

**NO. 11A OF 2011**

**NATIONAL POLICE SERVICE ACT**

SUBSIDIARY LEGISLATION

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**COUNTRY DECLARED TO BE A  
NEIGHBOURING COUNTRY UNDER SECTION 49**

[Cap. 84, Sub. Leg., L.N. 310/1961.]

Zanzibar.

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**FINGER-PRINT FORM SPECIFIED UNDER SECTION 21(2)**

The power to appoint officers to be in charge of Police stations or units as the case may be within their respective commands.

[Cap. 84, Sub. Leg., L.N. 291/1962, L.N. 595/1962.]

The form set out hereunder is the form upon which finger-prints shall be taken in accordance with section 21 of the Act—

**FINGER-PRINT FORM**

**SCHEDULE**

[Section 21(2).]

**POLICE 20**

Full name .....

Alias ..... Class .....

Identity Card No. ....

Charge Register No. .... Docket No. ....

**RIGHT HAND**

<i>Thumb</i>	<i>Forefinger</i>	<i>Middle Finger</i>	<i>Ring Finger</i>	<i>Little Finger</i>

**FOLD**

**LEFT HAND**

<i>Thumb</i>	<i>Forefinger</i>	<i>Middle Finger</i>	<i>Ring Finger</i>	<i>Little Finger</i>

**FOLD**

LEFT HAND	RIGHT HAND
Plain impressions of the Four Fingers taken simultaneously	Plain impressions of the Four Fingers taken simultaneously

[Subsidiary]

**FOLD**

Plain Impress  
Left Thumb

Finger-prints taken by .....  
Rank ..... Date .....  
Police Station .....

Plain Impress  
Right Thumb

Finger-prints classified by ..... Date .....  
Tested by ..... Date .....  
Searched by ..... Date .....  
Searched in S of C by ..... Date .....

Address to which reply is to be sent	Remarks
.....	.....
.....	.....
.....	.....

I hereby certify that the finger-prints contained in this form have been  
\*taken by me

\_\_\_\_\_   
\*taken in my presence

in accordance with the directions contained in such form and that the particulars entered on this form are, to the best of my knowledge and belief, accurate and true.

.....  
\*Magistrate or Police Officer or any person  
appointed under section 142(2)  
of the Criminal Procedure Code (Cap. 75)

\* Delete the words which are inapplicable.

**DELEGATION OF POWERS UNDER SECTION 4(1)**

[Cap. 84, Sub. Leg., L.N. 39/1971.]

IN EXERCISE of the powers conferred by section 4(1) of the Police Act, the Commissioner of Police hereby delegates to—

The Assistant Commissioner of Police in charge of the Nairobi Area.

The Assistant Commissioner of Police in charge of the Rift Valley Province.

The Assistant Commissioner of Police in charge of the Central Province.

The Assistant Commissioner of Police in charge of the Coast Province.

The Assistant Commissioner of Police in charge of the Nyanza Province.

The Assistant Commissioner of Police in charge of the Western Province.

The Assistant Commissioner of Police in charge of the Eastern Province.

The Assistant Commissioner of Police in charge of the North-Eastern Province.

The Commandant, General Service Unit.

The Commandant, Kenya (Railways and Harbours) Police.

The Commandant, Stock-Theft Unit.

the power to appoint officers to be in charge of Police stations or units as the case may be within their respective commands.

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**VEHICLES (PROHIBITION) ORDER**

[Cap. 84 Sub. Leg., Orders under section 27, L.N. 178/1971, Corr. No. 71/1971.]

1. This Order may be cited as the Vehicles (Prohibition) Order.
  2. The driving or use on any public road in Kenya, otherwise than by or on behalf of the Kenya Police Force, of any motor vehicle painted any shade of dark blue with a white roof is hereby prohibited between the hours of half-past six o'clock in the evening and half-past six o'clock in the morning of any day.
  3. This Order shall come into operation on the 1<sup>st</sup> day of November of 1976.
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**POLICE REGULATIONS**

[Cap. 84. Sub. Leg., Regulation under section 65, L.N. 74/1961, L.N. 120/1963, L.N. 140/1963, L.N. 181/1963, L.N. 248/1963, L.N. 399/1963, L.N. 124/1964, L.N. 168/1964, L.N. 8/1973, Corr. No. 10/1973, L.N. 107/2009.]

**PART I – PRELIMINARY**

1. These Regulations may be cited as the Police Regulations.

**PART II – OFFENCES AGAINST DISCIPLINE**

2. Deleted by Sch. to L.N. 124/1964.

3. Any inspector or subordinate officer who—

- (1) strikes, or uses or offers violence against any police officer; or
- (2) uses any obscene, abusive or insulting language to any police officer; or
- (3) uses threatening or insubordinate language to a police officer senior to him in rank; or
- (4) causes a disturbance in any police station, barracks, quarters, lines or camp; or
- (5) is guilty of drunkenness; or
- (6) drinks intoxicating liquor when on duty; or
- (7) is disrespectful in word, act or demeanour to any police officer senior to him in ranks;

or

- (8) willfully disobeys any lawful command; or
- (9) absents himself without leave; or
- (10) is found sleeping on duty; or
- (11) leaves his post or place of duty before he is regularly relieved, except in fresh pursuit of an offender who it is his duty to apprehend; or
- (12) being under arrest or in confinement, leaves or escapes from such arrest or confinement before he is set at liberty by proper authority; or
- (13) without lawful excuse breaks out of police barracks, quarters, lines or camp; or
- (14) neglects or refuses to assist in the apprehension of any police officer charged with any offence, when lawfully ordered so to do; or
- (15) resists any police officer whose duty it is to apprehend him, or have him in charge; or
- (16) negligently allows any prisoner, who is committed to his charge, or whom it is his duty to guard, to escape; or
- (17) unlawfully strikes any person or uses or offers unlawful violence to any person; or
- (18) is guilty of cowardice; or
- (19) discharges any weapon without orders or without reasonable or lawful cause; or
- (20) without reasonable cause, fails to attend at any parade, instruction class or court or any other duty which he is required to attend; or
- (21) sells, pawns, loses by neglect, makes away with or willfully or negligently damages, or fails to report any loss or damage to, any arm, ammunition, accoutrement, uniform or other article of personal issue or any vehicle or other property committed to his charge belonging to the Government or for which the Government is responsible; or
- (22) is in improper possession of any public or private property; or
- (23) commits any act of plunder or wanton destruction of property; or
- (24) is idle and negligent in the performance of his duty; or
- (25) appears on duty untidy or dirty in his person, arms, clothing or equipment; or
- (26) is slovenly, inattentive, uncivil or quarrelsome; or
- (27) makes or signs any false statement in any document or official record; or

[Subsidiary]

- (28) makes, or joins in making, any anonymous complaint; or
- (29) without proper authority, discloses or conveys any information concerning any investigation or other police matter; or
- (30) malingers, or feigns any disease or infirmity, or willfully causes to himself any disease or infirmity; or
- (31) is willfully guilty of misconduct or willfully disobeys, whether in hospital or elsewhere, any orders and so causes or aggravates any disease or infirmity or delays its cure; or
- (32) has contracted any venereal disease and fails to report without delay to a medical officer for treatment; or
- (33) without proper authority demands or exacts from any person any carriage, portage or provisions; or
- (34) makes any false statements upon joining the Force; or
- (35) refuses or neglects to make or send any report or return which it is his duty to make or send; or
- (36) knowingly makes any false accusation against any police officer or other person; or
- (37) in making any complaint against any police officer or other person, knowingly makes a false statement affecting the character of such police officer or other person or willfully suppresses any material fact; or
- (38) engages without authority in any other employment or office; or
- (39) becomes security for any person, or engages in any loan transaction with any other police officer without the authority, in writing, of the Commissioner; or
- (40) if called upon by a *gazetted* officer to furnish a full and true statement of his financial position, fails so to do; or
- (41) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline, not hereinbefore specified,

shall be guilty of an offence against discipline.

