend religious services. However, on certain days of national importance or on ceremonial occasions, Service Commanders may order their members to take part in a religious service as part of a parade. In widely separated garrisons, this authority may be delegated to the Commanding Officer.
- 15. Neither Officers nor Service Members will be obliged to attend a service of denomination other than their own.
- 16. Commanding Officer is to render Chaplains and Catechists assistance in carrying out their duties including transport, offices, staff and related facilities.
- 17. Chaplains and Catechists are not to be ordered to carry arms, except during training and operations, or take part in duties of a hostile nature under any circumstances whatsoever. Catechists are not to be ordered to carry out duties, which are not normally carried out by chaplains.

Classification of religious beliefs

- 18. The religious beliefs of any Member of the Kenya Defence Forces will be classified for all Services purposes as Roman Catholic, Anglican or Muslim. Other Members will be classified strictly in accordance with their own declaration on the subject e.g. Hindu, Sikh, Agnostic, Atheistic etc, but if they start a Catechism course they may declare themselves Christian/Muslim and specify their particular belief.

RESTRICTED

Personnel who would have declared themselves to be Members of a particular religion at the time of enlistment will be required to produce a certificate.

Change of Religion

19. In case a member of the Kenya Defence Forces wants to change his/her religion it is necessary to inform the concerned Chaplain/Imam of his/her intention.
20. A record of any change of religion will be published in Part II Orders and entered into the member's documents.

Baptisms/conversion

21. Baptismal/conversions will be recorded in the Baptismal/conversion registers maintained individually by the Principal Chaplains and the Principal Imam. The chaplains who administer Baptism/conversion will issue a certificate of baptism/conversion and will then enter the details in the archives at DHQ.

Marriage

22. Chaplains/Imams licensed to officiate at Christian/Muslim marriages will comply with the Laws of Kenya. The chaplain who assists at the marriage will register the marriage in accordance with the relevant laws.
23. All Christian/Muslim marriages of Defence Forces Personnel will be recorded in the Archives at DHQ.

Confirmation

24. From time to time the respective military Bishop will administer the Sacrament of Confirmation to his/her members. The names of those confirmed will be recorded in the Confirmation Register maintained by the Principal Chaplains. The parent mission of those confirmed will be informed.

Records of Baptisms, Confirmations And Marriages

25. All records are kept individually by the Principal Chaplains/ Principal Imam. Unit Chaplains/Imaam should send all Baptism, Confirmation and Marriage Certificates to their respective Principal Chaplains/ Principal Imam as soon as possible so that they can be recorded in the archives.

RESTRICTED

26. Copies of Baptism and confirmation certificates in the event of the original being lost are obtainable from the Unit Chaplains/Principal Imam.
27. If the Government Marriage Certificate is lost application for the copy must be made to the Registrar General. Copies of Ecclesiastical Marriages Certificates are obtainable through the Principal Chaplain/Principal Imam concerned.
28. No fees are charged for administering Sacraments or performing services but Service Members wishing to get married in Service churches will pay 1000.00 for Christians and Muslims or such other rate as may be amended from time to time. This amount goes to cover the cost of the Government Marriage Certificate and the necessary correspondence between the parent missions of the people getting married and the Chaplains and the cost of getting letters of freedom. For Muslims, the KShs 1000.00 (or other rate as may be amended from time to time) goes to cover the marriage certificate only.

Burials

29. Kenya Defence Forces Chaplains/Imams are to officiate at the burial of Officers and Service Members in accordance with classifications in Para 18.

Equipment and dress

30. Anglican Chaplains are to be issued with one cassock, clerical collar, stock, surplice, one field service communion set and 4 chasubles (Green, White, Red, and Purple) upon commissioning.
31. Roman Catholic Chaplains are to be issued with two black and white cassocks, clerical collar, stock, and surplice and complete Mass box. They are to be issued with four Chasubles of four different colours red, green, white and purple upon commissioning.
32. Catechists on enlistment will be issued with one cassock and surplice only. This applies to Catechists of all denominations.
33. Muslim Imam and Maalims are to be issued with two Kaftan (Kanzu) two caps (Kofia) two sarong, two shawls, one robe, one prayer mat and one coat (Civilian).
34. The normal dress for Chaplains is the normal service working dress. Silver or gold crosses are to be worn on the lapels.

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35. The clerical collar is never worn with the above dress. It is unbecoming to wear the clerical collar when a short sleeve is the order of dress of the day.
36. The clerical collar is not obligatory when No. 1 Dress or Mess Dress is worn. It is strictly forbidden for Chaplains to wear collar and tie with Service Dress or Mess Dress.

Rank structure

37. Chaplains/Imams will wear such insignia of rank as may be promulgated from time to time by DHQ. They are to be treated with the respect due to their rank and profession. They are to be addressed, as "Father", "Padre" or "Imam" and their relative ranks will not be used. They will wear the uniform of the service they are serving.
38. Catechists/Maalims will wear such insignia of rank as may be promulgated from time to time by DHQ. Catechists/Maalims are to wear the uniform of the Service with which they are serving.
39. Catechists will be addressed by the rank they hold but may be addressed as "Mwalimu" or "Maalim". They will never be addressed as "Father", "Padre" or "Imam".
40. Chaplains/Imams and catechists/Maalims will give orders to their junior in rank, except within the scope of their own justification, i.e. Bishop/Kadhi/Principal Chaplain/ Imam and catechists/Maalim.
41. The Principal Chaplain/ Imam of each denomination/faith will arrange the work of his Chaplains of his/her denomination. He/she will report any negligence or disobedience of Orders through the normal chain of command. Every chaplain/Imam has the right of communication on ecclesiastical matters with the recognized head of his/her religion.

Quarters

42. As laid down in para 23 Chapter 29 of Kenya Defence Forces Standing Orders.

Consecration of colours

43. The ceremony of consecrating the Colours will be performed by Roman Catholic Bishop, Anglican Bishop in Ordinary and the Kadhi.

Officiating Chaplains

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44. Officiating Chaplains will be selected by Principal Chaplains/Imam and appointed by DHQ. Through the Service Headquarters, the Commanding Officer will furnish the Principal Chaplain/ Imam with details of services performed. The Principal Chaplain/Imam will forward the appropriate form to the Chief of Personnel, DHQ who will make direct payment to the officiating chaplains. Officiating chaplains will be paid according to capitation rates and according to number of masses celebrated or services performed.
45. The scale of remuneration for Officiating Chaplains will be Kshs 2,500.00 per service or such other rate as may be approved from time to time.
46. Officiating Chaplains claims are made on Army Form 1609 at the beginning of each month for the previous month.
47. Officiating Chaplains, if they are called in for Religious Festivals, will be paid the same rates as Sundays/Ijumaa prayers. These festivals are Maulidy, Holy Thursday, Good Friday, Easter Monday, Ascension Day, Assumption Day, Feast of all Saints, Christmas Day, Iddi Ul-Haj, Iddil-Ul-Fitri and Ramadhan.

Organists

48. Civilians who act as accompanists at Divine Services arranged for Service Personnel are paid at the flat rate of Kshs 1,500.00 per session or such other rates as may be approved from time to time.

Visitation of Hospitals, Schools And Detention Centres

49. Service Personnel and their families in Military and Civilian Hospitals should be visited regularly by chaplain and catechists.
50. All Chaplains and Catechists have free access to Service Schools and they should pay frequent visits to the children with the object of giving Religious Instructions.
51. Commanding Officers may, at their discretion, allow Chaplains and Catechists to have access to persons under sentence for the purpose of giving them religious instructions at times approved by him/her.
52. A Chaplain/Imam of the same religion as a person under sentence may at the discretion of the Commanding Officer visit him/her as soon after his/her first admission to an imprisonment room as possible, and thereafter from time to time at proper and reasonable times and again shortly before his/her release. Where there is no Chaplain/Imam of the same religion as the person, the Commanding Officer may, at his/her

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discretion, arrange for the person to be visited by an outside minister of his/her own religion if the person under sentence so wishes and it is practicable to make the arrangements. The person under sentence shall be informed of the provisions of this rule as soon as possible after his/her first admission.

53. In appropriate cases a Chaplain/Imam or a minister shall officiate at the burial of a person under sentence who dies while under sentence.
54. A person under sentence or undergoing punishment under Imprisonment Rules, other than confinement, may attend divine service of his/her denomination/faith if, in the opinion of his/her Commanding Officer, it is practical for him/her to do so, having regard to his/her behaviour and to the location of the imprisonment room in which the said person is serving his/her sentence.
55. Any Service member under sentence of death may be visited by a Chaplain of his/her own religion or, if he/she so expresses the desire, by a Chaplain of another religion.
56. Where the sentence of death under the Act is to be carried out in military custody, a Chaplain of the same faith nominated by the Service Commander shall be present.
57. Where the sentence of death under the Act is to be carried in civilian custody, arrangements shall be made for a Service Chaplain/Imam of the same faith to pay regular visits to the Officer or Service Member. He/she may be called upon to be present when death sentence is being carried out.

RESTRICTED

CHAPTER 23

TELECOMMUNICATIONS AND POSTAL SERVICES

Contents	Paragraph
Responsibility	1
Garrisons/Bases/Unit Responsibility	2-6
Post Orderlies	7-8
Telecommunications	9-10
Transmission of Cash, Cheques, Postal Orders	11-15
<i>Unit Postage Account</i>	<i>16-19</i>
<i>Redirection of Mail</i>	<i>20-25</i>
<i>Dispatch of Classified Mail</i>	<i>26-27</i>
<i>Dispatch of unclassified Mail</i>	28
<i>General Information</i>	29
Mail for Navy/Mombasa Based Units	30

RESTRICTED

CHAPTER 23

TELECOMMUNICATIONS AND POSTAL SERVICES

Responsibility

1. Communication and Information Technology (Comms/IT) Sub-Branch in the DHQ is responsible in conjunction with Services Headquarters for all matters concerning Telecommunications and postal services.

Garrisons/Bases/Units Responsibility

2. The position of the unit post orderly is one of considerable responsibility. It is essential that a man of proven integrity and intelligence be selected for the duty. Frequent changes of post orderlies are to be avoided.
3. Office accommodation allotted to the post orderly is to be given the maximum security compatible with the efficient performance of his duties.
4. All mail addressed to a unit is to be collected by the unit post orderly. Responsibility for the distribution of mail within the unit will be that of the Garrison/Base/Unit Commander, who will ensure that suitable instructions are issued to the post orderly regarding methods to be adapted to effect quick and safe distribution.
5. Each post Orderly is to be furnished with a certificate of authority to collect mail for the unit, signed by the Garrison/Base/Unit Commander and stamped with the unit seal stamp.
6. Certificates of authority to collect mail are NOT transferable and must be made out to the individual and NOT to "Bearer". The certificate is to be posted inside the back cover of the AB. 426 (post orderly's receipt book for registered letters). Post offices are empowered to refuse to issue mail unless certificate of authority is produced at the time of collection.

Post Orderlies

7. Post orderlies are to be responsible for the safe custody of all registered and insured mails until they are delivered to addressees, in exchange for a receipt. Registered and insured mail is to be examined at the time of delivery or collection for damage or tampering.

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8. The Garrison/Base/Unit post orderly is to enter in his/her registered mail receipt book particulars of all registered /insured mail and parcels collected by him/her from the post office and is to obtain a signature in that book for each item including official items, before he/she hands it to the addressee. Pages of the registered receipt book are to be serially numbered.

Telecommunications

9. Communication and Information Technology (Comms/IT) sub-branch will facilitate avenues in units for the following:-
 - a. Facsimile (fax)
 - b. Electronic- mail (e-mail)
 - c. Telephone
10. Commanding Officers will establish distribution of mails dispatched under the electronic mode.

Transmission of Cash, Cheques, Postal Orders

11. Units are to ensure that any cash, cheques, postal orders, etc. for dispatch is registered. Such registration is to be done by an Officer or warrant Officer who is to obtain a receipt from the post orderly.
12. When a post Orderly is changed, arrangements are to be made that the current registered receipt book, all copies of receipts issued by the post office, courier services and all undelivered registered/insured mail on hand, together with the postage account, are checked and handed over in the presence of an Officer.
13. Completed registered receipt books and copies of post office receipt forms are to be retained for two years, after which they may be destroyed.
14. Post orderlies are to be responsible for the maintenance of the post office float (where applicable); this will be made up of cash and stamps.
15. Officers commanding Garrison /Bases /Units are to ensure that post orderlies receipt books are correctly entered and to arrange for a comparison of entries with the copies of post office receipt forms to be made at least once weekly by an Officer.

Unit Postage Account

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- 16. The Unit Postage Account is to be held by an Officer nominated by the Commanding Officer who will obtain initial cash float from the Imprest Holder, for the purchase of stamps, etc. The Account is to be kept in a locked cupboard.
- 17. All official mail dispatched by post is to have the appropriate stamps affixed thereon by the unit dispatch clerk who is to enter daily the total number of stamped letters of each value which have been dispatched e.g.
 - a. 60 x 70 cts..... Ksh.42
 - b. 11 x 1Ksh..... Ksh. 11

(Or such prevailing rates as may be from time to time be determined by the Postal Corporation of Kenya).

- 18. The postage account is to be balanced each day by the unit dispatch clerk who is to ensure that cash and stamps are locked away in a safe place. The Commanding Officer or nominated representative is to make frequent spot checks at an unspecified time, once a week to ensure that the account is properly kept.
- 19. On the last day of each month, the nominated Officer is to total the postage book, prepare and sign AF1940 to show this sum as the receipt in his/her imprest account. When reissued to the nominated Officer, the amount is to be shown as a postage float payment in the imprest account for the following month.

Redirection of Mail

- 20. Garrison / Base / Unit Commanders are to issue instructions to the effect that the post Orderly is to maintain a separate delivery record in respect of unregistered postal packets/parcels as follows:

Date of Receipt from post Office	Number Rank and Name of Address ee	Name of Sender	Date of Delivery	Signature of Addressee	Particulars of Redirection (If any)
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- 21. Redirection of mail is the most important aspect of a post Orderly's duties. The redirection of correspondence is NOT a post office

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responsibility it rests with the Garrison/Base/Unit. The post orderly must receive clear instructions with regard to the redirection of correspondence. Such instructions are to include the following points:-

- a. All personnel movements to and from the Garrison/Station/Unit are to be notified to the Garrison/Base/Unit post Orderly.
- b. The post orderly is to maintain an indexed record of those leaving the Garrison/Base/Unit showing full forwarding addresses.
- c. An indexed record of all items redirected by him/her is to be maintained by the post orderly. The record is to show:

Date of Recei pt	Original Address	Date Redirection	of Particulars of Redirection (if necessary)
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- d. Correspondence which cannot be delivered is to be returned to the post office with one of the following endorsements:-
 - (1) "Unknown in..... (Garrison/Base/Unit)".
 - (2) "Left.... (Garrison/Base/Unit). Address not known".
 - (3) "Absent without leave, whereabouts unknown".
 - (4) "Deceased".

Items 3 and 4 are to be initialed and dated by an Officer of the Garrison/Base/Unit, who is to show his/her rank and appointment.

- e. Correspondence is not to be returned to the post office endorsed in any way other than those described in (d) above.
- f. Correspondence, which cannot be delivered, is not to be held at Garrison/Base/Unit, unless specifically requested by the addressee for more than six days. Garrison/Base/Unit Commanders are to ensure that post rooms are checked frequently and in any case not less than once each fortnight for

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any evidence of delay in the delivery or redirection of correspondence.

22. When the post Orderly is unable to deliver a registered/insured item to the addressee personally, he/she is to hand it over to a WO or SNCO who is to sign for it in the registered book after verifying the particulars of the addressee. The WO or SNCO receiving it is responsible for safeguarding the item until it is either handed over to the addressee or returned as "undelivered" to the post orderly.
23. Post orderlies are to maintain a register of items received for their care/registration/insurance and for all cash entrusted to them for purchases of postal stock. All items received for dispatch are to be handed to the main post office within 24 hours. When registered letters and parcels are received for dispatch a receipt is to be given.
24. When a registered item is redirected, full details of the redirected address and date and office of re-posting are to be entered in the Registered Receipt Book. A separate receipt for the item is to be obtained from the post office and this receipt attached to the relevant page of the Registered Receipt Book.
25. Garrison/Base/Unit Commanders are to ensure that their Standing Orders contain a "Postal" section, which includes relevant extracts from these Standing Orders.

Dispatch of Classified Mail

26. Classified mail is to be dispatched either through Signal Dispatch Service channels or, where the Signal Dispatch Service does not operate, through Postal Service channels. Classified mail is always to be registered.
27. Top Secret mail is always to be dispatched by secure means through the Signal Dispatch Service or by hand of an Officer, warrant Officer or NCO. It is never to be sent through Postal Service.

Dispatch of Unclassified Mail

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28. All unclassified mail is to be dispatched either through Signal Dispatch Service channels or through Postal Service channels.

General Information

29. General information relating to Postal Services are contained in Post Office Guide, a copy of which should be held by all Garrison/Bases/Unit.

Mail for Navy/Mombasa Based Units

30. Mail for the Navy/Mombasa Based Units is to be dispatched by air to and from Mombasa. Mail will be dealt with in Signal Dispatch Office DHQ as follows:
- a. Dispatch of Mail to Mombasa -1500 hrs daily.
 - b. Collection from the Air Port -1500 hrs daily.

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CHAPTER 24

MILITARY POLICE SERVICES

Content	Paragraph
Section I	
General.....	1
Interpretation.....	2-4
Responsibility	5-7
Roles of Military Police.....	8
Tasks	9
Liaison with other Police Forces	10
Authority	11-12
Obstructing or Refusing to Assist a Military Police Officer	13
Section II	
Powers of Arrest	14
Powers over Civilian on Active Service	15
Peace Time Location	16
Section III	
Powers over Traffic	17
Warrant of Police Authority	18
Section IV	
Complains Against Members of the Military Police Corps	19
Conduct of Military Police Officers	20
Method of Approach	21-22
Military Police Officer's Approach to Senior Officers	23
Checking Identities	24-25
Military Police Officer Self Identification	26
Section V	
Military Police Reports and Investigation	27-28

RESTRICTED

Reports	29-31
Initial Reporting of an Incident/Occurrence	32-33
Investigation	34
Statements	35
Taking a Witness Statement	36-37
Taking Confessions..	38
Final Reports	39
Contents...	40
Submissions...	41
Control and Distribution of Reports	42
Section VI	
The Military Police Duty Room, Equipment and Accommodation..	43
Siting and Indication	44
Layout and Equipment	45
Manning	46-47
Daily occurrence Book	48-49
Military Police Vehicles	50-54
Residential Accommodation	55
Search	56
Searching Procedure	57
Section VII	
Arrests	58
Manner of Arrest	59
Degree of Force	60
Objectives of Arrest	61-62
Arrest of Service Personnel Outside Military Camps	63-67
Arrest of Suspected Spies.....	68-70
Procedure after Arrest.....	71-73

RESTRICTED

Guard Room Procedure	74
Choice of Guardroom.....	75
Refusal to Accept Custody of an Arrested Person.....	76-77
Arrest of Female Officer/Service Member... ..	78
Arrest of Civilians.....	79
Section VIII	
Prisoners of War	80-81
Geneva Conventions... ..	82-83
POW Capturing Troops.. ..	84-87
Brigade Military Police Action.....	88
Field Processing.....	89-90
Service Military Police Action... ..	91-92
Section IX	
Courts Martial	93
Section X	
Flags	94
C in C Ceremonial Vehicles and Presidential Saluting Dias.. ..	95
Night Movement	96
Unauthorized Staff Car Movements	97
Cases and Incidents	98

RESTRICTED

CHAPTER 24

MILITARY POLICE SERVICES

SECTION I

General

1. Provost Services shall be provided by the Military Police Corps, which is headed by the Corps Commander Military Police. The role of the Military Police in the KDF, shall be to provide Military Police support that the Kenya Defence Forces require to meet operational demands and legal obligations. The Military Police Corps shall perform its main functions in peace, conflict and in war, in response to Service requirements and in accordance with given priorities.

Interpretation

2. “**Arrest**” includes open arrest and close arrest which shall have the meaning attributed to them under DEFSO Chapter 15 paragraph 63.
3. KDF ACT Part 1 Preliminary.
4. “**Military Police Services**” means those duties undertaken by members of the Military Police to support the Kenya Defence Forces in peace and wartime locations.

Responsibility

5. The Provost Marshal is responsible to the Chief of the Defence Forces (CDF) for the maintenance of discipline in the Defence Forces. The Military Police Marshal is the Principal adviser to the CDF on all Military Police matters while the Corps Comd is the Operational Commander responsible for the smooth running of the Corps and briefing the Service Commanders on all Military Police matters.
6. Formation/Unit Commanders are responsible for disciplinary matters affecting their respective organizations. Members of the Military Police attached to them will provide all Military Police support.
7. The Corps Commander with the approval of Defence or Service Headquarters shall ensure that members of the Military Police are properly trained in investigations to enable them discharge their duties.

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EMPLOYMENT OF MILITARY POLICE

Roles

8. The role of the Military Police Services is to police the Kenya Defence Forces in peacetime and wartime locations as follows:-
 - a. Tactical Police support to the Defence Forces in all phases of operations.
 - b. Law enforcement, investigation of complaints including preparation of abstract of evidence, drafting of charges as necessary and prevention of crime within the Kenya Defence Forces in peace and wartime.
 - c. The custody and provision of Military Police facilities to formations/units e.g. saluting dais, ceremonial Vehicle etc.

Tasks

9. The principal tasks include:-
 - a. **Traffic Control.**
 - (1) Supervising all military traffic and routes by providing:
 - (a) Points men.
 - (b) Patrols.
 - (c) Traffic and information posts.
 - (d) Signing of routes and major installations.
 - (e) Control at critical points.
 - (f) Escort important, dangerous and awkward loads.
 - (g) Escort VIPs.
 - (2) Control of vehicle parking.
 - (3) Dissemination of traffic information.
 - (4) The maintenance of road safety through:
 - (a) Speed checks.
 - (b) Courtesy patrols and road safety instructions.
 - (c) Investigation of traffic accidents.
 - (d) Vehicle roadworthiness tests.

RESTRICTED

- b. **Physical Security**. The Military police shall provide physical security by:-
- (5) Control of access to places and events.
 - (6) Close protection of important and vulnerable people.
 - (7) Advise on the custody of Prisoners of War (POW) and their movements.
 - (8) Crime prevention surveys.
- c. **Information and assistance**. The Military police shall provide information and assistance through:-
- (1) Static police posts in military barracks.
 - (2) Information posts on military routes and at major field Headquarters and installations.
 - (3) Road condition reports.
 - (4) Lost and found property records, custody and disposal.
 - (5) Assistance in the search for Military Personnel e.g. deserters, absentees etc.
- d. **Prevention of Crime**. Regular patrolling of all military locations.
- e. **Investigation of complaints, detection of offences and apprehension of offenders:-**
- (1) Investigation and reporting on all notified complaints.
 - (2) Preparation of abstracts of evidence.
 - (3) Arresting offenders when necessary.
 - (4) Documenting and tracing Officers and service members who are absent without leave.
 - (5) Maintenance of central criminal record and intelligence office.
 - (6) Investigation of complaints against the Kenya Defence Forces in collaboration with the Civil Police.

Liaison with other Security Organs

10. It is the duty of all members of the Military Police Corp to work closely and co-operate with the civilians and other security organs operating in the relevant areas.

RESTRICTED

Authority

11. The Kenya Defence Forces Act and regulations made under it provides the standard of discipline to which all persons subject to military law must conform. Military Police Corp is one of the agencies through which military discipline is enforced and maintained.
12. The Kenya Defence Forces Act confers on a member of the Military Police Corps certain specific powers noticeably that of arrest

Obstructing or refusing to assist Military Police

13. It is an offence for any person subject to Kenya Defence Forces Act to obstruct or when called upon, refuse to assist a member of the Military Police or a person legally exercising authority on behalf of the Military Police after he/she has identified himself/herself by showing his Warrant Card and stating the nature of his/her mission to the person.

SECTION II

Powers of Arrest

14. An officer, warrant officer, NCO or other person legally exercising authority under a military police officer or on his/her behalf, may arrest any officer, warrant officer or NCO or soldier in accordance with the Sections 137 and 139 of the KDFA.

Powers over civilians on active service

15. Subject to Sections 4 (d), (f) and (i), Sect 5 and 137 of KDFA, a member of the Military Police may arrest a civilian.

Peace Time Location

16. Military Police shall have powers to arrest any civilian in accordance with the provisions of KDFA Section 4 (g) and (j) and section 269.

SECTION III

Powers over Traffic

17. a. **Civilian Traffic.** Members of the Military Police may control traffic on public roads in liaison with Civil Police as follows:-

- (1) On Defence Forces private roads even though they are normally open to the public.

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- (2) In operation areas where military manoeuvres are being conducted.
- (3) During national events.
- (4) During escort of large Military Convoys and VIP escorts.

b. **Military Traffic.** Members of the Military Police have full control over all service traffic at all times on all roads.

Warrant of Police Authority

18. A member of the Military Police Corps though dressed in civilian clothes still retain his/her Military Police powers. His/her authority must be confirmed by the production of a Warrant card, which will clearly identify him/her as being a member of the Military Police Corps. Refusal to obey his/her demand for assistance or obstructing of him/her in his/her duties will only be considered as an offence.

SECTION IV

Complaints against members of the Military Police Corps

19. Any complaints that a member of the Military Police Corps has abused his/her authority, acted improperly or committed a criminal offence shall be referred to the Commander, Military Police Corps. Any complaints/allegations of misconduct or indiscipline against a member of MPC should be dealt with in the usual manner as provided for by the Kenya Defence Forces Act i.e. investigation, preparation of abstract of evidence and, preparation of charges which may be disposed summarily or through trial by court martial.

Conduct of members of the Military Police Corps

20. Members of the Military Police Corps must appear smart, polite, composed and confident at all times. These traits are the greatest assets of a member of the Military Police Corps in any situation.

Method of Approach

21. The conduct of a member of the Military Police's Corps approach to any situation shall not be provocative. He/she should be able to distinguish between:-

RESTRICTED

- a. **Trivial offences.** Those offences that can be corrected immediately and are of a nature that requires no further action being taken by the Military Police.
 - b. **Minor offences.** Those offences which require action being taken by the the Military Police and to bring the details of the offence to the attention of Corp Commander Military Police but is not so serious as to warrant the arrest of the offender.
 - c. **Serious offences.** Those offences that may warrant the arrest of the offender. For consistency purposes the following offences shall be classified as serious:-
 - (1) Murder, manslaughter (including causing death/ grievous harm by a dangerous driving of a service vehicle).
 - (2) Rape, sodomy, bestiality & incest.
 - (3) Fire arm offences connected to firearms.
 - (4) Robbery.
 - (5) Use of and trafficking of controlled substances (narcotics & drugs).
 - (6) Desertion.
22. A member of the Military Police shall approach the offender in accordance with the following basic principles:-
- a. Without attracting undue attention.
 - b. Withdraw the offender from the public view.
 - c. Inform him/her of the alleged offence committed.
 - d. Correct the offence if possible or prevent its continuance.
 - e. Obtain and record his/her particulars.
 - f. The offence shall be reported immediately to the Corp Commander Military Police and the Commanding Officer of the accused for immediate investigations and further instructions while the offender remains in custody.

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Military Police Approach to Senior Ranks

23. Under all circumstances, members of the Military Police shall always be polite, and courteous to senior ranks in their approach:-

a. **Officers**

- (1) Service Members of the Military Police shall not check Officers for minor offences except under specific orders.
- (2) If it is necessary for a junior member of the Military Police to approach an Officer to get his/her particulars for example when a traffic offence has occurred, he/she shall approach the Officer, salute and politely draw his/her attention to the infringement. The junior member of the Military Police should politely seek an explanation from the Officer. The officer's particulars shall be preferably obtained from his/her identity card.
- (3) If a serious offence appears to have been committed by an Officer or the junior member of the Military Police encounters any obstruction, he/she is to summon a senior member of the Military Police for assistance immediately. If no senior member of the Military Police is readily available, the junior member of the Military Police shall seek the help of any available Senior Officer.

b. **Warrant Officers**. Warrant Officers shall be approached in exactly the same way as Officers. If a serious offence appears to have been committed by a Warrant Officer, the junior member of the Military Police shall seek advice from his/her detachment Commander. If they are not available the junior member of the Military Police shall act as he/she deems appropriate.

Checking Identities

24. A Service Person shall not be stopped solely to check his/her identity card unless specific orders to do so have been issued. Identity cards shall normally be checked when a Service Person has been stopped for some apparent breach of discipline.

25. All Service Personnel shall carry identity documents from which their particulars can be verified. If they have no identity cards, other Service documents in their possession shall be checked. The document together with verbal questioning and other details shall enable the

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Military Police officer to confirm the service personnel's identity. If serious doubts remain as to their identity, their units shall be consulted.

Military Police self identification

26. Occasions will occur when a member of the Military Police may be asked to prove his/her identity in the course of his/her duty. If so requested he shall do so without hesitation.

SECTION V

Military Police Reports and Investigation

27. Members of the Military Police shall conduct investigations into complaints referred to them by formations and unit Commanders.
28. They shall liaise with the Civil Police authorities when need arises.

Reports

29. A Military police report is the principle way in which a member of the Military Police reports the details of any incident, which occurs during his/her tour of duty to his/her superiors.
30. A written report is to be submitted in each case where it is necessary to give details outside the member's own unit.
31. Where, however, the incident is very trivial, an entry in the Daily Occurrence Book (DOB) will suffice.

Initial reporting of an incident/occurrence

32. All incidents/occurrences shall initially be reported by the members of the Military Police to the unit/formation with the same information passed to the Service Headquarters through Military Police Headquarters.
33. The reporting Officer/Service Member shall initiate investigations of the incident/occurrence immediately. However, where disciplinary action is to be taken provisions of section 150 of KDFR shall be complied with.

Investigation

34. The most important part of any investigation is the interviews of complainants, witnesses and suspects and the recording of statements from them. The investigations are undertaken using the following guidelines:-

RESTRICTED

- a. All statement must be recorded, if at all possible, on the official forms provided on one side of the paper only. Other forms may be used if the official form is not available.
- b. Details of the person making the statement must be recorded in full.
- c. Statements are to be written in the first person.
- d. The language of the statement is to be that of the person making it e.g formal military abbreviations and jargon should never be used in recorded speech.
- e. All alterations are to be initiated by the person making the statement. Deletions are to be made with a single line drawn through the words to be deleted.
- f. The person making the statement is to sign it at the bottom and the end of every page.

Statements

35. Statements shall contain all the necessary evidence to support a particular charge and it is therefore vital that they are complete and correctly recorded.

Taking a witness statement

36. Taking into account that events happen quickly, interviews should be conducted and statements recorded immediately after an incident. Care should be taken to segregate witnesses if possible, to prevent discussion of the subject and eliminate the chance of a witness describing an event not seen by him/her.
37. The following guidelines shall apply when taking the statements:
 - a. The investigator shall:-
 - (1) Introduce himself/herself and explain the purpose for the inquiry and attempt to put the witness at ease.
 - (2) Write down the evidence in order of occurrence.
 - b. Paragraphs may be used in witness statements.
 - c. The exact words spoken need not be used; you may use your own words. Use simple and explicit language.

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- d. If the witness needs to identify exhibits or documents relevant to the case, the Military Police shall have them readily available.
- e. On completion, the statement shall be read over by the witness and the investigator. The witness shall sign each page of the statement.

Taking confessions

38. Statements by accused persons amounting to confessions shall only be taken in the presence of an officer (other than the investigator) not below the rank of Major in accordance with KDFA section 170 (3).

Final Reports

39. The purpose of the report is to give a concise and accurate account of an incident and/or investigation to superior. The report is not in itself admissible as evidence and must be supported by all the necessary statements.

Contents

40. The report shall be in simple language and professionally written as to be understood early.

Submission

41. Reports shall be submitted immediately action has been taken by Military Police following the request for an investigation, or the report of an incident.

Control and Distribution of Reports

42. The control and distribution of Military Police reports shall be the responsibility of the appropriate Military Police company/detachment Commander. He/she shall ensure that:-
 - a. There is actual evidence available in support of all details in the report.
 - b. The quality of the report and attachments are of high standard.
 - c. The reports shall be distributed to all appropriate addressees without delay.
 - d. Addressees are limited to those directly concerned i.e. the unit involved, the formation of the unit concerned, MPC Headquarters and Director of Military Prosecution where

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necessary. Sometimes, it is necessary to send a copy to the Service Headquarters concerned, especially on serious matters such as murder.

SECTION VI

The Military Police Duty Room, Equipment and Accommodation

43. The Military Police Headquarters and every Military Police company or detachment shall have a duty room. The room is the centre of all the Military Police activities. It is the most important part of the operation and it is the information and reporting centre for all Military Police matters.

Siting and Indication

44. The room shall be sited so that it is easily accessible to the general public. Clear direction signs to the room shall be erected up throughout the formation and/or Unit in which it is located. The room shall be easily identifiable e.g through bold marking.

Layout and Equipment

45. The room shall contain:-

- a. **The Duty Desk.** It shall accommodate at least two Military Police officers and shall be built in a manner that is easily accessible to a person seeking information and assistance and control access to the rest of the room.
- b. A clock.
- c. A small-scale map, which clearly shows the entire area of responsibility (AOR) of the company or detachment and the area covered by adjacent companies or detachments Beat Card.
- d. A large scale map showing that part of the company's/detachment's area which is most actively used by troops giving locations of:-
 - (1) Units.
 - (2) Hospitals.
 - (3) Civil Police Stations.
 - (4) Fire stations.
 - (5) Married Quarters.

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- e. A list of the most frequently used telephone numbers.
- f. A copy of unit standing orders.
- g. A notice board for company/detachment and fire orders.
- h. Daily occurrence book etc.

Manning

- 46. The Military Police duty room shall be manned 24 hrs a day by at least one member of the Military Police. There shall be an NCO in the duty room at all times. The room shall never be left unattended.
- 47. The duty room shall not be used as a rest room or for writing reports or statements.

Daily Occurrence Book (DOB)

- 48. The daily occurrence book is the company's/detachment's formal diary of all events.
- 49. It shall be checked each day by a Military Police Officer and signed. Military Police Inspecting Officers are to sign the Daily Occurrence Book (DOB) of all detachments visited where there is no Military Police officer permanently stationed. At such detachment the daily check is to be made by the detachment Commander.

Military Police Vehicles

- 50. It is a requirement that all members of the Military Police Corps shall be competent drivers and shall be in possession of current service driving permits.
- 51. Military Police vehicles engaged in Military Police duties shall display plates bearing the words "MILITARY POLICE" in red letters on a white background.
- 52. In exercises and operation areas red letters on a Black background shall be used to meet camouflage requirements.
- 53. Special Investigation Branch (SIB) vehicles and some Military Police vehicles with special tasks shall not display "MILITARY POLICE" plates. In some cases, vehicles with civilian registrations plates shall be used.
- 54. The operational control of all Military Police vehicles is vested in the Commanding Officer Military Police Corps, and such vehicles are not

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to be used without the authority of an officer of the Military Police Corps.

Residential accommodation

55. Members of the Military Police Corps shall be separated from other troops in barracks so as to maintain a continuous working atmosphere in the discharge of their duties and to avoid compromise.

Search

56. A member of the Military Police Corps who is investigating an offence does not have an automatic right to search a person or other objects in the course of his/her investigation. He/she is empowered by common law to take and obtain any property found in the possession of a suspect when he/she has fully arrested him/her. However, he/she may only search when:-

a. *He/she has been permitted to do so by a Commanding Officer and the search is being conducted in premises owned or leased by Kenya Defence Forces.*

b. The suspect voluntarily permits a search.

c. He/she is executing a search warrant issued by a competent court.

d. The offence allegedly committed is such a serious one that requires immediate action and there are reasonable grounds to believe that the person

being searched either committed or participated in the commission of the offence.

d. He/she has reasonable grounds to search a service personnel arrested.

Searching Procedure.

57. When searches are necessary and permissible they should be in accordance with the basic principles and procedures set out below:-

a. All searches must be carried out in the presence of the suspect and a third person and searches must be fair and polite.

b. Comprehensive details of all searches must be entered in the investigator's notebook (AB466).

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- c. Any item found must be correctly labelled, handled carefully and safeguarded. It must be produced to the complainant or any other authority able to identify it as the item stolen or illegally possessed by the person on whose property it was found.
- d. A receipt must be given for any item found that is retained by the investigator.
- e. Always study the demeanor of the suspect and his actions during the search.
- f. Prepare an inventory of the confiscated items and have the accused and an independent witness sign the same.

SECTION VII

Arrests

58. In the course of their duties, members of the Military Police may find it necessary to arrest service personnel. Arrests will be conducted in accordance with section II of this chapter.

Manner of Arrest

59. An arrest is basically an exercise of force that a person is, in effect told that if he does not submit, force shall be used against him/her. It is desirable but not essential to indicate this in practice by holding or touching the person arrested. It is important that he/she is told that he/she is being arrested and the true reason for the arrest.

Degree of Force

60. Force may be used to effect an arrest. The use of arms, truncheons and handcuffs is permitted to effect the arrest.

However, the degree of force must be that which is absolutely necessary in the circumstances to make or maintain the arrest. A member of the Military Police may be criminally responsible for assault.

Objectives of Arrest

61. Unnecessary arrests should be avoided. The objectives of arrest are to prevent:-
- a. An offence especially when the offence is a serious one.
 - b. The continuance of an offence.

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- c. The renewal of an offence.
 - d. The escape of an offender.
 - e. Interference with witnesses or other evidence.
62. An arrest may also be made where service personnel refuses to disclose their identity to the member of the Military Police or their true identity are in doubt.

Arrest of Service Personnel Outside Military Camps

63. Where Units or Formations require a Service Personnel to be arrested, they will notify Military Police Corps Headquarters immediately by means of a written communication at the earliest opportunity. His/her particulars and his/her possible whereabouts shall be indicated clearly in the signal message.
64. If the home or the whereabouts of Service Personnel is more than a reasonable distance away from the Military Police detachment, the civil police in the relevant locality shall be asked to assist in the arrest.
65. Arrangements shall be made with the civil police to avail a policeman to accompany the members of the Military Police conducting the arrest.
66. A person arrested by a member of the Military police shall be handed over to a guard Commander together with a committal receipt, which states the particulars of the alleged offence for which he/she has been arrested. The Guard Commander is required to give a handing over receipt to the member of the Military Police corps who hands over a prisoner to him.
67. Following an arrest, the Officer Commanding the arresting Military Police's Company/Detachment Commander is required to inform the Unit of the alleged offender within 24 hrs of the circumstances of the arrest.

Arrest of Suspected Spies

68. Spies are subject to K DFA section 4(f) and can therefore be arrested, tried and convicted under K DFA. K DFA sec. 60 defines the offence of spying and prescribes punishment if convicted by court martial.
69. Where Units/Formation arrest a person suspected of spying whether civilian or military, they will place the suspect in service custody and notify the Military Police Headquarters and Service Headquarters immediately. The arrested person shall be handed over to Military

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Police members together with the appropriate evidence materials to facilitate investigations. The Military Police headquarters will make arrangements to relocate the suspect to a suitable service custody for safety and ease of investigation. Proper hand over/takeover of the suspected spy shall be done and committal receipts duly signed by the parties taking part.

70. Where a civilian suspected spy is arrested, he shall be placed under service custody at a guard room which Corps Commander Military Police deems appropriate. When taking such suspect to service custody, guardroom procedures stipulated in para 76 shall apply.

Procedure after Arrest

Searching on Arrest

71. An arrested Service Personnel may only be searched for the following reasons:-
- a. To take from him/her any weapons, machetes or other implements with which he/she might cause injury to himself/herself or another person or damage property.
 - b. To safeguard his/her privacy.
 - c. To obtain any evidence material to the charge or further charges.
 - d. To ascertain whether the accused is in possession of sufficient means to make restitution.
72. When a Service Personnel is suspected of being in possession of a lethal weapon or material evidence, which he/she might dispose of if given the chance, he/she shall be searched on the spot. In other circumstances he/she may be searched when he/she has been placed in the guardroom or similar place for confinement.
73. On no account shall members of Military Police search persons of the opposite sex.

Guardroom Procedure

74. When a member of the Military Police makes an arrest, the arrested person is to be conveyed to the guardroom where the following procedure is to be followed:-
- a. The member of the Military Police shall ensure that the arrested person does not have the opportunity to escape.

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- b. The member of the Military Police shall remain outside the guardroom and require the sentry to call the guard Commander.
- c. The member of the Military Police shall hand over the arrested person to the Guard Commander for confinement, giving verbal details of the offence.
- d. The guard Commander shall place the arrested person in confinement after which he may invite the member of the Military Police into the guardroom.
- e. The Guard Commander and member of the Military Police shall fill in the details of the handing over/committal receipt form (FF 6009).
- f. The member of the Military Police shall ask to see the arrested person's property before leaving to see if there is further evidence of the offence for which he has been arrested or other offence.
- g. On return to the duty room the member of the Military Police is to complete relevant report and statement and attach to them the handing over receipt.

Choice of Guardroom

75. A member of the Military Police shall normally take an arrested person back to the guardroom of the Unit to which he belongs. If this is not possible because of the distance or time involved, the offender shall be taken to the nearest guardroom.

Refusal to Accept Custody of an Arrested Person

76. A guard Commander is obliged to accept the custody of a prisoner unless:-
- a. The Unit or the prisoner has a contagious disease or epidemic.
 - b. The guardroom is full to capacity or insecure.
 - c. The Unit is moving out in the next 24 hrs.
77. A guard Commander shall not refuse to accept a prisoner who belongs to his own unit, even if the guardroom cells are full, as the offender need not necessarily be placed in confinement.

Arrest of a Female Officer/ Service member

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78. When a member of the Military Police intends to arrest a Female Officer/Service Member, the task shall be undertaken by a Female Officer/Service Member. If a member of the latter is not available, the arrest shall be made by a male member of the Military Police accompanied by another male member of the Military Police. Except under exceptional circumstances, unaccompanied male members of the Military Police shall not undertake the arrest of a female Officer/Service member.

Arrest of Civilians

79. Except in accordance with section 5 and 268 of the KDFR, member of the Military Police have no legal powers to arrest a civilian whatsoever. However, they may request for the assistance of the Civil Police if a civilian is to be arrested.

SECTION VIII

Prisoners of War (POW)

80. The primary mission of the Military Police in POW duties is to provide supervisory and security personnel for the evacuation and movement of POW and Civilians Returnees from the combat zone to Communication zone on designated POW camps in accordance with the Geneva Conventions.
81. Military Police Company shall be assigned to a Brigade as required.

Geneva Conventions

82. The provisions of the Geneva Convention are applicable to POW from the time of their capture until release or repatriation. Under all circumstances, POW are to receive humane treatment without distinction based on race, nationality, religious belief, political opinions, or other similar criteria. POW may not be murdered, mutilated, tortured, or degraded, nor may they be punished for alleged criminal acts without a previous judgment pronounced by legally constituted courts which has accorded them those judicial guarantees which are recognized as indispensable to fair trials.
83. It should be remembered that individuals, as well as capturing nations, shall be responsible for acts, which are committed against POW in violation of the Geneva Convention.

POW Capturing Troops

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84. Under the provisions of the Geneva Conventions, a capturing power is responsible, from the moment of capture or other apprehensions for proper and humane treatment of detainees.
85. Capturing troops shall disarm and search POW immediately for weapons and documents, which may appear to be of particular intelligence value.
86. They shall be alert to prevent the use of concealed weapons and the destruction of documents or equipment. POW shall not be forced to provide information other than their names, ranks, service numbers and Units.
87. The POW shall be segregated in so far as possible and shall be escorted to Unit collecting points by capturing troops.

Brigade Military Police Action

88. Military Police escort teams shall go forward to the Units collecting points to accept custody of the POW from the capturing troops. The prisoners accepted shall thus be evacuated to the Brigade holding area.

Field Processing

89. Military Police shall conduct individual processing of POW which shall be done in the Brigade holding area in liaison with Brigade Intelligence Personnel as essential for security, control or intelligence reasons or for the welfare of POW while in evacuation channels.
90. Field processing actions shall include individual searches, segregation, medical care, classification, interrogation, and sanitation measures.

Service Military Police Action

91. After field processing the Brigade Members of the Military Police shall establish a Brigade Recollecting Point for the members of the Military Police to accept custody of the POW.
92. The Military Police shall further establish a central collecting point for all POW from different Brigades. Finally, POW shall be evacuated to POW camps on foot, vehicles, rail, aircraft or ship depending on the prevailing circumstances and location.

SECTION IX

Courts Martial

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93. Military Police services may be provided by a member of the Military Police Corps at Courts Martial. These will include security and escort duties as may be required by the Convening Authority.

SECTION X

Flags

94. The MPC shall be responsible for the custody of the following flags:-
- a. Presidential standard.
 - b. All countries of the world.
 - c. National flags to include Jumbo size.
 - d. DHQ and Service flags.

C -in- C Ceremonial Vehicles and Presidential Saluting Dais

95. The MPC shall be responsible for the custody of both the C -in- C Ceremonial Vehicles and Presidential Saluting Dais.

Night Movement

96. The Military Police are authorized to report/impound any service vehicle on night movement without any authority.

Unauthorized Movement of Service Vehicles

97. Military Police will report/impound service vehicle being used for unauthorized purposes.

Cases and Incidents

98. Abstract of evidence in respect of any case or incident must be forwarded to respective Commanders for action. Upon receipt of the reports, they must be dealt with within 14 days and same communicated to MPC HQs. MPC HQs is mandated to compile a list of all unactioned cases on monthly basis a copy of which shall be forwarded to respective Service Commanders for necessary action.

RESTRICTED

CHAPTER 24

MILITARY POLICE SERVICES

Content	Paragraph
Section I	
General.....	1
Interpretation.....	2-4
Responsibility	5-7
Roles of Military Police.....	8
Tasks	9
Liaison with other Police Forces	10
Authority.....	11-12

26-39

RESTRICTED

RESTRICTED

Obstructing or Refusing to Assist a Military Police Officer	13
Section II	
Powers of Arrest	14
Powers over Civilian on Active Service	15
Peace Time Location	16
Section III	
Powers over Traffic	17
Warrant of Police Authority	18
Section IV	
Complains Against Members of the Military Police Corps	19
Conduct of Military Police Officers	20
Method of Approach	21-22
Military Police Officer’s Approach to Senior Officers	23
Checking Identities	24-25
Military Police Officer Self Identification	26
Section V	
Military Police Reports and Investigation	27-28
Reports	29-31
Initial Reporting of an Incident/Occurrence	32-33
Investigation	34
Statements	35
Taking a Witness Statement	36-37
Taking Confessions.. ..	38
Final Reports.....	39
Contents... ..	40
Submissions... ..	41
Control and Distribution of Reports	42
Section VI	

RESTRICTED

The Military Police Duty Room, Equipment and Accommodation..	43
Siting and Indication	44
Layout and Equipment	45
Manning	46-47
Daily occurrence Book	48-49
Military Police Vehicles	50-54
Residential Accommodation	55
Search	56
Searching Procedure	57
Section VII	
Arrests	58
Manner of Arrest	59
Degree of Force	60
Objectives of Arrest	61-62
Arrest of Service Personnel Outside Military Camps	63-67
Arrest of Suspected Spies.....	68-70
Procedure after Arrest.....	71-73
Guard Room Procedure	74
Choice of Guardroom.....	75
Refusal to Accept Custody of an Arrested Person.....	76-77
Arrest of Female Officer/Service Member... ..	78
Arrest of Civilians.....	79
Section VIII	
Prisoners of War	80-81
Geneva Conventions... ..	82-83
POW Capturing Troops.. ..	84-87
Brigade Military Police Action.....	88
Field Processing.....	89-90

RESTRICTED

Service Military Police Action... ..	91-92
Section IX	
Courts Martial	93
Section X	
Flags	94
C in C Ceremonial Vehicles and Presidential Saluting Dias.. ..	95
Night Movement	96
Unauthorized Staff Car Movements	97
Cases and Incidents	98

CHAPTER 24

MILITARY POLICE SERVICES

SECTION I

General

1. Provost Services shall be provided by the Military Police Corps, which is headed by the Corps Commander Military Police. The role of the Military Police in the KDF, shall be to provide Military Police support that the Kenya Defence Forces require to meet operational demands and legal obligations. The Military Police Corps shall perform its main functions in peace, conflict and in war, in response to Service requirements and in accordance with given priorities.

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Interpretation

2. “**Arrest**” includes open arrest and close arrest which shall have the meaning attributed to them under DEFSO Chapter 15 paragraph 63.
3. KDF ACT Part 1 Preliminary.
4. “**Military Police Services**” means those duties undertaken by members of the Military Police to support the Kenya Defence Forces in peace and wartime locations.

Responsibility

5. The Provost Marshal is responsible to the Chief of the Defence Forces (CDF) for the maintenance of discipline in the Defence Forces. The Military Police Marshal is the Principal adviser to the CDF on all Military Police matters while the Corps Comd is the Operational Commander responsible for the smooth running of the Corps and briefing the Service Commanders on all Military Police matters.
6. Formation/Unit Commanders are responsible for disciplinary matters affecting their respective organizations. Members of the Military Police attached to them will provide all Military Police support.
7. The Corps Commander with the approval of Defence or Service Headquarters shall ensure that members of the Military Police are properly trained in investigations to enable them discharge their duties.

EMPLOYMENT OF MILITARY POLICE

Roles

8. The role of the Military Police Services is to police the Kenya Defence Forces in peacetime and wartime locations as follows:-
 - a. Tactical Police support to the Defence Forces in all phases of operations.
 - b. Law enforcement, investigation of complaints including preparation of abstract of evidence, drafting of charges as necessary and prevention of crime within the Kenya Defence Forces in peace and wartime.
 - c. The custody and provision of Military Police facilities to formations/units e.g. saluting dais, ceremonial Vehicle etc.

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Tasks

9. The principal tasks include:-

a. **Traffic Control.**

(1) Supervising all military traffic and routes by providing:

- (a) Points men.
- (b) Patrols.
- (c) Traffic and information posts.
- (d) Signing of routes and major installations.
- (e) Control at critical points.
- (f) Escort important, dangerous and awkward loads.
- (g) Escort VIPs.

(2) Control of vehicle parking.

(3) Dissemination of traffic information.

(4) The maintenance of road safety through:

- (a) Speed checks.
- (b) Courtesy patrols and road safety instructions.
- (c) Investigation of traffic accidents.
- (d) Vehicle roadworthiness tests.

b. **Physical Security.** The Military police shall provide physical security by:-

(9) Control of access to places and events.

(10) Close protection of important and vulnerable people.

(11) Advise on the custody of Prisoners of War (POW) and their movements.

(12) Crime prevention surveys.

c. **Information and assistance.** The Military police shall provide information and assistance through:-

(1) Static police posts in military barracks.

(2) Information posts on military routes and at major field Headquarters and installations.

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- (3) Road condition reports.
 - (4) Lost and found property records, custody and disposal.
 - (5) Assistance in the search for Military Personnel e.g. deserters, absentees etc.
- d. **Prevention of Crime.** Regular patrolling of all military locations.
- e. **Investigation of complaints, detection of offences and apprehension of offenders:-**
- (1) Investigation and reporting on all notified complaints.
 - (2) Preparation of abstracts of evidence.
 - (3) Arresting offenders when necessary.
 - (4) Documenting and tracing Officers and service members who are absent without leave.
 - (5) Maintenance of central criminal record and intelligence office.
 - (6) Investigation of complaints against the Kenya Defence Forces in collaboration with the Civil Police.

Liaison with other Security Organs

10. It is the duty of all members of the Military Police Corp to work closely and co-operate with the civilians and other security organs operating in the relevant areas.

Authority

11. The Kenya Defence Forces Act and regulations made under it provides the standard of discipline to which all persons subject to military law must conform. Military Police Corp is one of the agencies through which military discipline is enforced and maintained.
12. The Kenya Defence Forces Act confers on a member of the Military Police Corps certain specific powers noticeably that of arrest

Obstructing or refusing to assist Military Police

13. It is an offence for any person subject to Kenya Defence Forces Act to obstruct or when called upon, refuse to assist a member of the Military Police or a person legally exercising authority on behalf of the Military Police after he/she has identified himself/herself by showing his Warrant Card and stating the nature of his/her mission to the person.

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SECTION II

Powers of Arrest

14. An officer, warrant officer, NCO or other person legally exercising authority under a military police officer or on his/her behalf, may arrest any officer, warrant officer or NCO or soldier in accordance with the Sections 137 and 139 of the KDFIA.

Powers over civilians on active service

15. Subject to Sections 4 (d), (f) and (i), Sect 5 and 137 of KDFIA, a member of the Military Police may arrest a civilian.

Peace Time Location

16. Military Police shall have powers to arrest any civilian in accordance with the provisions of KDFIA Section 4 (g) and (j) and section 269.

SECTION III

Powers over Traffic

17. a. **Civilian Traffic.** Members of the Military Police may control traffic on public roads in liaison with Civil Police as follows:-
 - (1) On Defence Forces private roads even though they are normally open to the public.
 - (2) In operation areas where military manoeuvres are being conducted.
 - (3) During national events.
 - (4) During escort of large Military Convoys and VIP escorts.
- b. **Military Traffic.** Members of the Military Police have full control over all service traffic at all times on all roads.

Warrant of Police Authority

18. A member of the Military Police Corps though dressed in civilian clothes still retain his/her Military Police powers. His/her authority must be confirmed by the production of a Warrant card, which will clearly identify him/her as being a member of the Military Police Corps. Refusal to obey his/her demand for assistance or obstructing of him/her in his/her duties will only be considered as an offence.

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SECTION IV

Complaints against members of the Military Police Corps

19. Any complaints that a member of the Military Police Corps has abused his/her authority, acted improperly or committed a criminal offence shall be referred to the Commander, Military Police Corps. Any complaints/allegations of misconduct or indiscipline against a member of MPC should be dealt with in the usual manner as provided for by the Kenya Defence Forces Act i.e. investigation, preparation of abstract of evidence and, preparation of charges which may be disposed summarily or through trial by court martial.

Conduct of members of the Military Police Corps

20. Members of the Military Police Corps must appear smart, polite, composed and confident at all times. These traits are the greatest assets of a member of the Military Police Corps in any situation.

Method of Approach

21. The conduct of a member of the Military Police's Corps approach to any situation shall not be provocative. He/she should be able to distinguish between:-
- a. **Trivial offences.** Those offences that can be corrected immediately and are of a nature that requires no further action being taken by the Military Police.
 - b. **Minor offences.** Those offences which require action being taken by the the Military Police and to bring the details of the offence to the attention of Corp Commander Military Police but is not so serious as to warrant the arrest of the offender.
 - e. **Serious offences.** Those offences that may warrant the arrest of the offender. For consistency purposes the following offences shall be classified as serious:-
 - (1) Murder, manslaughter (including causing death/grievous harm by a dangerous driving of a service vehicle).
 - (2) Rape, sodomy, bestiality & incest.
 - (3) Fire arm offences connected to firearms.

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- (4) Robbery.
 - (5) Use of and trafficking of controlled substances (narcotics & drugs).
 - (6) Desertion.
22. A member of the Military Police shall approach the offender in accordance with the following basic principles:-
- a. Without attracting undue attention.
 - b. Withdraw the offender from the public view.
 - c. Inform him/her of the alleged offence committed.
 - d. Correct the offence if possible or prevent its continuance.
 - e. Obtain and record his/her particulars.
 - f. The offence shall be reported immediately to the Corp Commander Military Police and the Commanding Officer of the accused for immediate investigations and further instructions while the offender remains in custody.

Military Police Approach to Senior Ranks

23. Under all circumstances, members of the Military Police shall always be polite, and courteous to senior ranks in their approach:-
- a. **Officers**
 - (1) Service Members of the Military Police shall not check Officers for minor offences except under specific orders.
 - (2) If it is necessary for a junior member of the Military Police to approach an Officer to get his/her particulars for example when a traffic offence has occurred, he/she shall approach the Officer, salute and politely draw his/her attention to the infringement. The junior member of the Military Police should politely seek an explanation from the Officer. The officer's particulars shall be preferably obtained from his/her identity card.
 - (3) If a serious offence appears to have been committed by an Officer or the junior member of the Military Police encounters any obstruction, he/she is to summon a senior member of the Military Police for assistance immediately. If

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no senior member of the Military Police is readily available, the junior member of the Military Police shall seek the help of any available Senior Officer.

- b. **Warrant Officers.** Warrant Officers shall be approached in exactly the same way as Officers. If a serious offence appears to have been committed by a Warrant Officer, the junior member of the Military Police shall seek advice from his/her detachment Commander. If they are not available the junior member of the Military Police shall act as he/she deems appropriate.

Checking Identities

24. A Service Person shall not be stopped solely to check his/her identity card unless specific orders to do so have been issued. Identity cards shall normally be checked when a Service Person has been stopped for some apparent breach of discipline.
25. All Service Personnel shall carry identity documents from which their particulars can be verified. If they have no identity cards, other Service documents in their possession shall be checked. The document together with verbal questioning and other details shall enable the Military Police officer to confirm the service personnel's identity. If serious doubts remain as to their identity, their units shall be consulted.

Military Police self identification

26. Occasions will occur when a member of the Military Police may be asked to prove his/her identity in the course of his/her duty. If so requested he shall do so without hesitation.

SECTION V

Military Police Reports and Investigation

27. Members of the Military Police shall conduct investigations into complaints referred to them by formations and unit Commanders.
28. They shall liaise with the Civil Police authorities when need arises.

Reports

29. A Military police report is the principle way in which a member of the Military Police reports the details of any incident, which occurs during his/her tour of duty to his/her superiors.

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30. A written report is to be submitted in each case where it is necessary to give details outside the member's own unit.
31. Where, however, the incident is very trivial, an entry in the Daily Occurrence Book (DOB) will suffice.

Initial reporting of an incident/occurrence

32. All incidents/occurrences shall initially be reported by the members of the Military Police to the unit/formation with the same information passed to the Service Headquarters through Military Police Headquarters.
33. The reporting Officer/Service Member shall initiate investigations of the incident/occurrence immediately. However, where disciplinary action is to be taken provisions of section 150 of KDFR shall be complied with.

Investigation

34. The most important part of any investigation is the interviews of complainants, witnesses and suspects and the recording of statements from them. The investigations are undertaken using the following guidelines:-
 - a. All statement must be recorded, if at all possible, on the official forms provided on one side of the paper only. Other forms may be used if the official form is not available.
 - b. Details of the person making the statement must be recorded in full.
 - c. Statements are to be written in the first person.
 - d. The language of the statement is to be that of the person making it e.g formal military abbreviations and jargon should never be used in recorded speech.
 - e. All alterations are to be initiated by the person making the statement. Deletions are to be made with a single line drawn through the words to be deleted.
 - f. The person making the statement is to sign it at the bottom and the end of every page.

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Statements

35. Statements shall contain all the necessary evidence to support a particular charge and it is therefore vital that they are complete and correctly recorded.

Taking a witness statement

36. Taking into account that events happen quickly, interviews should be conducted and statements recorded immediately after an incident. Care should be taken to segregate witnesses if possible, to prevent discussion of the subject and eliminate the chance of a witness describing an event not seen by him/her.
37. The following guidelines shall apply when taking the statements:
- a. The investigator shall:-
 - (1) Introduce himself/herself and explain the purpose for the inquiry and attempt to put the witness at ease.
 - (2) Write down the evidence in order of occurrence.
 - b. Paragraphs may be used in witness statements.
 - c. The exact words spoken need not be used; you may use your own words. Use simple and explicit language.
 - d. If the witness needs to identify exhibits or documents relevant to the case, the Military Police shall have them readily available.
 - e. On completion, the statement shall be read over by the witness and the investigator. The witness shall sign each page of the statement.

Taking confessions

38. Statements by accused persons amounting to confessions shall only be taken in the presence of an officer (other than the investigator) not below the rank of Major in accordance with KDFA section 170 (3).

Final Reports

39. The purpose of the report is to give a concise and accurate account of an incident and/or investigation to superior. The report is not in itself admissible as evidence and must be supported by all the necessary statements.

RESTRICTED

Contents

40. The report shall be in simple language and professionally written as to be understood early.

Submission

41. Reports shall be submitted immediately action has been taken by Military Police following the request for an investigation, or the report of an incident.

Control and Distribution of Reports

42. The control and distribution of Military Police reports shall be the responsibility of the appropriate Military Police company/detachment Commander. He/she shall ensure that:-
 - a. There is actual evidence available in support of all details in the report.
 - b. The quality of the report and attachments are of high standard.
 - c. The reports shall be distributed to all appropriate addressees without delay.
 - d. Addressees are limited to those directly concerned i.e. the unit involved, the formation of the unit concerned, MPC Headquarters and Director of Military Prosecution where necessary. Sometimes, it is necessary to send a copy to the Service Headquarters concerned, especially on serious matters such as murder.

SECTION VI

The Military Police Duty Room, Equipment and Accommodation

43. The Military Police Headquarters and every Military Police company or detachment shall have a duty room. The room is the centre of all the Military Police activities. It is the most important part of the operation and it is the information and reporting centre for all Military Police matters.

Siting and Indication

44. The room shall be sited so that it is easily accessible to the general public. Clear direction signs to the room shall be erected up throughout the formation and/or Unit in which it is located. The room shall be easily identifiable e.g through bold marking.

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Layout and Equipment

45. The room shall contain:-
- a. **The Duty Desk.** It shall accommodate at least two Military Police officers and shall be built in a manner that is easily accessible to a person seeking information and assistance and control access to the rest of the room.
 - b. A clock.
 - c. A small-scale map, which clearly shows the entire area of responsibility (AOR) of the company or detachment and the area covered by adjacent companies or detachments Beat Card.
 - d. A large scale map showing that part of the company's/detachment's area which is most actively used by troops giving locations of:-
 - (1) Units.
 - (2) Hospitals.
 - (3) Civil Police Stations.
 - (4) Fire stations.
 - (5) Married Quarters.
 - e. A list of the most frequently used telephone numbers.
 - f. A copy of unit standing orders.
 - g. A notice board for company/detachment and fire orders.
 - h. Daily occurrence book etc.

Manning

46. The Military Police duty room shall be manned 24 hrs a day by at least one member of the Military Police. There shall be an NCO in the duty room at all times. The room shall never be left unattended.
47. The duty room shall not be used as a rest room or for writing reports or statements.

Daily Occurrence Book (DOB)

48. The daily occurrence book is the company's/detachment's formal diary of all events.

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49. It shall be checked each day by a Military Police Officer and signed. Military Police Inspecting Officers are to sign the Daily Occurrence Book (DOB) of all detachments visited where there is no Military Police officer permanently stationed. At such detachment the daily check is to be made by the detachment Commander.

Military Police Vehicles

50. It is a requirement that all members of the Military Police Corps shall be competent drivers and shall be in possession of current service driving permits.
51. Military Police vehicles engaged in Military Police duties shall display plates bearing the words "MILITARY POLICE" in red letters on a white background.
52. In exercises and operation areas red letters on a Black background shall be used to meet camouflage requirements.
53. Special Investigation Branch (SIB) vehicles and some Military Police vehicles with special tasks shall not display "MILITARY POLICE" plates. In some cases, vehicles with civilian registrations plates shall be used.
54. The operational control of all Military Police vehicles is vested in the Commanding Officer Military Police Corps, and such vehicles are not to be used without the authority of an officer of the Military Police Corps.

Residential accommodation

55. Members of the Military Police Corps shall be separated from other troops in barracks so as to maintain a continuous working atmosphere in the discharge of their duties and to avoid compromise.

Search

56. A member of the Military Police Corps who is investigating an offence does not have an automatic right to search a person or other objects in the course of his/her investigation. He/she is empowered by common law to take and obtain any property found in the possession of a suspect when he/she has fully arrested him/her. However, he/she may only search when:-

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- a. *He/she has been permitted to do so by a Commanding Officer and the search is being conducted in premises owned or leased by Kenya Defence Forces.*
- b. The suspect voluntarily permits a search.
- c. He/she is executing a search warrant issued by a competent court.
- d. The offence allegedly committed is such a serious one that requires immediate action and there are reasonable grounds to believe that the person
being searched either committed or participated in the commission of the offence.
- f. He/she has reasonable grounds to search a service personnel arrested.

Searching Procedure.

57. When searches are necessary and permissible they should be in accordance with the basic principles and procedures set out below:-
- a. All searches must be carried out in the presence of the suspect and a third person and searches must be fair and polite.
 - b. Comprehensive details of all searches must be entered in the investigator's notebook (AB466).
 - c. Any item found must be correctly labelled, handled carefully and safeguarded. It must be produced to the complainant or any other authority able to identify it as the item stolen or illegally possessed by the person on whose property it was found.
 - d. A receipt must be given for any item found that is retained by the investigator.
 - e. Always study the demeanor of the suspect and his actions during the search.
 - f. Prepare an inventory of the confiscated items and have the accused and an independent witness sign the same.

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SECTION VII

Arrests

58. In the course of their duties, members of the Military Police may find it necessary to arrest service personnel. Arrests will be conducted in accordance with section II of this chapter.

Manner of Arrest

59. An arrest is basically an exercise of force that a person is, in effect told that if he does not submit, force shall be used against him/her. It is desirable but not essential to indicate this in practice by holding or touching the person arrested. It is important that he/she is told that he/she is being arrested and the true reason for the arrest.

Degree of Force

60. Force may be used to effect an arrest. The use of arms, truncheons and handcuffs is permitted to effect the arrest.

However, the degree of force must be that which is absolutely necessary in the circumstances to make or maintain the arrest. A member of the Military Police may be criminally responsible for assault.

Objectives of Arrest

61. Unnecessary arrests should be avoided. The objectives of arrest are to prevent:-

- a. An offence especially when the offence is a serious one.
- b. The continuance of an offence.
- c. The renewal of an offence.
- d. The escape of an offender.
- e. Interference with witnesses or other evidence.

62. An arrest may also be made where service personnel refuses to disclose their identity to the member of the Military Police or their true identity are in doubt.

Arrest of Service Personnel Outside Military Camps

63. Where Units or Formations require a Service Personnel to be arrested, they will notify Military Police Corps Headquarters immediately by means of a written communication at the earliest opportunity. His/her

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particulars and his/her possible whereabouts shall be indicated clearly in the signal message.

64. If the home or the whereabouts of Service Personnel is more than a reasonable distance away from the Military Police detachment, the civil police in the relevant locality shall be asked to assist in the arrest.
65. Arrangements shall be made with the civil police to avail a policeman to accompany the members of the Military Police conducting the arrest.
66. A person arrested by a member of the Military police shall be handed over to a guard Commander together with a committal receipt, which states the particulars of the alleged offence for which he/she has been arrested. The Guard Commander is required to give a handing over receipt to the member of the Military Police corps who hands over a prisoner to him.
67. Following an arrest, the Officer Commanding the arresting Military Police's Company/Detachment Commander is required to inform the Unit of the alleged offender within 24 hrs of the circumstances of the arrest.

Arrest of Suspected Spies

68. Spies are subject to KDFA section 4(f) and can therefore be arrested, tried and convicted under KDFA. KDFA sec. 60 defines the offence of spying and prescribes punishment if convicted by court martial.
69. Where Units/Formation arrest a person suspected of spying whether civilian or military, they will place the suspect in service custody and notify the Military Police Headquarters and Service Headquarters immediately. The arrested person shall be handed over to Military Police members together with the appropriate evidence materials to facilitate investigations. The Military Police headquarters will make arrangements to relocate the suspect to a suitable service custody for safety and ease of investigation. Proper hand over/takeover of the suspected spy shall be done and committal receipts duly signed by the parties taking part.
70. Where a civilian suspected spy is arrested, he shall be placed under service custody at a guard room which Corps Commander Military Police deems appropriate. When taking such suspect to service custody, guardroom procedures stipulated in para 76 shall apply.

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Procedure after Arrest

Searching on Arrest

71. An arrested Service Personnel may only be searched for the following reasons:-
- a. To take from him/her any weapons, machetes or other implements with which he/she might cause injury to himself/herself or another person or damage property.
 - b. To safeguard his/her privacy.
 - c. To obtain any evidence material to the charge or further charges.
 - d. To ascertain whether the accused is in possession of sufficient means to make restitution.
72. When a Service Personnel is suspected of being in possession of a lethal weapon or material evidence, which he/she might dispose of if given the chance, he/she shall be searched on the spot. In other circumstances he/she may be searched when he/she has been placed in the guardroom or similar place for confinement.
73. On no account shall members of Military Police search persons of the opposite sex.

Guardroom Procedure

74. When a member of the Military Police makes an arrest, the arrested person is to be conveyed to the guardroom where the following procedure is to be followed:-
- a. The member of the Military Police shall ensure that the arrested person does not have the opportunity to escape.
 - b. The member of the Military Police shall remain outside the guardroom and require the sentry to call the guard Commander.
 - c. The member of the Military Police shall hand over the arrested person to the Guard Commander for confinement, giving verbal details of the offence.
 - d. The guard Commander shall place the arrested person in confinement after which he may invite the member of the Military Police into the guardroom.

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- e. The Guard Commander and member of the Military Police shall fill in the details of the handing over/committal receipt form (FF 6009).
- f. The member of the Military Police shall ask to see the arrested person's property before leaving to see if there is further evidence of the offence for which he has been arrested or other offence.
- g. On return to the duty room the member of the Military Police is to complete relevant report and statement and attach to them the handing over receipt.

Choice of Guardroom

75. A member of the Military Police shall normally take an arrested person back to the guardroom of the Unit to which he belongs. If this is not possible because of the distance or time involved, the offender shall be taken to the nearest guardroom.

Refusal to Accept Custody of an Arrested Person

76. A guard Commander is obliged to accept the custody of a prisoner unless:-
- a. The Unit or the prisoner has a contagious disease or epidemic.
 - b. The guardroom is full to capacity or insecure.
 - c. The Unit is moving out in the next 24 hrs.
77. A guard Commander shall not refuse to accept a prisoner who belongs to his own unit, even if the guardroom cells are full, as the offender need not necessarily be placed in confinement.

Arrest of a Female Officer/ Service member

78. When a member of the Military Police intends to arrest a Female Officer/Service Member, the task shall be undertaken by a Female Officer/Service Member. If a member of the latter is not available, the arrest shall be made by a male member of the Military Police accompanied by another male member of the Military Police. Except under exceptional circumstances, unaccompanied male members of the Military Police shall not undertake the arrest of a female Officer/Service member.

Arrest of Civilians

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79. Except in accordance with section 5 and 268 of the KDFR, member of the Military Police have no legal powers to arrest a civilian whatsoever. However, they may request for the assistance of the Civil Police if a civilian is to be arrested.

SECTION VIII

Prisoners of War (POW)

80. The primary mission of the Military Police in POW duties is to provide supervisory and security personnel for the evacuation and movement of POW and Civilians Returnees from the combat zone to Communication zone on designated POW camps in accordance with the Geneva Conventions.
81. Military Police Company shall be assigned to a Brigade as required.

Geneva Conventions

82. The provisions of the Geneva Convention are applicable to POW from the time of their capture until release or repatriation. Under all circumstances, POW are to receive humane treatment without distinction based on race, nationality, religious belief, political opinions, or other similar criteria. POW may not be murdered, mutilated, tortured, or degraded, nor may they be punished for alleged criminal acts without a previous judgment pronounced by legally constituted courts which has accorded them those judicial guarantees which are recognized as indispensable to fair trials.
83. It should be remembered that individuals, as well as capturing nations, shall be responsible for acts, which are committed against POW in violation of the Geneva Convention.

POW Capturing Troops

84. Under the provisions of the Geneva Conventions, a capturing power is responsible, from the moment of capture or other apprehensions for proper and humane treatment of detainees.
85. Capturing troops shall disarm and search POW immediately for weapons and documents, which may appear to be of particular intelligence value.
86. They shall be alert to prevent the use of concealed weapons and the destruction of documents or equipment. POW shall not be forced to

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provide information other than their names, ranks, service numbers and Units.

87. The POW shall be segregated in so far as possible and shall be escorted to Unit collecting points by capturing troops.

Brigade Military Police Action

88. Military Police escort teams shall go forward to the Units collecting points to accept custody of the POW from the capturing troops. The prisoners accepted shall thus be evacuated to the Brigade holding area.

Field Processing

89. Military Police shall conduct individual processing of POW which shall be done in the Brigade holding area in liaison with Brigade Intelligence Personnel as essential for security, control or intelligence reasons or for the welfare of POW while in evacuation channels.
90. Field processing actions shall include individual searches, segregation, medical care, classification, interrogation, and sanitation measures.

Service Military Police Action

91. After field processing the Brigade Members of the Military Police shall establish a Brigade Recollecting Point for the members of the Military Police to accept custody of the POW.
92. The Military Police shall further establish a central collecting point for all POW from different Brigades. Finally, POW shall be evacuated to POW camps on foot, vehicles, rail, aircraft or ship depending on the prevailing circumstances and location.

SECTION IX

Courts Martial

93. Military Police services may be provided by a member of the Military Police Corps at Courts Martial. These will include security and escort duties as may be required by the Convening Authority.

SECTION X

Flags

94. The MPC shall be responsible for the custody of the following flags:-
 - a. Presidential standard.

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- b. All countries of the world.
- c. National flags to include Jumbo size.
- d. DHQ and Service flags.

C -in- C Ceremonial Vehicles and Presidential Saluting Dais

95. The MPC shall be responsible for the custody of both the C -in- C Ceremonial Vehicles and Presidential Saluting Dais.

Night Movement

96. The Military Police are authorized to report/impound any service vehicle on night movement without any authority.

Unauthorized Movement of Service Vehicles

97. Military Police will report/impound service vehicle being used for unauthorized purposes.

Cases and Incidents

98. Abstract of evidence in respect of any case or incident must be forwarded to respective Commanders for action. Upon receipt of the reports, they must be dealt with within 14 days and same communicated to MPC HQs. MPC HQs is mandated to compile a list of all unactioned cases on monthly basis a copy of which shall be forwarded to respective Service Commanders for necessary action.

RESTRICTED

CHAPTER 25

ROAD TRANSPORT SERVICES

Contents

Paragrap

h

Section I - Control and use of Kenya Defence Forces Transport

<i>Resources</i>	1-2
Importance of Service Vehicles.....	3
<i>Control at DHQ</i>	4
Control at Service Headquarters	5
Control at Units	6
Control of Military Police Vehicles	7

RESTRICTED

Economy of Transport	8-9
Use of Ferries and Toll Bridges	10
Duty Journeys	11-12
Hired Transport.....	13
<i>Ambulances</i>	<i>14-15</i>
Driving by Officers	16-18
Collection of Vehicles on Allotment	19
Details for which Service Transport is not to be used	20-21
Use of Private Motor Vehicles	22-24
Staff Car Compensation Allowance	25
Section II - Privileged Use of Service Transport	
Definition	26-28
Residence to place of Duty	29-30
<i>Ceremonial Visits</i>	<i>31</i>
Officiating Chaplains	32
<i>Attendance at Church Activities</i>	<i>33</i>
Funerals.....	34
Conveyance of Sports Teams	35-36
Medical	37-42
Welfare	43-48
Leave	49
Band	50
Education	51-53
Section III - Use of Service Transport on Repayment	
<i>Introduction</i>	<i>54-55</i>
Commercial Rates	56

RESTRICTED

Discounted Rates	57-59
Recreational Transport	60-67
Conveyance of Civilian Guests and Entertainers to Garrison/Base/Unit Dances and Entertainment	68-70
Use of Service Transport by Civilians Employed by the Kenya Defence Forces	71-78
<i>Section IV</i>	
Testing and Qualification for Service Drivers	79-91
Section V	
Vehicle Lighting	92-99
Section VI - Driving Discipline	
Numbers of Passengers	100 - 103
<i>Speed Limits</i>	104-109
Traffic Signals and Road Signs	110
Clothing	111
Consumption of Alcohol/Drugs	112
<i>Vehicle Loads</i>	113
Documents to be carried by Drivers	114
Examination of Log Sheets and Claims	115
General Instructions on Mechanical Transport	
Senior Passenger	116
Passengers	117
Drivers	118-119
Section VII - Accident Procedures	
<i>Definition of a Traffic Accident</i>	120-122
Traffic Accident Report Form FMT 3 (revised)	123-125
Instructions for Drivers	126-128

RESTRICTED

Action by a Driver Involved in a Traffic Accident.....	129-130
Unit and Service Headquarters Responsibility	131-132
Correspondence with Owners of Civilian Vehicles.....	133-134
Assistance to the Police	135
Fatal Accidents, Inquests, Police or Civil Proceedings	136
Unauthorized use/misuse of Service Vehicles	137-138
Action by Technical/ Supply Branches	139-140
Disciplinary Action	141-150
Removal from Trade/Downgrading.....	151-153
Civilian Drivers employed by MOD	154-157
Section VIII	
Security	158-163
Vehicles Carrying Cash	164-166
Section IX - Towing	
Towing of Vehicles	67
Towing of Aircraft	168-169
Section X	
Vehicles Servicing and Inspection	170-172
Section XI	
Markings on Service Vehicles	173-174
Description of Vehicle signs.....	175
Sizes of Signs to be Used	176-177
Positions of Identification signs.....	178
Registration Numbers	179-185
Distinguishing Flags and Signs	186-188
Military Police Vehicles	189-190
Medical Vehicles	191

RESTRICTED

Air Supply Vehicles	192
Bomb Disposal Vehicles.....	193
Long Low Loader-Semi-Caution Signs	194
Recovery Vehicles	195
Reflecting Chevrons	196-200
Learner Plates	201
Erasure of all Kenya Defence Forces Markings on Disposal	202
Section XII	
Fire Precautions	203-206
Indemnity	207
Instructions to Drivers	Annex
‘A’	
Agreement of Hire	Annex
‘B’	
Hiring of Vehicles.....	Annex
‘C’	

RESTRICTED

CHAPTER 25

ROAD TRANSPORT SERVICES

SECTION I

**CONTROL AND USE OF KENYA DEFENCE FORCES
TRANSPORT**

Resources

1. Transport services in the Kenya Defence Forces are part of the mainstream logistics both at DHQ and at the Services level. The transport of the Kenya Defence Forces consists of the following:-
 - a. **First Line Transport.** Transport held by unit on authorized establishment.
 - b. **Second - Third Line Transport.** Pools of transport provided by the Kenya Army Corps of Transport (KACT). This pool consists of load-carrying trucks/vehicles including Troop Carrying Vehicles (TCVs) and utility buses. The KACT shall upon request from the services provide support of additional transport resources.
 - c. **Fourth Line Transport.** Transport resources hired by DHQ from public/private assets to reinforce any shortfall as provided in Part XIII of K DFA.
 - d. Units/Fmns may hold utility vehicles with civilian registration number plates to be used for administration.
2. Bids for second line transport not permanently allotted are to be made as follows:
 - a. Units in need of Second Line Transport resources are to forward their request to Service Headquarters (KA). The service Headquarters is then to instruct KACT through Notice to Move (NTM) within 48 hrs in case of administration duties and 24 hrs in case of operation and training.
 - b. Under no circumstances are requests for Second Line Transport to be submitted direct to the Kenya Army Corps of Transport. Coordination and administration of the bids shall be done through HQ KA.