**4 to 25.** Deleted by Sch. to L.N. 124/1964.

#### PART IV – THE KENYA POLICE RESERVE

**26.** All applicants for enlistment in the Reserve shall be examined by a medical officer who shall certify the result of such examination in the space provided for that purpose in Form No. 1 contained in the Second Schedule:

Provided that an applicant for enlistment may be examined by a private medical practitioner, but the cost of such examination shall be borne by the applicant.

**27.** Every applicant for enlistment shall, on enlistment, complete Form No. 2 contained in the Second Schedule.

**28.** The enlistment of Reserve police officers shall be completed in Form No. 1 contained in the Second Schedule.

**29.** Where any person enlisting in the Reserve is not a Commonwealth citizen or British protected person, he shall, in lieu of making the oath or affirmation set forth in the Second Schedule to the Act, make and sign before some officer authorized by law to administer oaths or before the Commissioner, in English or in such other language which he understands, and in such manner as he may declare to be most binding on his conscience the oath or the affirmation set forth in the Third Schedule to these Regulations.

**30.** Two copies of the Form No. 1 contained in the Second Schedule shall be completed on enlistment and the enlisting officer shall send the original copy to the Commissioner.

**31.** The following persons shall not be enlisted in the Reserve—

- (a) persons who are members of the armed forces:

Provided that members and reservists of the Kenya Regiment may be enlisted subject to the following conditions—

- (i) that the application be referred to the Officer Commanding the Regiment who may advise that the application should be rejected, whereupon such application shall be rejected;
- (ii) that duty with the Regiment shall take precedence over duty with the Reserve;
- (b) persons who have been discharged from the armed forces—
  - (i) as unfit for further service; or
  - (ii) for misconduct; or
  - (iii) with a bad or indifferent character;
- (c) persons who are otherwise considered by the Commissioner or the police officer in charge of the province in which the applicant resides to be unsuitable for service.

**32.** The fitness, including physical fitness, of an applicant for enlistment in the Reserve shall be decided by the Commissioner or by the police officer in charge of the province in which the applicant resides, and such decision shall be final.

**33.** (1) A Reserve police officer who desires to re-engage in the Reserve shall apply during the three months preceding the expiration of his current term of service, and at the time of making such application he shall make a declaration in form No. 4 contained in the Second Schedule.

(2) On re-engagement a Reserve police officer may, if the person authorized to re-engage him thinks fit, be required to be re-examined by a medical officer and in the case of a Reserve police officer so re-examined, if the medical officer certifies in form No. 4 that he is fit for further service he may be re-engaged:

Provided that—

- (i) every Reserve police officer shall be medically examined upon the expiry of each four years' service in the Reserve;
- (ii) the proviso to regulation 26, and regulation 32, shall apply to any Reserve police officer who desires to re-engage.

**34.** The Commissioner or the police officer in charge of a province may for good cause release or discharge from the Reserve any Reserve police officer on part-time duty under his direct command and without prejudice to the generality of the foregoing he may release or discharge any such Reserve police officer for the undermentioned causes—

- (1) Termination of engagement;
- (2) At his own request;
- (3) Conduct unsatisfactory;
- (4) Not likely to be, or having ceased to be, an efficient Reserve police officer;
- (5) Disobedience of orders;
- (6) His service being no longer required;
- (7) Having made a false answer;
- (8) Having been irregularly enlisted;
- (9) Medically unfit;
- (10) Having been convicted by the criminal courts of an offence involving moral turpitude;
- (11) Recommendation in that behalf by a police officer in charge of a division.

**35.** (1) A Reserve police officer whilst undergoing training or performing duty shall be entitled to such allowances as may be approved from time to time by the Minister after consultation with the Minister for the time being responsible for finance.

[Subsidiary]

(2) A Reserve police officer shall—

(a) when called out for full-time service in times of danger or imminent danger, be entitled to the same rates of pay as his equivalent rank in the Kenya Police Force, and to such allowances as may be approved from time to time by the Minister after consultation with the Minister for the time being responsible for finance;

(b) *Deleted by L.N. 120/1963:*

Provided that—

(i) no Reserve police officer shall be entitled to any such pay or allowances in respect of any period during which he is on leave, unless such leave is expressly granted as leave with pay;

(ii) subject to the provisions of subparagraph (i) of this paragraph, in the case of an employee of the Government—

(a) where, in any period, such employee performs his duties as such employee full-time and in addition performs service under this paragraph, he shall be entitled, in respect of such period, to such pay or allowances in addition to his salary and emoluments as such employee;

(b) where, in any period, such employee performs his duties as such employee part-time only, he shall not be entitled to such pay or allowances if, in respect of such period, he suffers no reduction in his salary or emoluments as such employee;

(c) where, in any period, such employee is engaged full time on service under this paragraph, he shall be entitled to his salary and emoluments as such employee, or to such pay and allowances in respect of such period, whichever shall be the greater;

(d) no such employee shall, in respect of any period be entitled as a Reserve police officer to receive any allowance under these Regulations of the same or a similar nature as an allowance payable to him as such employee.

(3) Any dispute arising out of paragraph (2) shall be determined by the Minister.

[L.N. 120/1963]

**36.** There shall be paid to Reserve police officers a traveling allowance in respect of traveling expenses to and from the place of training or duty, at such rates as may be laid down the Minister after consultation with the Minister for the time being responsible for finance.

**37.** All uniforms, arms, accoutrements and equipment issued to any Reserve police officer shall be used for police purposes only, and every Reserve police officer to whom they are issued shall produce them in good condition, fair wear and tear excepted, whenever called upon so to do by a police officer senior to him in rank.

**38.** No Reserve police officer shall, unless on duty, whether in or out of Kenya, wear the uniform of the Reserve without the permission of the Commissioner.

**39.** Whenever an injury to, or the death of, a Reserve police officer occurs in the course of his duty, the police officer in charge of the province shall give a written report to the Commissioner of the circumstances in which such injury or death was caused and a medical certificate shall, whenever possible, accompany such report.

**40.** Any person who knowingly does or omits to do anything so as to penalize any Reserve police officer, or who threatens any Reserve police officer, whereby such Reserve police officer is prevented from or hindered in the carrying out of his duties as a Reserve police officer, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.

## PART V – PRIVATE USE OF POLICE

**41.** Application for the use of police officers for private purposes shall be made in writing in the form contained in the Fourth Schedule to the Commissioner through the gazetted officer in charge of the province in which the police officers are to be used.

**42.** All moneys received in respect of the private use of police officers shall be paid into the Consolidated Fund.

**43.** Subject to subsection (1) of section 4 of the Act, the Commissioner may ensure and shall be the sole judge of whether an adequate number of police officers are used for the purpose and for the period for which the application is made and he may refuse to authorize the use if agreement in this regard cannot be reached with the applicant.

## PART VI – KENYA POLICE REPRESENTATIVE ASSOCIATION

**44.** There is hereby constituted an association to be known as the Kenya Police Representative Association (hereinafter referred to as the Association) which shall consist of all serving police officers up to and including the rank of Senior Superintendent, but shall not include any Reserve police officer.

**45.** The Association shall consist of two branches, as follows—

- (a) the Senior Branch which shall consist of all gazetted officers and all officers of the Inspectorate; and
- (b) the Junior Branch, which shall consist of all subordinate officers.

**46.** (1) The objects of the Association shall be to enable police officer to consider and bring to the notice of the Commissioner and the Government all matters affecting their welfare and efficiency, including pay, pensions and conditions of service, other than questions of discipline and promotion affecting individual police officers.

(2) The Association shall be entirely independent of and unassociated with any body or person outside the Force. The Association may send a member to meetings of the Central Whitley Council and shall not be deemed thereby to be dependent on or associated with the said Council provided the member attends any meeting in the sole capacity as an observer.

[L.N. 181/1963.]

**47.** There shall be set up two levels of representation, namely—

- (a) a Joint Central Committee, and
- (b) Provincial Boards.

**48.** The Joint Central Committee shall consist of the gazetted officer, one inspector and one member of the Junior Branch of the Association from each Provincial Board and the Joint Central Committee, when formed, may co-opt not more than two members of the Association in an advisory capacity for the whole or any part of any meeting:

Provided that such co-opted members shall not be entitled to vote.

[L.N. 181/1963.]

**49.** Each Provincial Board shall comprise—

- (a) one gazetted officer;
- (b) two inspectors;
- (c) two members of the Junior Branch,

and may, when formed, co-opted not more than two members of the Association in an advisory capacity for the whole or any part of any meeting:

Provided that such co-opted members shall not be entitled to vote.

[L.N. 181/1963.]

[Subsidiary]

**50.** For the purpose of these Regulations and Commissioner may constitute any police formation or group of police formations to be a province for the purpose of electing a Provincial Board.

**51.** (1) Election to the Provincial Boards and the Joint Central Committee shall be in accordance with such procedure as the Commissioner may by Force standing order direct.

(2) The gazetted officer of a Provincial Board shall be elected by the votes of the gazetted officers of the province in which he is serving.

(3) The two inspectors of a Provincial Board shall be elected by the voters of the inspectors serving in the province.

(4) The Junior Branch members of a Provincial Board shall be elected from among the subordinate officers serving in that province.

(5) The election of the representative to the Provincial Boards and the Joint Central Committee shall be held on any seven consecutive days between the 1st and the 14th March inclusive of each year.

**52.** (1) After completion of the elections referred to in paragraph (5) of regulation 51 the inaugural meeting of the Joint Central Committee shall be held during the month of April of each year, subject to the approval of the Commissioner.

(2) The Joint Central Committee shall meet on any one day between the 15th and 30th January, July and October of each year, subject to the approval of the Commissioner.

(3) The Provincial Boards shall meet on any one day between the 1st and 14th January, July and October of each year.

(4) The dates of the meetings given in paragraphs (1), (2) and (3) may be varied by the Commissioner at any time he considers it necessary in the exigencies of the service, and the approval of the Commissioner for the holding of such meetings shall not be unreasonably withheld.

(5) A quorum of the Joint Central Committee shall be seven members.

[L.N. 181/1963.]

**53.** (1) Apart from the meetings prescribed in paragraphs (1), (2) and (3) of regulation 52, the chairman of the Joint Central Committee may request the Commissioner to authorize the holding of any other meetings of the elected representatives, Joint Central Committee or any of the Provincial Boards, if he deems it necessary in any special circumstances.

(2) The chairman of the Provincial Board may request the police officer in charge of the province to authorize the holding of a meeting of the Provincial Board if he deems it necessary in any special circumstances.

(3) Requests made under paragraph (1) and (2) will, subject to the exigencies of the service, invariably be granted.

**54.** (1) The Commissioner, in relation to any meeting authorized to be held by these Regulations, may authorize its extension beyond one day, upon being satisfied that this is necessary.

(2) A police officer in charge of a province may also so act in relation to the meetings of the Provincial Board in his province.

**55.** Upon application by the chairman of the Joint Central Committee, or under his own authority, the Commissioner may authorize combined meetings of two or more Provincial Boards for any special purpose connected with the business of the Association.

**56.** (1) A Provincial Board may submit its representations to the police officer in charge of a province, who also shall, upon application, grant a personal hearing to the Board, or any representatives thereof, on any matters coming within the objects of the Association provided for in regulation 46.

(2) If a Provincial Board is not satisfied with the outcome of their representations to the police officer in charge of a province, they have the right to refer the matter to the Joint Central Committee for submission to the Commissioner.

(3) The Joint Central Committee shall have the right to make representations to the Commissioners in all matters coming within the objects of the Association provided for in regulation 46.

(4) If the Joint Central Committee is not satisfied with the outcome of their representations made to the Commissioner they have the right to refer the matter to the Government.

(5) The gazetted officer on a Provincial Board shall represent the interests of the gazetted officers of the province, and shall make representations in the manner provided in paragraphs (1) and (2) in matters peculiar to the *gazetted* officers of the Force.

(6) The two elected members of the inspectorate on a Provincial Board shall represent the interests of the inspectorate of the province and shall make representations as provided in paragraphs (1) and (2) of this regulation in matters peculiar to the inspectorate of the Force.

(7) The two elected members of the Junior Branch of the Association of the province shall represent the interests of the subordinate officers of the province and shall make representations in the manner provided in paragraphs (1) and (2) in matters peculiar to the Junior Branch of the Association.

(8) When necessary the Commissioner may consult the Association in advance on proposals or problems affecting the Force, to the solution of which they might be expected to make a contribution.

**57.** (1) The Joint Central Committee shall elect from its members, a chairman, vice-chairman and secretary:

Provided that, if in the case of the election of a secretary the Joint Central Committee considers that for the more efficient and expeditious handling of the business of the Association the duties of secretary would more conveniently be carried out by a person not being a member of the Committee, the chairman may make written application to the Commissioner nominating a police officer of not less rank than inspector, selected by the Joint Central Committee, and the Commissioner may authorize the appointment of the nominated police officer as secretary.

(2) The chairman of the Joint Central Committee shall be gazetted officer.

(3) The chairman, vice-chairman and secretary of the Joint Central Committee shall be respectively the chairman, vice-chairman of the Association.

(4) The *gazetted* officer of a Provincial Board shall be the chairman of the Board.

**58.** (1) All business of the Association coming within the objects of the Association as provided for in the regulation 46 of these Regulations shall be regarded as official business

(2) Attendance at any authorized meeting held under the provisions of regulations 52, 53, 54 and 55 shall be regarded as occasions of duty.