RESTRICTED

- c. Requests for Light Heavy Lift (LHV) or Heavy Lift Vehicle/s (HLV) and other utility vehicles by the Kenya Air Force and Kenya Navy should be submitted to DHQ P & L at least 72 hrs prior to movement for requisite coordination with the Service concerned.

Importance of Service Vehicles

3. The efficiency of the Kenya Defence Forces depends to a great extent on the proper function and efficient operation of Motor Transport resources, which, therefore, is of the highest importance to the Services.

Control at DHQ

4. DHQ P & L is responsible for policy, allocation, deployment and administration of Motor Transport resources in the Kenya Defence Forces.

Control at Service Headquarters

5. At Service Headquarters, this responsibility is delegated by the respective Service Commanders to Chief of Logistics or equivalent who controls staff suitably qualified for the various aspects of the MT tasks.

Control at Units

6. The Unit Commanding Officer is to nominate an Officer to be directly responsible for the control and use of transport within the unit. He/she is to be responsible for:-
 - a. Ensuring that all MT Personnel are fully informed of the extent of their responsibilities. (See Para 127).
 - b. Authorizing the use of MT (on FF 7121) on duty journeys, on behalf of the Unit Commander. See Para 11 for explicit details.
 - c. Liaison with the appropriate Officer in adjacent units to ensure co-operation and co-ordination of journeys, common to two or more units.
 - d. Co-ordination of the use of all vehicles within the unit.
 - e. The economical routing of all vehicles.

RESTRICTED

- f. Liaison to ensure the return journey loading of all vehicles wherever possible.
- g. The servicing, inspection and repair of vehicles in accordance with the relevant instructions.
- h. The application of any instructions concerning the operation and use of transport.
- i. The maintenance of all vehicle documents.

Control of Military Police Vehicles

- 7. The operational control of all vehicles of the Military Police is vested in the Commanding Officer Military Police Corps and such vehicles are not to be used without the authority of an Officer of the Military Police. Service Commanders are responsible however, for the maintenance and periodical inspection of all necessary documents. The daily servicing of Military Police Vehicles for which no MT driver is established is to be carried out by Military Police drivers.

Economy of Transport

- 8. The utmost economy consistent with the requirements of the service is to be observed in the use of Service Vehicles. Commanding Officers are to take steps to ensure that every possible precaution is taken to keep running expenses as low as possible. It is therefore important that:-
 - a. The lowest category of vehicle which will serve the purpose is invariably used, even a motor cycle/bicycle if appropriate. This particularly applies to runs within the confines of a unit.
 - b. The use of Service vehicles, to convey Officers and others to distant railway stations where a better train service is available can be necessary only on rare occasions and should be limited to cases of extreme urgency.
 - c. Careful co-ordination of all details both within the unit and with neighbouring units is done.
 - d. Target fuel consumption in respect of Km per litre figures for each type of vehicle must be determined.

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- e. In annual reports of inspection, the Service or Brigade and Unit should state whether economy in the use of transport of every description has been studied and effected.
9. POL consumption targets will be issued by Service HQ at intervals, based on Unit requirements and the total POL vote. These figures are not to be exceeded except on the authority of Service HQ.

Use of Ferries and Toll Bridges

10. Vehicles are to make use of ferries and toll bridges whenever saving in mileage results. Such use is free to Service Vehicles under the Kenya Defence Forces Act Section 293. If the driver has found it necessary to pay ferry or toll dues during a journey, the Unit accounting Officer is to refund the amount against a receipt for the sum expended from the Unit Imprest Account and to claim a refund from the operating Company concerned.

Duty Journeys

11. A duty journey is one undertaken on Kenya Defence Forces operational, administrative, technical, training or organization work. This is the only interpretation to be applied. Service transport is to be used solely on duty journeys, except where these orders permit other uses.
12. Service Commanders may authorize duty journeys as follows:-
- a. Within the territory of Kenya.
 - b. In the cases of operations exercises or movement planned outside Kenya, prior authorization must be sought from the Defence Headquarters.

Hired Transport

13. The hiring of civilian transport for all service purposes is the responsibility of DHQ through Service Headquarters concerned and arrangements in connection therewith are to be carried out solely by DHQ. No hiring is to take place without the authority of DHQ, and then only when no Service vehicles are available. Such vehicles are to perform essential tasks and are **NOT** to be used on operations and are normally to be confined to administrative details.

RESTRICTED

Ambulances

14. Ambulances are to be used only for their legitimate purpose. They may attend any Service function when the risk of accidents makes such attendance necessary. Ambulances are not to be used for conveying persons other than sick or injured and medical personnel in attendance.
15. Charges are not to be made against other Government Departments in respect of costs of conveyance by Service Ambulances of personnel from those departments to or from a hospital.

Driving by Officers

16. All Commissioned Officers with valid National driving licenses and Service driving permits may drive service vehicles.
17. The Commanding Officer may at their discretion, authorize Service Members to drive service vehicles as dictated by the operational or training commitments. Such personnel are to possess current service permit to drive.
18. If during a long journey, a driver complains of fatigue or the Senior Passenger considers that for any reason a driver is unfit to continue driving, the Senior Passenger may take over the driving of the vehicle provided that he/she holds a valid National driving license or a Service driving permit for that specific type of vehicle. He/She is only to do so if no other qualified driver is available and for the minimum time necessary. He/She is also to report the facts to his/her Commanding Officer at the earliest opportunity.

Collection of Vehicles on Allotment

19. Drivers (Service or Civilian) sent to collect Vehicles are to be provided by their parent unit with Form 975 endorsed with the unit date stamp. The appropriate allotment details and any relevant particulars such as identity card number etc. that will assist to identify the driver as the person authorized to collect the vehicle are to be included.

Details for Which Service Transport is not to be used

20. Government Officials and Kenya Defence Forces civilian employees are not to travel in Service transport unless they are travelling on Service duty. Commanding Officer is to ensure that all service transport is available for visiting Staff Officers and Government Officials.

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21. Civilians, other than Government Officials and Kenya Defence Forces employees are not to travel in Service transport unless:-
- a. They are travelling on official Kenya Defence Forces business and are accompanied by a delegated Service representative.
 - b. They are permitted to be conveyed under these regulations on specific Kenya Defence Forces authority.
 - c. Attending a Service funeral as laid down in Para 34 of this Chapter.

Use of Private Motor Vehicle

22. Claims for Mileage Allowance are granted for:-
- a. Journeys of up to 240 Km one way or 480 Km return performed on Service Duty, if permitted by his/her Commanding Officer to use his/her own motor vehicle where service transport is not available. In such a case claim of mileage allowance under the terms of Pay Service Regulations is allowed. Journeys in excess of the above mileage must have the prior approval of DHQ.
 - b. Officers of the rank of Major and below who live outside their place of duty and who are authorized to use their own vehicles in the absence of service transport may claim House to Office Mileage Allowance as stipulated in the Pay and Allowances Regulations with approval of Service Headquarters.
23. When a Medical Officer's service is called upon to attend an urgent official medical case, he/she is first to try to get service transport. Failing to obtain this, he/she is to use own/personal transport and claim motor mileage allowance under the terms of prevailing Pay and Allowances Regulations.
24. Attention is drawn to Chapter 15, regarding the fact that no compensation is payable by the Service as a result of any incident arising from such use.

Staff Car Compensation Allowance

25. All Officers of the rank of Brigadier, Colonel and Lieutenant Colonel are entitled to the Staff Car Compensation Allowance of a fixed rate in lieu of a chauffeur driven staff car. This is stipulated in the Kenya

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Defence Forces Pay and Allowances Regulations. In receipt of this allowance, the Officers will use their own private means for house to office.

SECTION II

Privileged Use of Service Transport

Definition

26. Privileged use of service transport may be considered as journeys which whilst not "Duty journeys" do not fall within the Repayment rules, but are necessary for ceremonial, spiritual and welfare purposes of the Kenya Defence Forces and may therefore be authorized.
27. Privileged use of Service vehicles may be made only if the vehicles are available for use without detriment to Service needs. Non-availability does not constitute authority to hire civilian vehicles at public expense. Neither is there authority to hire civilian vehicles in order to free Service vehicles for privileged use. The terms of this sub-para do not apply to paragraphs 35 below (Conveyance of Kenya Defence Forces Sports Teams).
28. Where Service personnel and their families are entitled to conveyance under these rules it is emphasized that in every case where suitable public transport facilities exist, this method of conveyance is to be used, and resort to service transport is only to be made when no such suitable public services are available. If Service personnel and their families use Public Transport to Hospital, Leave etc, as laid down in Pay and Allowances Regulations, a claim for refund of expenses, properly completed, should be submitted to Service HQ for payment.

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Residence to Place of Duty

29. *Subject to Paras 26-28 above, conveyance by service transport between residence, place of duty and place of messing is permitted in respect of service personnel living in official quarters or billets (accommodation covered by billeting order), as follows:-*
- a. One return journey a day between residence and place of duty.
 - b. One return journey a day between place of duty and place of messing when the Commanding Officer regards such conveyance as essential to enable personnel to obtain a satisfactory meal without serious hardship or loss of time.
30. Civilian employees are not entitled to Service transport from residence to place of duty except as follows:-
- a. On repayment, in the special cases authorized in Paragraphs 71-78
 - b. When individuals are required to travel to or from home at other than normal working hours times when normal public transport arrangements are not available.
 - c. With the Commanding Officers express permission, when seats would otherwise remain empty in a vehicle on an official, authorized duty journey. Under no circumstances is any diversion from the authorized route to be permitted and the civilian(s) concerned must understand that no guarantee of a seat can be given from day to day in the event of authorized service passengers requiring the seat(s).
 - d. One return journey a day between residence and place of duty.
 - e. One return journey a day between place of duty and place of messing when the Commanding Officer regards such conveyance as essential to enable Personnel to obtain a satisfactory meal without serious hardship or loss of time.

Ceremonial Visits

31. A ceremonial visit is defined as the attendance of a Commanding Officer at a formal occasion. The Commanding Officer may at his/her discretion, nominate another Officer to attend in his/her place, in which case the privilege may be assumed by the Officer representing. In no

RESTRICTED

circumstances is this privilege to be extended to individuals attending private functions, of whatever status, within or without Garrison/Base/Unit (e.g. Garden Parties, dinners etc.) or accepting private invitations addressed to an Officers Mess. Service transport may be used for distances not exceeding return journey by:-

- a. An Officer of the rank of Lt Col or equivalent and above and Majors Commanding Independent minor units paying ceremonial visits in their official capacity. Lt Col or equivalent and above (on special occasions authorized by Service Commander) may be accompanied by their spouses on such journeys.
- b. An Officer of the rank of Lt Col or equivalent and above and Major Commanding Independent units, or his/her deputy and the head of a main Staff Branch, when attending or taking part in a function, ceremony, or other organized activity, which he/she is required to attend by virtue of his/her appointment. The activities will include sporting events at which a team from the Garrison/ Base/Unit commanded by the Officer is competing. If the spouse (and family) of one of these Officers is expected to attend such a function, ceremony, or event, he/she will be allowed to accompany his/her spouse without payment.
- c. The spouse of one of the Officers mentioned in sub-para b. above, who has to perform a duty in connection with the welfare of the families of the service members under his/her spouses command, but the spouse is not expected to accompany him/her and it is impracticable for him/her to use the family's private car.

Note: The Work Ticket, in addition to the appropriate authority for the journey is to be endorsed to the effect that the spouse is an authorized passenger.

Officiating Chaplains/Imams

32. Service transport may be used for the conveyance of officiating chaplains/Imam to and from the Garrison/Base/Unit on Fridays/Sundays, Good Fridays and Christmas Day/Idd ul Fitr when they reside at a considerable distance from the Garrison/Base/Unit and are entitled to the

RESTRICTED

grant of travelling expenses when public transport is not available or cannot be utilized. Under similar conditions conveyance may be provided to and from a Garrison/Base/Unit, not more than twice weekly on weekdays, for an officiating chaplain for the purpose of visiting personnel under his/her care or of carrying out other spiritual duties, provided the runs are authorized by the Commanding Officer.

Attendance at Church/ Mosque Activities

33. Entitled Personnel are permitted to make one return journey each week to attend church/mosque Services, Sunday Schools, choir practices, Bible reading classes, etc. This permission does not include church outings, picnics etc. Additionally, on special religious occasions, the Service Commander may authorize one additional journey a week. Journeys may be authorized subject to the following conditions:-

- a. No religious service of the required denomination can be held on the station.
- b. The place of worship is not less than two kms from the unit location or families' residential centres.
- c. Public transport facilities are not available.
- d. A reasonable load can be provided for each vehicle and that normal service requirement is not prejudiced.

Note: The following Personnel are permitted to use Service transport to attend Church/Mosque, Sunday school, etc. subject to the conditions set out above:-

- (1) All Officers and Service Members belonging to or serving with the Forces.
- (2) All resident spouses of Officers and Service members.

Funerals

34. Transport for service funerals may be authorized by Commanding Officers as follows:-

- a. For the conveyance of the coffin/body, including death by suicide cases.”
- b. For the carriage of Personnel, both Service and employed civilians, when attending in an official capacity.

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- c. Relatives of the deceased.

Conveyance of Sports Teams

35. Service transport may be used for conveyance of teams, voluntary bands and other personnel equipment and stores in connection with boxing meetings, gymnastic displays, sports, games and other recreations. Functions or entertainment may be arranged under the auspices of Service Headquarter or DHQ and for local league fixture and inter-unit/services fixtures at the rate of one journey per sports team per week.
36. Service transport may be used for conveying unit teams to official sports venues' for the purpose described in para 35 above. For journeys to and from Mombasa the Service Commander concerned is to decide whether it is more economical to move teams by railway at public expense or by road. The vehicle (s) is to be used to carry the team(s) and recognized officials. Spectators may take up spare seats.

Medical

37. Where no suitable public transport is available, visits by resident spouses and children/dependants to patients in hospital (or as regards visiting families from the nearest station) may be permitted up to a maximum of twice a week at the discretion of the Commanding Officer. This limit may be exceeded if the patient is on the dangerously or seriously ill list.
38. Service personnel may in general be conveyed to hospital or MRS in service transport. In an emergency or where the need arises in small isolated units the local health authority should be called upon to provide transport facilities without charge.
39. Conveyance of sick persons by service transport may be authorized as follows:-
- a. Free for the conveyance of families of service personnel or of entitled civilian employees to hospital, medical inspection rooms or antenatal clinics where the condition of the patient requires.
 - b. Where service transport is normally provided for the conveyance of sick service members and civilian employees to the medical centre, their families may use the same transport.

RESTRICTED

- c. Where the patient requires treatment beyond the resources of the medical centre, but his/her condition does not entail the provision of an ambulance or special transport and public facilities are unsuitable or not available, service transport may be used.
40. Where patients are undergoing medical treatment for depression/mental ailments authority for use of service transport (which is to be specially recorded on work tickets) may be granted as stipulated below:-
 - a. Two journeys per week to places of educational and general interest, subject to the single distance of each journey not exceeding 64km.
 - b. One journey per week in connection with dances or similar functions in Garrison/Base/Unit.
 - c. One journey per fortnight in connection with Sport.
41. Tuberculosis patients at Kenya Defence Forces Hospitals may be permitted the maximum of two journeys per week to places of educational and general interest, subject to the single distance of each journey not exceeding 64 km.
42. Service transport may be used by Garrison/Base/Unit Medical Officer to visit service families living out within 16 km radius of the Garrison/Base/Unit when such families have opted to receive medical treatment under service arrangements.

Welfare

43. The Commanding Officer may authorize up to one journey a week by one vehicle in the unit to the recreational centre if spouses of Officers or Service Members need to go there to conduct necessary business on behalf of *Maendeleo* or other unit welfare organizations.
44. Where members of entitled families are appointed members of official welfare committees, service transport may be used in connection with bona fide Official Welfare work. Such journeys may be considered as duty journeys and no charge will be raised and will be on the basis of one journey per week.
45. Welfare workers must be one of the following:-

RESTRICTED

- a. Families of entitled personnel, i.e. serving Officers or Service members.
 - b. Entitled civilians authorized under and employed against a specific establishment.
46. Lists of official nominated welfare workers forming official welfare committees are to be maintained by each unit and copies held by Service Headquarters and DHQ.
47. The provision of service transport for official welfare committee members is to be made in the normal manner, subject to availability and without prejudice to Service requirements. FF 7121 (transport work tickets) are to be made out in the normal manner. The duty is to be clearly shown as "Welfare" in the space provided.
48. A note stating the names of the welfare workers conveyed for each journey is to be attached to the applicable FF 7121 when forwarded for auditing.

Leave

49. As per the provisions laid down in Chapter 5 of these orders.

Band

50. Service Bands and Corps of Drums may use Service transport to attend all functions, which they are attending as a unit or part of the Unit.

Education

51. Service transport may be used for journeys connected with education free of charge as follows:-
- a. For the purpose of regular attendance at education classes organized by local education authorities and similar bodies. Commanding Officer may authorize the use of Service transport for these purposes up to a maximum of five return journeys a week per class, and for distances of not more than 80 km single journey.
 - b. For educational visits (e.g. organized visits to local Government meetings, factories, places of historic interests) up to a maximum of one return journey a month per student and for distances of not more than 240 km single journey, provided that the visit is designed to supplement a definite course of

RESTRICTED

study under the Kenya Defence Forces Continuous Education Programme.

52. The Commanding Officer may authorize the use of Service transport for the purpose of conveying civilian lecturers and part-time teachers between the nearest airport/railhead or bus halt and the place where the classes are held, subject to the following conditions:-
 - a. No alternative methods of providing instructions are available.
 - b. No public transport is available or where it is available, that use would lead to an unreasonable waste of the lecturer or teacher's time.
 - c. The lecturer or teacher has specifically asked for the transport.
53. The Commanding Officers are to ensure that the most economical type of vehicle is used consistent with the number of passengers carried and that, whenever possible, use is made of public transport.

SECTION III

USE OF SERVICE TRANSPORT ON REPAYMENT

Introduction

54. This section lays down the conditions under which service transport may be used on repayment for journeys other than strictly service duties. In particular it lays down the different rates to be charged for such journeys, what journeys are admissible, and what authority is required in each case.
55. Basically there are two different rates of payment for hire of Service transport. Commercial and discounted rates, but certain special rates are detailed later in this Chapter. The commercial and discounted rates of payment are set out at Annex "C" to this Chapter but the journeys to which they apply and the authorities required are detailed at Para 56 respectively.

Commercial Rates

56. Commercial rates are to be charged for the following occasions:-
 - a. Where, in the public interest, it is necessary to assist civilian services in the private sector or private individuals who are not members of the Kenya Defence Forces.

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- b. For transportation of Service Personnel and stores for entertainment, tattoos, displays etc. where service participation is not officially recognized by DHQ. See paragraph 57 *a and b* below regarding reduced rates in certain circumstances.
- c. Under certain circumstances for civilians to attend a Service Mess function (see Paras 68, 69 and 70).
- d. In all cases specified above the authority for the journey is Service Headquarters. In cases not covered by para 56 (*a-c*) above but for which normal rates should be charged, authority must be obtained from DHQ through Service Headquarters.

Discounted Rates

57. Charges at the discounted rates are admissible in the following instances:-
- a. For transportation of Service personnel and stores to entertainment tattoos, displays etc. not officially recognized by DHQ but for which there is no admission charge.
 - b. As in para 56 (a) above at the discretion of the Commanding Officer, if the proceeds from the function are mainly for the benefit of Service charities.
 - c. Assisting other Government Department by the use of Service Transport.
 - d. As in paragraph 56 (d) the authority is the Service Headquarters. The Commanding Officer of a Unit may, however, authorize transport to be used in the category 56 (c) above.
58. When no public means of conveyance is available or the circumstances are such that it cannot be utilized and when the reason for a journey by service personnel does not come within the definition of a duty journey or privileged journey but is in connection with a private or semi-official service function, the Commanding Officer may authorize the use of service transport on repayment. Such use is to be at the discounted rate and is subject to the following conditions:-
- a. Vehicles driven by personnel under instruction may not be used.

RESTRICTED

- b. No vehicle or machine is to be put to use other than those for which they were primarily designed except when authorized by DHQ.
 - c. In no circumstances is any person other than the driver in whose charge the vehicle is held permitted to drive a vehicle employed on repayment services.
 - d. Conveyance in the transport on repayment of passengers other than those for whom authority exists is strictly prohibited.
 - e. "Dead" time and/or mileage is to be included in all assessments of charges for use of transport supplied on repayment at commercial or discounted rates.
 - f. The use of service vehicles on repayment must not, in any circumstances, take precedence over duty journeys. The Commanding Officer of the unit is to ensure that repayment usage is permitted only when a vehicle can be spared after service requirements have been met and transport would otherwise be unemployed.
59. The entries on the FF 7121 for transport on repayment are to be entered in red. When a specific authority has been obtained from Service or Defence Headquarters is to be quoted on the FF 7121. Personnel using transport on repayment are bound by the conditions set out in para 62 *e* below and are to be so informed beforehand.

Recreational Transport

60. Service vehicles may be used for recreational purposes as detailed in the following paragraphs in which certain limitations are shown and subject to the conditions listed in Para 58 *a to f above*.
61. Garrison/ Base/Unit, as shown below will each be provided with at least one bus for passenger carrying. The bus is to be held on charge to the unit, and operated on behalf of the unit/sub-units in the area. The recreational centres for each Garrison/Base/Unit are:-

<u>Garrison/Base/Unit</u>	<u>Recreational Centre</u>
a. Kahawa	Nairobi
b. Langata	Nairobi
c. Embakasi.....	Nairobi

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d.	Laikipia Air Base	Nanyuki
e.	Isiolo.	Isiolo
f.	Thika	Thika
g.	Lanet	Nakuru
h.	Gilgil	Nakuru
i.	Moi Barracks	Eldoret
j.	Moi Air Base.....	Nairobi
k.	Mariakani	Mombasa
l.	Naval Base Mtongwe.....	Mombasa
m.	Naval Base Manda	Lamu
n.	Hakati.....	Hakati
o.	Wajir	Wajir
p.	Marsabit.	Marsabit
q.	Garissa	Garissa

62. The Commanding Officer of the unit holding the vehicle on charge is responsible for:-
- a. The correct administration of the vehicle in accordance with current MT procedures.
 - b. Ensuring that the vehicle operates to a laid-down schedule and route.
 - c. Arranging one fixed picking-up and setting-down point in the recreational centre.
 - d. The collection of money due to the public for all recreational journeys, and their prompt payment into imprest accounts.
 - e. Ensuring that service personnel and their families buy tickets and pay for them before entering the vehicle. Bulk supplies of tickets are to be treated as accountable documents and are held by Supply Branch at DHQ. Tickets are to be issued subject to the conditions contained on the back which are:

RESTRICTED

"Any person embarked on service transport does so at his own risk. In case of death or personal injury arising out of an incident involving a service vehicle, MOD, its servants, employees or agents shall not be liable for any claim for damages or compensation whatsoever. In all cases involving civilian transportation, persons travelling as such must sign indemnity certificates.

- f. Ensuring that only the authorized driver is allowed to drive the vehicle.
63. Journeys for recreational purposes are only to be made to the appropriate recreational centre as laid down in paragraph 61 above.
64. The following are permitted to use service transport for recreational purposes under the rules specified above:-
- a. All Officers and Service Members.
 - b. All married families officially recognised as resident at the spouse duty station.
 - c. Unless specified under these orders, service transport is not to give lifts to non-entitled civilians.
65. The rates will be as laid down from time to time by DHQ in General Orders and may take into consideration factors affecting each area in addition to actual mileage covered.
66. A loose leaf register is to be maintained in duplicate. One copy is to be used to support entries in the imprest account and the other retained in the Unit for 12 months.
67. All entries on transport work tickets (FF7121) in connection with recreational journeys are to be made in red ink and signed by an Officer.

Conveyance of Civilian Guests and Entertainers to Garrison/ Base/Unit Dances and Entertainment

68. Service transport may be used on repayment with the approval of Service Headquarters to convey civilians to functions held in either the officer's Mess, the WO's/Sgt's Mess or the Service member's Canteen subject to the following conditions:-
- a. The use of public transport is impracticable.

RESTRICTED

- b. The civilian transport cannot be hired.
 - c. The distance involved is reasonable 64 Km (40 Miles) return journey should normally be the maximum.
 - d. Transport can be found from Garrison/ Base/Unit existing resources and is used only subject to operational requirement.
 - e. Repayment for use of Service vehicle to be made at the commercial rate as shown in Annex "C".
69. The decision as to the allocation between the Officer's Mess, WO's/Sgt's Mess and Service member's Canteen of the cost of any such transport used for a joint purpose is left to the discretion of Service Headquarters who may delegate this authority to Commanding Officers.
70. In the absence of a suitable public transport facilities, Service vehicles may be used with the approval of Service Headquarters for the conveyance of unit concert parties including organized unit dance bands and voluntary bands to provide entertainment for another unit of the Kenya Defence forces within a maximum radius of 64 Km (40 Miles) provided the vehicle is not detained over night. Charges are to be made at the discounted rates shown if the entertainment is free and at commercial rates if concert party receives payment or if a charge is made for admission to the entertainment.

RESTRICTED

Use of Service Transport by Civilians Employed by the Kenya Defence Forces

71. The use of Service transport to bring members of civilian staff employed by the Kenya Defence Forces to work at the beginning of the day and to return them home in the evening may be authorized on repayment basis provided:-
 - a. Public transport is inadequate.
 - b. The necessary Service vehicles can be made available on a regular basis.
 - c. The number of civilians concerned and the distance and other local conditions involved justify the requisite transport.
72. It is emphasized that transport so authorized is a privilege and not a right. Over-riding service commitments may require the withdrawal of a particular schedule either temporarily or permanently.
73. It is also emphasized that schedules cannot be run on an individual home to duty basis, but must be directed on specified routes with definite pick-up and set-down points.
74. Civilian staff travelling to and from their place of duty do so at their own risk and no responsibility for injury sustained or for loss or damage to personal property will be accepted by the Ministry of Defence. Civilians making use of Service transport under the terms of this order must sign a statement of understanding to this effect on the Travel Permit, issue of which is to be made in the same manner and under the same conditions as laid down in paragraph 76 below.
75. The charges if any, for the use of this transport are to be as notified from time to time by the Commanding Officer with the approval of the Service Headquarters
76. Pick-up points are to be arranged by the Unit MT Officer along the shortest and most practicable route. To avoid traffic congestion, pick-up points are to be kept to the minimum. Drivers are to wait for five minutes only at each pick-up point. Passengers who fail to arrive on time and are left behind will have to make their own way to work. No complaints are to be accepted against any driver if passengers do not comply with the instructions written on their travel permits.

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77. Drivers are to carry a nominal roll showing the names of civilians using that route and the points on the route at which they are to be picked up.
78. Payments at the rates laid down from time to time by the Service Headquarters are to be made as may be directed

SECTION IV

Testing and Qualification for Service Drivers

79. Commanding Officers are to ensure that all Service personnel who have to drive mechanically propelled Service vehicles are in possession of a current service driving permit of the current group and that they are competent to drive the type of vehicle to which detailed unless undergoing instructions with a qualified instructor.
80. Before any person may drive a Service vehicle unaccompanied by a qualified driver, he/she must hold a current driving permit. If he/she is a learner driver he/she will be issued with Kenya Defence Forces driving permit endorsed in red ink "Provisional Driving Permit" and he/she must be accompanied by a driver who holds a current driving permit.
81. The procedure for obtaining a driving permit for Officers and Service members is as follows:-
 - a. A Service driving test must be passed.
 - b. On successfully passing the test, FF53 is to be issued.
 - c. After the publication of issue of FF53 in Part II Orders, a Service driving permit is to be issued and renewed yearly on the 1st January.
82. A record is to be maintained showing date of issue of driving permit, groups to which applicable, to whom issued, date of expiry, date destroyed and by who.
83. A service driving permit can only be issued to Service drivers driving Service vehicles on duty. It cannot be used as a driving license to drive civilian vehicles.
84. Individuals who have undertaken the driving test and failed are not to be re-tested on a vehicle of the same group within a period of one

RESTRICTED

month from the date of the test. In no circumstances, therefore, is FF53 to be issued within this period.

85. The qualified testing Officer or NCO must be appointed by the Commandant School of Transport (SOT), who is to satisfy himself/herself that the Officer or NCO whom he/she appoints is in every way fit to conduct the test. All “examiners” must be in possession of a valid driving permit for the class of vehicles on which they are authorized to examine.
86. On completion of the tests FF 53 is to be completed for each successful candidate and a Kenya Defence Forces Driving Permit issued inapplicable groups being deleted. The driving permit is to bear the unit stamp and be signed personally by the MTO and certified by the Commanding Officer of the unit. The driving permit is to be free of any alterations and completed in ink.
87. Civilians employed as drivers of Service vehicles must be in possession of a valid civilian driving license obtained at their own expense. Civilian employees are to be issued with a Kenya Defence Forces Driving Permit giving them authority to drive Service vehicles of the applicable class.
88. The issue of FF53 to any Officer or Service Member is to be published in Part II Orders.
89. Service personnel who are not necessarily service drivers may undergo the driving test. If they pass, FF53 is to be prepared and the occurrence be published in Part II Orders.
90. FF 53 does not in itself authorize the holder to drive a Service vehicle; it is only a certificate of passing the driving test.
91. Service vehicles are classified for testing and driving permit purposes as follows:-
 - a. “A” vehicles - Armoured vehicles of all types e.g. tanks, APCs etc.
 - b. “B” vehicles - General purpose, load or passenger carrying vehicles; Soft Skinned vehs e.g. lorries, staff cars and land rovers.
 - c. “C” vehicles - Engineer plants; earth moving vehicles and agricultural tractors.

RESTRICTED

- d. "D" vehicles - Special type vehicles that need special consideration because they are mainly of high value, cover low mileage and peculiar to the function of the single service.
- e. "E" vehicles - Trailers and non prime mover vehicles.

SECTION V

Vehicle Lighting

- 92. Throughout this section the following definitions apply:-
 - a. The term "road" is defined as a highway or other road to which the public have access. i.e. it includes private roads open to the public.
 - b. The term "hours of darkness" means the time from 15 minutes after Sunset to 15 minutes before sunrise.
- 93. During the hours of darkness the following are obligatory:-
 - a. To the Front. Head lamps.
 - b. To the Rear. Rear lights, red reflectors and two white lights as necessary to illuminate effectively the rear, number plates (registration mark). (No direct light must be shown to the rear). If rear lamps, reflectors or both on goods-carrying vehicles are obscured by a load, similar lamps and reflectors are to be attached to the load in the position corresponding with those on the vehicle.
- 94. Head lamps with bulbs exceeding seven watts are to be extinguished while vehicles are stationary on a road except in the case of:-
 - a. Enforced stoppage.
 - b. Breakdown vehicles doing their special work.
 - c. Special lamps on vehicles used for service purposes.
- 95. Commanding Officers are to take steps to have vehicles' lights checked during inspection to ensure that in addition to functioning correctly they conform to the lighting regulations.
- 96. Movable "spot lights" must not be swiveled while the vehicle is in motion. No lights may be moved while a vehicle is in motion except dimming of headlights.

RESTRICTED

97. No red light may be shown to the front and no lights other than red lights may be shown to the rear, except lights used for the internal illumination of the vehicle, for illuminating number plates, reversing lights or direction indicators.
98. Wide load lighting requirements are:-
 - a. When a load is so broad as to overhang the side of the vehicle more than 12 inch beyond the centre of the front lights nearest to the side of vehicle (normally the side lights), an additional front lamp or lamps must be positioned so that the centre of the additional lamp or lamps is within 12 inch of the side of the load.
 - b. Additional red rear lamps must be positioned under the same conditions and at the same distances as laid down in Sub-para (a) above.
99. Exceptions to the lighting regulations in respect of Service vehicles engaged on training, operations or exercises are permitted, provided the following provisions are complied with:-
 - a. Notice of not less than 48 hours must be given by the unit or formation concerned to the Civil Police Commander of every County in which the training is to take place.
 - b. The vehicles must move in groups of not less than six and not more than 12.
 - c. The distance between any two vehicles must not exceed 20 yards.
 - d. The leading vehicle of each group must display normal front lighting.
 - e. The rear vehicle of each group must display normal rear lighting or a white light under the vehicle, illuminating part of the vehicle such as the differential housing.
 - f. The front lights of all vehicles other than the leading vehicle of each group may be masked.
 - g. When operating vehicles in such conditions care is to be taken to avoid any busy or important roads and any roads whose use is advised against by the police.

SECTION VI

RESTRICTED

DRIVING DISCIPLINE

Number of Passengers

100. The number of persons including the driver allowed to be conveyed in Service vehicle is not to exceed the following:-

- | | |
|--|-------|
| a. Cars saloon | 5 |
| b. Trucks, ³ / ₄ ton | 9 |
| c. Trucks 1 ton cargo. | 15 |
| d. Trucks, 5 ton cargo | 22/27 |
| e. Van/Cargo | 10 |
| f. Ambulance Road | 5 |
| g. Ambulance Crash | 8 |
| h. Crane 10 tons | 2 |
| i. Crane 5 tons | 2 |
| j. Tractor Agricultural | 3 |
| k. Tractor Aircraft | 2 |
| l. Regulars | 2 |
| m. Fork Lift | 1 |
| n. Buses are as per the capacity authorized. | |
| o. Coaches and Personnel Carriers according to seating capacity. | |

101 The above figures allow for passengers carrying personal weapons and wearing equipment. When additional baggage or stores are carried, proportional reductions in the number of passengers carried are to be made.

102. No more than two persons including the driver are to be carried in the front of Service vehicles with the exception of:-

- a. Land Rovers (excluding FFR Land Rover).
- b. Special vehicles designed to carry two passengers in addition to the driver. These vehicles are provided to meet specialist requirements and their use for other purposes is forbidden.

RESTRICTED

c. The following points are to be noted:-

- (1) The use of special vehicles as passenger vehicles is forbidden, unless the special function can be combined with the conveyance of special personnel or special equipment for which transportation over the same route would have to be provided.
- (2) Runs made by Special vehicles are to be supported by the side or tailboard of service vehicles.

103. Passengers are not to travel as follows:-

- a. In two-wheeled or open trailers.
- b. On the running board or bonnet of Service vehicles.
- c. On the side or tailboard of Service vehicles.

Speed Limits

104. Drivers of Service vehicles are to observe the national speed limits as set out by the Traffic Act or the National Transport and Safety Authority (NTSA). Para 105 notwithstanding, Service vehicles MUST abide by speed limits below on both dual and single carriage way:-

- | | |
|--|---------|
| a. Staff cars | 100 KPH |
| b. Land Rovers/Land Cruiser/Pick up Double Cabin | 80 KPH |
| c. Mini Buses | 70 KPH |
| d. Scout cars (Recce vehs)/APC | 50 KPH |
| e. 5-ton vehicles | 70 KPH |
| f. 10/14-ton vehicles | 65 KPH |
| g. 5-ton vehicles towing trailers | 50 KPH |
| h. Van | 70 KPH |
| i. Ambulance Road | 80 KPH |
| j. Ambulance Crash | 50 KPH |
| k. Coaches/ Buses | 70 KPH |
| l. Mobile Cranes | 30 KPH |

RESTRICTED

- m. Tractor Articulated without trailer 50 KPH
- n. Tractor Articulated with trailer 30 KPH
- o. Tractor Aircraft 30 KPH
- p. Tractor Aircraft with trailer 8 KPH
- r. Fork Lift 8 KPH
- s. Prime Mover 60 KPH
- t. Prime Mover with trailer 50 KPH
- u. Water/Fuel bowzer loaded 50 KPH
- v. It is an offence to drive or permit any other person to drive a vehicle on a road at a speed greater than such speed as may be prescribed as the maximum speed for that class of vehicle.
- w. All Service vehicles must observe the 50 KPH speed limit while driving on any road within the boundaries of any trading centre, township, municipality or city provided that the highway authority shall erect and maintain traffic signs as prescribed so as to plainly indicate to drivers entering or leaving such roads or areas where the 50 KPH speed limit restriction begins and ends.
- x. Speed limit for all military convoys will be as stipulated by the Convoy Commander in the Movement Instructions/Orders. As a guideline, the maximum speed should not exceed the speed limit indicated in para 105 a - u above.

105. Within military establishments drivers must adhere to speed limits as set out by the respective barracks/garrison/camp commanders. The unit/base commanders are to set the speed limits for vehicles moving inside the camps/barracks. The speed limits have to be clearly exhibited on sign posts at specific points.

106. Speed Governors are to be fitted to vehicles to give maximum vehicle speed as follows:-

- a. Jeep (³/₄ ton – 3 ton) 80 KPH
- b. Trucks (5 – 20 ton) 80 KPH
- c. Trucks (above 20 tons) 65 KPH

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107. Where local civilian speed limits are in conflict with the stipulated service speed limits as laid down in paragraph 105, the local regulations will take priority.
108. Ambulances may exceed the speed limits laid down when observation of the speed would hinder the use of the vehicle for the purpose intended but the limits may only be exceeded when absolutely essential for medical purposes.
109. Regardless of whether he/she is a driver or passenger, the senior person in the vehicle is responsible for the observation of speed limits. If both driver and passenger are of equal rank the driver is considered in this case the senior passenger.