#### PART VII – POLICE CERTIFICATES AND FORMS

**59.** A certificate of appointment of a police officer issued under section 8 of the Act shall be in Form No. 1 contained in the Fifth Schedule.

**60.** A certificate of appointment of a Reserve police officer issued under section 8 of the Act shall be in Form No. 2 contained in the Fifth Schedule.

**61.** A certificate of appointment of a special police officer shall be in Form No. 3 contained in the Fifth Schedule to these Regulations.

**62.** A bond executed by any person who is required to attend at court as provided by section 23(1) of the Act shall be in the form contained in the Sixth Schedule to these Regulations.

[Subsidiary]

PART VIII – FIREARMS STORES

63. In this Part, unless the context otherwise requires—

“**ammunition**” means cartridges for small arms, the case of which can be extracted from the small arm after firing, and which is so enclosed as to prevent any explosion in one cartridge being communicated to another cartridge, but does not include tracer, explosive, incendiary, observing or signaling types of cartridges or cartridges containing or designed or adapted to contain any noxious liquid, gas or other thing;

“**firearm**” means any lethal barreled weapon, other than artillery, designed for the firing of ammunition and includes barreled apparatus designed for firing, observing or signaling types of cartridges;

“**firearm store**” means a store established under regulation 64 for the custody of firearms and ammunition deposited by members of the public;

“**licensing officer**” means an officer appointed under section 3 of the Firearms Act (Cap.114);

“**officer in charge of a firearm store**” means the police officer or other person appointed by the Commissioner to be in charge of a firearm store.

64. There are hereby established the firearm stores specified in the Seventh Schedule, which shall be under the control of the Commissioner.

65. (1) Subject to the provisions of these Regulations a member of the public may deposit with the officer in charge of a police station, a licensing officer or officer in charge of a firearm store any firearm or ammunition which he is lawfully authorized to possess, for custody in a firearm store:

Provided that an officer in charge of a police station, a licensing officer or officer in charge of a firearm store may refuse to accept for custody in a firearm store any gun case, holsters, telescopic sight, sling, cleaning material or other such item which is not an essential component part of a firearm, or ammunition which is not packed in containers to the satisfaction of such officer.

(2) Any person who causes an officer in charge of a police station, licensing officer or officer in charge of a firearm store to accept for custody in a firearm store any ammunition, not being ammunition defined by regulation 63 or any authorized explosive or explosive as defined in section 2 of the Explosives Act (Cap. 115), shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

(3) An officer in charge of a firearm store may destroy or cause to be destroyed or dispose of in any other manner any ammunition, not being ammunition as defined in section 2 of the Explosives Act (Cap. 115), found in a firearm store and no person shall be entitled to compensation in respect of the destruction or other disposal thereof.

66. The officer in charge of a firearm store may destroy or cause to be destroyed any ammunition deposited for custody in a firearm store which is, in his opinion, dangerous or imminently likely to become dangerous, and no sum of money or other compensation shall be payable to any person in respect of ammunition so destroyed.

67. The officer in charge of a firearm store shall, so far as is possible, maintain any firearm in a firearm store in the same condition as it was at the time of deposit and for this purpose he may clean or oil or cause to be cleaned or oiled such firearm.

68. Any member of the public who has deposited a firearm or ammunition for custody in a firearm store may, subject to the provision of regulation 67, repossess himself of such firearm or ammunition on furnishing proof to an officer in charge of a police station, licensing officer or officer in charge of a firearm store that he is authorized under the Firearms Act (Cap. 114) to possess such firearm or ammunition.

FIRST SCHEDULE

[Regulation 10.]

SUMMONS

Whereas a charge of having committed an offence has been referred before me against (No.) ..... (Rank) ..... (Name) ..... (Station) .....; and whereas I have directed that an inquiry be held at ..... on the ..... day of ....., 20....., at ..... o'clock in the ..... noon. Now, in exercise of the powers conferred upon me by section 33 of the Police Act, I do hereby summon and require you ..... to attend as a witness at the said place ..... and to bring with you the documents hereinafter mentioned, viz. .... Given under my hand at ..... on the ..... day of ....., 20 .....

Presiding Officer

SECOND SCHEDULE

FORM 1

(r. 26)

KENYA POLICE RESERVE

ENLISTMENT OF

- K.P.R. No. .... Name ..... Division .....
1. Christian or first name(s) (BLOCK LETTERS) ..... Surname (BLOCK LETTERS) ..... Postal address ..... Residential address .....
2. Place of Birth Country ..... Town (county or district).....
3. (a) Nationality ..... (b) Nationality of parents at birth: Father ..... Mother .....
4. Date of birth .....
5. Profession, trade or calling .....
6. Married, widower or single .....
7. Are you willing to be enlisted for service in the Kenya Police Reserve for the term of two years (provided your services are required for such period)?
8. Do you now belong to the Royal Navy, the Army, the Royal Air Force, the Royal Marines, the Territorial Army or any Dominion or Colonial Force? If so, state which unit .....
9. Have you formerly so belonged? If so, state which unit, and, if discharged, cause of discharge ..

[Subsidiary]

SECOND SCHEDULE, FORM 1—*continued*

10. Religious denomination .....

I, ....., do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagement made.

*Signature of recruit* .....

*Signature of witness* .....

*Date* .....

NOTE.—The Paper K.P.R.2 will be attached to the Original Enlistment Form.

*To be filled in by the Medical Officer*

Apparent age ..... years ..... months	Distinctive marks, and marks indicating congenital peculiarities or previous disease
Height ..... ft ..... in.	
Weight ..... lb.	
Chest measurement	
Girth when fully expanded ..... in.	
Range of expansion ..... in.	
Complexion .....	
Eyes .....	
Hair .....	

I have examined the above-named recruit, and find that he is/is not fit for general service.

.....  
*Medical Officer*

*Date* .....

NOTE.—Further remarks (if any) by the Medical Officer should be added below.

Statement of the Services of No. .... Name .....

Including training and when on emergency duty.

No. of Part II Order or other Division	Promotions, reductions, casualties, training, range course, police duty, emergency duty, etc.	Rank	From	To	Signatures of officers certifying correctness of entries and date

SECOND SCHEDULE—continued

FORM 2

(r. 27)

KENYA POLICE RESERVE

Declaration by a Reserve Police Officer Volunteering to Serve in the Kenya Police Reserve
I, ..... do solemnly declare that I will serve in the Kenya Police Reserve, that I will carry out such police duties as I may be called on so to do by the Commissioner of Police or the officer in charge of a province or a police officer of equivalent rank, and such training as may be ordered by the Commissioner.

Signature of Reserve Police Officer

Declared before me at ..... on (date) .....

Signature of person authorized to enlist Reserve Police Officers

FORM 3

[Deleted by L.N. 399/1963.]

FORM 4

(r. 33)

KENYA POLICE RESERVE

Declaration to be Made by a Member of the Reserve on Re-Engagement for the Reserve
I, (No.) ..... (Rank) ..... (Name) ..... at present serving in the ..... Division of the Kenya Police Reserve, enlisted on the (date) ..... for a period of ..... years and re-engaged for periods of—
years on..... years on.....
years on..... years on.....
years on..... years on.....

and being now desirous of re-engaging, do declare that I will faithfully serve the Republic of Kenya for a further period of two years from the end of my current term of engagement in the Kenya Police Reserve provided my services are required for such period.

Signature of Reserve Police Officer

Declared before me at ..... (date) .....

Signature of person authorized to enlist Reserve police officers

[Subsidiary]

SECOND SCHEDULE, FORM 4—*continued*

I certify that I have examined this man and in my opinion he does not suffer from any disability or ailment likely to interfere with the efficient performance of his duties, and he is fit for general police service.

.....  
*Signature of Medical Officer*

Place ..... Date ....., 20.....

THIRD SCHEDULE

[Regulation 29.]

OATH OR AFFIRMATION TO BE TAKEN ON ENLISTMENT  
BY RESERVE POLICE OFFICER WHO IS NOT A  
COMMONWEALTH CITIZEN OR BRITISH PROTECTED PERSON

I, ....., do hereby swear by Almighty God (or do hereby solemnly and sincerely affirm) that I will give faithful service while I remain a member of the Kenya Police Reserve, and that I will at all times do my utmost to preserve the peace and to prevent offences against the same, and that I will subject myself to all Acts, orders and regulations relating to the said Reserve now in force or which may from time to time be in force, and will discharge all the duties of a Reserve Police Officer according to law, without fear or favour, affection or ill-will.

.....  
*(Signature or thumb-print of  
Reserve Police Officer)*

SWORN (or AFFIRMED) by the said .....  
.....  
after the same had been read over and explained to him in the ..... language,  
which he appeared to understand at ..... this .....  
day of ..... 20 .....  
Before me, .....

FOURTH SCHEDULE

[Regulation 41.]

APPLICATION FOR HIRE OF POLICE FOR PRIVATE PURPOSES

I/We, the undersigned, hereby apply for the services of the undermentioned police officers—

No. of Inspectors .....

No. of Assistant Inspectors .....

No. of Sergeants .....

No. of Corporals .....

No. of Constables .....

for the purpose of .....

I/We fully understand that the police officers so employed are subject to the order of the Commissioner of Police, and that such employment in no way absolves them from their duties as police officers.

FOURTH SCHEDULE—continued

I/We further understand that these officers cannot be employed on any duties other than strictly police duties as shall be interpreted by the officer in charge of police in the area.

I/We further agree to pay the charges for the police officers so employed at the rates for the time being prescribed.

Signature(s) .....

Signature of Commissioner .....

Date .....

FIFTH SCHEDULE

[L.N. 107/2009.]

FORM 1

(r. 59)

CERTIFICATE OF APPOINTMENT OF POLICE OFFICER



KENYA POLICE

LOGO

FORCE NO: \_\_\_\_\_  
RANK: \_\_\_\_\_  
NAME: \_\_\_\_\_  
BLOOD GROUP \_\_\_\_\_

KENYA POLICE

CERTIFICATE OF APPOINTMENT

Issued in accordance with the provisions of Section 8 of the Police Act.

HAVING DULY MADE AND SIGNED THE OATH OR AFFIRMATION PRESCRIBED BY SECTION 7 OF THE POLICE ACT IS HEREBY VESTED WITH THE POWERS, IMMUNITIES AND PRIVILEGES APPERTAINING TO HIS RANK AND APPOINTMENT IN THE KENYA POLICE FORCE.

.....  
Gazzeted Officer Authorised by  
the Commisioner of Police

DATE: .....

\_\_\_\_\_

[Subsidiary]

FIFTH SCHEDULE—continued

FORM 2

(r. 60)

CERTIFICATE OF APPOINTMENT OF RESERVE POLICE OFFICER

<p style="text-align: center;">(Badge)</p> <p style="text-align: center;"><b>THE KENYA POLICE RESERVE</b> CERTIFICATE OF APPOINTMENT</p> <div style="border: 1px solid black; width: 80%; margin: 10px auto; text-align: center; padding: 5px;">(Photograph)</div> <p>No. ....</p>	<p>Force No .....</p> <p>Rank .....</p> <p>Name .....</p> <p>having duly made and signed the oath or affirmation prescribed by section 7 of the Police Act, is hereby vested with the powers, immunities and privileges appertaining to his rank and appointment in the Kenya Police Reserve.</p> <p style="text-align: center;">..... <i>Gazetted officer authorized by the Commissioner of Police</i></p> <p>Date .....</p>
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FORM 3

(r. 61)

CERTIFICATE OF APPOINTMENT OF SPECIAL POLICE OFFICER

<p style="text-align: center;">(Badge)</p> <p style="text-align: center;"><b>THE KENYA POLICE</b></p> <p style="text-align: center;">—</p> <p style="text-align: center;">CERTIFICATE OF APPOINTMENT OF SPECIAL POLICE OFFICER</p>	<p>No. .... Rank .....</p> <p>Name .....</p> <p>Tribe .....</p> <p>You are hereby appointed a Special Police Officer under section 48 of the Police Act.</p> <p>..... <i>Signature of Police Officer authorized to appoint special police officers</i></p> <p>Dated at .....</p> <p>this ..... day of .....</p> <p>20.....</p> <p>..... <i>Signature of Special Police Officer</i></p>
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SIXTH SCHEDULE

[Regulation 62.]

BOND TO ATTEND COURT

I, ..... of .....  
do hereby bind myself to attend before the .....  
Court at ..... at ..... o'clock  
on the ..... day of ..... next or when  
called upon and then and there to give evidence in the matter of a charge of against one .....  
..... and in case of making default herein I bind myself to forfeit  
to the Government the sum of Shillings .....

Dated this ..... day of ....., 19.....

.....  
*Signature*

Witness .....  
Address .....  
Occupation .....

SEVENTH SCHEDULE

[Regulation 64.]

[L.N. 140/1963, L.N. 248/1963.]

FIREARMS STORES

Central Firearms Armoury, Nairobi.



**POLICE (POLICE COUNCIL) REGULATIONS**

[Cap. 84 Subleg, L.N. 182/1963, L.N. 415/1963, L.N. 684/1963.]

1. These Regulations may be cited as the Police (Police Council) Regulations.
  2. There is hereby established a Council, to be known as the Police Council (hereinafter referred to as the Council), consisting of eight members, of whom four shall represent the Government, and shall be known as the Official Side, and four shall represent the Kenya Police Representative Association, and shall be known as the Staff Side.
  3. (1) The members of the Council shall be—
    - (a) as to the Official Side—
      - (i) the Permanent Secretary of the Ministry, or a person deputed by him, who shall be chairman of the Council;
      - (ii) the Director of Personnel, or a person deputed by him;
      - (iii) one person appointed by the Minister for Finance;
      - (iv) one person to be appointed by the Minister;
    - (b) as to the Staff Side—
      - (i) a person appointed by the Kenya Police Representative Association who shall be vice-chairman of the Council;
      - (ii) three persons appointed by the Kenya Police Representative Association.
- (2) It shall be open to the Official Side and the Staff Side to vary the membership of the Council at any time.

[L.N. 415/1963.]

4. The function of the Council shall be to consider all questions affecting the welfare and efficiency of the Force, including pay, pensions and terms and conditions of service, which are referred to it by the Official Side or the Staff Side and to seek to reach agreement thereon:

Provided that the Council shall not consider any question of discipline and promotion concerning an individual officer of the Force except in a case where the principle underlying the question is in dispute.