Traffic Signals and Road Signs

110. All drivers of Service vehicles unless covered by para 105 above must at all times comply with all traffic signals and road signs. No Officer, Service Member or civilian under Service control is to give or be given authority to disregard them, unless on operational emergency.

Clothing

111. Service drivers and authorized civilian drivers are at all times to wear applicable uniform when driving Service vehicles and are not to wear studded boots. The wearing of goggles or other protective clothing for the face is authorized for the drivers of scout cars and "B" Vehicles, which have their windscreen removed either as a protective measure or through accident.

Consumption of Alcohol/Drugs

112. A driver is not to drink alcohol or take any other intoxicating drugs while on duty. Unit Commanding Officers are to ensure that drivers are warned at regular intervals that it is a serious offence to drive or be in charge of a motor vehicle while under the influence of alcohol or any other intoxicant. An Officer or Service Member who gives instructions to a driver which results in or in any way condones such an offence being committed is liable to prosecution for aiding and abetting in the commission of the offence.

Vehicle Loads

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113. Drivers are responsible for the load being correctly stowed and secured and for ensuring that the load does not exceed the maximum authorized weight for carriage by the class of vehicle employed.

Documents to be carried by Drivers

114. All drivers in charge of vehicles are to be issued with the mentioned documents, which are to be carried at all times when employed on normal details. Commanding Officers are responsible for ensuring that all drivers are fully conversant with these documents and are instructed in their use:-
- a. Transport Work Ticket, FF 7121.
 - b. Traffic Accident Report, FMT 3 (revised) enclosed in an envelope addressed to the Commanding Officer of the unit.
 - c. Standing Orders for the Drivers of Mechanical Vehicles (Wheeled).
 - d. The Highway Code.
 - e. The Vehicle Users Handbook and Servicing Schedule.
 - f. Current Driving Permit.
 - g. Instructions to Drivers.

Examination of Log Sheets and Claims

115. If on examination, work tickets, log sheets for Service vehicles and the bills or claims for hiring or mileage allowance show that vehicles have been used irregularly or unnecessarily, the Officer, Service Member or civilian who has acted without proper authorization, may be held responsible for any incidental expense.

GENERAL INSTRUCTIONS ON MECHANICAL TRANSPORT

Senior Passenger

116. The senior passenger in a vehicle will be responsible for command of the vehicle and will ensure the driver adheres to the driving instructions according to the Kenya Highway Code and local civilian traffic regulations.

Passengers

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117. The passengers have an obligation to observe the under mentioned rules:
- a. Passengers will not smoke whilst on board service vehicles.
 - b. Passengers will not be allowed to consume any alcoholic liquor while on a Service vehicle whether on tour of duty or at liberty movement.

Drivers

118. Instructions to drivers are to be read in conjunction with Standing Orders for Drivers (AB 247) as outlined in Annex "A" to this chapter.
119. Formation/Unit Comds are to implement the following:-
- a. Conduct medical examinations and refresher training for all drivers and organize special driver training for all newly acquired vehicle models (this to be indicated in the driving permits before drivers are allowed to drive such vehicles).
 - b. Unserviceable vehicles MUST not be deployed and where it is established that a mechanical fault caused an accident, the respective Comd should be held responsible for the accident.
 - c. Vehicles should be detailed with spare drivers when travelling for long distances or the long journeys be broken into legs to allow drivers' rest time as per the military convoy regulations.

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SECTION VII

ACCIDENT PROCEDURE

Definition of Traffic Accident

120. If a Service vehicle is involved in an accident or incident which causes any damage or any injury to any person, animal, vehicle or property, it is to be regarded as a Traffic Accident, and is to be dealt with as laid down in the following paragraphs 129 and 130.
121. All Traffic Accident Claims made by or against the Kenya Defence Forces will be dealt with by DHQ. The following procedures are designed to ensure that DHQ can handle such claims quickly and efficiently and safeguard the interests of both the MOD and individual service personnel and civilians.
122. The Unit responsible for reporting an accident is the Unit on whose charge the vehicle concerned is held at the time of the Accident.

Traffic Accident Report Form (FMT 3 (Revised))

123. This form is referred to as FMT 3(Revised) throughout this Order.
124. Every Driver is to carry a copy of FMT 3(Revised), in the envelope addressed to the Officer Commanding Unit, in the driver's cab of the vehicle he is driving.
125. Drivers must know how to complete FMT 3(revised), and the kind of scene of accident sketch plan required. They should remember that their defence in court may depend on what they write on FMT 3(revised).

Instructions for Drivers

126. Every service driver, whether a Service Member or a Civilian is to be taught:-
 - a. The need to drive carefully and avoid accidents through Defensive Driving.
 - b. To observe orders on speed limits, and the Highway Code.
 - c. What to do if involved in an accident, (See para 130 below).

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- d. Never to do or say anything after an accident which could be interpreted as an admission of liability, nor to enter into any discussion regarding the accident.
127. All drivers both Service Members and civilians are to sign as having read and understood Unit MT Orders and other relevant instructions including Form FMT 3(revised).
128. Every driver of a Service vehicle is to be warned of the possibility of Service member being held personally responsible for any damage or injury resulting from accidents caused by Service driver's own negligence or misconduct.

Action by a Driver Involved in a Traffic Accident

129. Unless incapable of doing so because of injuries, A driver involved in traffic accident is to:-
- a. Complete FMT 3(revised) at the scene of the accident.
 - b. Obtain the full names, addresses and telephone numbers of all persons involved and of all possible witnesses, and write them in Section C of FMT 3(revised). Obtain the Registration numbers of all vehicles involved.
 - c. Hand the detachable slip at the bottom of FMT 3(revised) to a Police Officer if one appears on the scene of accident or to the other person involved in the accident.
 - d. Report the accident personally as soon as possible and within 24 hours to the nearest police station, unless he/she has already given the detachable slip to a policeman. Failure to report may result in prosecution by the police.
 - e. Report the accident to his Commanding Officer and the Military Police immediately.
130. If a Police Officer arrives at the scene of the accident the driver:-
- a. Must not move his/her vehicle until the police Officer gives permission.
 - b. Is to make a statement to the police Officer if asked to do so, but only to the police Officer and out of the hearing of anyone else, and must not admit liability. Other service members present are to do the same.

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Unit and Service Headquarters Responsibility

131. When a traffic accident is reported, the Motor Transport Officer is to:-
- a. Interview the driver immediately.
 - b. Report the accident to the police if the driver has not done so.
 - c. Check the FMT 3(revised) to ensure that it has been properly completed and then make four copies. Particular attention is to be paid to ensure that the form has been signed by the driver and that the sketch is clear.
 - d. Obtain signed statements from the driver and any service witnesses. (See para 132 below).
 - e. Prepare the report required by para 138 (misuse of Service vehicles) if applicable.
 - f. Complete and sign Section O of FMT 3(revised).
 - g. Send one copy of FMT 3(revised) and statement of witnesses to DHQ legal through Service Headquarters within 24 hours. He/she is not to delay while waiting for further particulars. He/she is to keep the original copy and one other for reference.
 - h. The Commanding Officer is to consider whether a Board of Inquiry is necessary and convene one if applicable. If it has been decided not to hold an inquiry, take appropriate disciplinary action against the driver, where warranted, (see paras 142-150) and complete three copies of FMT 3A.
 - i. Before taking any disciplinary action, the Commanding Officer is to cause the matter to be investigated by the Military Police. He/she will also ascertain the cost of any damage and where the cost of the damage to the Service vehicle plus any likely claims from other sources will exceed KShs 30,000 he/she is to constitute a board of inquiry and opinion and recommendations forwarded to Service Headquarters for direction.
 - j. The report made pursuant to Para h above is to contain the opinion of the Commanding Officer as to who is to blame and if the driver is found blameworthy, a recommendation of the amount to be paid in compensation.

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- k. Forces Form FMT 3B to be initiated and forwarded to Service Headquarters.
- l. Copies of the following documents are to be forwarded to DHQ by Unit through Service Headquarters:-
 - (1) One copy of FMT 3A.
 - (2) FMT 3(revised) and relevant statements.
 - (3) Neglect, Misuse and Damage report (Form FMT 3B).
 - (4) Details of the driver's trade rating and rate of pay (KAF 73) to be forwarded where applicable).
 - (5) Service Commander's decision as to the amount of compensation (if applicable) and any other remarks.
- 132. Statements from the driver and any available witnesses should:-
 - a. Give a full account of how, when and where the accident happened referring to the sketch map on FMT 3(revised) as necessary. If the driver and/or Service witness claims that the accident was caused by mechanical failure, a technical report on that point must be included in the evidence.
 - b. State who/what they consider is to blame for the accident.
 - c. State exactly where the witness was at the time of the accident.
 - d. State how fast the vehicle was travelling before the accident.
 - e. If at night, state the vehicle lights that were in use at the time of the accident and any other relevant circumstances.

Correspondence with Owners of Civilian Vehicles

- 133. Service Headquarters and Units are not to correspond with owners of civilian vehicles involved. DHQ will correspond if necessary. Any correspondence received from civilians is to be acknowledged (stating its disposal) and forwarded immediately to DHQ for action with a copy to the Service Headquarters for information.
- 134. Where the other party to the accident admits liability and repairs the Service vehicle to the satisfaction of the Unit, Service Headquarters or DHQ Legal may formalize an agreement on admission of liability confirming full settlement of the matter.

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Assistance to the Civil Police

135. If the Civil Police want to serve a summons or notice of intended prosecution to the driver, or to interrogate him/her, the unit is to:-
- a. Accord them necessary assistance.
 - b. Ensure that an Officer is present who should take note of all particulars.
 - c. Send details and copies of any statements made to DHQ.
 - d. Encourage the driver in his/her own interest to give the police all reasonable information, ensure that he/she is aware that he need not say anything unless he/she wants to and, in any case, does not admit liability.

Fatal Accidents, Inquests, Police or Civil Proceedings

136. As soon as it is known that anyone has died as a result of a traffic accident, that an inquest is to be held, or that the police intend to institute proceedings, the Unit is to report the facts immediately to DHQ and to Service Headquarters by telephone or signal stating:-
- a. Whether the driver was authorized to drive.
 - b. Whether the vehicle was on duty and on its authorized route.
 - c. Depending on the circumstances of the case and always subject to assessment of the same by Service Headquarters, legal representation at public expense may be availed to a service driver charged for committing a traffic offence. The driver may at his/her own expense, give instructions to an advocate to represent him/she at such a trial. In such cases the Service Headquarters is to inform DHQ accordingly.
 - d. Any Criminal Court summons served on a driver in connection with a traffic accident is to be sent to Service Headquarters within 48 hours of receipt with FMT 3(revised) if not already forwarded.
 - ~~31-~~ If a Service Member receives a summons to appear in court as a witness he/she must keep it to produce it in court.
 - f. All claims made by or against the Ministry of Defence will be dealt with by DHQ.

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- g. Service Personnel who are required to undertake a journey in connection with the investigation or trial arising from a traffic accident are to be regarded by the unit or branch in which they are serving as proceeding on a duty journey with entitlement to free travel warrant(s) for the journey and subsistence at the scales authorized.

Unauthorised Use/Misuse of Service Vehicles

137. If an accident occurs during unauthorized use/misuse of a service vehicle the following information is to accompany the FMT 3(revised) sent to DHQ:-

- a. How the vehicle was being misused.
- b. What precautions are in force to prevent misuse (Attach copies of any orders or instructions issued).
- c. Where applicable, whether the driver had signed as having read and understood Unit MT Orders and other relevant instructions.

138. A vehicle is being misused if:-

- a. It has been stolen or was being used without authority.
- b. The driver was not authorized to make the journey.
- c. It was not on its authorized route.
- d. It was not being used for the purpose for which the journey was authorized.

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Action by Technical/Supply Branches

139. When, as a result of a traffic accident, damage has been caused to any Service vehicle, the matter is to be reported to Technical Sub-Branch, Service HQ. The Unit is to arrange for:-
- a. The Service vehicle to be inspected, if there is any doubt as to its roadworthiness before it is again driven on a public road, and for it to be certified fit, or recoverable.
 - b. The completion of a Neglect, Misuse and Damage report (FMT 3B), in accordance with the instructions printed on the form, on the damaged Service vehicle.
 - c. The vehicle is to be repaired as soon as clearance from Service Headquarters has been given that no further inspection is required.
 - d. Inform Supply Sub-Branch where the inspection report reveals that the vehicle is likely to be declared BER. Supply Branch is not to issue disposal instructions or auction any Service vehicle without authority issued by DHQ.
140. The FF 1045 for a vehicle damaged as a result of a traffic accident is to be clearly marked at the top "accident" in red ink.

Disciplinary Action

141. Traffic accidents can be divided into four types. A specimen charge for each type is given below:-
- a. An accident caused by driver's neglect where no civil interest is involved:

Negligently performing a duty contrary to section 65 of the Kenya Defence Forces Act No. 25 of 2012; in that he/she atonso negligently drove Service Vehicle Reg No.as to cause it to come into collision with thereby occasioning damage to said vehicle on charge to.....to the extent of KShs. "
 - b. An accident caused by driver's neglect, civil interest involved:

RESTRICTED

Negligently performing a duty contrary to section 65 of the Kenya Defence Forces Act No. 25 of 2012 in that he/she at on.....so negligently drove Service Vehicle Reg No..... on charge to..... so as to cause it to come into collision with vehicle No.the property of..... thereby occasioning expense to the extent of KShs.....

c. An accident occurring during improper use, no civil interest involved.

"Conduct to the prejudice of good order and Service discipline contrary to section 121 of the Kenya Defence Forces Act No. 25 of 2012; in that he/she at.

..... on..... improperly used for his/her own private purposes Service vehicle No. on charge to..... thereby occasioning damage to the said vehicle to the extent of KShs.and improperly consumedlitres of petrol, public property, to the value of KSh. during the said use."

d. An accident occurring during improper use, civil interest involved.

"Conduct to the prejudice of good order and Service discipline contrary to section 121 of the Kenya Defence Forces Act No. 25 of 2012; in that he/she atonimproperly used for own private purposes Service vehicle No.....thereby occasioning damage to the said vehicle on charge to.....and to Vehicle Reg No..... the property ofto the extent of KShs.....and improperly consumed litres of petrol, public property to the value of KShs. during the said use.

e. Depending on the circumstances and facts of a particular case, Charges against offenders may also be preferred under KDFA Section 95, 96 (a) and 133 that is to say "careless driving under section 49 (1) of the traffic act".

142. Drivers are to be charged and brought before their Commanding Officer as soon as:

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- a. A BOI has been done to ascertain the cause of the road traffic accident. See para 132 sub para i for reference.
 - b. The FMT 3B is completed showing the cost of repair to the Service vehicle and where it does not warrant a BOI; MPC completes investigation and prepare an Abstract of Evidence in respect of the case.
143. Where the civil police have commenced prosecution or intend to commence prosecution, Commanding Officers should not take any disciplinary action but are to await the outcome of the civil case.
 144. If at the time of the accident the Service vehicle was on a properly authorized journey, and if the Commanding Officer considers the driver was in no way to blame, he/she should find him/her Not Guilty.
 145. If at the time of the accident the vehicle was being misused in any way, the driver is to be found guilty of misuse even if the accident was not caused by his/her bad driving.
 146. When a Commanding Officer is considering whether a driver was guilty of neglect, he/she should remember that it is a driver's duty to drive carefully, attentively, and with consideration for other road users. Where a BOI is convened, the Commanding Officer shall take into consideration its findings especially where an error of judgment was found to be the cause of the accident (see Chap 13 Para 35).
 147. The punishments which a Commanding Officer may award are laid down in Section 155 and 156 of the Defence Forces Act. Stoppages may be awarded in addition to any other punishment.
 148. If the Commanding Officer considers that stoppages of more than KShs. 5,000.00 should be awarded he/she is to refrain from awarding the punishment of stoppages and inform the Service Headquarters for recovery under Section 218 of the Kenya Defence Forces Act.
 149. It is possible that a driver could be tried in a Civil Court, as a result of an accident, before his/her Commanding Officer can deal with the case. If that happens, the Commanding Officer cannot then try the driver again for that offence. However, notwithstanding the verdict of the civil trial, the Commanding Officer may charge an offender for a service offence under Part VI of the KDFA, other than the offence which the service driver has been charged with. If however, where

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the service driver is convicted by the civil court the Service Commander may order a sum of money to be deducted from the driver's pay as compensation for the loss to the Government under Section 218 of the KDF Act.

150. In such cases the Commanding Officer is to:-
- a. Obtain a certified copy of the judgment from the court which dealt with the case.
 - b. Send to Service Headquarters the documents listed in Para 131 *l* above with a recommendation as to the amount of the deduction to be imposed.

Removal From Trade/Downgrading

151. If a driver is involved in a traffic accident and his/her Commanding Officer is of the opinion based on the findings and recommendations of the board of inquiry into the accident that the driver is unsuited to be employed in his/her trade, he/she may have the driver de-mustered from driving duties.
152. Alternatively, if the Commanding Officer considers that the driver is not entirely unsuitable to be employed in his/her trade but that his/her standard of skill is below that of his/her classification he/she may downgrade the driver to a lower classification.
153. On no account, however, can the removal from driving duties or downgrading of a driver form part of any punishment for an offence. An occurrence is to be published in Part II Orders under "Pay and Allowances"

Civilian Drivers Employed by the Defence Forces

154. Regulations for the administration of discipline for civilians are contained in Part IV of the Public Service Commission of Kenya's Code of Regulations, which was published as Legal Notice No. 48 in Kenya Gazette Supplement dated 18 February 1965 as amended from time to time.
155. When considering whether to institute disciplinary proceedings against a civilian driver employed by the Kenya Defence Forces, a Commanding Officer should be guided by the same principle as laid down for Service drivers.

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156. If the Commanding Officer considers that the driver was in any way to blame, he/she is to forward full details of the case to DHQ through Service Headquarters, stating what punishment he/she would have awarded had the driver been a Service member in a similar case. All relevant documents corresponding to those listed in (para 132 l) are to be included and any known information regarding intended police action.
157. DHQ will in due course inform the Service Commander concerned of the action to be taken against the driver. The Service Commander is then to issue appropriate instructions to the Commanding Officer.

SECTION VIII

Security

158. Officers Commanding Units are to issue Standing Orders to prevent the loss by theft of Service vehicles, accessories or components thereof. The orders should indicate the steps to be taken (e.g. where necessary, the withdrawal into safe custody of easily removable parts) when the vehicle is in store, in use, in the garage or under repair. Arrangements are to be made for all Service transport to be kept either in recognized unit MT sections or for them to be parked on approved areas selected on the authority of the Commanding Officer. The following instructions are to be used as a guide:-
- a. Service vehicles are not normally to be left parked unattended. When however, this is unavoidable, the driver is responsible for taking all reasonable precautions by immobilizing or locking his/her parked vehicle to ensure that its removal by unauthorized persons will be, if not impossible, a matter of extreme difficulty.
 - b. If other personnel in addition to a driver are carried, the driver is to ensure that one person remains in charge of the vehicle.
 - c. Service transport operating outside Service premises is normally to be parked in officially approved car parks. The selected car park is to be one at which an attendant or sentry is provided whose specific duty is to safeguard the vehicles.
 - d. Parking a vehicle unattended other than as approved in c. above may be permitted as follows:-

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- (1) When it is essential for the driver to leave his/her vehicle to perform his/her duty.
 - (2) To enable the driver (if alone) to obtain a meal or for other similar reasons.
159. No form of immobilization can make it absolutely impossible to steal a vehicle or its contents. Before leaving his/her vehicle, a driver must, therefore satisfy himself/herself that any attempt of theft would meet extreme difficulty and would take enough time to be conspicuous. If a passenger is carried, the driver and attendant are not to be away from the vehicle at the same time during temporary halt on the road. Vehicles need not be immobilized when parked in suitably guarded Service or Civil Police establishments. Elsewhere the driver is to take the following precautions:-
- a. Close all windows, lock all doors, remove ignition and all other keys.
 - b. Remove distributor rotor arm from petrol engine vehicle.
 - c. The duplicate of all keys supplied with Service vehicles (viz. for ignition, locks, doors, luggage compartment, spare wheels carriers, fuel tanker pump chambers, etc.) are to be labelled with the appropriate vehicle number and retained in MT offices for safe custody. They must not be carried on the vehicle.
 - d. When a vehicle is transferred to another unit the duplicate keys are to be forwarded by registered post unless an Officer or NCO is to proceed with the vehicle in which case the duplicate keys are to be given into his/her custody.
160. Whenever possible vehicles on long journeys are to be routed via a suitable unit. Arrangements for an overnight stay of the vehicle and crew are to be made before the departure of the vehicles from the parent unit. Should it prove impracticable to park overnight at a Service unit, the driver should park at the nearest police station. Should the vehicle contain valuable material it must be parked at enclosed or secured police premises.
161. On leaving unit locations, vehicles are to be checked, the journey authority confirmed the driver's name, vehicle number and time

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recorded. Unit Commanders will ensure that vehicles detailed for duties are serviceable and roadworthy.

162. Responsibility for the safe custody of stores conveyed in Service transport rests with the unit or establishment demanding transport when such transport is for their sole use, but in the event of such transport being coordinated for the use of more than one unit, responsibility will rest with the authority consigning the stores.
163. It is the duty of the Officer who is responsible for such safe custody to take into account the value and portability of the consignment, and to bear in mind that, if the driver of the vehicle is unaccompanied, periods may occur when he/she is unable to keep an adequate check, on the safety of the load. Thus, where the consignments are stores of considerable value and easily removable, a custodian should be provided during road conveyance, but where stores are bulky and the risk of theft is considered small, their safe custody depends primarily on careful loading. This paragraph in no way relieves a driver of his/her responsibility under para 114.

Vehicles Carrying Cash

164. Drivers should ensure that all doors of the vehicle are locked from the inside and that the rear doors of dual-purpose vehicles are locked. The driver's door must be locked at all times while the vehicle is stationary. Cash carrying vehicles are not to stop except for traffic, and in compliance with road traffic signals and signs.
165. The driver is not to leave the vehicle except in the event of a breakdown when he/she is responsible for obtaining assistance. He/she must ensure that the cashier and the escorts are in the vehicle and all doors are locked before leaving the vehicle unless otherwise directed by the cashier.
166. On his/her discretion, the Commanding Officer may detail a second vehicle to escort the vehicle carrying cash when large sums of cash are being transported by road.

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SECTION IX

Towing of Vehicles

167. The towing of disabled vehicles requires considerable care by the driver of both the towed and the towing vehicles. Incorrect handling or procedure can result in serious damage being caused to one or both of the vehicles. To prevent such dangers, the following instructions are to be complied with:-
- a. The distance between the towed and towing vehicles must not exceed 15 ft, inclusive of towing hooks or attachments.
 - b. The tow rope must be marked midway with a suitable piece of white or brightly coloured material so that the towrope will be easily distinguishable to other road users.
 - c. The towed vehicle must have an "On Tow" notice at the rear in at least 4 inches lettering, together with the registration number of the towing vehicle.
 - d. The maximum permitted speed of a tow is 30 KPH.
 - e. When towing, the rope or tow bar when fitted is to be attached to either the draw bar hook in rear or the towing shackles or draw bar hook in front. The method of attachment must be secure so as to preclude the possibility of becoming detached accidentally.
 - f. When starting to move, the towing vehicle is to move forward slowly to take up the slack in the towrope.
 - g. Any sudden movement must be avoided and slowing down or Stopping must be carried out earlier and more gradually than is usual under or normal conditions.
 - h. It is the duty of the driver of the towed vehicle, by careful use of the brakes, to keep the towrope tight, but this will not be possible unless the towing vehicle is driven at a steady speed.
 - i. The towed vehicle should follow the tracks of the towing vehicle, and should not travel nearer the crown of the road.
 - j. Sharp corners should be negotiated with extreme caution.

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Towing of Aircraft

168. The Officer responsible for the towing of a specific aircraft is to contact Air Traffic Control to ensure that no restriction on the use of taxiways is in force.
169. Vehicles towing aircraft during the hours of darkness are to display the correct illuminated triangle sign on the front of the vehicle and a spot- light at the rear of the towing vehicle is to be used to illuminate the aircraft wing on the off side of the vehicle.

SECTION X

Vehicle Servicing and Inspection

170. Vehicle servicing is to be carried out at the following intervals, the items being carried out at each servicing being laid down in the individual vehicle's servicing schedules:-
 - a. All new vehicles will undergo initial servicing in accordance with the respective vehicle User Manual Instructions.
 - b. 3,000 Km and 5,000 Km for petrol and diesel engine respectively or every three months servicing, whichever comes first.
 - c. 6,000 and 10,000 Km servicing or every six months, whichever occurs first for petrol and diesel engines respectively.
 - d. ~~32,000~~ 24,000 and 40,000 Km servicing or every two years, whichever occurs first for petrol and diesel engines respectively.
 - e. "C" vehicles are serviced on the number of hours run, and details given in the users' handbooks and servicing schedules.
 - f. Vehicles inspections are of three types:
 - (1) The Daily Check performed by the driver as detailed in servicing schedules.
 - (2) Unit "B" Vehicles Inspection is the responsibility of the Unit Commanding Officer. It is normally carried out by KAEME tradesmen and recorded on KDF 6534. These are carried out on monthly interval or at the 1,800 Km vehicle servicing whichever occurs first.

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- (3) Annual KAEME inspection is the responsibility of DHQ.
171. When action on a Unit Inspection Report Form (FF 6534) has been completed, the form is to be retained in the Vehicle Record Book, (AB 562) until the next annual inspection and then destroyed.
172. The daily state and inspection chart for mechanical vehicles (FF 810) is to be prepared by the unit MT three days before the end of the current month for the following month. The FF 810 is then to be completed as follows:-
- a. The following code symbols shown at the top of the FF 810 are to be used when making entries on the form:-
 - (1) D - Detailed.
 - (2) K - Unit Technical Inspection.
 - (3) M - Unit "A", "B" or "C" vehicle check.
 - (4) N - Available but no driver.
 - (5) S - Undergoing Mileage time Servicing.
 - (6) W - In Field Workshop.
 - (7) X - In Unit Workshop.
 - (8) Y - Awaiting call into Regional Workshop.
 - (9) Z - BLR/BER Awaiting Disposal.
 - b. When preparing the FF 810 the MT clerk is to mark in the dates for vehicles to undergo their unit technical inspection and their mileage servicing, staggering the dates so that the same number of vehicles are involved daily throughout the month. To assist in this, all mileage servicing, apart from the initial 1000 Km servicing can be carried out 300 Km before or after the correct mileage figure.

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SECTION XI

Markings on Service Vehicles

173. The painting of Service vehicles is to conform to the specification laid down by each Service Headquarters. The standard colours are as follows:-
- a. Army - Deep Bronze Green.
 - b. Air Force - Sky Blue.
 - c. Navy-Blue for all vehicles except staff cars, which are to be painted ermine white.
 - d. Any change of colour due to special deployment, including UN duties, should revert to appropriate service colour after end of mission before being re-issued.
174. All Service vehicles are to be painted with the appropriate colour except certain special vehicles, and in addition are to wear vehicle signs as described below.

Description of Vehicle Signs

175. The following shall be the description of regular signs:-
- a. National Sign:-
 - (1) A Square 6 inch. by 6 inch. (Full size), or 4 inch square (half size).
 - (2) The Sign will be in the Colours of the National Flag, and will be supplied by Ordinance on pre-made enameled plates. These are to be fitted to the vehicles using rivets provided when the vehicles are issued.
 - b. Unit Sign:-
 - (1) As per sub-para a (1) above.
 - (2) Unit Colours.
 - (3) The Serial Number on the full size is to be 4 inch high and 2 inch wide overall and every part of it is to be 1 inch wide. It is to be placed in the middle of the sign. Figures for full-size signs are to be 3 inch 2 inch and 1 inch.

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Sizes of Signs to be used

176. Half Size National and Unit Signs are to be used on:-
- a. Staff cars.
 - b. Trailers $\frac{1}{2}$ ton.
 - c. Trailers 1 ton.
177. A Combination of National and Unit Signs are to be used on:-
- a. Land rover Vehicles – Front (large), Rear (small).
 - b. Land Cruiser – Front (small), Rear (large).
 - d. Small Size National and Unit Signs in front and large to be used in the rear on all other vehicles.

Positions of Identification Signs

178. a. National Signs are to be displayed on the left front side of the vehicle and on the left rear side of the vehicle except trailers.
- b. Unit Signs are to be displayed on the right front side of the vehicle and on the right rear side of the vehicle including trailers.

Registration Numbers

179. Registration number plates are to be fitted so as to be clearly visible from the front or rear of the vehicle. The driver of a service vehicle is to be held responsible for ensuring that registration, identification letters and numbers carried by his vehicles are not obscured or otherwise rendered indistinguishable.
180. The registered number of every vehicle is to be displayed in white on a black rectangular sign.
181. Every letter or number is to be not less than $3\frac{1}{2}$ inch high and every part of every such letter and number is to be at least $\frac{5}{8}$ inch broad. The total widths of the space taken up by every letter or number (except in the case of the letter “I” and the number 1) are to be at least $2\frac{1}{2}$ inch.
182. The space between adjoining letters and adjoining numbers is to be $\frac{1}{2}$ inch and there is to be a margin between the nearest part of any letter or number and the top and bottom of the plate of at least $\frac{1}{2}$ inch

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and between the nearest part of any letter or number and the side of the plate of at least 1 inch.

183. The space between the last letter and the first number is to be 1¹/₂ inch. If the letters and numbers are in separate lines the space between the upper and lower is to be ³/₄ inch.
184. These are as follows:-
- a. Vehicle Registration numbers are allocated by Supply and Maintenance Sub-Branch, DHQ.
 - b. Every vehicle other than a trailer is to have one registration number plate on the front and one on the back.
 - c. Every trailer is to have a registration number plate fixed at the back.
185. Units are to ensure that identification signs are as far as possible in a uniform position on all their vehicles and in the same position on vehicles of the same type and make. Subject to this condition, and provided that there is no expenditure of public funds or any misuse or damage to public property, they may arrange for identification signs to be displayed on special plates. All signs must be as upright as possible.

Distinguishing Flags and Signs

186. A vehicle in which the C - In - C or a General Officer is travelling is to carry a plate at the front and rear with centrally aligned horizontal row of pointed silver stars to denote the rank as follows:-
- a. C - In - C - 5 Stars.
 - b. General - 4 Stars.
 - c. Lieutenant General - 3 Stars.
 - d. Major General - 2 Stars.
 - e. Brigadier - 1 Star.
 - f. Plates and stars are to be obtained from Ordnance Depot and are not to be manufactured by units. The colors to be painted on these plates shall be the appropriate Service colors. C In C vehicle shall have KDF colors depicted on the left and national colors on the right.

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- g. A vehicle in which the CDF or the Service Commanders is travelling in is to fly a flag as approved by DHQ on a Staff Car on the front of the bonnet. The flag is to be a rectangle 5 1/2 inch wide and 8 inch long.
187. These starred plates and flags are to be displayed only when the Officer concerned is actually in the vehicle. At all other times they are to be covered or removed. In this way they will indicate to all ranks the presence of the Officer concerned and consequently the need to pay the appropriate compliments.
188. Commanding Officer and Officers Commanding independent units may display a special sign on the front bumper of their permanently allotted vehicles to indicate their appointment. The dimensions of this sign are not to exceed 5 inch by 5 inch. Designs require the approval of Service Headquarters before they are taken into use. In addition the Commanding Officer of infantry battalions may have a spear affixed to the near side of their vehicle when it is a Land Rover, with a pennant in battalion colours flying from it.

Military Police Vehicles

189. Service vehicles established specifically for the Military Police duties and operated by members of the Military Police may carry plates 2 inch by 7 inch in the wording Military Police as appropriate. When the plates are carried, they are to be fixed on the front and rear of vehicle in such positions that they do not conceal any of the other various markings. The front plate is not to be placed on the windscreen nor is it to interfere with the vision of the driver. It must be placed sufficiently away from the radiator to ensure that it does not interfere with the cooling system.
190. When used on escort duties, the Military Police vehicles may carry a steel plate 3 ft. 6 inch by 4 1/2 inch with the wording MILITARY POLICE, ESCORT or VIP ESCORT as appropriate in red lettering 2 1/2 inch on a white background. These plates are to be fixed below the frame of the windscreen cars or on the car roof. 4 inch by 4 inch by 3/8 inch bolts and wing nuts so as to be readily removable. They are to be locally manufactured. Military police vehicles may additionally be fitted with the approved siren assemblies.

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Medical Vehicles

191. The markings of Medical vehicles are to be as follows:-
- a. One Red Cross with square white background is to be painted on:-
 - (1) Side panels of body.
 - (2) Roof of body.
 - (3) Door(s) at rear of vehicles. On vehicles with two rear doors, one Red Cross/ crescent overlapping both doors.
 - b. The white background to take the form of the largest square if it is possible to inscribe on the unobstructed surface on which it is painted. It must not overlap the windows but may include roof ventilators, doors fastenings, hinges or other minor obstructions. The width of the arm of the Red Cross to be superimposed on the white background is to be two-sevenths of the size of the square, and the overall size of the Red Cross is to be six-sevenths of the size of the background.
 - c. The vehicles included in the term "Medical Vehicles" are as follows:-
 - (1) Motor Ambulances.
 - (2) The TCV of Motor Ambulance convoy.
 - (3) Laboratory bacteriological and hygiene trucks in use with medical units.
 - (4) Refrigerator trucks in use with field and blood transfusion units and specially fitted lorries and Land Rovers with mobile medical unit.
 - (5) Dental vehicles and dental caravans.

Air Supply Vehicle

192. All Service vehicles and items of equipment employed for Air Supply duties or on the maneuvering area of an Air Field are to have the following part of the vehicle painted Yellow:-
- a. $\frac{3}{4}$ ton vehicles-the engine cover.
 - b. 3 ton trucks the roof of the driver's cab.

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Bomb Disposal Vehicle

193. Vehicles used on bomb disposal duties are to have their wings painted signal red and a white disc 9 inch diameter; containing the letters "BD" (4 1/2 in by 3 1/2 in by 3/4 in) in signal red is to be painted on the left hand side front wing to correspond with Unit signs on the right wing. A similar white disc and lettering is to be painted.

Long Low Loader Semi – Trailers Caution Signs

194. As a guide to other road users a sign is to be placed on the rear end of all articulated vehicles over 30 ft in length:-
- a. On high loaders, a suitable board is to be affixed to the trailer end "CAUTION 60 FEET LONG".
 - b. The front and rear of the long low loader Service trailers is to be marked in the following manner:-
 - (1) Fitted centrally on the trail board a plate "CAUTION 60 FEET LONG".
 - (2) On the outside edges of the rear of the trailer a Strip of "Scotchlite" tape fitted vertically. The size of the tape to be 1 inch by 2 ft (Scotchlite reflective tape 1 inch width RED).
 - (3) On the outside edges of the front of the trailer a strip of "Scotchlite" tape fitted vertically. The size of the tape to be 1 inch by 2 ft (Scotchlite reflective tape 1 inch width WHITE).
 - c. With exception of trailers forming part of an articulated vehicle, all trailers are to carry a triangular plate positioned on the right hand side rear of the trailer at a height not exceeding 4 ft from the ground.

Recovery Vehicles

195. Recovery vehicles are to be fitted with a revolving YELLOW LIGHT for use when carrying out recovery duties during the hours of darkness in peacetime conditions. When these lights are fitted, they are to be fitted in a prominent position above the cabin of the vehicle, so that they are seen by oncoming traffic.

Reflecting Chevrons

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196. All Service vehicles, the tare weight of which exceeds 1818 kg or a trailer, the tare weight of which exceeds 227 kg are to be fitted with a warning sign to the rear right and left.
197. This rule does not affect Armoured Fighting vehicles or any vehicle, which is likely to be deployed on operation, but will apply to:-
 - a. All administrative vehicles.
 - b. Buses.
 - c. Ambulances.
 - d. Any other vehicle of the weight specified above which is not to be employed in operational areas.
198. Each warning chevron will be mounted on a metal panel 12 inch high and 24 inch wide and are to be so placed that the lower edge thereof is not less than 24 inch and the upper edge is not more than 60 inch above the ground level. The outer edge is not to be more than 6 inch from the side of the back of the vehicle or trailer. These signs are to be kept clean and visible at all times.
199. The warning signs to be fitted on these vehicles are each to comprise of alternative red and white strips of reflective material in the form of chevron pattern. The width of each red stripe will be 4 inch and the white ones 3 inch.
200. Where the structure of the vehicle is such that it is not possible to comply with the provisions of these instructions the warning signs are to be fitted so as to comply therewith as far as possible.

Learner Plates

201. Every vehicle being driven by a driver under instruction who has not passed the driving test for the type of vehicle is to carry “L” plates one to the front and one to the back of the vehicle. These plates are to have the letter “L” in red on a white background.

Erasure of all Kenya Defence Forces Markings on Disposal

202. When Service vehicles are struck off charge for disposal. It is the responsibility of the last holding unit to ensure that:-
 - a. All Service markings are obliterated.

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- b. Service registration numbers are removed or obliterated at the local railhead before dispatch by rail or at Returned to Store Sub-Depot disposal site if driven by road and the plates are returned to the parent unit by the delivery driver.
- c. The Registration number is to be stenciled on the windscreen of the vehicle or on the fuel tank of the motorcycles. This is to be done before the vehicle or motorcycle is dispatched from the parent unit.
- d. When Service vehicles possess civilian registration numbers, these are not on any account to be removed.

SECTION XII

Fire Precautions

- 203. These Orders are to be held by every MT Officer and the advice and instructions herein are to be complied with.
- 204. Fire extinguishers (including those fitted on vehicles) water and sand buckets, and other fire fighting equipment where available are to be conspicuous and readily at hand and the positioning known to all personnel. The following procedure is to be observed:-
 - a. The Officer who is directly responsible for the control and use of Service vehicles is to be responsible that every vehicle is fitted with a fire extinguisher and that fire extinguishers fitted are maintained in a serviceable condition.
 - b. Service vehicles are not to be driven on any public highway unless they are fitted with serviceable fire extinguishers.
 - c. It is the responsibility of drivers both service members and civilians to see that a daily check is carried out to ensure that a fire extinguisher is fitted to the vehicle which they are detailed to drive. Serviceability inspections of fire extinguishers are to be carried out monthly by a qualified member of the Garrison/Base/Unit Fire Service.
 - d. It is important that the positioning of vehicles should be arranged (according to the slope of the ground) that if a petrol tank catches fire, burning fuel cannot endanger other vehicles or premises.