5. (1) Ordinary meetings of the Council shall be held not less than twice per year.
- (2) A special meeting of the Council may be convened by the chairman and the vice-chairman whenever they consider it necessary after giving fourteen days' notice to the members of the Council.
- (3) The quorum of the Council shall be three members of each side of the Council.
- (4) Subject to these Regulations, the Council shall regulate its own proceedings.

[L.N. 415/1963.]

6. (1) The Council may at any time appoint a subcommittee and delegate the subcommittee its functions in respect of any particular case or matter.
- (2) If the Official Side and the Staff Side so agree, membership of the subcommittee shall not be restricted to members of the Council.
- (3) The subcommittee may co-opt any person to attend meetings whose knowledge and experience of a particular matter may be of assistance to the subcommittee.
- (4) The chairman and vice-chairman shall direct the manner and extent to which any co-opted member may participate in the meetings of the subcommittee.

7. (1) Minutes shall be kept of all meetings of the Council and subcommittee unless the terms of reference of a subcommittee allow an agreed report to be submitted in lieu of Minutes.

[Subsidiary]

(2) Minutes of all meetings of the Council shall be treated as confidential and shall not be published outside the Police Force.

8. The decisions of the Council shall be made between the Official Side and the Staff Side and shall be reported to Government and shall thereupon become operative.

9. In the event of deadlock being reached on any question before the Council either side shall have the right to refer the matter to arbitration in accordance with the Schedule.

10. (1) The Official Side shall bear its own expenses.

(2) The Staff Side shall be responsible for expenses incurred in matters falling outside regulation 58 of the Police Regulations.

(3) The cost of payment of an Arbitration Tribunal shall be in accordance with the rules applicable to arbitration on matters affecting disputes outside the Civil Service.

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## SCHEDULE

[Regulation 9.]

### PROVISIONS AS TO ARBITRATION

1. Failing agreement by negotiation, arbitration shall be open to the Official Side on the one hand and to the Staff Side on the other hand, on application by either party, in regard to certain matters affecting conditions of service, subject to the limitations and conditions hereinafter defined.

2. Where the parties are unable to reach agreement on any claim falling within the limitations set out in this Schedule, either party may refer to arbitration, in accordance with this Schedule, subject to the right of Government to refuse reference to arbitration of any dispute on grounds which the Government has declared to be matter of public policy.

3. Disputes relating to salaries in excess of the maximum of the Governments PG. 1 Scale for the time being in force shall not be referable except with the agreement of both parties.

4. Disputes relating to individual officers or to the salary scales allotted to particular duties shall not be referable.

5. Disputes affecting emoluments, weekly hours of work and leave of any or all classes of officers shall otherwise be referable.

6. For the purposes of this Schedule, "emoluments" includes pay and allowances of the nature of pay, bonus, overtime rates, subsistence rates and travelling and lodging allowances, and "class" means any well-defined category of officer who, for the purpose of a particular claim, occupy the same position or have a common interest in the claim.

7. After an award has been made by an Arbitration Tribunal under this Schedule, a dispute involving substantially the same issues shall not again be referable within a further period of twelve months from the effective date of the award.

8.

(a) The Official Side and the Staff Side shall forthwith each inform the Minister for Defence of the names of not less than three nor more than five persons, the appointment of whom as members of arbitration tribunals would be acceptable to them.

(b) Such persons to be persons of standing who are not themselves servants of any East African Government or Administration or officers or members of an association of employees of one of these Governments or Administrations or members of the National Assembly of Kenya.

- (c) Both sides shall thereafter keep the Minister informed of any necessary amendments to these panels of names.

[L.N. 684/1963.]

9. The Arbitration Act (Cap. 49) shall not apply to any reference under this Schedule.

10. A dispute within the limits defined in this Schedule may be reported by either party to the Minister for Defence for reference to an Arbitration Tribunal.

11. On receiving such a report the Minister for Defence shall, having confirmed that the Government does not object to arbitration on grounds of public policy, propose to both parties the name or names of one or more persons whom he considers to be suitable for appointment as chairman of an Arbitration Tribunal, and he shall thereafter negotiate as may be necessary with both parties until agreement is reached on a recommendation to be made by him to the President for the appointment of a chairman acceptable to both parties.

12. The Minister for Defence shall, at the same time, select one name from each of the panels of names submitted in accordance with paragraph 8 of this Schedule, and, having confirmed that both persons will be available for the purpose, appoint them as members of a tribunal.

13. Where on any reference the members of the Tribunal are unable to agree as to their award, the matter shall be decided by the chairman.

14. The appointments of the chairman and members of the Tribunal shall lapse on presentation of their award, except in so far as the Tribunal may be requested to decide any question arising as to the interpretation of the award.

15. An endeavour shall be made by both parties to a dispute to agree the terms of reference or the terms of the remit to the Tribunal, but where this is not practicable the respective statements of case shall be set out, and these together will constitute the terms of reference or of remit.

16. Neither party shall be represented before a Tribunal except by a civil servant or, in the case of the Staff Side by a bona fide salaried official or member of the Kenya Police Representative Association, but the Tribunal, should it so desire, may allow more than one representative to speak.

17. Arrangements shall be made to secure that, wherever possible, under normal conditions claims are heard within one calendar month of the date on which a dispute is referred to a tribunal.

18. The following rules of procedure of an Arbitration Tribunal shall apply, subject to the general jurisdiction of the Tribunal to regulate its own procedure as it thinks fit—

- (a) the Tribunal shall give the parties at least fourteen days notice of the date of hearing;
- (b) the parties to the reference shall supply to the Tribunal in writing six copies of the statement of their case not later than seven days before the date of hearing;
- (c) when the copies of the statement of case from parties have been lodged with the Tribunal, a copy shall be sent by the Tribunal to the other side before the date of hearing;
- (d) the statement of case shall contain the following particulars—
  - (i) the class or classes concerned, and the number of officers in such class or classes;
  - (ii) the nature of the claim, stating whether in respect of emoluments (in pay, allowances of the nature of pay, bonus, overtime rates, subsistence rates, travelling and lodging allowances), weekly hours of work or leave;

[Subsidiary]

- (iii) where the claim is in respect of emoluments, the present remuneration and bonus (if any) and allowances (if any);
  - (iv) where the claim is in respect of weekly hours of work or leave, the existing weekly hours of work or leave;
  - (v) the grounds in support of or in opposition to the claim;
  - (vi) where reference is made to any document or documents, copies or extracts thereof, if possible;
  - (vii) the names and status of the representative or representatives who will appear before the court;
- (e) the statement of case shall contain all submissions upon which the party relies in support of or in opposition to the claim, as the case may be;
  - (f) the Tribunal may require parties at the hearing to read their statements of case;
  - (g) evidence, either oral or in writing, and observations in support of or in opposition to the claim shall be referable to the submissions contained in the statements of case of any party to the reference;
  - (h) where any party desires that a case should be adjourned from the date fixed to a later date, a consent to such adjournment signed by all parties shall be sent to the Tribunal, and the Tribunal, if good reason is shown, shall thereupon sanction the adjournment; and, if joint consent cannot be obtained, application may be made to the Tribunal by the party desiring the adjournment.
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**ADMINISTRATION POLICE**

[Cap. 84 Sub. Leg., L.N. 295/1958, L.N. 718/1963, L.N. 95/2000.]

IN EXERCISE of the powers conferred by section 4(1) of the Administration police Act, the Minister of State responsible for matters relating to internal security approves the appointment of administration police in the districts or areas specified in the Schedule hereto.

<i>Province</i>	<i>District</i>
Nyanza	Kisumu, Suba, Migori, Siaya, Kisii Central, Kisii North, Homa Bay, Rachuonyo, Kuria, Kisii South, Bondo and Nyando.
Rift Valley	Nakuru, Narok, Bomet, Keiyo, Turkana, Nandi, Samburu, Kajiado, Baringo, Kericho, Marakwet, Laikipia, Trans Mara, Uasin Gishu, West Pokot, Koibatek, Trans Nzoia and Buret.
Central	Nyeri, Thika, Kiambu, Murang'a, Kirinyaga, Nyandarua and Maragwa.
Coast	Mombasa, Taita Taveta, Kwale, Kilifi, Tana River, Lamu and Malindi.
Eastern	Embu, Kitui, Meru Central, Isiolo, Mwingi, Moyale, Makueni, Meru North, Marsabit, Machakos, Tharaka, Mbeere and Meru South.
Western	Kakamega, Teso, Vihiga, Bungoma, Mt. Elgon, Busia, Butere, Mumias and Lugari.
North-Eastern	Mandera, Wajir, Garissa and Ijara.
Nairobi	Nairobi Area.



**NATIONAL POLICE SERVICE (VETTING) REGULATIONS, 2013**

ARRANGEMENT OF REGULATIONS

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*Regulation*

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9. Powers of the Commission and panels.
  10. Vetting panels.
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  32. Removal from the Service.
  33. Review of decision.
  34. Record of proceedings.
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[Subsidiary]

## NATIONAL POLICE SERVICE (VETTING) REGULATIONS, 2013

[L.N. 218/2013.]

### PART I – PRELIMINARY

#### 1. Citation

These Regulations may be cited as the National Police Service (Vetting) Regulations, 2013.

#### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“**officer**” means a member of the Service who is subject to vetting under section 7(2);

“**panel**” means a panel established by the Commission under regulation 10;

“**vetting**” means a process by which the Commission assesses the suitability and competence of an officer in accordance with section 7(2) of the Act.

### PART II – APPLICABLE PRINCIPLES

#### 3. Objectives and purpose of vetting

The objective and purpose of the vetting process is to—

- (a) build confidence and trust in the Service; and
- (b) ensure that the Service complies with Chapter Six of the Constitution and the principles of public service as set out in Article 232 of the Constitution and in the Public Officer Ethics Act, 2003 (No. 3 of 2003).

#### 4. Principles of vetting

In conducting the vetting process, the Commission shall be guided by the following principles—

- (a) subject to regulation 8, all officers of the Service shall undergo vetting, individually;
- (b) the vetting process shall be implemented consistently and the same procedural principles shall be applied in all cases;
- (c) vetting shall be done in accordance with the values and principles set out in Articles 10, 27, 47, 50 and 232 of the Constitution;
- (d) vetting shall take into account the need to protect national security as defined in Article 238 of the Constitution;
- (e) the Commission shall be guided by the principles and standards of impartiality, natural justice and international best practice;
- (f) the vetting process shall not be bound by strict rules of evidence and the proof applicable shall be that of a balance of probabilities;
- (g) vetting shall be done in a transparent manner allowing for the person undergoing vetting to know and assess the information that has been used by the Commission to reach its decision.

#### 5. Public proceedings

(1) The vetting process shall be open to the public provided that the Commission may decide to hold *in camera* proceedings in order to protect the right of privacy of any person in the vetting process or if it is in the interest of justice or national security.

(2) An officer subject to vetting may apply for the proceedings to be held *in camera* on any of the grounds listed in sub-regulation (1), and the Commission shall determine whether to grant such application or not.

**6. Conflict of interest**

(1) A member of a panel shall declare any interest the member has with respect to any officer in whose vetting the member is involved.

(2) Where—

- (a) a member of the panel discloses that the member is subject to a conflict of interest in relation to any officer to be vetted; or
- (b) it is disclosed by any person that there exists conflict of interest with respect to any member, the Commission shall determine whether such interest may interfere with its deliberations as to the suitability or competence of the officer in question and where the Commission determines conflict of interest thereof, the panel member shall withdraw from the deliberations of the Commission in respect of that officer.

**7. Determination of suitability and competence**

The Commission shall, while determining the competence and suitability of an officer, consider the officer's record, conduct and performance in the present position and in any other previous position.

**8. Officers may retire voluntarily**

(1) An officer may decide to voluntarily retire from the Service before being vetted and shall inform the Commission of the decision to retire, in writing.

(2) An officer who has voluntarily retired under paragraph (1) shall not be vetted.

(3) Where an officer has voluntarily retired in the manner set out in paragraph (1), the Commission shall make retirement arrangements for such officer.

## PART III – THE VETTING PROCESS

**9. Powers of the Commission and panels**

(1) The Commission and every panel established under regulation 10 shall have all the powers necessary for the execution of its functions under the Act and these Regulations.

(2) Without prejudice to the generality of paragraph (1), the Commission and the panel shall have the power to—

- (a) gather relevant information, including requisition of reports, records, documents or any information from any source, including governmental authorities, and to compel the production of such information as and when necessary;
- (b) interview any individual, group or members of organizations or institutions;
- (c) hold inquiries for the purposes of performing its functions under the Act or these Regulations; and
- (d) conduct investigations to establish the veracity of information received.

(3) In the performance of its functions, the Commission and the panel—

- (a) may inquire on any issue in such manner as it deems fit; and
- (b) may receive on written or oral statements on oath.

(4) The Commission may make any orders for the purpose of preserving, inspecting, staying and preventing the wastage, damage, alienation, sale, removal, or disposition of any property or evidence relating to any proceedings before it.

**10. Vetting panels**

(1) The Commission may, in order to ensure expeditious disposal of matters, constitute such number of panels and comprising such persons as the Commission shall determine.

(2) The Commission may establish panels comprising such number of its members and co-opted persons as it may deem necessary for the purpose of determining applications for review under regulation 33.

[Subsidiary]

### 11. Sequence of vetting

The Commission shall determine the sequence of the vetting process.

### 12. Sittings of the Commission and Panel

The Commission or a panel may sit at such times and place as the Commission or the panel, as the case may be, shall determine.

### 13. Officers to submit documents

An officer shall within such period as the Commission may determine submit documents as required by the Commission including—

- (a) a self-assessment form as prescribed by the Commission;
- (b) the officer's national identity card;
- (c) the officer's certificate of appointment;
- (d) academic certificates;
- (e) a duly completed declaration of income, assets and liabilities;
- (f) bank statements for the previous two years of all bank accounts, personal and business, that the officer, the officer's spouse and dependents under the age of eighteen have maintained;
- (g) a certificate of tax compliance; and
- (h) any other document that the Commission may deem fit and necessary for the furtherance of the vetting process.