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- e. When vehicles, motorcycles included are to be transported on other vehicles, the tanks are to be drained of fuel. In the event of it being impracticable to drain the tank special care is to be taken to prevent a motorcycle falling over and to avoid any spilled or leaking petrol coming into contact with anything which might set on fire.
 - f. When composite loads of petrol in containers (or other inflammable material and charged accumulators are being conveyed in Service vehicle) adequate safety precautions are to be taken to ensure:-
 - (1) That the petrol or other inflammable material is efficiently segregated from the remainder of the load.
 - (2) That nothing of metal construction can fall against the terminals of the accumulators thereby creating a fire risk.
 - g. All petrol taps are to be turned off when vehicles are parked inside buildings.
 - h. The loading of hot ashes into Service vehicles is forbidden. Drivers must ensure that ashes are quite cold before being loaded on to their vehicles. These instructions are to be published during the first week of January and July each year in Garrison/Base/Unit Orders.
 - i. To avoid risk of fire, vehicles fitted with a generating plant are to be sited not less than 15 ft. apart in such a manner that no vehicle is situated in line of the exhaust stream of any other vehicle.
 - j. It is forbidden to introduce or carry volatile liquid in open container in the body or cab of a Service vehicle.
205. All fire engines and fire pump trailers are to be painted RED.
206. All MT personnel are to be fully conversant with the following points:-
- a. No Smoking or open fires are permitted in MT parks, vehicle sheds, garages or workshops. The use of welding equipment is to be carefully controlled.

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- b. All fuel leaks on vehicles are to be reported immediately and if not repairable at once the vehicle is to be withdrawn from use.
- c. Vehicles are not to be cleaned with:-
 - (1) AVGAS.
 - (2) AVTUR.
 - (3) MTGAS.
- d. Fuel tanker trucks are to be parked on a separate parking place clearly indicated as such. Adequate space, preferably a minimum of 20 ft, is to be allowed between vehicles.
- e. The filling or draining of gasoline tanks inside garages or workshops is forbidden. Gasoline filling is to be carried out in the open at a safe distance, preferably not less than 20 ft. from any building.
- f. Tanks of vehicles are not to be over-filled and care is to be taken to avoid spilling. Any spillage is to be cleaned off or absorbed at once. Should gasoline spill over to any part of a vehicle, it is to be moved to a safe place before the engine is started up or the light is switched on. If movement is not possible, time is to be given for any vapour to become well dispersed. Materials that are used for mopping up spillage are to be disposed of in metal containers fitted with lids, these being emptied at the end of work each day.
- g. Vehicles sheds, inspection bays, ramps, garages and workshops are to be kept as clean as possible. Oily rags are not to be left about but put into lidded bins.
- h. Only inspection lamps of approved pattern are to be used, and wandering leads are, as far as possible, to be kept free from contact with water, oils, greases etc. Leads are to be kept in good repair.
- i. Containers, cans, drums, vehicle petrol tanks, etc. that have contained POL products are not to be welded or soldered or have heat applied until they are freed of gas by approved method.

Indemnity

26-123

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207. Commanding Officers shall ensure that persons (Civilians etc) travelling on Service vehicles (including shuttle buses etc) whether on duty or not other than Service personnel and their families sign indemnity certificate available in the unit MTs prior to the journey. In this regard, Commanding Officers and drivers of Service vehicles shall ensure that service vehicles used in the circumstances envisaged in this para are roadworthy and professionally operated.

CHAPTER 26

SUPPLY SERVICES

<i>Contents</i>	<i>Paragraph</i>
SECTION I - POLICY ON SUPPLY	
Supply Policy	1
Functions of Supply Services	2
SECTION II - ORGANIZATION	
Supply Units	
Organization of Supply Services	3-6

RESTRICTED

<i>Supply Agencies</i>	7
Supply Staff.	8
Supply Agencies in the Kenya Defence Forces.....	9
Kenya Army Supply System	10
Kenya Defence Forces Ordnance Depot	11-12
Stores Section, Central and Field Workshops	13
Ammunition Sub-Depots	14
Ordnance Mobile Park	15
Ordnance Composite Companies	16
Barrack Services Exchange Stores	17
Unit Quartermaster Services	18-19
Kenya Air Force Supply System	20
Logistics Directorate	21
Central Supply Depot	22-23
Base QuarterMaster Services	24
Kenya Navy Logistics System	25
Naval Logistics Branch	26
Naval Supply Depot	27
Kenya Defence Forces Supply Regulations	28-29
Indenting of Stores	
Initial Requirement	30-35
Stores required in Excess of Scales	36-38
Stores required on Loan and Hire	39-42
Stores required to replace unServiceable Items	43-45
Stores required on repayment	46
Controlled Stores	47
Notification of non-availability	48-49

RESTRICTED

Procurement Procedures 50-51
Standard Supply **Annex “A”**

RESTRICTED

CHAPTER 26

SUPPLY SERVICES

SECTION 1

POLICY ON SUPPLY

Supply Policy

1. Supply Services is a generic term used to refer to activities carried out by Supply Agencies within the Kenya Defence Forces in order to sustain the Service personnel both during peacetime and wartime. These activities encompass functions such as acquisition and stockholding, care and maintenance of stores, distribution of stores to users, back loading of unServiceable stores and boarding of stores for disposal.

Functions of the Supply Services

2. The functions of the Supply Services are:-
 - a. Provide, maintain, and supply the Kenya Defence Forces with their requirements of vehicles, weapons, ammunition, fuels, rations and stores of all types.
 - b. To equip and administer the Barracks/Bases and quarters occupied by the Kenya Defence Forces personnel.
 - c. To advise Service and Unit Commanders on catering, munitions and general Unit stores accounting.

SECTION II

ORGANIZATION

Organization of the Supply Services

3. Supply Services are categorized as Administrative/Logistics Services whose provision is a function of Command and therefore subject to overall policy direction and supervision by Commanders at all levels both through their staff and subordinate Commanders.
4. Each Service is responsible for the organization, control and smooth running of integral Supply agencies while the DHQ exercises oversight and tri-Service co-ordination. Where shared/common use of facilities exist, DHQ may delegate administrative control to the parent Service

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while retaining overall policy direction and control over the same.

5. During joint Operations & Training, Supply Services will be centrally planned and jointly controlled as per SOP.
6. Supply Services in the Kenya Defence Forces are organized into:-
 - a. The staff at DHQ, Service HQs and Formation HQs.
 - b. Supply Agencies or Units which support respective Services.

Supply Agencies

7. Supply Agencies or Units fall into the following five categories:-
 - a. **Static Supply Depots**. Each Service generates one central supply depot from which large-scale stockholding and distribution is undertaken to regional sub depots and unit stores sections. These depots and sub depots also offer Auxiliary Supply Services.
 - b. **Intermediate Sub Depots (Ordnance Composite Companies)**. Intermediate Sub-Depots serve geographical regions for all commodities.
 - c. **Unit Quartermasters Services**. Unit quartermasters Serve first line sustenance.
 - d. **Barracks Services Exchange Stores (BSES)**. *Barracks Services Exchange Stores provide Barracks Services.*
 - e. **Field Support Units and Sub Units**. *Field Support Units and Sub Units provide Combat Service Support in the field both during operations and training.*

Supply Staff

8. *Supply Staff at DHQ falls under the Directorate of Personnel and Logistics (DHQ P & L) and work through the Chief of Logistics who is responsible to the Assistant Chief of the Defence Forces (ACDF P & L) for co-ordination of policy and smooth running of Supply Services.*

Supply Agencies in the Kenya Defence Forces

9. Each Service has an integral supply organization responsible for provision of supply Services to its Units and Formations.

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Kenya Army

10. The Kenya Army supply system comprises of:-
 - a. The supply staff at Service Headquarters who work under the Chief of Army Logistics.
 - b. Supply Agencies, which fall under the Kenya Army Ordnance Corps and Unit Quartermaster (Q) Services, controlled by respective unit Commander.

Kenya Defence Forces Ordnance Depot

11. The Defence Forces Ordnance Depot (DEFOD) is a Unit of the Kenya Army Ordnance Corps. It is located at Kahawa, and is the central supply depot for the Kenya Defence Forces.
12. The depot holds common user requirements such as vehicles, small arms, weapon spares, G1098 controlled stores e.t.c. The Depot also has a sub- depot dealing with returned accountable stores (RSSD).

Stores Section, Central and Field Workshops

13. The Stores Sections attached to Workshop Battalion and Field Workshops are Ordnance supply sections, which serve parent Kenya Army Electrical and Mechanical Engineering Corps (KAEME) workshops by holding MT spares and Technical Stores for the repair of vehicles and equipment.

Ammunition Sub-Depots (ASDs)

14. The ammunition sub-depots at Gilgil, Gatharani and Nanyuki are static sub-depots of Kenya Army Ordnance Corps (KAOC). The ASDs are responsible for storage of 2nd line and receive ammunition stocks and explosives for the Kenya Defence Forces. Unit first line ammunition is held in the Unit magazines. The Kenya Air Force and Navy operate missile sub- depots for Service specific ammo.

Ordnance Mobile Park (OMP)

15. The Ordnance Mobile Park (OMP) is a mobile element of the 1st Ordnance battalion that has been constituted from DEFOD Battalion and holds a wide range of ordnance stores to provide combat Service support to Units of the Kenya Defence Forces at the Forward Maintenance Base (FMB) during Operations and Training. The OMP operates mobile elements that are established to serve as commodity

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exchange and distribution points through which replenishment takes place. During Tri-Service Joint Operations and Training, loading tables of the OMP will be prepared by the joint Staff to conform to the Field Mission Supported.

Ordnance Composite Companies

16. Ordnance Composite Companies are Field supply Sub Units of the Kenya Army Ordnance Corps. Currently there are three such Sub Units namely 23 OCC located in Lanet to support 2nd Brigade and affiliated units, 43 OCC is located at Nanyuki to support 4th Brigade and 63 OCC located at Mariakani to support 6th Brigade and affiliated Units. They hold on wheels a wide range of stores to support their respective Brigades and affiliated units both in peacetime and during operations.

Barrack Services Exchange Stores

17. Within the Army Barrack Services Exchange Stores (BSES) are Kenya Army ordnance Corp (KAOC), detachments which operate stores exchange offices at all principal Garrisons or Barracks and hold items of barrack stores for exchange by Units and occupants of Service quarters. The BSES also provide other Barrack Services such as laundry and dry cleaning Services, the management of water and conservancy Services, management and control of electricity Services etc. Each Service is responsible for running of its own BSES Stores.

Unit Quartermaster Services

18. Each Unit or Sub Unit is organized for self-sustenance using own integral assets. The Unit supply system operates on the echelon system and is controlled by the Unit Commanding Officer through the Quartermaster.
19. Commanding Officer and Officers Commanding independent Units are responsible for the accounting, custody and issue of stores and should be fully conversant with the Kenya Defence Forces Equipment Regulations (DFER) and need to exercise maximum care and economy over the issue and use of stores and equipment.

RESTRICTED

Kenya Air Force Supply System

20. The Air Force supply system is part of the overall Kenya Defence Forces Logistics and Supply management set up. The Air Force supply system comprises of:
 - a. The Kenya Air Force Directorate of Logistics.
 - b. The Central Supply Depot and Quartermaster (Q) Services.

Logistics Directorate

21. The Kenya Air Force Logistics Directorate is responsible for providing, controlling, accounting and procurement of stores from local and overseas sources. This is achieved through purchase plans submitted annually by all Bases/Units/Sections within the Kenya Air Force establishments and in conformity with the budgetary provisions from DHQ.

Central Supply Depot

22. The Kenya Air Force Central Supply Depot plays the primary role of receiving, storing and issuing of stores to all KAF Bases/Units/Sections for day-to-day requirements to ensure the Kenya Air Force achieves its mission of defending the Kenyan airspace.
23. It also performs the function of clearing/forwarding of KAF equipment to/from local/overseas repair facilities. In addition, it performs the secondary mission of training of KAF supply Officers, men and women for the efficient manning of (supply) Depot/Bases and other Units supply organizations.

Base Quartermaster Services

24. Each Unit or Sub Unit is organized for self sustenance using own integral assets as provided and maintained by the Units supply organization. The Unit supply system operates on the echelon system and is controlled by the Unit Commander through the Quartermaster.

Kenya Navy Logistics System

25. The Kenya Navy supply system is part of the overall Kenya Defence Forces supply & Logistics set up. The KN supply system comprises of:-
 - a. The Kenya Navy Logistics Branch.

RESTRICTED

- b. Base Supply Services. The Naval Supply Depot forms the core of the Naval supply system.

Naval Logistics Branch

26. The Kenya Navy Logistics Branch is responsible for the provision and procurement of stores from local and overseas sources. This is achieved through purchase plans submitted annually by all Bases/Units/Sections within the Kenya Navy establishments and in conformity with the budgetary provisions from the DHQ.

Naval Supply Depot

27. The Naval Supply Depot plays the primary role of receiving, storing, accounting, disposing and other matters concerned with supply Services and stores contained in Kenya Defence Forces Supply Regulations (DFSR).

Kenya Defence Forces Supply Regulations

28. Detailed instructions on demanding, storing, accounting, disposing and other matters concerned with supply Services and stores are contained in Kenya Defence Forces Supply Regulations (DFSR). These Regulations amplify the government procurement regulations, which govern and regulate the conduct of public sector supply and procurement Services in Kenya. DHQ like any other government ministry is a recognized procurement entity and is bound by public procurement regulations issued by the government.
29. The Kenya Defence Forces Supply Regulations are published in pamphlets each dealing with a separate subject. The following have been published to date:-
 - a. **Pamphlet No. 1-** Clothing, Barracks and General Stores Accounting.
 - b. **Pamphlet No. 2-** Supply and Accounting of Ammunition.
 - c. **Pamphlet No. 3-** Technical Stores, FAMTO and Vehicles Accounting.
 - d. **Pamphlet No. 4-** Ration and POL Accounting.
 - e. **Pamphlet No. 5-** Supply and Admin in the Field.
 - f. **Pamphlet No. 6-** Depot Security and Fire Standing Orders.

RESTRICTED

- g. **Pamphlet No. 7-** Depot Procedure Instructions.

INDENTING OF STORES

Initial Requirement

30. Unit Equipment Tables, scales schedules are to be consulted to determine the quantities entitled. Indents will be raised on FF7100 (revised) in quadruplicate (AF603 for KAF) (NSD Form5 for KN in triplicate) each indent is to be allocated an indent number from the Indents Register (FB7171).
31. Completed indents are to be signed by Unit Stores Officers not below the rank of senior sergeant or a civilian delegated in writing by the Commanding Officer.
32. All copies of the indent are to be forwarded to Service Headquarters for approval. Where diagrams or measurements and enclosures are required they are to be attached and forwarded with a covering letter together with the indent.
33. On approval, all copies of FF 7100 (revised)/AF603/ NSD Form 5, are forwarded to DEFOD/CSD/NSD respectively, through the Unit.
34. Where stores are to be purchased from local firms, Units will seek authority of the vote holder. Once authority is given, Local Purchase Order will be issued to the Unit by the vote holder to facilitate the purchase. Otherwise the Unit will raise FF 7104 (in quadruplicate) /NSD FORM 6 for KN (in triplicate) and register this document in Local Requisition Progress Register. The FF7104 /NSD FORM 6 For KN will be signed by an Officer who is authorized to sign requisitions and then distributed as indicated on the reverse of the form. For purposes of payment the authorized Unit stores Officer will attach the original copy of FF7104, Copy No. 2 of the LPO and other relevant documents to be dispatched to the Service Headquarters for further processing of the bills.
35. After an LPO is signed NO.1 (Original) and NO 2 (Duplicate) copies are sent to the supplier. No. 3 (Triplicate) and No. 4 (Quadruplicate) are retained in the LPO pad. On delivery and receipt of goods, the supplier will attach copy No. 2 of the LPO together with relevant documents i.e. delivery note, invoice etc. For payment purposes copy No. 3 of the LPO, the delivery note, invoice, FF 7110 and FO 20 will

RESTRICTED

be forwarded for processing payment. NSD form 7-stores/Services/works certification Proforma to be signed by user department and inspection and acceptance committee once stores/Services/works has been verified.

Stores Required in Excess of Scales

36. Indents for the stores required in excess of scales will be raised in the same way as initial requirements and forwarded to DHQ through Service Headquarters for approval.
37. A formal application for the stores to be included in the Unit's Equipment Table, Schedules, CES or Scales.
38. At the Service Headquarters, the indents will be vetted and if the issue is recommended, a written submission to that effect will be made to DHQ who will issue final authorization for issue. After authorization, the indents will be sent to DEFOD/CSD/NSD for issues action. DHQ will advise the Service concerned of the action taken.

Stores Required on Loan and Hire

39. Stores may only be issued on loan to Units for sports, entertainment or other social functions and will be issued subject to availability. Hire and handling charges may be raised for such loans and this will invariably be so if at the functions in question admission charges are made or money otherwise taken.
40. The period of such loans will not normally exceed 14 days. Indents will be forwarded to Service Headquarters for vetting. After vetting the indents, Service Headquarters will then forward them to DHQ for final authorization. Once approved, the indents will be forwarded to DEFOD for issuance. In case of signal requests, similar procedures will be followed except that when the issue is authorized, both the Unit and DEFOD will be notified accordingly. DEFOD in turn will raise an issues order for the items authorized.
41. Loan issues are not to be taken on charge in stock record sheet. A record of such a loan is to be maintained in the Loan Register (FFB 7171). Application for extension of the loan period is to be made to DHQ through Service Headquarters.
42. Units may not hire stores from local firms at public expense without the written authority from DHQ.

RESTRICTED

Stores Required to Replace Unserviceable Items

43. Indents to replace unserviceable items are made on FF 7100 (NSD Form 5 for KN). Relevant authority is to be quoted on the indents and where stores have been condemned on DF 7106/1043 copy of the condemnation certificate must be attached to the indent and sent directly to DEFOD or Defence Headquarters, Supply and Maintenance Sub-Branch in case of major assemblies and other controlled stores.
44. Indents for expendable stores are to be forwarded to Service Headquarters for approval quarterly in accordance with the scales laid down in equipment regulations.
45. Sections within KAF Bases/Units raise KAF form 674 (Internal demands and issue voucher) for all their routine requirements. KAF form 673 (Internal exchange voucher) is used for requisitioning of worn out items through wear and tear.

Stores required on repayment

46. Service stores may not be issued on repayment to individuals or organizations without the express authority of DHQ. This does not apply to repayment issues made to replace items lost or damaged for which individuals have been charged and the loss recovered from them or are written off by the appropriate authority. Indents under this category will be submitted on FF 7100 (NSD Form 5 for KN) direct to DEFOD. Copy of the appropriate recovery vouchers/Part II Orders/Write off authority will be attached to the indents. Thereafter DEFOD will make issues in the normal manner.

Controlled Stores

47. Certain classes of stores are, from time to time, declared to be controlled. The initial issue of such stores is made by DHQ through Service Headquarters against a formal indent from the Unit. DHQ will normally issue a Release Order for these stores to DEFOD, a copy of which will also be given to the Unit. Where controlled stores are held in Station, Base or Unit charge require to be replaced, replacement indents are to be prepared on FF 7100 (NSD Form 5 for KN), in the normal way and submitted to Service Headquarters for approval and onward transmission to DHQ Supply and Maintenance Sub-Branch for necessary issue of a Release Order.

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Notification of Non-Availability

- 48. DEFOD will state the expected date of supply on FC 7152 or computer form. If the date given by DEFOD does not materialize or if the date is not acceptable, the Unit is to take up the matter with Service Headquarters.
- 49. User Units are ultimately responsible for progressing their indents with issuing depots. Where issuing depots fail to respond to Unit progress requests, such matters should be referred to Service Headquarters for action.

Procurement Procedures

- 50. Government Procurement of goods, Services and works is carried out in accordance with the Public Procurement and Disposal Act (2005) and Public Procurement and Disposal Regulations (2006).
- 51. The Kenya Defence Forces, being an agency of the Government therefore carries out procurement in accordance with the laid down by Government regulations and procedures.

CHAPTER 27

TECHNICAL SERVICES

<u>Contents</u>	<u>Paragraph</u>
SECTION I - POLICY ON TECHNICAL SERVICES	
General	1-2
Organization of Technical Services	3-7
Technical Standing Orders	8-9
Technical Instructions	10
<i>Responsibility of Commanding Officers</i>	<i>11-12</i>
SECTION II - VEHICLE CASTING	
Vehicle Casting Policy	
Introduction.....	13-14
Definition of Vehicle Classes for the purpose of Casting Policy	15
Application of Casting Policy	16-20

RESTRICTED

Calculation of Age	21
Financial Limitations of Repair	22-25
Responsibility of Secretary	26
Action by Respective Service TECH Branch	27
Glossary of Terms	28
Kenya Defence Forces Technical Standing Orders	Annex “A”

RESTRICTED

CHAPTER 27

TECHNICAL SERVICES

SECTION I

POLICY ON TECHNICAL SERVICES

General

1. Technical Services is a generic term used to refer to activities carried out by staff of Equipment Maintenance and Engineering Agencies in the Kenya Defence Forces in order to sustain combat equipment at all times. These activities encompass various functions such as:-
 - a. Routine equipment maintenance and servicing.
 - b. Equipment repair, backloading of unserviceable equipment and casting of equipment for disposal.
2. Other functions include technical equipment modification, salvage and equipment classification.

Organization of technical services

3. Technical Services are categorized as Administrative/Logistics Services whose provision is a Command responsibility and therefore subject to the overall policy direction and supervision by Commanders at all levels both through their staff and subordinate Commanders.
4. Each Service is responsible for organization, control and smooth running of integral Technical Agencies and units while DHQ exercises oversight and tri-Service co-ordination. Where a shared tri-Service Technical asset exists, DHQ will delegate Administrative Control to parent Service while retaining operational control over the same.
5. During joint operation/training, Service Technical Agencies will be centrally planned and jointly controlled as per SOP.
6. Tech Services are organized into:-
 - a. The staff both at DHQ and Service HQs.
 - b. Technical Agencies or Units which support each respective Service.
7. The Technical staff at DHQ falls under the Directorate of Personnel and Logistics. The Technical sub branch at DHQ falls under the Chief

RESTRICTED

of Logistics who is responsible for co-ordination of policy and smooth running of Technical Services through Col Supply Maintenance and Tech Staff.

Technical Standing Orders

8. Technical Policy and Regulation are published through the Kenya Defence Forces Technical Standing Orders (DEFTSOs) (See Annex “A”) and Kenya Defence Forces Technical Instructions (DEFTIs).
9. Technical Orders, which are likely to remain effective over a period of years without frequent revision, will be issued as DEFTSOs. The orders will be issued under the following broad heading:-
 - a. Organization and duties of the Headquarters Technical Staff.
 - b. Duties and responsibilities of Technical Personnel.
 - c. Trade training and testing.
 - d. Trade standards.
 - e. Technical supply.
 - f. Safety (precautions, and regulations).
 - g. Servicing (procedure and recording).
 - h. Defects reporting.
 - j. Modification procedure.
 - k. Repairs and salvage procedure.
 - l. Technical publications and forms.
 - m. Signals.
 - n. Armament.
 - p. Aircraft engineering.
 - q. Vehicle engineering.
 - r. Marine engineering.
 - s. Military engineering.
 - t. General.

Technical Instructions

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10. Directives of a temporary nature or those requiring frequent revision, will be issued as DEFTIs. These instructions will be issued in leaflet form, each being given a serial number followed by the year of issue e.g 17/83. They will be valid only during the year in which they are issued. When it comes to extending the life of an instruction beyond the year of issue, it is to be completely reissued in the new series.

Responsibility of Commanding Officers

11. Commanding Officers are responsible for ensuring that sufficient copies of DEFTSOs and DEFTIs' are held on charge to permit all Personnel concerned to acquaint themselves with the contents.
12. Logistics Branch DHQ will maintain a data book of Kenya Defence Forces Technical Standing Orders and Kenya Defence Forces Technical Instructions issued from time to time.

SECTION II

VEHICLE CASTING POLICY

Introduction

13. The aim of the vehicle casting policy is:-
 - a. To ensure that a reliable fleet of vehicles is maintained.
 - b. To ensure that money is not unwisely spent on the repair of old and unreliable vehicles.
 - c. To ensure that a disproportionate amount of money is not spent on the repair of vehicles relative to their length of time in use and therefore their future useful working life.
 - d. To inform Supply and Maintenance Sub-Branch, at DHQ of the number and type of vehicles that will be required in the following financial year to replace vehicles that are due to be casted.
14. The vehicle casting policy set out below applies to the Army, Air Force and Navy.

Definition of Vehicle Classes for the purpose of the Casting Policy

15. Vehicles are divided into five classes as defined below. A summary of vehicles by types within each Class is given at Annex "A":-
 - a. "A" Class. Armoured vehicles of all types.

RESTRICTED

- b. **"B" Class.** General purpose, load or passenger carrying vehicles.
- c. **"C" Class.** Engineers plants, earth moving vehicles, and agricultural tractors.
- d. **"D" Class.** Special type vehicles which need special consideration because they are mainly of high value, cover low mileage, and are peculiar to the function of the Single Service.
- e. **"E" Class.** Trailers and non-prime mover vehicles.

Application of Casting Policy

- 16. "A" Class Vehicles are not subject to casting policy.
- 17. "B" Class Vehicles are normally to be approved for casting by the Committee when:-
 - a. They are 7 years old.
 - b. Where the cost of repair is beyond 60 % of the value of the vehicle.
 - c. They have covered 145,000 Kms.
- 18. "C" Class Vehicles are normally to be approved for casting by the committee as the need arises.
- 19. "D" Class Vehicles are normally to be approved for casting by the Committee when:-
 - a. They are 12 years old, or
 - b. They have covered 110,000 Kms.
- 20. "E" Class Vehicles are normally to be approved for casting by the Committee when they are 20 years old.

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Calculation of Age

21. For the purpose of casting, the age of a vehicle is to be calculated from the date of its first initial issue to a Unit, from the Ordnance Depot, irrespective of any subsequent period the vehicle may spend in the Ordnance Depot.

Financial Limitations of Repair

22. These are as follows:-
- a. During 1st year of vehicle use of total cost of replacement including freight.
 - b. During 2nd year of vehicle use $\frac{1}{6}$ of total cost of replacement including freight.
 - c. During 3rd year of vehicle use $\frac{1}{7}$ of total cost of replacement including freight.
 - d. During 4th year of vehicle use $\frac{1}{9}$ of total of replacement including freight.
 - e. During 5th year of vehicle use $\frac{1}{12}$ of total cost of replacement including freight.
 - f. During 6th year of vehicle use $\frac{1}{18}$ of total cost of replacement including freight.
 - g. During 7th year of vehicle use $\frac{1}{24}$ of total cost of replacement including freight.
 - h. During 8th and subsequent year of vehicle use $\frac{1}{36}$ of total cost of replacement including freight.
23. In addition to the above limitations when a vehicle has covered 150,000 Kms or above, a maximum sum of KSh. 300,000 may be authorised on repairs in exceptional circumstances.
24. Authority to exceed the limitations set out in 22‘a’ and ‘b’ above will normally only be given for exceptional reasons i.e:-
- a. Non-availability of replacement vehicle.
 - b. Operational requirement.
 - c. Where there is evidence that such repair can be financially justified.

RESTRICTED

25. When a vehicle is submitted to respective Service TECH branch for repair it must first be valued and where the cost exceeds the financial limitations then the vehicle documents, repair costing and engineer's report must be submitted to DHQ Logs. DHQ is to present these documents before the Casting Committee. Depending on the decision of the Committee the vehicle will either be casted or authority given for its repair.

Responsibility of Secretary

26. The Secretary is responsible for informing the committee of:-
- a. Current CIF (cost including freight) prices of vehicles.
 - b. Current CIF prices of major assemblies and for notifying respective Service TECH branch, in writing, on the decisions of the Committee for each individual vehicle.

Action by Respective Service TECH Branch

27. Upon notification that a vehicle has been authorised for casting, respective Service TECH branch is to issue a BER (Beyond Economical Repair) certificate (AF 1043) endorsed "CAST" and authority.

Glossary of Terms

28. The standard definitions of technical and supply terminology are contained at Annex "A" to this chapter.

RESTRICTED

CHAPTER 28

MOVEMENTS

<i>Contents</i>	<i>Paragraph</i>
SECTION I	
General.....	1
Functions of Movement Agencies	2
Organization of Movement.....	3-6
Initiation of Movement	7-8
Economy of Movement	9
Authority for Movement	10
Use and Supply of Travel Documents	11
Accounting and Care of Travel Documents	12-15
Meals and Accommodation in Transit	16-17

RESTRICTED

SECTION II - ROAD MOVEMENT

Movements by Road 18

SECTION III - RAILWAY MOVEMENT

Movements by Rail

Responsibility 19

Class of Travel

First Class 20

Second Class 21

Third Class 22

Movement Authority 23

Applications 24

Reservations 25

Issue of Warrants 26-30

Dress 31

Discipline 32

Personal Baggage..... 33-35

Cancellation of Reservations 36

Refund of Unused Tickets 37-40

Unit Moves by Rail 41-42

Administration for Units Moves 43

Baggage 44

Unit Ammunition and Explosives 45

Hazardous Goods 46

Marking of Baggage 47

Baggage Records 48

Documentation 49

Loading of Baggage 50-52

RESTRICTED

Train Appointments	53
Train Baggage Officer	54
Train Baggage Guard	55

SECTION IV - AIR MOVEMENT

Movement by Air within Kenya

Movement by Air	56-57
Passenger Movement in AF or other Government Flights	58-62
Movement of Freight by AF or Other Government Flights	63
Movement of Passengers or Freight by Civil or Government Chartered Flights	64
Movement in Operation Areas	65-68
Action on Receipt of Warning Order	69-71
Personal Baggage and Equipment	72-77
Documentation	78-80
<i>Flight Documents</i>	81
Vehicles	82-83
Unit Equipment (G1098) and Regimental Property	84-86
Items Prohibited for Carriage by Air	87
Aircraft Loading Parties	88-89
Unit Enplanement Officer	90-91
Movement Instructions for Air Movement	92
Movement by Air outside Kenya.....	93-94
Chartered Flights	95
Reservations	96-97
Class of Travel.....	98
Air Movement Orders	99
Cancellations	100-101

RESTRICTED

Passports	102
Medical	103
Period of Validity of Certificates.....	104-106
Tickets	107-108
Baggage	109-111
Dress	112
Transport to the Airports	113
Customs	114
Currency	115
Animals.....	116
Advice of Movements	117

SECTION V -MOVEMENT BY SEA

Movement by Sea (KN Ships)	118-124
----------------------------------	---------

SECTION VI - MOVEMENT OF FREIGHT

Movement-Freight	125-127
CCA Procedure	128
Advice of Dispatch	129-130
Escortable Freight	131-132
Dangerous Freight	133-134
Rail Transport	135-139
Movement of Freight by Road	140-145
Movement of Freight by Air	146-147
Service Aircraft	148-152
Dangerous Freight	153-154
Explosives	155
Air Transport Support	156-157
Approval for Normal Movement of Explosives by Air	158-160
Application for Air Freight of Explosives	161

RESTRICTED

Crew Member Responsible for Explosives	162
Transported by Air	
Supervision and Loading of Explosives	163
Stowage	164-166
Storage and Handling of Explosives	167-168
Air Transport of Explosives.....	Annex “A”
Certificate of Safety	Annex “B”
Form of indemnity	Annex “C”

RESTRICTED

CHAPTER 28

MOVEMENT SERVICES

SECTION I

MOVEMENT POLICY

General

1. Movement Services is a generic term which refers to activities carried out by various Movement agencies, both Military and civilian for the purpose of conveying Military Personnel, stores and equipment from one destination to another, both locally and overseas. Movement agencies in the Kenya Defence Forces include Service road transport vehicles, transport Aircrafts and Naval vessels, Civilian movement agencies which may be requisitioned for Service Personnel, stores and equipment include road transport vehicles, railways Services, commercial aircrafts and ships.

Function of Movement Services

2. The main function of Kenya Defence Forces Movement Services include the management and control of transport assets belonging to the Kenya Defence Forces, procurement of commercial movement Services, procurement of accommodation Services where Service accommodation is lacking and overall movement control during operations.

Organization of Movement

3. Movement Services are categorized as Administrative/Logistics Services whose provision is a Command responsibility and therefore subject to the overall policy direction and supervision by Commanders at all levels both through their staff and subordinate Commanders.
4. During joint Operations/Training, Service technical agencies will be centrally planned and jointly controlled as per SOP.
5. Movement Services are organized into:-
 - a. The Staff both at DHQ and Services. At DHQ, Movement falls under DHQ Logs: Supply and Maintenance sub branch.
 - b. Movement agencies or Units which support respective Service.

RESTRICTED

6. The Movement Staff at Service Headquarters falls under the Logistic Branch of each Service which is responsible for the organization, control and smooth running of integral Movement agencies while DHQ exercises oversight and tri-Service co-ordination. Where shared tri-Service Movement assets exist, DHQ will delegate administrative control to the parent Service while retaining operational control over the same.

Initiation of Movement

7. Logistics Branch, DHQ organizes all movements, but it does not initiate it or allot priorities. It is the responsibility of the respective Logistics Branches at Service Headquarters to decide what movement is necessary and of the Movement Staff to arrange movement and issue executive movement instructions.
8. The decision regarding priority of movement is the prerogative of the Logistics Branch requiring movement facilities. Where conflicting demands arise, the overriding decision on priorities is to be made by the Service Headquarters. The Movements Section merely interprets the requirements into individual movement programmes, in accordance with any priorities notified or decided upon.

Economy of Movement

9. Movement of Personnel and freight is to be limited to essentials and must be effected by the most cost effective means. It is, therefore, incumbent upon all concerned to exercise strict control over movement to ensure that public funds are not expended unnecessarily.

Authority for Movement

10. This chapter does NOT constitute an "Authority for Movement". All movements are to be covered by an authority within regulations and this authority is to be quoted on all relevant movement orders and, where applicable, on claims for traveling allowance.

RESTRICTED

Use and Supply of Travel Documents

11. Units are to obtain Railways and Road Warrants by indenting on their normal monthly publications demand which is sent to supply sub-branch, DHQ Railways Consignment Notes (K.R. 4210) are to be obtained from Kenya Railways.

Accounting and Care of Travel Documents

12. The under mentioned documents are to be taken on unit charge as soon as they are received and are to be accounted for in Unit equipment ledgers. When not in use, travel documents are to be kept under lock and key. Index letters and serial numbers are to be recorded:-
 - a. Military Rail Warrant.
 - b. Goods Rail Note.
 - c. Road Warrant.
13. When issued to Personnel, complete and accurate details are to be inserted. The forms are to be endorsed with the Unit stamp at the time of issue and signed only by authorized Commissioned Officer or a civilian official appointed for this duty by the Commanding Officer. Any alteration is to be signed by the initiating Officer in full.
14. The file copies of travel documents are to remain on Unit charge after completion of the book, all copies are then formally to be written off charge by a certificate issue voucher to which the file copies of documents are to be attached in support.
15. In the event of a Unit being disbanded, unused documents are to be returned to the Publications Section, Ordinance Depot, Kahawa. In the event of loss of travel documents, units are to report immediately to:-
 - a. DHQ through Service Headquarters.
 - b. The nearest Kenya Railway's Stationmaster.
 - c. Respective contracted bus companies.

RESTRICTED

Meals and Accommodation in Transit

16. Units are to ensure that adequate and economical arrangements are made for meals and accommodation for all individuals or parties authorized to move from one place of duty to another at all stages of the journey. If overnight breaks in journeys are necessary, accommodation must be arranged with another Service Unit if possible even if this might entail a slight extension to overall travel.
17. Issue of rations to Service Members and allowances in lieu of rations is covered in Kenya Defence Forces Supply Regulations-Pamphlet No 4 (Ration and POL Accounting) Pay and Allowances. Issue of travelling allowances to civilian employees is covered in the code of regulations.

SECTION II

ROAD MOVEMENT

General

18. Details of Road Movement are covered in chapter 25 of these Orders.

SECTION III

RAILWAY MOVEMENT

Responsibility

19. Logistics Branch DHQ is normally to be responsible for movement of Personnel by rail except for the following:-
 - a. Movement of individuals and parties of less than 20 troops.
 - b. Individual leave movement.

CLASS OF TRAVEL

First Class

20. All Service Officers and authorized civilians whose salaries fall within the limits set out in the Code of Regulations and their families shall travel in First Class.

Second Class

21. All Warrant Officers, Senior Sergeants and Sergeants and authorized civilians whose salaries fall within the limits set out in the Code of Regulations and their families shall travel in Second Class.

RESTRICTED

Third Class

22. All Service Members below the rank of Sergeant and authorized civilian employees according to salary and their families shall travel in Third Class.

Movement Authority

23. Movement by rail on postings or temporary duty is to be authorized by the Unit Commanding Officer.

Applications

24. Applications for movement of parties of over 20 troops are to be made to Logistics Branch, DHQ well in advance of the movement as possible. The application is to give the following details where applicable:-
- a. Authority for movement.
 - b. Departure/Destination.
 - c. Date required to move.
 - d. Number and rank of Personnel.
 - e. Weight of entitled baggage.
 - f. Particulars of families (if authorized to move at Government expense).

Reservation

25. Reservation of train accommodation for individuals or parties of less than 20 troops is to be made by the Unit Commanding Officer of individuals concerned direct with the local railways booking clerk or Station Master well in advance of the movement as possible.

Issue of Warrants

26. Service warrants are to be issued only when there is authority to travel at public expense. These warrants must be endorsed with the Unit stamp at the time of issue.
27. The issue of warrants is a Unit responsibility. Warrants are to be filled in fully, giving details of Personnel traveling and the reason for the journey. They are to be signed legibly in ink by the designated Officer and stamped with the Unit stamp. Units are also to ensure that the

RESTRICTED

Departmental Account Number has been printed on the right hand top corner.

28. Units dispatching parties of two or more at any given time to the same destination are to issue one warrant for the party.

When the number exceeds the space available on the warrant, a nominal roll of the Personnel covered by the warrant is to be prepared, and a copy of this nominal roll attached to each copy of the warrant. Where children are authorized to travel at Government expense, their ages are to be quoted on the warrant.

29. The original and duplicate copies of the warrants are to be handed in at the booking office shown on the warrant in exchange for a ticket for each person travelling. No authorized journey is to be undertaken without exchanging warrants for tickets. Any penalty charges arising from failure to obtain tickets are to be payable by the individual concerned.
30. Children will be conveyed in accordance with the existing contract.

Dress

31. Service Personnel travelling on duty by rail are to travel in uniform or plain clothes at the discretion of the Unit Commanding Officer, but where Service arms or equipment is carried, Personnel are to travel in uniform.

Discipline

32. The Senior Passenger travelling on duty on any train is automatically responsible for the discipline of all Military Personnel travelling on the train. Units dispatching parties of two or more will be responsible for appointing the Senior individual travelling to be in charge of the party.

Personal Baggage

33. Personnel baggage may be carried within the existing contract agreement.
34. These allowances exclude the small personal items required during the journey, which can be conveniently carried in the compartment.

RESTRICTED

35. Individuals travelling by train on temporary duty are only authorized to carry personal baggage within the free accompanied allowance as shown in the previous paragraph.

Cancellation of Reservations

36. Units are responsible for ensuring that a minimum of 24 hours notice is given to the railway authorities of any cancellation of train reservations.

Refund on Unused Tickets

37. When a journey on a ticket issued in exchange for a warrant is not performed for any reason the ticket holder is responsible for giving notice of cancellation of his/her reservation to the relevant railway booking office and notifying the authority, which issued his/her warrant. Should he/she fail to do this he/she is required to refund the fare incurred.
38. The unit which issued the warrant then to take the following action:-
- a. Recover the unused ticket from the individual concerned.
 - b. Obtain from him/her the date and time of cancellation and with which official of the railway the cancellation was agreed.
 - c. Obtain a statement from the individual as to why the ticket was not used.
39. When all this has been done, the unused ticket and all relevant detail mentioned in paragraph 38 b and c above including the warrant number on which the ticket was issued, are to be forwarded to Logistics Branch, DHQ who will take the necessary refund action.
40. The Unit Commanding Officer is to advise all Personnel travelling on duty that a warrant or ticket is not transferable and that disciplinary action is to be taken against the individual in the event of any transfer or loss of warrants or tickets.

Unit Moves by Rail

41. On receipt of a warning order for a Unit (or part of a Unit) to move by the rail the Commanding Officer of the Unit is to forward to Logistics Branch, Service Headquarters, Tables duly completed, and contained details given in para. 42 a, (1) to (5.)

RESTRICTED

42. When rail arrangements have been completed the "Movement Instruction" is to be issued by Logistics Branch in DHQ. This is normally to give:-
- a. Rail Movement Table which is to show:-
 - (1) Date of movement, place of entraining and details of rail stock being provided.
 - (2) Timings and route.
 - (3) Date, time and place that goods wagons for baggage are to be positioned for loading.
 - (4) Date, and time by which loading of Unit baggage is to be completed.
 - (5) Meal arrangements.
 - b. Transport arrangements to and from entraining/detraining stations.
 - c. Any administrative points additional to those given above.

Administration for Units Moves

43. Troops are normally to entrain only with personal arms, web equipment and ammunition. Arms and ammunition are to accompany the individual in the compartment in which he/she travels and are not in any circumstances to be loaded into baggage or goods wagons. In these cases special authority is to be obtained from DHQ for Personnel to travel in 2nd Class, regardless of entitlement.

Baggage

44. Baggage is to be packed in suitable boxes. Items unsuitable for packing in boxes are to be securely tied and wrapped in Hessian. As far as possible, boxes are to be of such a weight or size as to be easily manhandled by loading parties. Personal kit of Officers and Service Members are to be included in Unit Baggage, Unit Arms and Security stores are to be packed separately.

Unit Ammunition and Explosives

45. Quantities and nature of ammo and explosives to be moved by rail are to be limited to absolute essentials and direction on this is normally to be given by Operations and Training Branch, DHQ. The

RESTRICTED

amounts authorized for movement are to be properly and safely packed in their Service ammunition packages, marked and labelled to show the type of content.

RESTRICTED

Hazardous Goods

46. Inflammable and corrosive items are to be packed separately. Petrol cookers are to be emptied before being packed. Cookers and Petrol, Oil and Lubricants (POL) containers are to be boxed. They may be crated provided sufficient space is allowed for inspection of contents. Details of all hazardous items are to be notified to Logistics Branch, DHQ as soon as possible so that special arrangements are made if required. Such items are NOT to be carried unless strictly necessary.

Marking of Baggage

47. Packages are to be marked as shown below:-
- a. Unit Equipment:
 - (1) Company or Unit.
 - (2) Unit destination.
 - (3) Unit Serial No. of package.
 - b. Personal Baggage:-
 - (1) Owner's rank and name.
 - (2) Unit destination.

Baggage Records

48. The Unit is to keep a separate baggage record for the movement. This record is to show:-
- a. Serial No of package.
 - b. Particulars of owner.
 - c. Deadweight of package.
 - d. Wagon Serial No.

Documentation

49. Warrants for all rail movement are normally to be prepared by the 'Movement Control Officer' appointed in the 'Movement Instructions' to cover the move.

RESTRICTED

Loading of Baggage

50. Unit baggage is to be loaded into wagons by Unit Personnel in conjunction with the Station Master at the entraining station. Arms, ammunition, security equipment and hazardous stores are to be loaded into separate wagons.
51. When loading is completed, wagons are to be sealed by the railway officials in the presence of a Unit representative.
52. Personal kit is also to be loaded into baggage vans, except that small items required during the journey may be taken into the compartments.

Train Appointments

53. Unit Commanding Officer is to detail the following for duty during the train journey:-
 - a. OC Train.
 - b. Train Adjutant.
 - c. Train Messing Officer.
 - d. Train Baggage Officer.
 - e. Train Baggage Guards.
- } to assist OC Train.
- NCO and six men.

Train Baggage Officer

54. He/she is to be responsible for the loading of all Unit and personal baggage into baggage vans at entraining station and unloading at destination.

Train Baggage Guards

55. They are to be responsible to the Train Baggage Officer for the safe transit of Unit and personal baggage, especially Unit arms and security stores. Those guards are to travel in a compartment nearest to the wagons they are responsible for.

SECTION 1V

AIR MOVEMENT

Movement by Air within Kenya

RESTRICTED

56. All bids for air movement (passengers or freight) are to be made to the Operations Branch, DHQ. Movement by air is undertaken by:-
 - a. Scheduled Air Force or Other Government flights.
 - b. Special Air Force or Other Government flights.
 - c. Special flights in chartered civil light aircraft.
 - d. Flights on scheduled or Government Chartered airline aircraft.
57. Air Movement within Kenya is to be kept to a minimum, and used only when movement by rail or road is impracticable. Scheduled Air Force or Other Government Flights are to be used whenever possible.

Passenger Movement in Air Force and Other Government Flights

58. All Kenya Defence Forces (or Kenya Defence Forces sponsored) Personnel are to be in possession of Air ticket (AF 1206) signed by an Officer. Air tickets are to be issued by the appropriate Unit Commanding Officer or an Officer authorized by him/her.
59. The total weight of each passenger (including his/her kit) should not exceed 100 Kgs. Baggage in excess of this amount must be bid for as freight.
60. In case of emergency (e.g. casualty evacuation) the need for Air Ticket may be waived but the Officer requesting the flight may be required to justify his/her request.
61. Personal baggage is to be clearly labelled with the number, rank, name, destination and Unit of the owner.
62. All civilian passengers must complete an indemnity form. (Sample attached at annex 'C')

Movement of Freight by Air Force or Other Government Flights

63. See paragraphs 125 to 127 and 147.

Movement of Passengers or Freight by Civil or Government Chartered Flights

64. Movement of passengers or freight by Civil Government Chartered flights within Kenya may be authorised by Logistics Branch, DHQ or by a Service Commander provided:-
 - a. The urgency of the requirement justifies the expense.

RESTRICTED

- b. No Air Force or other Government flights can be made available by Logistics Branch, DHQ.

Movement in Operation Areas

- 65. In the case of movements within operation areas, bids for seats or freight aircraft are to be made to the respective County/Sub County Security Committees in the areas concerned and by Military Command on the ground. The security committees will decide on priorities and allocate seats and pay load in aircraft at their disposal.
- 66. The Detachment Aircrafts based in these areas are at the disposal of the County Security Committee and Military Command on the ground. Bids for the use of this aircraft must be made to the respective County/Sub County Security Committees and Military Command on the ground. If the Detachment Aircraft is not available for an urgent task, the bid should be passed by the Unit to Operations and Training Branch, DHQ.
- 67. Operations and Training Branch, DHQ will send a warning signal to Units concerned whenever a flight is to take place. This signal will show:-
 - a. Number of passengers (with names or designations where possible) or amount of freight.
 - b. Date and times of arrival and departure.
 - c. Any requests for meals or accommodation.
- 68. On receipt of the warning signal the Unit is to ensure that all necessary arrangements are made, i.e. that the airstrip is inspected, guards placed and where necessary working parties ready to load or offload the aircraft on arrival.

Air Operational Movements

Action on Receipt of Warning Order

- 69. On receipt of a warning order for the Unit (or part of a Unit) to move by air, Unit Commanding Officer is, in addition to any specific instructions contained in the warning order, to prepare a Unit Staff Table, and forward it by fastest means to Logistics Branch, DHQ. The table is to show:-
 - a. Personnel weight.

RESTRICTED

- b. Personnel equipment and ammunition (if ordered).
 - c. Personal baggage (cabin and hold).
 - d. The total weight per Service Member inclusive of his weapon and kit are normally to be one of the following:-
 - (13) Without personal weapon 91 Kgs. (200 lbs).
 - (14) With personal weapon 100 Kgs. (220 lbs).
 - (15) With personal weapon and large pack 113 Kgs. (250 lbs).
70. Passengers are to be weighed under Unit arrangement and the total weight including arms, ammunition, equipment and personal baggage is to be recorded on the Passenger Manifest.
71. Freight additional to personal baggage to be carried by air is to be notified in advance to Logistics Branch, DHQ, who will allocate priorities and issue instructions as to where and when the freight is to be delivered.

Personal Baggage and Equipment

72. All ranks are to enplane wearing web equipment. All other items of personal baggage must be clearly labelled with the owners' numbers, names, Unit and flight number.
73. The only personal baggage allowed in the cabin of the aircraft with the Service passengers is the small pack which must contain toilet requisites, feeding utensils, a pair of canvas shoes for the use during the air journeys and any personal night stop requirements if applicable.
74. The Unit must provide one blanket per passenger. Blankets are to be rolled in bundles of ten and normally stowed in the HOLD of the aircraft for first discharge at destination.
75. All ranks are normally to enplane with personal arms and personal scales of ammunition as ordered.
76. The balance of personal baggage of Military Personnel, normally limited to one kit bag or air travel bag per passenger, is stowed in the HOLD of the aircraft and is not available until arrival at destination.
77. Private firearms are only to be carried provided that they are within the authorized all-up weight. They are to be carried by the individual

RESTRICTED

and NOT packed in the hold baggage. The owner must be in possession of a valid firearms certificate and must personally clear the firearms through the Customs (if proceeding out of Kenya) prior to enplanement. Private ammunition is not to be exported.

Documentation

78. The Unit Commanding Officer is to ensure that all travel documents for Personnel, as shown below, are prepared, checked and distributed as indicated in para 79.

79. Personnel Documents (Service Personnel). Each individual is to be in possession of:

a. **Medical Documents.** Valid International Certificates or Service equivalent (F. Med. 103 and 101) for inoculation and vaccination against YELLOW FEVER and CHOLERA and certificates for any other inoculation ordered.

b. **Identity Documents.** Kenya Defence Forces Identity Card (AB 64) to be carried.

80. If families are to accompany the Units they are to be documented and prepared for movement in the same way as if they were moving by the Air Charter Services outside Kenya.

Flight Documents

81. For each Flight in which Personnel travel, the following flight documents must be prepared and distribution made as follows:-

<u>Document.</u>	<u>No. of copies.</u>	<u>Distribution.</u>
Air Movement Authority	2	1 copy to the passenger.
AP 1206		1 copy to the operations.
Passenger Manifest	3	1 copy to Air movement. 1 copy to operations. 1 copy to OIC passengers.
Indemnity form	2	1 copy to operations. 1 copy to passenger.

Vehicles

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82. When air portable vehicles are authorized to be moved by air, the following action is to be taken under the supervision of the Unit Officer:-
- a. Remove canopy and place it inside the vehicle.
 - b. Reduce to minimum height (lowering windscreen) Unit canopy stays.
 - c. Petrol tanks are to be full prior to boarding an aircraft.
 - d. Disconnect any batteries reduce level of electrolyte to top of plates and fit battery vent caps prior to boarding on aircraft.

Note Jeeps are NOT to exceed the following dimensions in inches:

Height 57" Width 62" Length 141"

83. Any Unit stores (other than normal vehicle kits), which are loaded in the vehicles, are to be within the total amount authorized for movement by air.

Unit Equipment (G 1098) and Regimental Property

84. Unit equipment (G 1098) and Regimental property, not exceeding the amount authorized for movement by air, is to be prepared for movement as under:-
- a. **Packing.** The packing used should be light but strong. Packages should not, without the prior consent of the Movements Branch, be larger than 3' x 2' in size.
 - b. **Weight.** If possible each package should be restricted in weight so that it is one-man portable. No package should, in any case exceed 227 Kgs. (500 lbs)
 - c. **Marking.** Unless otherwise ordered all packages are to be clearly marked as under:
 - (1) Sub-Unit.
 - (2) Unit Designation.
 - (3) Weights of packages in pounds.

85. The Unit serial number and the weight of the package are to be marked in BLUE paint or crayon as per example below:-

- a. Serial Number 7:9

RESTRICTED

- b. Weight in Kg. 67 Kgs (148 lbs).
86. An Air Way Bill is to be prepared and disposed of as in. Para 145. An additional copy is to be made for the Unit Enplanement Officer.

Items Prohibited for Carriage by Air

87. The Unit Commanding Officer is to take action and ensure that none of the following items, which are prohibited for movement by air, are carried by an individual, packed in personal baggage, Unit equipment, or Regimental property:-
- a. Ammunition (other than personal scales or Unit scales of SAA authorized for move by air).
 - b. Explosives, fireworks and articles, which are easily ignited.
 - c. Compressed gases (inflammable, non-inflammable and poisonous).
 - d. Corrosives (such as acids, wet batteries, etc).
 - b. Flammable liquids and solids (such as matches, lighter fuel, rubbing alcohol).
 - c. Oxidizing materials.
 - d. Poisons.
 - e. Radioactive materials.
 - j. Other restricted articles (such as mercury, magnetic materials, offensive or irritating materials).
 - k. Pressurized aerosol containers.

Aircraft Loading Parties

88. Personnel to load Unit stores, vehicles and baggage into aircraft, as required by the Unit Enplanement Officer, are to be provided by the Unit Commanding Officer. Loading parties are to be controlled by the Unit Enplanement Officer in conjunction with the operators of the aircraft.
89. Where an Army or Kenya Air Force Movement Control Officer is available to control the Enplanement, duties of the Unit Officer are to be modified accordingly. Any additional or modification of duties are to be notified in the Movement Instructions.

Unit Enplanement Officer

RESTRICTED

90. An Officer, if possible with experience of air transport operations, is to be detailed by the Unit Commanding Officer as Unit Enplanement Officer. This Officer is to be issued (by Commanding Officer) with one copy of Movement Instructions complete with the Air Movement Table and one copy of the Unit Passenger Manifest and Air Way Bill for each aircraft. The Unit Commanding Officer is also to detail an Officer or NCO to be in charge of passengers for each aircraft.

Note: If escorts are authorized in the Air Movement Table to travel in freight aircraft, they are to be documented as for Personnel flights.

91. The duties of the Unit Officer are normally to include:-
- a. Liaison at the airport with the responsible authority as directed in the Movement Instructions.
 - b. The call forward of passengers and freight to the airport as required for enplanement.
 - c. Traffic control arrangements for Service vehicles at the airport.
 - d. Checking, in conjunction with Officer in-charge Passengers and airport authorities, that the personal particulars and weights of all baggage are correct as shown on the Passenger Manifests and Air Way Bill.
 - e. Receipt of all unaccompanied unit baggage for freight aircraft and arrangements for safe custody until loaded to aircraft.
 - f. Enplanement of passengers and personal kits in conjunction with the captain of the aircraft.
 - g. Loading, checking and lashing of Unit equipment and vehicles, if applicable, into the freight aircraft and Unit escort and loading parties under the direction of the captain of the aircraft.
 - h. Responsibility for full utilization of available pay load in each aircraft.
 - i. Dispatch of signal advises of departures of aircraft as directed on Movement Instruction.

Movement Instructions for the Air Movement

RESTRICTED

92. When the date of the move 'becomes firm' and all arrangements for the move have been completed, a "Movement Instruction" will only give the special aspects of the move. These will normally include:-
- a. The Air Movement Table which gives numbers, types and capacities of aircraft Personnel and freight aircraft, route reporting, take-off and arrival times.
 - b. Authorized weight of passengers.
 - c. Transit arrangements (if applicable).
 - d. Feeding arrangements during the journey.
 - e. Any administrations additional to those given under Movement by Road.
 - f. Instructions for the Unit Enplanement Officer additional to or modification of those given above.

Movement by Air Outside Kenya

93. All air movements outside Kenya are to be arranged by Logistics Branch, DHQ or Services according to movement instructions issued by Personnel Branch, DHQ. This Section deals with passengers only; freight for overseas is covered in para 147 below.
94. Movement by Air may be undertaken by:-
- a. **Kenya Air Force Flights**. Authorized Flights outside Kenya.
 - b. **Government Charter Flights**. Flights chartered by Airline for the sole use of government servants, operated at regular intervals between Kenya and overseas countries.
 - c. **Scheduled Civil Flights**. A regular flight operated by a civil airline.

Chartered Flights

95. A flight chartered from the Other Government flights or a civil operated airline or company:-
- a. Government Chartered flights are to be used when Personnel are attending courses provided that the flight takes place within seven days of the commencement or completion of the course.

RESTRICTED

- b. When a Government Chartered is not available, scheduled civil flights are to be used but preference is to be given to Kenya Airways.
- c. Special or Chartered flights are only to be authorized when the task for which the air movement is required cannot be done by scheduled Services.

Reservations

- 96. Reservations on Government Chartered flights must be made through the Charter Booking Section of the Airline. These reservations must be made as early as possible before the programmed flight.
- 97. Reservations on scheduled civil flights must be made through the relevant Government reservation authority.

Class of Travel

- 98. The class of travel will be determined by instructions issued from time to time.

Air Movement Orders

- 99. An Air Movement Order, Form GP. 30, Revised 2/60 must be issued before an air ticket can be obtained:-
 - a. For Government Charter flights five copies of GP.38 must be completed, of which four must be sent to the Airline.
 - b. For scheduled civil flights three copies of GP.38 must be completed, of which two must be sent to the Government Reservations Department Airline.

Cancellations

- 100. Cancellation of passages on Government Chartered flights must be made one month before the flight is programmed to take place. Where a cancellation is made within one month of the programmed flight for any reason, however valid, Service Headquarters concerned will remain liable for the full cost of the seat, unless the seat is reallocated.
- 101. Cancellations of air passages on scheduled civil flights are accepted up to 48 hours before estimated time of departure. Failure to do this means that cancellation fees may be payable to the air company. The passenger must ensure that notice of cancellation is given to Logistics

RESTRICTED

Branch, DHQ or to the air company direct, whichever is quicker. If the air company is advised first the passenger must, as soon as possible, advise Logistics Branch and return any air tickets, which may have been issued. Where cancellation fees are incurred through negligence on the part of the passenger, he may be held financially responsible.

Passports

102. Personnel travelling outside Kenya must carry a valid passport, showing the holder's occupation as "Government Official". It is the responsibility of the Unit to ensure that Personnel nominated for courses abroad are in possession of a valid passport and that the period of validity extends for the duration of the proposed absence from Kenya.

Medical

103. Personnel are to carry valid International Certificates of inoculation against cholera, yellow fever and other medical tests as required. Properly completed, these certificates are to be on the printed, officially recognized international form. The names on these forms are to correspond with the names on the owner's passport.

Period of Validity of Certificates

Yellow Fever

104. Valid from ten days after the date of inoculation and remains valid for ten years.

Cholera

105. Valid for six months from date of vaccination.
106. Other medical tests as required.

Tickets

107. The collection of air tickets is the responsibility of the passengers or Unit concerned, according to instructions issued by Logistics Branch, DHQ. A documentation check of passport and health certificates and a briefing is to be carried out at the airline office when tickets are collected.

RESTRICTED

108. All used and unused air travel tickets and excess baggage vouchers are to be handed in to Unit orders soon on return to Kenya. Units are to forward these immediately to Logistics Branch DHQ.

RESTRICTED

Baggage

109. On Government Charters the baggage allowance is 36 Kgs. No excess is permitted.
110. On scheduled civil flights the accompanied baggage allowance is determined by the airline. Excess baggage is to be appropriately packed and labelled with the owner's name and delivered to movement section of the embassy or the institution to be delivered to the consigned to at least five days before the owner's departure.
111. Applications for accompanied or unaccompanied baggage in excess of the above allowances are to be forwarded to DHQ in advance giving reasons.

Dress

112. All Service Personnel travelling out of Kenya are to wear appropriate clothing and with regard to the climate of the country where they are to be staying.

Transport to the Airports

113. The passenger is responsible for ensuring that adequate transport arrangements are made for him/her to report to the airport at the time and date ordered. He/she may be held responsible for any financial claims made by the air company as a result of failure to take up the passage booked through late arrival at the airport.

Customs

114. It is important that all passengers' effects other than Service uniforms, e.g. newly bought personal goods which may warrant custom and excise duty charges be carried accompanied within the allowed weight. The passenger is, if possible, to clear through the Customs upon

his/her arrival overseas his/her unaccompanied baggage, which should include only personal effects of official nature i.e Service uniforms, etc.

Currency Exchange

115. Any currency exchange required is to be effected before departure.

Animals

RESTRICTED

116. Subject to any other regulation, no animals or pets of any kind are to be carried in the aircraft.

RESTRICTED

Advice of Movement

117. Logistics Branch, DHQ is to advise the receiving Unit at least 48 hours (longer if possible) before departure time showing:-
- a. Name of Passenger(s).
 - b. Date/time and airport of departure or arrival.
 - c. Airline and flight number.

SECTION V

MOVEMENT BY SEA

Movement by Sea (KN Ships)

118. Any requirement for movement of Personnel or freight by sea is to be notified by signal or letter to Navy Headquarters keeping DHQ informed.
119. Apart from passengers authorized by Navy Headquarters, Commanding Officer of ships have authority to allow on board prior to departure for Sea:-
- a. Officers and Service Members of the Kenya Army, Kenya Air Force and Police.
 - b. Other Officers in the Kenya Government Service.
 - c. Kenya citizens above the age of 18.
120. It will be evident that authority in respect of para 119 *a* and *b above* is to be exercised more readily than that in respect of para 118 *c above*. No alterations to ships programmes are to be made because of the requirements for such passengers without the authority of Navy Headquarters.
121. In Operations in support of Civil Power it will be usual for special authority to extend these provisions to have been granted in advance if movement of the civil population by ship is anticipated. However, in the event of sudden requirement of this nature, Commanding Officers may use their discretion, notifying DHQ and Navy Headquarters as soon as possible afterwards of any action taken outside the normal rules.

RESTRICTED

122. In exigency, e.g. ship or aircraft distress, Commanding Officer may take on board whoever the situation demands.
123. The Senior Officer of ships visiting a foreign port has authority, subject to the strict observance of the appropriate security Regulations, to allow on board Officers and Service Members of the Defence Forces of the foreign country concerned for day time demonstrations of short duration; local dignitaries, e.g. the Governor, may also be invited if courtesy appears to require it. Any such occasion should be reported subsequently to DHQ through Navy Headquarters.
124. It is a requirement that all passengers except members of KDF sign an indemnity form, KNT. 28 the sample of KNT. 28 is attached at annex 'D'.

SECTION VI

MOVEMENT OF FREIGHTS

125. The term Freight covers stores, vehicles, ammunitions, rations and POL being consigned between units and depots.
126. Movement of Freight within Kenya is authorized by Logistics Branch, DHQ, and may be either by road, Sea, rail or air depending on the final destination of the freight.
127. Freight, other than large consignments to or from the Ordnance Depot is normally to be moved by road, in transport provided by the consigning Unit. Stores for Units issued by the Ordnance Depot, are to be collected in Unit transport.

CCA Procedure

128. Consignors are not to dispatch freight which by nature of its size or quantity the consignee may find difficult to accept or off load, without first obtaining the "consignees can accept" clearance.

Advice of Dispatch

129. Advice of dispatch is to be sent by the consignor to consignee in respect of:-
 - a. All Stores issued in Response to a priority demand.
 - b. All movement of ammunition.

RESTRICTED

- c. All movement of vehicles by rail.
 - d. All export traffic.
 - e. All movement of stores under escort.
130. Advice of dispatch is to be by signal to the consignee giving the Earliest Time of Arrival (ETA) of the consignment at its destination.

Escortable Freight

131. The following items are always to be moved under escort:-
- a. Ammunition.
 - b. Complete vehicles consigned by rail.
 - c. Weapons of all description.
 - d. Stores which by virtue of their attractive nature, or the route they are to follow are likely to be subject to pilferage.
132. Escorts for large consignments, or where the escort duty cannot be completed during normal duty hours, are to be detailed by Logistics Sub-Branch, DHQ. Other escorts are to be provided by the consignor.

Dangerous Freight

133. There are restrictions on moving certain types of freight and a list of items which are subject to restriction is in Equipment Standing Orders, Pamphlet No. 2.
134. Units are not to consign dangerous loads without the prior authority of Logistics Branch, DHQ.

Rail Transport

135. Freight may be moved by passenger train only under conditions of urgency.
136. Under no circumstances is dangerous freight (with the exception of small quantities of Small Arms Ammunition) carried on a Service Member to be consigned by passenger train.
137. Units requiring to move freight by goods train are to notify their requirements of railway trucks to the nearest K.R. station master. At least 48 hours notice of requirement is to be given to K.R. and arrangements made to load the railway truck as soon as it is available.

RESTRICTED

138. The following documents are to be prepared by the consignor, depending on the freight being moved, and handed to the railway master:-
- a. Owner's Risk Consignment Note for all normal freight. as revised or amended.
 - b. Railways Risk Consignment Note for all attractive freight.as revised or amended.
 - c. Dangerous Goods Consignment Note for all categories of dangerous freight. as revised or amended.
 - d. A railway warrant covering the freight charges.
139. Small consignments, which do not merit a special railway truck, are to be delivered by Unit transport to the nearest railway station, and documentation will be the same as for full truckloads of freight.

Movement of Freight by Road

140. Freight consigned by road is normally to be loaded into Service vehicles, provided either by the consignor or by Logistics Branch, DHQ.
141. Particular care is to be taken over the loading of all vehicles, to ensure that damage to freight does not occur during movement.
142. Rations are not to be loaded on the same vehicle as POL.
143. When liquids of any description are carried, containers are to be inspected for leakage at the time of loading. Liquids are always to be loaded on the floor of a vehicle and dry freight loaded over the liquids if a separate vehicle is not provided.
144. Ammunition and explosives are to be loaded into separate vehicles depending on the nature of the ammunition and consignors are to consult DHQ in cases of doubt. Vehicles loaded with ammunition are not to park or stop in any built-up area or inhabited locality.
145. The contents of each vehicle are to be listed on a Convoy Note (FF 158). The driver or escort is to sign the Convoy Note as having received the stores on his/her vehicle, and is to deliver two copies of the Convoy Note to the consignee, who will sign both as a receipt One copy is to be given to the driver or escort and the second copy returned to the consignor.

RESTRICTED

Movement of Freight by Air

146. All bids for movement of freight are to be made to Logistics Branch, DHQ, giving the following information:-
- a. Type of freight and availability date.
 - b. Total weight.
 - c. Dimensions and individual weights in the case of awkward loads.
 - d. Degree of urgency for movement.
 - e. Destination.
147. DHQ will allocate priorities for freight movement and issue instructions for delivery to dispatching airfield and any necessary paper work not detailed below.

Service Aircraft

148. Dispatching Units are to prepare Air Way Bills (FF33) in triplicate for all freight to be moved by Service aircraft. The original and two copies of the Air Way Bill are to be sent to the dispatching airfield. The original is to accompany the freight to its destination, the triplicate returned to the dispatching Unit and the duplicate retained by the carrying authority.
149. Freight for movement by scheduled flights from KAF Headquarters is to be delivered together with Air Way Bills and Certificates of Safety for dangerous freight as follows:-
- a. **Non-perishable freight.** To be delivered by 1100 hrs on the day before the flight to Kenya Air Force, Moi Air Base, Air Movement Section or any other designated airfield/port.
 - b. **Perishable freight.** To be delivered by half hour before take-off time to Kenya Air Force, Moi Air Base, Air Movements Section or any other designated airfield/port.
150. Freight for movement between locations in the Operation Areas and Moi Air Base is to be delivered to the relevant airfield to meet the scheduled flight as directed by Logistics Sub-Branch, DHQ.
151. The Air Movement Section is responsible for loading Unit freight into the aircraft.

RESTRICTED

152. The Air Force is responsible for freight only whilst it is inside an aircraft. Consignors are responsible for the clearance of freight after arrival at airfields.

Dangerous Freight

153. The properties inherent in certain materials render them potentially dangerous and the consequent possibility of injury to persons or damage to aircraft and cargo affects the conditions under which such materials may be carried by air.
154. Dangerous materials are classified broadly under the headings "explosives" and "non-explosives". All references to explosives are to be construed as equally applicable to dangerous goods as listed in Defence Forces Supply Regulations, Pamphlet No. 2.

Explosives

155. Explosives with the exception of those in Group G (demolition stores) may be transported by Service aircraft operating in the cargo role.

Air Transport Support of Explosives

156. There is no restriction on the types or quantities of explosives which may be carried in aircraft for:-
- a. Airborne assault.
 - b. Carriage of air transported forces.
 - c. Tactical air supply.
 - d. For such operations explosives may be carried:-
 - (1) By individual parachutists.
 - (2) In containers for air dropping whether stowed in the aircraft or carried externally.
157. Details of safety precautions and safety certificates applicable to carriage of explosives and other hazardous items in transport aircraft for operations will be issued as required by DHQ.

Approval for Normal Movement of Explosives by Air

158. Prior approval for normal movement of explosives by air is to be obtained from Logistics Branch, DHQ.

RESTRICTED

159. Explosives other than those of the safety class in the Comprehensive Classified List of Government Explosives are not to be conveyed in the same aircraft as passengers except in an emergency when explosives in categories H.D. 1.4 not exceeding 200 lb. net explosives content may be carried. Explosives of the safety class, that is those so annotated under Group 6 not exceeding 200 lb. net explosive content, may be carried in the same aircraft as passengers.
160. The consignor is responsible for ensuring that explosives offered for carriage by air are fit for normal transport and are in their approved containers, which are to be correctly marked to indicate the contents. The appropriate group classification label is to be securely attached. Where not already applied the safety distance category letter (s) is to be stenciled in white in not less than half inch type above the Government Explosives Classification Group symbol.

Application for Air Freight of Explosives

161. All copies of the Air Way Bill are to be endorsed with the word "Explosives" in red. The offer of the explosives for transport is in itself a guarantee by the consignor of their fitness for movement. However, in view of the many sources of supply and the need to preclude possible delays in loading of aircraft due to stores failing to comply with the regulations, separate certificates in duplicate in the form shown at Annex "B" are to accompany the Air Way Bill. Separate Air Way Bills are required in respect of each category of explosives in a consignment and the net explosives content of each category is to be shown.

Crew Member Responsible for Explosives Transported by Air

162. A Crew Member is to be appointed to deal with explosives carried as air freight in Service aircraft in the event of movement during flight or outbreak of fire, and his/her responsibilities are set out at Annex "A".

Supervision and Loading of Explosives

163. The physical handling on the ground at airfields and the loading and unloading of explosives into and out of aircraft is to be under the supervision of qualified Personnel of Officer or NCO status. The qualified supervisor is to brief the responsible Crew Member regarding stowage details.

RESTRICTED

Stowage

164. Where a consignment of explosives comprises more than one type or category those stores that will require jettisoning first are to be loaded nearest to the exit.
165. All explosives are to be stored and secured to prevent movement. The lashings used for this purpose are to be fitted with quick release devices.
166. Explosives of different categories and groups when loaded in the same aircraft should be segregated as far as is practicable.

Storage and Handling of Explosives

167. Prior to loading into aircraft and subsequent to unloading pending removal to the consignee Unit explosives are to be stored and handled in accordance with Equipment Regulations Pamphlet No. 2.
168. An appropriate quantity of fire extinguishers is to be carried in the same compartment as the explosives.

CHAPTER 29

RESTRICTED

MARRIED QUARTERS

<i>Contents</i>	<i>Paragraph</i>
General	1-3
Approved Married Quarters Percentages	4
Standards of Married Quarters	5-7
Entitlement	8-9
Allocating Authority	10
Applications	11
Special and Normal Waiting Lists	12-15
<i>Points System</i>	16
Confirmation of Allocation	17-18
Vacation of Married Quarters	19-22
Tied Quarters and Special Allocations	23
Rent	24-25
Number of Children in Quarters	26-28
Special Interim Rules for Type F Quarters	29-30
Barrack and Works Services	31
Losses, Damages, etc	32-33
Government and Private Hiring	34-38
Fuel, Light and Water Charges	39-41
Acquisition of Privately Owned Married Quarters	42

RESTRICTED

- f. CAT F (Low grade) has plinth area ranging from 176 ft² – 300 ft² or from 16.36 M² – 27.95 M².
 - g. CAT G (Low grade) has plinth area less than 175 ft² and below or of less than 16.35 M² and below.
6. The entitlement by rank for Married Quarters types is as follows:-
- a. Colonels and above Special Consideration.
 - b. Lieutenant Colonels CAT A.
 - c. Majors CAT B.
 - d. Captains and Lieutenants CAT C.
 - e. Warrant Officers CAT D.
 - f. Senior NCOs CAT E.
 - g. Corporals and below CAT F.
 - h. Officers Sub-standard (see paragraph 7). CAT G.
7. Until sufficient new and acceptable quarters are built, it may be inevitable to offer sub-standard buildings which may not be in conformity with the above types of Married Quarters (MQs). Service Headquarters, in consultation with DHQ, are to grade their quarters to conform with the Types as shown in Para 5 above and where necessary allow for reasonable reductions of standards. Buildings with two or more bedrooms and any other quarters of exceptionally low standard which it is necessary to allocate to Officers are to be classified “Sub-standard” and furnished according to a Type C Schedule.

Entitlement

8. Married Officers holding any type of commission in the Kenya Defence Forces and married Service Members are entitled to occupation of married quarters subject to availability of houses and budgetary provisions. Personnel entitled to Tied Married Quarters who are not accompanied by their families may live in the quarters or the mess at the discretion of the relevant allocating authority. Otherwise, no unaccompanied personnel are entitled to tied married quarters except widowed, divorced or legally separated personnel who have children under 21 years of age under their custody. Entitlement to married quarter’s ceases on the last day of Service.

RESTRICTED

9. No applicant may be allocated a married quarter unless he/she is likely to live in it for at least six months. Applications for special exceptions are to be forwarded to Service HQs.

Allocating Authority

10. The allocation of Officers married quarters and Types B, C, D, E and F is the responsibility of the Unit/Fmn/Base/Garrison Commander. Allocating authorities responsible for more than one Unit are to appoint a housing allocation committee in their areas to examine the waiting lists and allocate quarters available. This committee is to include a representative each from Units concerned. Certain cases/allocations where there is bi/tri-Service presence may require approval from respective Service Headquarters and/or DHQ before confirmation.

Applications

11. Applications for MQs are to be made through Forces Form 1340.

Special and Normal Waiting Lists

12. Special and Normal Waiting Lists are kept for each type of quarter and area. Quarters are to be allocated based on the number of points earned (see paragraph 16). Allocating authorities are to publish up to date waiting lists monthly, which must be displayed for general viewing.
13. If an occupant is in a quarter in one area and is posted to another, his/her name is to be put at the bottom of the Special List one month before arrival in his/her new area. Personnel on this Special List will be given quarters before others who are to be placed on the Normal Waiting List. However, once an allocation is promised to an applicant on the Normal Waiting List, it is not to be cancelled in favour of an applicant coming on the Special List.
14. An applicant may also be placed on the Special list for exceptionally strong compassionate (Medical, calamities and security) reasons at the discretion of the allocating authority.
15. An entitled person may be put on the Normal Waiting List three months or more before the date that he/she wishes to occupy a married quarter.

Points System

RESTRICTED

16. Points will be given based on:-

- a. **Rank and Service.** Only completed whole years of Service will count for points. Substantive or acting, but not local rank, and all Service in the Kenya Defence Forces (whether continuous or broken) in whatever rank will count. Entries with antedate of seniority will be allowed to count such seniority granted as full time Service for the purpose of this rule.

<u>Rank and Service</u>	<u>Points</u>
(1) Major	6
(2) Captain	5
(3) Lieutenant	4
(4) Second Lieutenant	2
(5) Warrant Officer	7
(6) Senior Sergeant	6
(7) Sergeant	5
(8) Corporal & Below	4

- b. **Separation from family.** Personnel on duty outside Kenya 3 points per month, within Kenya 1 point per month, separation points may be awarded for up to a maximum of 24 months (2 years). Broken periods will be calculated to the nearest whole number. To gain separation points, one must in all respects be eligible for occupation of quarters during the period(s) concerned.

- c. **Number of Children.** Two points per child. Where applicants tie on points, preference is to be given to the one with the most children. When the number of children is equal, precedence is to be given to the most senior.

Confirmation of Allocation

17. When the allocation of a quarter is confirmed, the allocating authority is to notify the applicant on Forces Form 1341. An applicant is required to occupy the quarter within seven days of its availability and on occupation is to sign Forces Form 1342 (Condition of Occupancy) modified as may be necessary for each area. If an applicant refuses a

RESTRICTED

quarter, he/she is, unless the allocating authority considers he/she has good reason, to be placed at the bottom of the normal waiting list and is not to overtake anyone already on the list for the next six months. At the expiry of that period, he/she may be placed in the appropriate position on the normal waiting list according to his/her points score. See also paragraph 21 g below.

18. If the married quarter's position warrants it, the allocating authority may offer an applicant a type of quarter inappropriate to his/her entitlement. The applicant is entitled to refuse the offer without jeopardizing his/her place/position on the waiting list. At the same time, the allocating authority has an overriding right to order any applicant into a higher standard quarter if it would otherwise remain empty. Once an applicant has occupied a quarter inappropriate to his/her rank, movement to an appropriate type of quarter will be entirely at the discretion of the allocating authority.

Vacation of Married Quarters

19. Application to give up quarters must be sent by occupants to the allocating authority on FF1343 at least a month before the proposed date of vacation. Occupants leaving the Kenya Defence Forces are to vacate quarters on or before their last day of Service. If an occupant is ordered to vacate for this or any other reason, he/she is to be given at least one month's notice on FF 1344.
20. No occupant may give up a quarter for personal reasons within six months of occupying it except with the authority of Service HQs. Such authority will only be given in exceptional cases and the occupant may, in any case, render himself/herself liable to continued payment of rent after vacation if the quarter remains unoccupied.
21. The allocating authority may not on its own prerogative order an occupant out of a married quarter even if he/she is posted away from its area of jurisdiction. If the authority believes that an occupant ought to be ordered out for any other reason, an application is to be forwarded to Service HQs through the respective Formation/ Base/ Garrison HQs. If approval is given, the occupant is to be given one month's notice to vacate. Possible reasons for being ordered out are:-
 - a. Continued absence of spouse from the quarter (an investigation should be considered necessary after a month's absence).

RESTRICTED

- b. Use of the quarter for improper purposes or serious misconduct of the family.
 - c. Failure to keep the quarter in a reasonable condition.
 - d. Failure to pay quartering or other charges.
 - e. Continuous failure to pay local traders. In this event it may be in the occupant's own interests to return to the more ordered life of the mess.
 - f. Remaining absent without leave for more than 28 days (family to be given seven days notice if still in occupation on receipt of approval).
 - g. Failure to accept appropriate quarter offered at new workstation.
22. When the widow(er) or widow of an occupant is in occupation of a quarter at the time of the spouse's death, he/she is to be informed in writing that he/she is permitted to retain occupation free of charge for a period of three months. This excludes electricity and water consumed. Failure of a widow(er)/widow to vacate a quarter after this period will necessitate a report to be made immediately to DHQ through Service HQ.

Tied Quarters and Special Allocations

23. Tied quarters are to be provided for Lieutenant Colonels and above in Command, Medical Officers, Chaplains, Imams, Catechist, Maalims, Regimental Sergeant Majors and Base Warrant Officers. Allocating authorities may also make special allocations for individual cases where the needs of the Service require an Officer or Service Member to live within the Unit/Region. Refer to paragraph 8 regarding single personnel living in tied quarters.

Rent

24. Rent for occupation of a quarter is to be charged as a percentage of a house allowance entitlement. The rent will be reviewed from time to time as per the review of pay, allowances and other terms and conditions of Service of the Kenya Defence Forces.
25. If an occupant voluntarily occupies a quarter of a higher category than which he/she is entitled, he/she is to pay the higher rent. If however he/she occupies a higher category for Service reasons (e.g. it would

RESTRICTED

otherwise remain empty) or a lower category quarter, except sub-standard, he/she is to pay the rent appropriate to his/her rank. When an occupant takes over or vacates any category (A to E) quarter, Forces Form 1325 is to be raised by the authority responsible for Barrack Services and the Unit is to publish a Part II Orders showing the rent applicable, having confirmed with the allocating authority whether, in the case of an occupant of a higher standard quarter, where such occupation is voluntary or for Service reasons. Forces Form 1325 and Part II Orders are not required in respect of category F quarters.

Number of Children in Quarters

26. There is no limit on the number of children permitted to live in married quarters.
27. Except with special approval from the allocating authority, five children is the maximum permitted to live in category D, E and F quarters.
28. Except with the special approval of the Commanding Officer, more sympathetic consideration should be given to Sergeants and above in allowing exceptions to this rule than to Corporals and below.

Special Interim Rules for Type F Quarters.

29. While the shortage of categories D and E quarters persists, the number of category F quarters, which may be allocated to SNCOs, and the maintenance of combined or separate waiting lists is entirely at the Unit's discretion.
30. While the present system of Naval Basic Training continues, Naval Personnel will not be permitted to occupy Married Quarters within their first year of Service except for very exceptional compassionate reasons, which could not be foreseen at the time of entry. It will therefore be at the discretion of the Commanding Officer to authorize such cases.

Barrack and Works Services

31. Units are responsible for category F quarters. Details of their responsibilities are laid down in Equipment Standing Orders (see Chapter 27). The allocating authority is responsible for structural repairs, attendance at inventory checks, etc. (See Chapter 26). Married quarters are to be furnished to the scale laid down in Accommodation

RESTRICTED

Stores Schedule and Equipment Standing Orders. No furnishings are provided for servants' quarters and garages.

Losses, Damages, Etc

32. An Officer or Service Member who loses Service items issued to him/her in his/her quarter or allows his/her accommodation (which includes any garden) or Service item therein to become damaged or be in a dirty condition, other than through fair wear and tear, is liable to be charged the cost of replacement, repair or cleaning and to forfeit his/her eligibility for quarters for a period of up to two years. The appropriate charge is to be assessed by the authority responsible for Barrack Services and/or the relevant Technical Authority/Ministry. (see Chapter 30). If an occupant disputes the assessment, it is his/her responsibility to raise the matter through his/her Commanding Officer. He/she is not to delay vacation of a quarter over any such dispute.
33. When the authority responsible for Barrack Services considers that the condition of a quarter merits a recommendation for forfeiture of eligibility, this is to be reported immediately to Service HQs through the correct channels.

Government and Private Hiring

34. Hiring is permitted for Service Personnel.
35. The house or flat must be:-
 - a. Unfurnished (except with special approval from Service Headquarters).
 - b. Self contained.
 - c. In a condition which the Commanding Officer considers suitable.
 - d. Situated in an area which the Commanding Officer considers safe.
36. When the Officer or Service Member decides that he/she wants the house, he/she is to:-
 - a. Make sure the owner is willing to enter into a hiring agreement.
 - b. Apply in writing to the Commanding Officer, giving the address of the house or flat and the name and address of the owner/agent.

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37. The Commanding Officer is to satisfy himself/herself that the hiring is suitable in every way.
38. If in exceptional circumstances an Officer is allowed to take a furnished hiring the following will be observed:-
 - a. No Service accommodation stores are to be provided.
 - b. The Officer must therefore make sure that the furnishings are adequate, or be prepared to supply additional items at his/her own expense.
 - c. The owner will be responsible for repairs made necessary by fair wear and tear. Negligent breakages and damages, if proved, must be made good by the occupant.

Fuel, Light and Water Charges

39. Officers are responsible for their own fuel and light charges.
40. All Service Members residing in Service Married Quarters are responsible for their own fuel and lighting. Any charges of electricity billed at the end of the month are to be paid by the individual.
41. All water charges are met from public funds, except in owner occupied houses.

ACQUISITION OF PRIVATELY OWNED MARRIED QUARTERS

42. Ministry of Defence may facilitate the acquisition of privately owned MQs for all Ministry of Defence Personnel when opportunity of low interest mortgages currently enjoyed by Public Service Members arise. Standards of the MQs to be in accordance with entitlements as per Para 6 above and should be subject to individuals' ability to service such mortgage facility. (See Pay Review provisions).

RESTRICTED

CHAPTER 30

WORKS SERVICES

<i>Contents</i>	<i>Paragraph</i>
Works Services Responsibility	1
Project Manager	2
Project Officer	3
Project Officer's Duties	4-5
<i>Definitions of Types of Works Services</i>	
Major Services	6
Minor Services improvements	7
Maintenance	8
Proposal for Major and Minor Works	9-12
Minor Service /Improvements and Maintenance Funds	13-14
Fixed Machinery, Plant and Installations	15-16
Non Public Projects	17-20
Electrical Faults	21-22
Other Faults and Defects	23

RESTRICTED

<i>Barrack Damages</i>	24-25
Changes of Occupancy of Buildings	26
Electrical Equipment	27-28
Procurement Procedure.....	29-30
Maintenance and Minor Improvement Timetable	Annex ‘A’

RESTRICTED

CHAPTER 30

WORKS SERVICES

Works Services Responsibility

1. The responsibilities of Work Services are as follows:-
 - a. Construction, alteration, repair and maintenance of all public buildings and installations, including their permanent fittings and fixtures, and other infrastructure services such as roads, parade grounds, airfields, jetties, electricity supply system, water supply system, drainage and sewage systems, rifle ranges and recreation grounds within the Defence Forces are carried out by either Service Works or DHQ Works as appropriate. Acquisition and management of Military lands.
 - b. Hiring and management of houses.
 - c. Carry out other Works and Services in support of Civil Authority as approved.

Project Manager

2. The Project Manager will either be Colonel Works at DHQ and Equivalent at Respective Service HQs depending on the Project. The duties of the Project Manager shall include the following:-
 - a. Preparation and submission of Forward Budgets and Draft Estimates in respect of Works Services.
 - b. Planning, programming and budgeting of all development and implementation of Major and Minor Work Services.
 - c. Liaison with relevant Ministries on matters relating to Works Services in the Defence Forces.
 - d. Preparation of plans and policies on acquisition and disposal of Military lands and other Services.
 - e. Co-ordinate with the Services on initiation and execution of Minor Works.
 - f. Appoint DHQ project Officers for respective projects.

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Project Officer

3. The Unit/Formation/Base Commander shall appoint a project Officer. The appointed Officer may or may not possess the necessary technical background in construction field. He/she shall however oversee a team with technical background in the project being undertaken. The Clerk of Works shall supervise the Works under direction of the Project Officer. The Project Officer shall work closely with Ministry of Defence Project Officer/Manager who is usually available at DHQ and at Service level and who is normally a technical Officer.

Project Officer's Duties

4. The duties of Project Officers shall include but not limited to the following:-
 - a. Giving effect to the terms of the contract document and explaining any ambiguities that may arise.
 - b. Pointing out any anomalies/shortcomings that may arise in the approved specification of works.
 - c. Advise on any action to be taken to overcome unforeseen ground conditions encountered.
 - d. Ensuring that the works are carried out in accordance with the contract.
 - e. Ensuring that the contractor complies with the agreed timelines and the works specifications prescribed in the contract.
 - f. Checking and confirming that materials supplied for the works conform to the contract specifications.
 - g. Valuing and recommending any variations to the works.
 - h. Minuting all site meetings and keeping records of facts relating to any claim(s) made by the contractor.
 - i. Measuring and valuing the works done.
 - j. Subject to the contract terms, considering and advising on interim and final payments to the contractor and certifying that the payments are commensurate to the works completed at every stage.
 - k. Report on any dispute arising.

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- l. Monitor the project closely during Defect and Liability Period (DLP) and make good any arising defects.
 - m. To initiate site meeting and inspections as per the approved timelines.
 - n. The Unit/Formation/Base appointed Project Officer to liaise with Service/DHQ Project Officer.
5. In carrying out his/her duties, the Project Officer will normally have an assistant, in the form of Clerk of Works (CoW) who is technically qualified. The CoW shall be on site to record all facts of the works progress, monitor the day to day running of the project and report to the Project Officer. The CoW shall be a WO /SNCO from the Corps of Engineers.

DEFINITION OF TYPES OF WORKS SERVICES

Major Services

6. Major Services are new works, projects or major additions and alterations, repairs and maintenance to existing infrastructure as may be approved by Service Works/DHQ Works sub-branch which requires initial/fresh designs. They are works that involve a wide spectrum of design and technical team as well as elaborate supervision and consultancy Services.

Minor Services Improvements

7. Minor Services are improvements on existing structures and installations or minor additions and alterations to existing infrastructures as may be approved by Service Works/DHQ Works sub-branch and do not require initial/fresh designs since they are undertaken on existing structures. They are also works undertaken on existing Military Structures and Infrastructure for the purpose of making good defects that have occurred due to fair wear and tear or due to accidental or intentional damages for the purpose of rehabilitating the same to make good.

Maintenance

8. Routine repairs and rehabilitation of existing structures and installations.

RESTRICTED

Proposal for Major and Minor Works

9. Units wishing to propose Major Services are to submit a case to Service Headquarters giving outline details of the project to be undertaken, a written estimate of cost will then be initiated by Service Works/DHQ Works. A brief for funding based on the estimate will be developed for consideration in the budget. The Service Headquarters will make recommendations to DHQ for the Major Work Services.
10. If DHQ considers the works should go on, full details and specifications (including any specialist equipment, fittings or furniture) are to be called for and forwarded to DHQ Works sub branch for budgetary planning. Such requests from Units or Service Headquarters may be forwarded at any time, but it must be borne in mind that funds are allocated by the Treasury only for specific items prior to the start of each financial year.
11. Ministry of Defence will justify to Parliamentary Budget Committee of a proposed programme by early January for the works to be undertaken in the next financial year.
12. In order to allow for the budgetary estimates to be completed in time, requirements must therefore reach DHQ by the end of September in order to be included in the following financial year. Those requirements not included in the initial bid can only be undertaken with special approval by the Treasury and at the expense of works already approved or be deferred to the succeeding financial year.

Minor Service /Improvements and Maintenance Funds

13. DHQ and Service Headquarters will administer Maintenance Funds allocated to them.
14. Units will make proposals of minor Works to the Service Headquarters.

Fixed Machinery, Plant and Installations

15. All fixed machinery, plant and installations are the responsibility of the Service Headquarters or DHQ for provision, installation and maintenance. Examples of such items are:-
 - a. Cranes
 - b. Boiler plant and auxiliaries.

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- c. Fixed generators and compressors.
 - d. Air conditioning and ventilation systems.
 - e. Lifts, hoists and escalators.
 - f. Institutional cooking equipment.
 - g. Earth moving equipment, plants and machines.
16. Any such items, which form part of any new project, must be included in the details or specifications forwarded. The one exception to the general rule concerns fixed workshop machinery which is the primary responsibility of the Services, although Ministry of Public Works assistance may be sought for any work in connection with it. Provision of such machinery where required should normally be included in estimates for new works projects but provision of new machines in existing workshops are to be dealt with entirely by the respective Services.

Non Public Projects

17. There is no objection to Units offering to undertake items on a self-help basis in order to save civil labour costs and fees by using Ministry of Lands, Housing and Urban Development or Service stores and Unit labour. It is essential that tasks chosen be within the capabilities of the Unit concerned and in conformity with Unit Master Plan.
18. Proposed self-help projects are to be submitted in the normal way giving details of materials required, cost and site, after consultation and agreement with the Ministry of Lands, Housing and Urban Development representative.
19. For work to supplement the normal maintenance carried out by the Ministry of Lands, Housing and Urban Development, Unit/Fmn/Base/Garrison Commanders are to make arrangements and give technical advice on all self help works.
20. Temporary structures are NOT to be erected without the prior authority of the Service Headquarters concerned..

Electrical Faults

21. Minor electrical faults (such as broken fuses and plugs) in Barracks, Camps and Married Quarters are to be repaired by competent Unit Personnel. If the cause of a fault is not known, a report should be

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submitted to the regional Barrack Maintenance for proper investigation and technical advice liaison to be made with Kenya Power Company.

22. If a major electrical fault is discovered:-
- (16) During normal working hours the Unit is to contact the local representative of the Kenya Power.
 - (17) After normal working hours decision is to be made by the Unit Commander.

Other Faults and Defects

23. All other faults and defects beyond Unit capabilities are to be reported to DHQ through the Service Headquarters for further action.

Barrack Damages

24. If any faults or defects appear to have been occasioned willfully or by negligence and may result in anyone being charged for Barrack Damages, a copy of the repair indent is to be sent to DHQ through the Service Headquarters with an estimate of the cost of repair.
25. DHQ Logistics Branch is to prepare the necessary debit voucher {Form 1680) and forward it to the Unit. Recovery of the cost is to be effected by the Unit Commanding Officer or higher authority where applicable, as follows:-
- a. If disciplinary action is taken, by the award of Stoppages.
 - b. If no disciplinary action is considered necessary, by clearing Form 1680 against the individual(s) in accordance with Kenya Defence Forces Pay and Allowances Regulations.
 - c. If the individual(s) responsible cannot be identified in order to clear Form 1680 under the procedure authorized in the Kenya Defence Forces Act Section 219 and Barrack Damage Regulations and pursuant to investigations by way of a Board of Inquiry.
 - d. If willful negligence cannot be proved, by write-off action if appropriate.

RESTRICTED

Changes of Occupancy of Buildings

26. The DHQ Works and Service Headquarters Works are responsible for sending representative to attend the change of occupancy of any hiring. Allocating Authorities (for Married Quarters and Hirings) or Service Headquarters (other accommodation) are to give DHQ adequate notice of any pending changes of occupancy.

Electrical Equipment

27. Maintenance and repair of electric cookers and refrigerators in Messes and Quarters is the responsibility of the respective Services, provision and replacement of these items is a Service responsibility. In hirings, the responsibility varies according to the terms of the lease, which is negotiated by DHQ.
28. Initial provision of electric light bulbs is the responsibility of the Unit's Barracks Inventory Accounts (BIA). Thereafter, bulbs are to be exchanged by Units on a one-for-one basis.

Procurement Procedure

29. Government Procurement of goods, Services and works is carried out in accordance with the Public Procurement and Disposal Act (2005) and Public Procurement and Disposal Regulations (2006) and other subsidiary legislations.
30. The Kenya Defence Forces, being an agency of the Government therefore carries out procurement in accordance with the said regulations.

RESTRICTED

CHAPTER 31

LAND AND BUILDINGS

Contents	Paragraph
Section I - Acquisition and Disposal	
Applications	1
Action by Defence Headquarters	2-4
Ranges and Training Areas	5
Hirings	6
Lettings	7-8
Disposal	9
Numbering of Buildings	10-11
Condemnation	12
Section II-Illegal Acquisition/Encroachments/Squatting on Military Land	
Illegal Acquisition of Military Land	13-16
Section III - Leases/Licences	
General	17-19
Applications	20-22
Approval	23

31-8

RESTRICTED

RESTRICTED

Rental Charges	24
Tenancy Agreements	25-28
Payment of Rents	29
Rent Free Encroachments	30
Payment to Unit Funds	31
Termination of Tenancy Agreements	32-35

RESTRICTED

CHAPTER 31

LAND AND BUILDINGS

SECTION I

Acquisition and Disposal of Land

Application

1. Units, Formations, Bases and Garrisons requiring land or buildings for Military use are to forward full details of such requests to DHQ through Service Headquarters. In the case of land, four copies of a plan showing the boundaries are to be forwarded. In **NO** case may any Unit/Formation/Base/Garrison enter into negotiations with private owners, County Governments or National Government departments, or their agents for land or building acquisition or disposal.

Action by Defence Headquarters

2. On receipt of an application except in straight forward cases, DHQ is to convene a Board consisting of Representatives from:-
 - a. DHQ Logistics (Works).
 - b. DHQ Legal.
 - c. DHQ Ops, Trg & Doc.
 - d. Sponsoring Service.
 - e. Other interested Service reps as appropriate.
3. Arrangements should be made for attendance of representatives from Ministry of Lands, Housing and Urban Development as necessary. In the case of new land a Government Valuer is to be requested to give an estimate of the cost of acquisition by purchase, lease or tenancy as the case may be. As much as possible, Government land as opposed to private property is to be considered.
4. Details are then to be submitted to Ministry of Defence for approval.

Ranges and Training Areas

5. The procedure above (Para 1 to 3) is to apply, but DHQ Operations, Training and Doctrine Branch will be responsible for applications in

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the initial stages and a representative is to be a member of the board when convened.

Hirings

6. See Chapter regarding hiring in lieu of Married Quarters. Applications to hire buildings for any other purpose as a charge to public funds are to be submitted to DHQ.

Lettings

7. Service land or buildings not required for the time being are to be reported to DHQ.
8. Requests from private concerns to hire land or buildings or to use water or other facilities are to be referred to DHQ through Service Headquarters.

Disposal

9. The details of land or buildings, which become permanently surplus to Service requirements or have been requested by County or National Governments departments/institutions for public use, are to be referred to DHQ to arrange for disposal/surrender upon approval by Defence Council. Sale of land will normally be arranged in compliance with the Public Procurement and Disposal Act (2005) or Surrendered to the Government through National Land Commission.

Numbering of Buildings

10. Once new construction of a building is completed, the Unit concerned is to forward request for allotment of numbers to DHQ through Service HQ. DHQ Works will liaise with the Ministry of Lands, Housing and Urban Development who are responsible for allotting numbers to all public buildings. The building identification number comprises of four set of characters:-
 - a. First set of characters denotes abbreviation for the region where the building is located.
 - b. The second set of characters represents Ministry of Defence.
 - c. The third character represents the number given to the actual location within the region where the building is located.

RESTRICTED

- d. The fourth set of character refers to the building number within the particular location.
11. In asset management, it is prudent that a register for all inventories of buildings is updated yearly and preserved in Service HQs and DHQ.

Condemnation of Buildings

12. The Unit/Fmn/Base/Garrison is to forward a list of buildings that have become obsolete, unfit for human habitation or are structurally unsound to DHQ through Service HQ to be considered for condemnation. DHQ will send verification team to assess and make recommendation. If the building is confirmed to be obsolete, unfit for human habitation or structurally unsound, then DHQ Works will request Ministry of Lands, Housing and Urban Development for the house to be condemned and struck off from the register.

SECTION II

ILLEGAL ACQUISITION/ENCROACHMENTS/SQUATTING ON MILITARY LAND

Illegal Acquisition of Military Land

13. Every Unit, Formation, Base and Garrison Commander must have a Survey plan or map depicting every Military land within his/her jurisdiction, acquaint himself/herself with the Survey plan or map and know the extent of the land under his/her jurisdiction which must also be patrolled frequently.
14. He/she is to ensure that the parcel of land under his/her jurisdiction is not encroached, illegally acquired or occupied by squatters. In the event of change in Command, then Survey plans or maps and the status of such Military land will form part and parcel of handover - takeover process.
15. Units/Fmns/Bases/Garrison Commanders are to mark the boundaries as per the beacons and also ensure continued presence through training and patrols.
16. DHQ Works and Services Works have records of all Military lands. The Unit/Fmns/Bases/Garrison Commanders are advised to get copies of documents for the parcels of land under their jurisdiction where no demarcation has been done and leases and title deeds that have not been

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secured. DHQ works is to ensure that it initiates the process of acquisition and manages to obtain these documents.

SECTION III

LICENSES/LEASES

General

17. Licenses/Leases are granted for use of Service land, facilities or property for semi-official purposes.
18. Licenses/Leases may include erection of buildings, subject to inspection and approval by appropriate authority for laying of pipes, cables or drains, and the use of Service buildings or facilities by contractors or by Units other than strictly for official purposes.
19. Government servants (Service or civilian) who are full-time employees are not allowed to engage in any form of trading or commercial enterprises within Units.

Applications

20. Before contractors' buildings are erected, or agreement is made for use of Service buildings or property, approval must be obtained from DHQ.
21. It is necessary to ensure that the following requirements are met:-
 - a. Suitability of Structures and conditions for maintenance.
 - b. Hygienic conditions and supervision.
 - c. Payment for electricity and water if used.
 - d. Licensing and rent.
 - e. Insurance where applicable.
 - f. *Avoiding interference with Service installations and external Services.*
 - g. *Ensuring that the licenses/leases do not conflict with any Service requirements.*
22. Particulars required with licenses/leases applications, which are to be sent through Service Headquarters to DHQ are as follows:-

RESTRICTED

- a. Name, appointment or other particulars of proposed licenses/leases holder.
- b. Site plan to scale for new buildings, fences, etc. (produced in conjunction with representative from Ministry of Lands, Housing and Urban Development), or full details of existing buildings.
- c. Detailed plan of proposed structure, showing materials (produced by the representative from Ministry of Lands, Housing and Urban Development).
- d. Proposed use of licenses/leases.
- e. Whether electricity and water are required, and, if so, whether they are already installed and separately metered. These are normally paid for by licensee/lease holders, and meters are to be installed at their own expenses in undertaking (in the case of contractors structures) that, when the license/lease is no longer required or if the site is needed for Service purposes the holder will remove the structures and leave the site clear, based on any other arrangements that might be agreed upon by both parties.
- f. Value of the proposed structure.

Approval

23. Applications confined to buildings within Units are to be approved by DHQ.

Rental/License Charges

24. Details of approved applications are to be passed to Colonel Works DHQ who is to request the Government Valuer to assess rental charges, which are to include conservancy Services, an element for maintenance and, unless they are metered separately, an element for water and electricity supplies.

Tenancy/License Agreements

25. When approval has been given for letting and the appropriate rental/license agreed upon, the following procedure is to be applied:-
 - a. Colonel Works DHQ in consultation with DHQ Legal is to prepare a tenancy/license agreement on Form 1326 in

RESTRICTED

duplicate. Both copies are to be signed by the Principal Secretary Ministry of Defence and the tenant/ licensee.

- b. The tenant/licensee will be required to pay the amount of the stamp duty on both parts and, on receipt of this sum arrangements are to be made by Colonel Works DHQ for both parts to be stamped.
 - c. When both copies have been duly stamped and registered where necessary, the original is to be forwarded to the tenant/ licensee and the duplicate retained by Colonel Works DHQ.
26. Occupation of the premises is not to be permitted until the letting has been approved by DHQ, the agreement is completed and the tenant/ licensee has paid the amount of the stamp duty plus a month's rent in advance. During the first month of occupation, it will be the responsibility of the Colonel Works DHQ to obtain from the tenant/ licensee details of fire insurance cover.
 27. Details of the commencement and termination of all Tenancy/License Agreements are to be notified to PAC by Colonel Works DHQ.
 28. All Tenancy/License Agreements are to be prepared by Colonel Works DHQ in consultation with DHQ Legal.

Payment of Rents

29. Payment of monthly rent in advance, is to be made into Unit Imprest Accounts, detailed instructions being issued by DHQ, Pay Sub-Branch. SO II Works is to raise debit vouchers for the hire of public furniture and use of electricity and water (where metered separately) and forward them to DHQ Pay Sub-Branch for recovery action. The standard Tenancy Agreement is to contain a clause to the effect that rent and other charges must be paid within fourteen(14) days of the date due, otherwise the tenant renders himself/herself liable to eviction and legal action for the recovery of sums due.

Rent Free Licenses/Leases

30. Where any structure is provided from Unit funds for recreation or other amenities, the licenses/leases may be approved as rent-free. Applications for the use of any structure as a rent-free license/lease are to be submitted through Service Headquarters to DHQ in accordance with paragraph 17. Where electricity, water or both are required,

RESTRICTED

separate meters are to be installed at the tenants or Units expense. The SO I Works is to be responsible for the reading of the meters and the raising of debit vouchers in respect of electricity and water consumption.

Payment to Unit Funds

31. Any arrangements made between Units and contractors for the latter to make payments to Unit funds in addition to payment of rent, are entirely the concern of the interested parties. Any such extraneous payments have no effect on rental assessments and payments.

Termination of Tenancy/License Agreements

32. Tenancy/License Agreements may be terminated by either the tenant or SO1 DHQ Works in consultation with DHQ Legal. Each party should give the other not less than one calendar month's notice in writing. The notice should expire on the last day of any month.
33. Before a tenancy/License agreement is terminated for unsatisfactory Service, the following procedure is to be applied by either party:-
 - a. It is to issue a written warning stating the breach of agreement and notifying that unless the breach is remedied within a period of one month, notice of termination of lease shall be issued.
 - b. The written warning is to be prepared in quadruplicate and all copies are to bear the acknowledgement of party. The copies are then to be disposed of as follows:-
 - (1) Original to Service Headquarters.
 - (2) Duplicate to Colonel Works DHQ.
 - (3) Triplicate retained by Unit concerned.
 - (4) Quadruplicate retained by tenant/licensee.
 - c. At the end of the warning period, if no improvement is shown, either party is to automatically issue Termination Notice.
 - d. Should either party be satisfied that there has been an improvement during the warning period, Service Headquarters and Logistics Branch, DHQ should be notified immediately. In such circumstances, the notice to terminate shall not be issued by the aggrieved party.

RESTRICTED

34. Copies of notices to terminate tenancy/license are to be sent by Colonel Works DHQ to the Unit concerned. At the end of the notice period the Unit is to ensure that the premises are returned in a clean and habitable condition together with any fixtures and fittings. Details of any damages together with an estimate of cost of repair are to be obtained and reported directly to Colonel Works DHQ who is to raise the necessary debit voucher.
35. On no account is a replacement tenant to be allowed to occupy the premises until the new application has been approved by DHQ and the provisions of paragraph 19 above have been complied with. Replacement tenants are to be nominated by the Unit concerned.

RESTRICTED

CHAPTER 32

FIRE SERVICES

<u>Contents</u>	<u>Paragraph</u>
General.....	1-3
<i>Unit Responsibility</i>	4
Service Responsibility Fire Service Equipment	5
Fire Service Equipment	6
<i>Water Supplies</i>	7
<i>Notification of Outbreaks of Fire and Boards of Inquiry</i>	8
Local Co-operation with Military and Civil Fire Services	9
Salient Points to be Covered in Unit Fire Orders	Annex 'A'

CHAPTER 32

FIRE SERVICES

General

1. Most fires in the Kenya Defence Forces occur due to carelessness and storage of inflammable liquids in accommodation areas. Only a few incidences can be attributed to arson. Therefore, fires can be prevented through strict adherence to Unit Fire Orders and good discipline.
2. The following are considered as high fire risk areas and extra care must be taken to prevent any fire breaks, Air Fields, Docks, Workshops, Unit LADS, POL Points, Magazines, Field Workshops, Ammo Sub depots (ASDS), Unit Generators, computer rooms/equipment or Geothermal Electric Power and all cooking areas should be fitted with automatic heat/smoke detectors and sprinklers systems. These areas also require additional fire coverage since fires are likely to occur during switching of power from one type to another. Also to have open water sources.
3. During operations and exercises extra fire precautions must be taken by ensuring that all vehicles are fitted with mini portable Fire Extinguishers. In case of fuel dumping, in the field, sufficient foam must be within reach to combat a fire outbreak. In the Brigade Admin Area (BAA) where other combat stores are held on wheels, they should be covered by a Fire Tender. Parking of vehicles should be orderly in the field to facilitate rescue in the event of a fire.

Unit Responsibility

4. The Commanding Officers will ensure that:-
 - a. Portable and fixed firefighting equipment are well maintained.
 - b. A Unit Fire Piquet (team) is established and headed by a trained Fire Officer.
 - c. Ensure that all Personnel in the Fire Piquet (team) are trained in Basic Fire Fighting and prevention. Personnel at operations sites must be trained to monitor and control the various fires and environmental protection equipment installed in these buildings.
 - d. All Unit Fire alarms are serviceable and located at the designated points.
 - e. A permanent firebreak is maintained along the Units perimeter fence.
 - f. Carry out periodical fire fighting drills (exercises).
 - g. Publication of Fire Orders, which must be displayed in all high risk areas and offices. The salient points to be covered are as indicated in Annex "A" to this Chapter.
 - h. Liaise with the nearest fire brigade for assistance in the event of a fire outbreak.

Service Responsibility

5. *Service responsibility with regard to fire fighting will be as follows:-*
- a. *Maintenance of Unit fire fighting readiness (equipment).*
 - b. Procurement of all fire fighting equipment and replacement of obsolete and unserviceable equipments and accessories.
 - c. Subject to availability of funds, procurement of appropriate fire fighting equipment complete with all accessories with capacity of at least 9000 litres of water and 1000 litres of foam.
 - d. Carry out annual inspection to ascertain serviceability state of fire fighting equipment and accessories.
 - e. Coordination of fire fighting when it involves more than one Formation/Civil Fire Services.
 - f. Disposal of Boards of Inquiry from Formations/Units on fire incidents.
 - g. Coordination of training for Officers and fire Service Members.
 - h. Establishment of a fire station complete with communication equipment.

Fire Fighting Equipment

6. *Fire fighting equipment will be used and maintained as follows:-*
- a. *The type of Fire Fighting Equipment to be issued to Units will be determined by the nature of fire risks in that Unit.*
 - b. Fire Equipment will be tested, repaired and refilled by appointed Government Contractors.
 - c. Fire Equipment including Fire Tenders will not be used for any purpose other than fire fighting.
 - d. Delay in refilling of Fire Extinguishers by Government Contractors will be reported to respective Service Headquarters.
 - e. Theft and vandalism of fire fighting apparatus and fixed installations must be guarded against at all times.
 - f. Periodical inspection of all Fire Fighting Equipment especially during Unit Admin Inspections must be carried out. (at least six months intervals).

Water Supplies

7. Water supplies are to be maintained as follows:-
- a. Fire hydrants and underground static water tanks will always be maintained in (and) serviced.
 - b. Water Maps, location of Hydrants and static Water Tanks will be displayed on Notice Boards.
 - a. Open underground Water Tanks must be fenced off to avoid drowning and contamination.

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- b. Open Water Tanks must always be full.
- c. Both wet and dry fire hydrants will be installed around accommodation, stores, and magazines areas.
- d. All magazines to be fitted with smoke detectors and water sprinkler system.

Notification of Fire Outbreaks

8. *Fire Outbreaks will be notified as follows:-*

- a. *Fires which occur in Military Camps and which result in serious damage will be reported to Service Headquarters.*
- b. A BOI will be held when the estimated damage exceeds Kshs 30,000/- and when death or serious injury has been occasioned.
- c. When damage is less than Kshs. 30,000/-, a Fire Investigation Report will be completed if no other inquiry is held.
- d. Fires in Civilian Institutions once reported to the nearest Kenya Defence Forces Fire Services, authority for assistance in putting out the fire will be obtained from the nearest Formation Commander.
- e. A report after the incident to be sent to Service Headquarters.

Local Co-operation with Military and Civil Fire Services

9. Local Co-operation with Military and Civil Fire Services will be co-ordinated as follows:-

- a. Neighbouring Units will arrange mutual assistance schemes and hold joint fire exercises.
- b. Unit orders will include instructions for calling the local fire services and will nominate those responsible for summoning them.
- c. Local Civil Fire Officers will be allowed to visit Military Units.
- d. Units to be applying through Service Headquarters for inspection of Fire Fighting Equipments at least once a year.

CHAPTER 33

CIVILIAN STAFF

<u>Contents</u>	<u>Paragraph</u>
General	1-2
Categories of Appointments	3-10
Terms and Conditions of Employment	11
Discipline, Resignations and Terminations	12-15
Medical	16-18
Leave	19-24
Method of Payment	25-26
Accommodation Allowance while on duty	27

CHAPTER 33

CIVILIAN STAFF

General

1. Civilians deployed within the Ministry of Defence will be subject to the Public Service Commission Act and the subsidiary legislation made there under. Nothing, therefore, in these Orders will be construed as an authority for the Terms and Conditions of Service of a civilian but will only serve as a guide to enable Commanding Officers to deal with their Civilian Personnel problems expeditiously.
2. The Civilian Personnel Branch, at the DHQ will be the sole custodian of all Civilian Personnel records. The Head of the Branch will be responsible for the maintenance of the Personnel Records.

Categories of Appointments

3. Civilian appointments are divided into the following categories:-
 - a. Permanent with pension benefits.
 - b. Permanent without pension benefits.
 - c. Agreement.
 - d. Temporary.
 - e. Casual, hourly or daily paid.
4. Civilian appointments must have the prior approval of the Public Service Commission of Kenya. However, powers have been delegated to Authorized Officer(s) to make following appointments, without reference to the Public Service Commission:-
 - a. Promotional appointments of public Officers in Job Groups L and below.
 - b. Initial appointment of Officers in Job Groups H and below.
 - c. Continuation in appointment of all public Officers irrespective of the Job Groups.
 - d. Exercise disciplinary powers on public Officers in Job Groups A to L in accordance with existing rules and regulations.
5. It is in the interest of the Defence Forces that civilians held against substantive pensionable posts should be appointed to the permanent and pensionable establishment. The following procedure will therefore, be followed to fill all vacancies in posts from Job Group "H" and below:-
 - a. Services will declare vacancies in their Units to Civilian Personnel Branch.
 - b. The Assistant Director/Human Resources, Civilian Personnel Branch, will investigate the recommendations and either obtains approval for the promotion or have the post advertised.
6. A Government Medical Officer must medically examine all civilians who are appointed on agreement or permanent terms. The Civilian Personnel Officer will send the relevant forms and arrangements for the medical examination will be made by the civilian direct with the Government medical authority.

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7. No civilian may be retained in the Service after attaining the age of 60 years. It therefore follows that no civilian who has already attained this age can be appointed to any vacancy. Exceptions to this rule must have the prior approval of the Directorate of Personnel Management (DPM) and hence all such cases will be dealt with individually and on their own merit. This rule applies equally to civilians who have retired on pension from Kenya Civil Service.
8. No civilians will be considered for permanent appointment if they are over 45 years of age.
9. Civilians who are appointed on permanent terms will be required to serve a probationary period of two years, which may be extended or terminated according to reports received. Commanding Officers will be required to submit in January and July of each year a Confidential Report on civilians serving on probation until such time as they are confirmed in their appointments. The Assistant Director/Human Resources, Civilian Personnel Branch, will advise Commanding Officers of the type of reports required at the time of granting probationary terms to civilians. Previous temporary Service may be counted against the probationary period.
10. Civilians are free to apply for inter-Unit or inter departmental transfers or to apply for any posts advertised by the Public Service Commission or duly Authorized Officer(s). The procedure is as follows:
 - 27 **Inter-Unit transfers.** Transfers between two Units within the same Service. In this case, the civilian will be required to submit his/her application by letter, through his/her Commanding Officer to the Civilian Personnel Office which will make a decision.
 - 28 **Inter departmental transfers.** Transfers between the Ministry of Defence and another Government Department. Applications by letter should be submitted to the Civilian Personnel Office through the Commanding Officer or Head of Branch. In forwarding the application to the Civilian Personnel Office, the Commanding Officer or Head of Branch will give his comments on it.
 - 29 Applications for posts advertised by the Public Service Commission of Kenya should be submitted in triplicate on forms PSC 2A. These will be forwarded to the Civilian Personnel Officer, Ministry of Defence, with a report to enable him/her to complete Part II of the forms.

Terms and Conditions of Employment

11. The rules governing appointments, promotions, transfers and related matters for all Civilian Personnel are contained in the Public Service Act and the subsidiary legislation made thereunder.

Discipline, Resignations and Terminations

12. Commanding Officers are not authorised to take any disciplinary action against civilians other than to issue them with verbal or written reprimands and/or warnings. All cases should be referred to the Civilian Personnel Branch, Ministry of Defence together with full details of the case and recommendations.

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13. It should be noted that the only penalties that can be inflicted on civilians are as follows:-

- a. **Dismissal**. A civilian renders himself/herself liable to dismissal on any one of the following grounds:
 - (1) Absence from Kenya without leave and without reasonable excuse.
 - (2) Absence from duty without permission.
 - (3) On criminal conviction.

In all cases he will lose all benefits due to him.

- b. **Reduction in Rank of Seniority**. This penalty is imposed should a civilian prove himself/herself unable to carry out the duties of the post due to inefficiency and there is no likelihood of improvement.
- c. **Stoppage of Increment**. The increment is stopped for disciplinary or other reasons and is not granted at all. When the next increment is due he/she may be granted only one increment due on that date or, should the Commanding Officer recommend, a double increment bringing him/her to the point he/she would normally have reached.
- d. **Withholding of Increment**. An increment is withheld when a civilian has not qualified for it on the date it is due, either by reason of not having passed some necessary examination or because his/her work and/or conduct are unsatisfactory. It is withheld until such time as he/she has passed the examination or until his/her work and/or conduct has improved to a point where the Commanding Officer feels justified in recommending the grant of the increment. It will be granted from the date he/she qualified for it and he/she subsequently reverts to his/her original incremental date.
- e. **Deferment of Increment**. An increment is deferred when the Commanding Officer has doubts as to the standard of the civilian's work and/or conducts and is unable to satisfy himself/herself that the civilian concerned has discharged his/her duties with efficiency, diligence and fidelity. He/she therefore defers consideration of the increment for the time being. If after a specified period it is evident that there has been improvement in the civilian's work and/or conduct, the increment may be granted with retrospective effect from the date on which it was first due or it may be treated as an increment withheld. In either case the civilian will subsequently revert to his/her original incremental date.
- f. **Reprimand (including Severe Reprimand)**. This is the most common disciplinary action taken and may be served either verbally or in writing. In all cases however, a written acknowledgement must be obtained from the civilian and sent to the Civilian Personnel Office.
- g. **Compensation for losses**. Recovery of the cost or part of the cost of any loss or breakage caused by default or negligence, provided that no such cost has been recovered by surcharge actions under the appropriate financial instructions or regulations. In this connection the procedure laid down in General Order 26 of 1965 (as amended) will be followed.

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- h. **Suspension.** If in any case the Authorized Officer is satisfied that the public interest requires that a civilian should cease forthwith to exercise the powers and functions of his/her office, he/she may suspend the civilian from the exercise of those powers and functions, provided that proceedings which may lead to his/her dismissal are being taken or are about to be taken or that criminal proceedings are being instituted against him/her. During his/her suspension he/she will receive only one-half of his/her salary and, should he/she be subsequently acquitted of all charges, full salary from the date of suspension.
 - i. If a civilian has been convicted of a serious criminal offence or if following investigations it has been decided to dismiss him/her, he/she will be suspended from the performance of his/her duties and he/she will receive no salary as from that date.
- 14. A civilian may resign his/her appointment after submitting one month's notice of resignation or forfeiting one month's salary in lieu of notice. However, a waiver may be granted in special circumstances.
- 15. All resignations and terminations will be effective subject to the civilian clearing his/her financial liabilities to the Government. Commanding Officer should not allow a civilian to cease duty unless a confirmatory letter has been received from the Civilian Personnel Branch.

Medical

- 16. A civilian, other than one serving on temporary terms of Service, will be eligible for free medical and surgical attention, and free hospital treatment in a general ward at a Government hospital, for his/her spouse and unmarried children under 22 years of age and living with and dependent on their parents. If a civilian or his/her family selects to be treated in a private ward, the difference between the charge in the private ward and in the general ward will be met by the civilian. Accouchements may be charged for in accordance with regulations. The family of a civilian requiring medical treatment may be required to attend at a hospital or dispensary. This privilege is extended to all civilians notwithstanding the terms of Service on which they are employed.
- 17. A medical certificate must be furnished by a civilian in every case of absence from duty on account of illness in excess of 48 hours. The form of certificate to be used is the Sick Sheet GP 68, Medical Form XXXI.
- 18. Whenever a civilian is entitled to free medical attention, form GP 68 will have to be accompanied by "Application for Medical Treatment" (GP 68A) and will be issued by the Commanding Officer. The GP 68A is an accountable document and stocks are available from the Civilian Personnel Branch.

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Leave

19. An Officer will be eligible for annual leave at the commencement of a "leave year" except in the case of a newly appointed Officer who will be required to complete a minimum period of three months before being granted annual leave. For this purpose "leave year" will commence on the 1st January and end on 31st December.
20. Annual leave, which excludes Saturdays, Sundays, and public holidays, is granted at the following rates:-
 - a. (1) Officers in Job Group "A" to "F"30 days.
 - (2) Officers in Job Groups "G" and above...30 days.
 - b. *Annual leave cannot be accumulated, but an Officer may, if he/she so wishes carry forward from any one leave year to another not more than one-half of his/her annual leave entitlement. This arrangement is intended to enable an Officer to reserve a portion of his/her annual leave to be taken in an emergency.*
21. Leave may be carried forward from any one leave year to another up to a maximum of one-half of annual leave entitlement.
22. Leave will be applied for and forwarded to Civilian Personnel Branch in triplicate. The civilian will complete Part I and hand it over to his/her immediate superior, i.e the Officer in charge of his/her section, who will complete Part II and submit the forms to the Commanding Officer for completion of Part III. The forms should then be forwarded to the Personnel Officer, Civilian Personnel Branch, who will complete Parts IV and V and return two copies to the Commanding Officer for distribution as follows:-
 - a. Original to be handed over to the civilian.
 - b. Copy to be retained by the Unit.
23. Leave applications must reach the Civilian Personnel Branch two weeks before the anticipated date of commencement of leave. Only in exceptional circumstances will a lesser notice period be accepted. No civilian will commence his/her leave without prior approval from the Civilian Personnel Branch Ministry of Defence.
24. Provided a Medical Officer certifies that there is a reasonable prospect of eventual recovery and fitness for duty, a civilian may be granted local sick/convalescent leave subject to the following maxim:-
 - a. Officers serving on Permanent and Pensionable Contract terms of Service, members of subordinate staff up to three months on full pay followed by three months on half pay.
 - b. All other Officers up to one month on full pay followed by one month on half pay.

Method of Payment

25. All occurrences will be notified promptly to the Ministry of Defence Civilian Personnel Branch in form of appropriate publication if affecting pay.

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26. Civilians receive their salaries into a bank account. They should complete form G.P. 7 and forward it to the Civilian Personnel Branch for necessary action.

Accommodation Allowances while on duty

27. Accommodation Allowance for a maximum continuous period of thirty (30) nights is payable to civilian Officers when they are required to travel on duty outside their duty stations. Consequently, the respective Commanding Officer is required to make necessary arrangements for payment of these allowances prior to commencement of the journey.

CHAPTER 34

MILITARY WORKING ANIMALS

Contents	<i>Paragraph</i>
General.....	1-2
1 st Canine Regiment.....	3
Dog Care	4-6
Feeding.....	7-8
Duties	9
Transport	10
Affiliation.....	11
Treatment	12
Training Of Military Working Dog Team.	13-15
Employment/Deployment	16
Procurement.	17
Disposal.....	18-20
Report of Transfer of Military Animals.....	Annex ‘A’
KDF 1 st Canine Regiment Service Dog Leave Cast Application	Annex ‘B’
Certificate of Transfer of ownership of a Dog to the Ministry of Defence (MOD)	Annex ‘C’
Protection Dog Essential Skill Test	Annex ‘D’
Standard Required for Dogs Entering Service-Protection	Annex ‘E’

CHAPTER 34

MILITARY WORKING ANIMALS

MILITARY WORKING DOGS

General

1. The use of dogs in warfare dates back to ancient times. Dogs were trained to be used in combat as scouts, sentries and tracking. The military usages of dogs have been varied and continue to exist. Military working dogs together with their handlers drawn from every Service are deployed world over to support the war on terror. They are employed in safeguarding Military Bases, activities and detect bombs and explosives before they cause harm or destroy Military Installations.
2. The Military Working Dogs (MWD) has exceptional potential in the combat support role. They can be trained in various skills which contribute immensely in operations. They are trained to respond consistently to certain sensory stimuli such as sights, odours/scents and alert the handler. The training enables them to detect explosive, narcotics, ammo, weapon and mines. Additionally, their body sizes and agility enable them to enter into small tunnels such as culverts and access areas where human beings cannot manage. All the above skills if used correctly, can contribute to maneuver and mobility support operations and area security operations such as cordon and search and other combat operations.

1st Canine Regiment

3. The 1st Canine Regiment was formed in 2012 to bring on board the unique dog capabilities and characteristics into the KDF operations. The Regiment is a force multiplier to the Commander in achieving his mission particularly in Asymmetric Warfare within and without our borders.

Dog Care

4. The five freedoms of the animal have been developed to give specific guidance for all those entrusted with care and training. They include:-
 - a. Freedom from thirst, hunger and malnutrition.
 - b. Freedom from pain, injury and disease.
 - c. Freedom from fear and distress.
 - d. Freedom from physical and thermal discomfort.
 - e. Freedom to perform most normal forms of behaviour.
5. The above freedoms should be obeyed at all times and all Service Personnel have the responsibility of ensuring these freedoms are guarded.
6. Their kennels must be maintained at high standards of cleanliness and hygiene to avoid infections or invasions by rodents and reptiles.

Feeding

7. The dogs should be fed twice a day (at 0600hrs and 1500hrs) using the approved ration Scale. However, the food should be of dry dog biscuits as opposed to fresh ration. The fresh ration to be administered only on veterinarianian guidance.
8. Ration shall be apportioned to the dogs as per their body weight to avoid over/underfeeding. Small size dog breeds to be given between 400-500gms and large breeds to be given between 600-700gms per day.

Duties Of Key Personnel

9. The duties of key personnel is as follows:-

- a. **Unit Commander**

- (1) Answerable to the CDF for overall Command and control of the Unit.
- (2) Advises affiliated formations/Unit Commanders on general/operational canine matters.
- (3) Responsible for planning, procurement, disposal and training of dogs.
- (4) Responsible for training of dog handlers.
- (5) Maintenance of high standards of Regiment operational readiness at all times.

- b. **Veterinary Officer (VO)**

- (1) Responsible of the animal welfare.
- (2) In charge of health and wellbeing of the MWD.
- (3) Training of handlers on veterinary care of MWD.
- (4) Participation in CIMIC exercises such as planning and execution of Veterinary Civil Aid Programme (VETCAPS).
- (5) Perform any other duty assigned by the Unit Commander.

- b. **Supported Commander**

- (1) Responsible for the deployment of MWD in accordance with his/her operational plan.
- (2) Maintenance of high standard of readiness of allocated canines.
- (3) Ensure that the dog is deployed in accordance with its capabilities.
- (4) Ensure implementation of routine training programme of the canines.

- d. **Handlers.** The handlers, who **MUST** be volunteers, are drawn from affiliated formations/Units. They should be comfortable in working with pets/animals. They are responsible for the following duties:-

RESTRICTED

- (1) Groom their assigned MWD daily.
- (2) Maintain MWD kennels daily.
- (2) Perform physical conditioning training with assigned MWD.
- (4) Perform additional kennel duties as assigned.
- (5) Provide mission briefs to senior leadership highlighting the dog's capabilities.
- (6) Ensure the team meets mandatory training requirements.
- (7) Maintain appropriate training records.
- (8) Enforce kennel standards in accordance with Unit standard operations procedures.
- (9) Execute operational plans/missions as tasked.

Transport

10. Mode of transport used should not deny MWD any of the freedoms highlighted at Para 4 above. This can be achieved either through the use of dog carrier van, a transport cage or the MWD team can sit in a van (this can only apply for a shorter distance).

Affiliation

11. The affiliated formation/Unit Commanders are responsible for operational deployment of the dogs. The dogs shall be deployed in accordance with their capabilities. This deployment shall be done in close liaison with Unit Commander 1st Canine Regiment who is responsible for provision of welfare Services to the dog teams that includes but not limited to ration, medical, transport, dog equipment and other related accessories.

Treatment

12. This is the sole responsibility of a Veterinary Officer. However, there are veterinary technicians who work hand in hand with the Veterinary Officer in administering any treatment to the MWDs. Handlers are also trained on basic life saving skills (veterinary first aid) and are able to initiate help to an injured dog before seeking the intervention of a Veterinary Officer through the veterinary technicians. In combat situation where there are no Veterinary Officer or veterinary technicians, the Commanding officer should facilitate medevac of the injured MWD to the nearest Veterinary clinic for stabilization before the Veterinary Officer could attend to it.

Training of Military Working Dog Teams

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13. All MWD and handlers receive initial training at Canine Training School. This is followed by certification of MWD Teams. This is done to formally evaluate and identify MWD teams that demonstrate reliability and maturity as a team. The certification is valid for one year and all teams must receive certification before deployment.
14. To avoid redundancy, the dogs are subjected to routine weekly training to ensure that they maintain high standards of readiness.
15. To ensure combat readiness, MWD teams shall participate regularly in field training and deployment exercises with affiliated Combat Teams.

Employment/Deployment

16. The employment/deployment areas for MWD Teams should include but not limited to:-
 - a. Cachee searches.
 - b. Force protection.
 - b. Building sweeps/searches.
 - d. Entry and access control points (vehicle search).
 - e. Open area searches.
 - f. Cordon and search.
 - g. Route clearance.
 - h. Perimeter security.
 - i. Demining.

Procurement

17. Dogs will be procured to fill existing vacancies in the Regiment establishment or as may be directed by DHQ. Normal government procurement procedures concerning purchase of animals should be adhered to. The following procedures will be applied:-
 - a. The dog vendor should have the capacity to supply the required dogs.
 - b. The Unit Commander, Veterinary Officer and Subject Matter Expert (trainer) should visit the vendor and assess whether the dogs meet the minimum veterinary and training standards.
 - c. Procurement assessment forms and certificate of handover should be filled on delivery, sample as per Annex "C".

- d. Once procured, the canines will be allotted Service number.

Disposal

18. The following reasons may lead to disposal of MWD:-

- a. **Age**.....MWD will retire from the Service from the age of 8-10 years. These dogs can be used for training purposes at Canine Training School depending on their physical fitness.
 - b. **Medical**. MWD may be discharged from the Service on medical ground if diagnosed by a veterinarian as having the following:-
 - (1) A medical condition that will result in decertification or euthanasia within 12 months is expected to result in death or permanent disability.
 - (3) Unable to withstand the rigors of yearlong deployment.
 - (4) Overly aggressive.
 - (5) Above the age of 8 years and is ineffective.
 - c. **Non performance**. This has to be determined by the trainer, since a dog may not perform well as a tracker dog but can be quite good in vehicle search.
19. A MWD is to be disposed of in accordance to the public procurement and disposal act 2005, regulations 2006 and any other regulations contained in the Canine Regiment Standing Orders.
20. Once disposed, a report on Transfer of Military Animals shall be filled in Quadruplicate. All the dog records shall then be handed over to the new owner and copies retained as shown in Annex “E”.

CHAPTER 34

MILITARY WORKING ANIMALS

Contents

Paragraph

RESTRICTED

General.....	1-2
1 st Canine Regiment.....	3
Dog Care	4-6
Feeding.....	7-8
Duties	9
Transport	10
Affiliation.....	11
Treatment	12
Training Of Military Working Dog Team.	13-15
Employment/Deployment	16
Procurement.	17
Disposal.....	18-20
Report of Transfer of Military Animals.....	Annex ‘A’
KDF 1 st Canine Regiment Service Dog Leave Cast Application	Annex ‘B’
Certificate of Transfer of ownership of a	
Dog to the Ministry of Defence (MOD)	Annex ‘C’
Protection Dog Essential Skill Test	Annex ‘D’
Standard Required for Dogs Entering Service-Protection	Annex ‘E’

CHAPTER 34

MILITARY WORKING ANIMALS

MILITARY WORKING DOGS

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21. Mode of transport used should not deny MWD any of the freedoms highlighted at Para 4 above. This can be achieved either through the use of dog carrier van, a transport cage or the MWD team can sit in a van (this can only apply for a shorter distance).

Affiliation

22. The affiliated formation/Unit Commanders are responsible for operational deployment of the dogs. The dogs shall be deployed in accordance with their capabilities. This deployment shall be done in close liaison with Unit Commander 1st Canine Regiment who is responsible for provision of welfare Services to the dog teams that includes but not limited to ration, medical, transport, dog equipment and other related accessories.

Treatment

23. This is the sole responsibility of a Veterinary Officer. However, there are veterinary technicians who work hand in hand with the Veterinary Officer in administering any treatment to the MWDs. Handlers are also trained on basic life saving skills (veterinary first aid) and are able to initiate help to an injured dog before seeking the intervention of a Veterinary Officer through the veterinary technicians. In combat situation where there are no Veterinary Officer or veterinary technicians, the Commanding officer should facilitate medevac of the injured MWD to the nearest Veterinary clinic for stabilization before the Veterinary Officer could attend to it.

Training of Military Working Dog Teams

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24. All MWD and handlers receive initial training at Canine Training School. This is followed by certification of MWD Teams. This is done to formally evaluate and identify MWD teams that demonstrate reliability and maturity as a team. The certification is valid for one year and all teams must receive certification before deployment.
25. To avoid redundancy, the dogs are subjected to routine weekly training to ensure that they maintain high standards of readiness.
26. To ensure combat readiness, MWD teams shall participate regularly in field training and deployment exercises with affiliated Combat Teams.

Employment/Deployment

27. The employment/deployment areas for MWD Teams should include but not limited to:-
 - a. Cachee searches.
 - b. Force protection.
 - b. Building sweeps/searches.
 - d. Entry and access control points (vehicle search).
 - e. Open area searches.
 - f. Cordon and search.
 - g. Route clearance.
 - h. Perimeter security.
 - i. Demining.

Procurement

28. Dogs will be procured to fill existing vacancies in the Regiment establishment or as may be directed by DHQ. Normal government procurement procedures concerning purchase of animals should be adhered to. The following procedures will be applied:-
 - e. The dog vendor should have the capacity to supply the required dogs.
 - f. The Unit Commander, Veterinary Officer and Subject Matter Expert (trainer) should visit the vendor and assess whether the dogs meet the minimum veterinary and training standards.
 - g. Procurement assessment forms and certificate of handover should be filled on delivery, sample as per Annex "C".

- h. Once procured, the canines will be allotted Service number.

Disposal

29. The following reasons may lead to disposal of MWD:-

- d. **Age**.....MWD will retire from the Service from the age of 8-10 years. These dogs can be used for training purposes at Canine Training School depending on their physical fitness.
 - e. **Medical**. MWD may be discharged from the Service on medical ground if diagnosed by a veterinarian as having the following:-
 - (1) A medical condition that will result in decertification or euthanasia within 12 months is expected to result in death or permanent disability.
 - (8) Unable to withstand the rigors of yearlong deployment.
 - (9) Overly aggressive.
 - (10) Above the age of 8 years and is ineffective.
 - f. **Non performance**. This has to be determined by the trainer, since a dog may not perform well as a tracker dog but can be quite good in vehicle search.
30. A MWD is to be disposed of in accordance to the public procurement and disposal act 2005, regulations 2006 and any other regulations contained in the Canine Regiment Standing Orders.
31. Once disposed, a report on Transfer of Military Animals shall be filled in Quadruplicate. All the dog records shall then be handed over to the new owner and copies retained as shown in Annex “E”.

CHAPTER 35

DEFENCE FORCES COMMITTEES

RESTRICTED

Contents	Paragraph
General	1
Defence Council	2
No 1 Board	3
Strategic Defence and Planning Committee (Supplementary Committee).....	4
Security and Intelligence Committee	5
Operations Committee	6
Training Committee.....	7
Service Commanders Committee.....	8
Personnel Service Committee	9
Ministerial Tender Committee (MTC)	10
Defence Forces Dress Committee.....	11
Service Dress Committee.....	12
The Budget Committee	13
Budget Secretariat Committee	14
Equipment Infrastructure Approval Committee (EIAC)	15
Logistic Officers Committee (Supplementary Committee).....	16
DEFOCA Board of Management.....	17
DEFOCA Board of Trustees.....	18
Joint Services DEFCO Coordinating Committee (JSDCC).....	19
DEFCO Board of Management	20
DEFCO Board of Trustees.....	21
Responsibilities of the Trust... ..	22
Defence Forces Sports Control Board (DFSCB).....	23
Casting Committee.....	24
DEFMIS Board of Trustees	25

CHAPTER 35

DEFENCE FORCES COMMITTEES

General

1. For the purpose of command, control and administration of the Defence Forces, there shall be established Executive and Supplementary Committees at DHQ. Supplementary Committees in various areas of specialization shall be established at DHQ at the discretion of the CDF, for purposes of making recommendations to the Executive Committee for consideration and approval. The committee will be occasionally as stipulated and/or when need arises:

DEFENCE COUNCIL

2. The composition of the Defence council shall be as follows:-

- a. Membership

- (1) Chairman - Cabinet Secretary
- (2) Members - CDF
- Service Commanders

- Principal Secretary

- (3) Secretary to be appointed by the Defence Council (Either a public officer
or a member of the Defence Forces)

- b. Terms of reference

- (1) Responsible for the overall policy, control and supervision of the Kenya Defence Forces.
- (2) Perform such other functions as prescribed by the KDFFA.

NO. 1 BOARD

3. The composition of No 1 Board shall be as follows:-

- a. Membership

- (1) Chairman - CDF
- (2) Members - VCDF (in attendance)
- COMD KA
- COMD KAF
- COMD KN

- (3) Secretary - ACDF P & L

- b. Terms of Reference

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Covers a wide spectrum of issues that include deliberations and recommendations approval from Service No.2 board in respect to promotion of Capt – Maj, recommendations of Maj and above for promotion, posting, appointments, attachments, retirements, resignations, extension of service, termination of commission and renewal/termination of contract to Defence Council.

STRATEGIC DEFENCE AND PLANNING COMMITTEE (SUPPLEMENTARY COMMITTEE)

4. The composition of the Strategic Defence and Planning Committee (Supplementary Committee) shall be as follows:-

a. Membership

(1) Chairman - VCDF

(2) Members
- Deputy Comd KA

- Deputy Comd KAF

- Deputy Comd KN

- ACDF OPD&T

- ACDF P&L

- DMI

(3) Secretary
- Chief of Strategic Plans and Policy

b. Terms of Reference

(1) Carry out Strategic Analysis.

(2) Formulate Force Structure.

(3) Identify gaps in the strategic posture.

(4) Identify needed weapon systems borne out of research and field experience in liaison with Equipment Approval Committee.

SECURITY AND INTELLIGENCE COMMITTEE

5. The composition of Security and Intelligence Committee shall be as follows:-

a. Membership

(1) Chairman - DMI

(2) Members
- Chief of Ops, DHQ

RESTRICTED

- Col Int, DHQ

- Col Security, DHQ

- Col Ops, DHQ

- Provost Marshall

- Col Int KA

- SVC Int Reps (KAF, KN)

- SO I Security

- Comdt SOMI

- SOI Int Ops

Secretary

(3)

- SO I CbtInt

b. Terms of Reference

- (1) Monitor and give early warning on security and intelligence matters.
- (2) Periodic review of threat to security both internally and internationally and advise accordingly.
- (3) Design and direct efforts on monitoring terrorist actions directed at Military targets.
- (4) Formulate policies on intelligence gathering and dissemination.
- (5) Monitor and co-ordinate the management of disasters that require Military assistance.
- (6) Review cases of corruption, indiscipline and management of Military resources and advise the CDF and Service Commanders on the same.
- (7) Periodic review on matters of morale and likely causes/sources of discontent/dissatisfaction within the Defence Forces and advise on the same.

OPERATIONS COMMITTEE

6. The composition of Operations Committee shall be as follows:-

a. Membership

- (1) Chairman - ACDF OPD&T
- (2) Members - Chief of Ops, DHQ
- Chief of Trg& Doctrine, DHQ

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- Chief of Strategic Plans and Policy, DHQ
- Chief of Ops &Trg, KA
- Col Intelligence, DHQ
- Col Comms and IT, DHQ
- Col Ops &Trg, KAF
- Col Ops &Trg, KN

(3) Secretary - Col Ops DHQ

b. Terms of reference

- (1) Formulate and harmonize Joint Doctrine including Training Doctrine.
- (2) To formulate and update Contingency Plans for every conceivable situation, determine and recommend the state of preparedness to be maintained including training as well as ascertain such state of preparedness.
- (1) Coordination and harmonization of the publication of manuals and pamphlets in the Defence Forces.
- (2) Formulate Communication and IT policy in the Defence Forces.
- (3) To coordinate and prioritize all requests for use of DHQ resources on repayment.

TRAINING COMMITTEE

7. The composition of the Training Committee shall be as follows:-

a. Membership

- (1) Chairman - ACDF OPD & T
- (2) Members - Chief of Trg&Doc, DHQ
 - Chief of TRADOC
 - Col TRADOC
 - Col Trg (KA, KAF,KN)
- (3) Secretary - Col Trg DHQ

b. Terms of Reference

- (1) To formulate and harmonize joint Training Doctrine.
- (2) Coordination and harmonization of the publication of all training manuals and Pamphlets in the Defence Forces.

SERVICE COMMANDERS' COMMITTEE

8. The composition of the Service Commanders Committee shall be as follows:-

a. Membership

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(1) Chairman - CDF

(2)
- Principal Secretary

Members

- VCDF

- Comd KA

- Comd KAF

- Comd KN

Secretary

(3)
- ACDF P & L

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b. Terms of reference

- (4) Consider and approve or recommend to the Defence Council new or changes in policy matters as recommended by various committees.
- (5) Co-ordinate all matters pertaining to the running of the three Services.

PERSONNEL SERVICE COMMITTEE

9. The composition of the Personnel Officers Committee shall be as follows:-

a. Membership

- | | | |
|---------------|---|--------------------------------|
| (1) Chairman | - | ACDF Pers & Logs |
| (2) Members | - | Chief of Pers, DHQ |
| | - | Chief of Legal Services, DHQ |
| | - | Chief of Medical Services, DHQ |
| | - | Chief of Finance, DHQ |
| | - | Provost Marshal, DHQ |
| | - | Col DEFJET (co-opted) |
| (3) Secretary | - | Col Pers, DHQ |

The committee may co-opt any other person as it may deem fit.

b. Terms of Reference

To formulate, review, co-ordinate, interpret and implement policies in all areas of Personnel Services and related matters. This will include:-

- (1) Recruitment, Promotions, re-engagements and burials.
- (2) Terms and Conditions of Service for the Kenya Defence Forces.
- (3) Education Services (including courses).
- (4) Medical Services.
- (5) Legal Services.
- (6) Insurance Services.
- (7) Dress Codes.
- (8) Chaplaincy services.
- (9) Music services.
- (10) Parades and Ceremonies.
- (11) Discipline.
- (12) Sports.

MINISTERIAL TENDER COMMITTEE (MTC)

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10. The composition of the Ministerial Tender Committee (MTC) shall be as follows:-

a. Membership

- (1) Chairman - CDF Appointee
- (2) Alternate Chairman - CFO
- (3) Members - SDS
 - KA Rep
 - KAF Rep
 - KN Rep
 - PAC
 - SO I Finance
- (4) Secretary - AD/SCMS

b. Terms of Reference

- (1) MTC will function in accordance to Public Procurement Act (2005) and Public Procurement and Disposal Regulations (2006).
- (2) Service representatives will be officers who are not employed as procurement officers and in the cause of execution of duty they will not articulate Service interest.

DEFENCE FORCES DRESS COMMITTEE

11. The composition of the Defence Forces Dress Committee shall be as follows:-

a. Membership

- (1) Chairman - VCDF.
- (2) Members - ACDF P&L.
 - Deputy Service Commanders.
 - Chief of Personnel, DHQ.
 - Chief of Logistics, DHQ.
 - Colonel Personnel, Services Headquarters.
 - Colonel Logistics, Service Headquarters
 - D/Comdt DFC
- (3) Secretary - Colonel Supply and Maintenance, DHQ.

b. Terms Of Reference

- (1) Approve Service Dress Codes for KA, KAF, KN and DFC.
- (2) Approve recommendations made by Service Dress Committee on changes or amendments on Service Dress Codes.

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- (3) Coordinate with National Uniforms Review Committee to ensure that there is clear distinction in uniforms and insignias between Military, other Disciplined Services and private security firms.
- (4) Gazettement of Defence Forces Uniforms through the Legal advice of the Attorney General through Legal Branch DHQ.

SERVICE DRESS COMMITTEE

12. The composition of the Service Dress Committee shall be as follows:-

RESTRICTED

a. Membership

- (1) Chairman: - DAC
- (2) Members: - Col Pers
- Col Ops
- Col Logs
- SPO
- (3) Secretary - SO1 Supply

The Committee shall be required to meet at least once a year and may co-opt any other member whom it deems necessary to assist it in its deliberations.

b. Terms Of Reference For The Dress Committee

- (1) Approve service dress codes for KA, KAF, KN and DFC.
- (2) Approve recommendations made by Service Dress Committee on changes or amendments on Service Dress Codes.
- (3) Coordinate with National Uniforms Review Committee to ensure that there is clear distinction in uniforms and insignias between Military, other Disciplined Services and private security firms.
- (4) Gazettement of Defence Forces Uniforms through the Legal advice of the Attorney General through Legal Branch DHQ.

THE BUDGET COMMITTEE.

13. The composition of the Budget Committee shall be as follows:-

a. Membership

- (1) Chairman - CDF
- (2) Members - Principal Secretary
- VCDF
- Comd KA
- Comd KAF
- Comd KN
- ACDF OPD&T
- ACDF P&L
- DMI
- (3) Secretary - Col Budget, DHQ

b. Terms of Reference

- (1) To prepare Defence Forces Estimates and Supplementary bids.
- (2) To examine all expenditure and control likely over/under expenditure.

BUDGET SECRETARIAT COMMITTEE.

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14. The composition of the Budget Secretariat Committee shall be as follows:-

a. Membership

- (1) Chairman - Chief Finance Officer, MOSD
- (2) Vice Chairman - Chief of Logs, DHQ
- (3) Members - Chiefs of Branches, DHQ
 - Chief of Logs HQ KA
 - Dir of Logs HQ KAF
 - Col Pay, DHQ
 - Col Logs HQ KN
 - Col Budget DHQ
- (4) Secretary - SOI Finance, DHQ

b. Terms of Reference

- (1) Prepare Draft Estimates for the forward Budget for Ministry of Defence for the three years rolling as per the MTEF and Treasury regulations, and forward to the Budget Committee for approval.
- (2) Prepare all requests for Re-allocations (revised Estimates), determine the priorities, and submit to the Budget Committee for approval before forwarding to Treasury for final authority.
- (3) Review the Approved Budget (Printed Estimates) and recommend to the Budget Committee allocations of funds to the respective Top Level Budget Holders (TLBH) according to MOD Plans.

EQUIPMENT/INFRASTRUCTURE APPROVAL COMMITTEE (EIAC)

15. The composition of the Equipment/Infrastructure Approval Committee (EIAC) shall be as follows:-

a. Membership

- (1) Chairman - CDF
- (2) Members - Principal Secretary
 - VCDF
 - Comd KA
 - Comd KAF
 - Comd KN
 - ACDF OPD & T
 - ACDF P & L
 - DMI
- (3) Secretary - Chief of Systems and Programmes Terms of

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Reference

- (1) Responsible to the Defence Council for the assessment and recommendation for approval for the procurement, replacement, or modification of Defence Systemes, and Equipment.
- (2) Approve procurement of major Defence Systems, equipment and plans.
- (3) Approve budgetary procurement and delivery programmes.
- (4) Approve staff targets and staff requirements
- (5) Approve technological Demonstration and trials.
- (6) Authorize feasibility studies and/or propose alternative solutions.
- (7) Approve projects above Kshs. 20 million before submission to Ministerial Tender Committee (MTC).

LOGISTICS OFFICERS COMMITTEE (SUPPLEMENTARY COMMITTEE)

16. The composition of the Logistics Officers Committee (Supplementary Committee) shall be as follows:-

Membership

- | | | | |
|-----|-----------|---|--------------------------------|
| (1) | Chairman | - | ACDF P & L |
| (2) | Members | - | Chief of Logs, DHQ |
| | | - | Chief of Medical Services, DHQ |
| | | - | Col Pay, DHQ |
| | | - | Chief of Logs, HQ KA |
| | | - | Dir of Logs, HQ KAF |
| | | - | Col Logs, HQ KN |
| (3) | Secretary | - | Col Sup/Maint, DHQ |

Terms of Reference

To formulate, review, co-ordinate, interpret, and implement policies in all logistics and related matters in the Kenya Defence Forces. This will include:

- (1) Acquisition, storage, transportation, distribution, maintenance and disposal of materials.
 - (2) Transportation of troops.
 - (3) Acquisition or construction, maintenance, operation and disposal of facilities.
 - (4) Acquisition or provision of services.
 - (5) Medical and health services support.
- Receive and analyze recommendations from the Standing Technical Committee and provide necessary approval.

DEFECO BOARD OF MANAGEMENT

17. The composition of the DEFECO Board of Management shall be as follows:-

RESTRICTED

a. Membership

- (1) Chairman ACDF P&L.
- (2) Members MD DEFCO.
Col Pers KA.
Col Pers KAF.
Col Pers KN.
Under Secretary MOD.
COL Pers DHQ.
- (3) Secretary DEFCO to provide.

- b Terms of Reference. Responsible to DEFCO Board of Directors for management of DEFCO business.

DEFCO BOARD OF TRUSTEES (COUNCIL)

18. The composition of the DEFCO Board of Trustee (Council) shall be as follows:-

- (1) Chairman: Chief of the Defence Forces.
- (2) Members: Principal Secretary responsible for Defence.
Service Commanders.
Chairman DEFCO Board of Management (ACDF P &L)
MD DEFCO.
- (3) Secretary: Chief of Personnel DHQ

- b Terms of Reference. Responsible for all policy matters which include:

- (1) Expenditure.
- (2) Disbursements of funds.
- (3) Employment.
- (4) Discipline.

JOINT SERVICES DEFCO COORDINATING COMMITTEE (JSDCC)

19. The composition of the Joint Services DEFCO Coordinating Committee (JSDCC) shall be as follows:-

- (1) Chairman: VCDF
- (2) Members: ACDF P&L.
DS in the Ministry responsible for Defence
Service Deputy Commanders.
- (3) Secretary: Col Pers DHQ

RESTRICTED

- b. Terms of reference.This Committee coordinates views and briefs the DEFCO Council on matters of Joint Service interests pertaining to DEFCO.

DEFOCA BOARD OF MANAGEMENT

20. The Board of Management is responsible for the implementation of policies and directives formulated by the Board of Trustees. It consists of the following:-
- a. Chairman - ACDF P & L
 - b. Members - Col Pers DHQ
 - Col Pers KA
 - Col Pers KAF
 - Col Pers KN
 - The GM
 - c. Treasurer - Col Pay DHQ
 - d. Three branch representatives
 - e. Secretary - SOI Legal Services

The board shall meet at such times and places as shall be determined by the Chairman.

DEFOCA BOARD OF TRUSTEES

21. The Board of Trustees consists of the persons for the time being holding the following offices:-
- a. Chairman - Cabinet Secretary.
 - b. Members - Chief of the Kenya Defence Forces.
 - Principal Secretary.
 - Vice Chief of the Kenya Defence Forces.
 - Kenya Army Commander.
 - Kenya Air Force Commander.
 - Kenya Navy Commander.
 - c. Secretary - ACDF P & L.

Responsibilities of the Trust

22. The trust undertakes the following:-

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- a. Provision of 100% healthcare and services to its members who are admitted as inpatients in prescribed healthcare facilities.
- b. Provision of 75% healthcare services to its members who receive the same out patient subject to Trust conditions.
- c. Registration of the contributors and their nominated dependants and issuance of appropriate membership and identification documents.
- d. Prompt and expeditious processing of claims made under the Trustee rules.
- e. Construction, leasing, establishing and management of veterans' hospitals countrywide.

DEFENCE FORCES SPORTS CONTROL BOARD (DFSCB)

23. The composition of the DFSCB is as follows:-

a. Membership

- (1) Chairman - ACDF P & L
- (2) Vice Chairman - Ch of Pers DHQ
- (3) Treasurer - Col Pay DHQ

b. Members (Chairmen).The membership shall be as follows Provided that the DFSCB may co-opt not more than two members if it deems it necessary

- (1) Defence Forces Boxing Association (DEFABA).
- (2) Defence Forces Athletics Kenya (DEFAK).
- (3) Defence Forces Kickboxing Association (DEFKA).
- (4) Defence Forces Football Association (DEFFA).
- (5) Defence Forces Basketball Association (DEFBA).
- (6) Defence Forces Handball Association (DEFHA).
- (7) Defence Forces Volleyball Association (DEFVA).
- (8) Defence Forces Taekwondo Association (DEFTA).
- (9) Defence Forces Judo Association (DEFJA).
- (10) Defence Forces Netball Association (DEFNA).
- (11) Defence Forces Rifle Association (DEFRA).
- (12) Secretary SOI PE/CISM.

c. Terms of Reference of DFSCB

- (1). The Chairman of DFSCB is responsible to the Chief of Defence Forces for the organization of Sports and games in the Defence Forces, the co-ordination for Defence Forces Sports Associations, the supervision, procurement, use and upkeep of ground and recreational facilities.

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- (2). DFSCB shall exercise control of sports in the Defence Forces in accordance with the strictest amateur principles. It will assist and guide associations for efficient management of their particular form of sport.
- (3). The Board will administer such non-public funds as may be placed under their control for the benefit of sports in the Defence Forces.
- (4). It will enforce the execution of performance contracts for every Chairman of sponsored discipline.

THE CASTING COMMITTEE

24. a. The vehicle casting committee will consist of:-

- (1) Chairman: SO I Works (DHQ).
- (2) Members: SO II Technical (Mechanical Engineering).
A representative from each Service.
- (3) Secretary: SO II Supply (Stores and Vehicles).
- (4) In Attendance: Any other Officer co-opted by the Chairman as need arises.

b. The Committee is to sit as follows:-

- (1) On or about September of each year to consider all vehicles which fall within the casting range by reason of age or mileage during the next financial year and to inform Supply and Maintenance Sub-Branch DHQ of the likely number of vehicles needed in estimates for the following financial year to meet those due for casting.
- (2) As the need arises, i.e. when Tech section reports that they have the vehicles' documents, castings and engineer reports on vehicles which need to be put before the committee.

c. Terms of Reference of Vehicle Casting Committee. The Vehicle Casting Committee is the authority for:-

- (1) The disposal of vehicles, which have exceeded the limits of age, mileage and cost of repair as, indicated in the subsequent Paras.
- (2) Repairs to be carried out which cost more than the limits indicated in the subsequent Paras.

DEFMIS BOARD OF TRUSTEES

25. The composition of DEFMIS Board of Trustees shall be as follows:-

a. Membership

- (1) Cabinet Secretary responsible for Defence who shall be the Chairperson.
- (2) Chief of the Kenya Defence Forces.
- (3) Principal Secretary responsible for Defence.
- (4) Vice Chief of the Kenya Defence Forces.

RESTRICTED

- (5) The Kenya Army Commander.
- (6) The Kenya Air Force Commander.
- (7) The Kenya Navy Commander.
- (8) ACDF P & L who shall be the Trust Secretary.

b. Responsibilities of the Trust

The trust undertakes the following:-

- (1) Provision of 100% healthcare and services to its members who are admitted as inpatients in prescribed healthcare facilities.
- (2) Provision of 75% healthcare services to its members who receive the same outpatient subject to Trust conditions.
- (3) Registration of the contributors and their nominated dependants and issuance of appropriate membership and identification documents.
- (4) Prompt and expeditious processing of claims made under the Trustee rules.
- (5) Construction, leasing, establishing and management of veterans' hospitals countrywide.

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KENYA DEFENCE FORCES

STANDING ORDERS

FIRST EDITION

NAIROBI

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