### 14. Vetting standards

(1) In vetting an officer, the Commission shall consider, assess and determine the suitability and competence of the officer.

(2) The Commission shall, in determining the suitability and competence of an officer, consider—

- (a) whether the officer meets the constitutional or other criteria required by law for recruitment and appointment of an officer;
- (b) the past record of an officer including conduct, discipline and diligence;
- (c) the integrity and financial probity of the officer; and
- (d) the human rights record of the officer.

### 15. Sources of information

(1) The Commission shall request for, and may use information received from the public and any other source, including—

- (a) individual citizens;
- (b) the Law Society of Kenya;
- (c) the Ethics and Anti-Corruption Commission;
- (e) the office of the Director of Public Prosecutions;
- (f) the Public Complaints Standing Committee;
- (g) the Kenya National Human Rights Commission;
- (h) the Commission on Administrative Justice;
- (i) the Independent Policing Oversight Authority;
- (j) the National Gender and Equality Commission;
- (k) the National Intelligence Service;
- (l) the National Police Service;
- (m) a Commission of Inquiry appointed under the Commissions of Inquiry Act, or a report thereof;

- (n) civil society organisations;
- (o) Parliament; or
- (p) any other source, body or organisation.

(2) The Commission shall specify the period within which every person or body referred to in paragraph (1) shall confirm the existence of any complaint or other relevant information filed with such person or body against an officer.

#### **16. Information from the general public**

(1) Information from members of the public may be—

- (a) oral or written;
- (b) received by the Commission in public, *in camera* or delivered anonymously.

(2) The Commission shall determine the usefulness of the information towards assessing the suitability and competence of an officer.

#### **17. Service of notice**

(1) Any notices issued by the Commission under these Regulations shall be served upon an officer through—

- (a) personal service; or
- (b) any other manner which the Commission considers appropriate.

(2) A copy of the notice and record of its service shall be placed in the file of the officer concerned.

#### **18. Supply of information and response to complaints**

(1) An officer shall fully and truthfully supply all information required regarding the officer's suitability and competence.

(2) Where a complaint or any adverse information is received by the Commission against an officer, a summary of the complaint including any relevant documentation pertaining to that complaint as received by the Commission, and on which the Commission intends to rely in the process shall be served upon the officer.

(3) Where a summary of the complaint is served upon an officer, the officer shall lodge a response to the complaint within the period specified by the Commission in the notice.

(4) The response shall contain a summary of the material facts and any relevant documents and information on which the officer wishes to rely on in response to the complaint.

#### **19. Default**

An officer is in default, if the officer fails to—

- (a) comply with a notice of the Commission or a panel of the Commission;
- (b) file or serve a document as directed by the Commission or as required by these Regulations; or
- (c) do any act required to be done by these Regulations.

#### **20. Failure to participate in vetting**

Where an officer willfully refuses to attend the vetting process by—

- (a) failing to appear before the Commission; or
- (b) failing to obey an order of the Commission in respect to the vetting process,

and as the result the vetting process becomes compromised or impaired, the Commission shall treat such officer as having failed the vetting process and shall remove the officer from the Service.

[Subsidiary]

## **21. Provision of information by complainant.**

A person who has lodged a complaint against an officer may be required to furnish additional information to the Commission.

## **22. Inherent powers of the Commission**

Nothing in these Regulations shall limit or otherwise affect the inherent powers of the Commission either to make such orders as may be necessary for the fair and expeditious disposal of a case or to do justice to the parties or to prevent an abuse of its process.

## **23. Extension of time**

A time fixed by these Regulations or by any decision of the Commission may be extended with the leave of the Commission.

## **24. Powers of Commission in relation to service of documents**

Nothing in these Regulations shall affect the power of the Commission, if the interest of justice requires, to—

- (a) authorize service of a document in a manner not expressly provided for in these Regulations; or
- (b) find that a document served in a manner not expressly provided in these Regulations has been duly served.

## **25. Decisions of the Commission**

(1) At the conclusion of the vetting the Commission shall make a decision as to whether or not the officer vetted was found suitable and competent for continued service.

(2) Decisions of the Commission shall be made by consensus or a majority vote.

(3) In the event of equality of votes, the Chairperson shall have a second casting vote.

(4) Decisions shall be recorded in writing, signed by all Commissioners who decided the matter and sealed with the common seal of the Commission.

(5) Where a Commissioner is unable to sign the decision, the reason for inability shall be recorded, and the decision signed by the other Commissioners.

(6) Decisions of the Commission shall first be communicated to the concerned officer before being made public.

(7) An officer who has been determined to be unsuitable or incompetent shall be provided with the written decision including the reasons for the decision.

## **26. Absence of an officer**

Where an officer is for any justifiable cause unable to continue participating in the vetting process, the Commission shall make note of that fact and allow the officer to participate in the process as soon as the officer is able to do so.

## **27. Confirmation of appointment after vetting**

The Commission shall in accordance with Article 246(3)(a) of the Constitution issue a certificate of confirmation of appointment to an officer who is found suitable and competent to work in the Service.

## **28. Commission may utilize services of public officers, etc**

(1) The Commission may, for purposes of conducting an investigation on any matter alleged or otherwise brought to its attention, utilize the services of any officer, investigation agency of the Government or any expert as it considers necessary.

(2) For the purpose of investigating into any matter, an officer, agency or other person whose services are utilized under paragraph (1) may, subject to the direction and control of the Commission—

- (a) require the attendance of the person and interview that person;

- (b) require the discovery and production of any document; and
- (c) requisition any public record or copy thereof from any office.

(3) The provisions with respect to exemption from liability shall apply in relation to any statement made by a person before any officer or agency whose services are utilized under paragraph (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.

(4) The officer or agency whose services are utilized under paragraph (1) shall submit a report to the Commission within such period as may be specified by the Commission.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under paragraph (4) and for this purpose the Commission may make such inquiry, including the examination of the person or persons who conducted or assisted in the investigation, as it considers fit.

### **29. Statement made by persons to a panel, etc**

(1) A statement made by a person in the course of giving evidence before the Commission in the vetting process shall not subject that person to, or be used against that person in, any civil or criminal proceeding, except in a prosecution for giving false evidence by such statement.

(2) The statement under paragraph (1) shall be—

- (a) made in reply to the question which the person is required by the Commission to answer; or
- (b) relevant to the subject matter of the inquiry.

### **30. Persons likely to be prejudicially affected to be heard**

If at any stage of the vetting process, the Commission—

- (a) considers the conduct of any person is relevant and that it is necessary to inquire into the conduct of that person; or
- (b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the proceedings of the panel, the panel shall give that person reasonable opportunity to be heard before the Commission.

### **31. Protection from personal liability**

(1) An employee or any person acting or discharging duties or functions of a panel shall not be personally liable to any civil action or other proceedings for damages on account, or in respect, of any act committed or omitted to be done in good faith.

(2) This regulation shall not relieve the Commission from any liability to any person for any wrongful act or omission of the Commission or a panel.

### **32. Removal from the Service**

(1) An officer who is found unsuitable or incompetent shall be removed from the Service.

(2) An officer removed from the Service under paragraph (1) shall be entitled to benefits as if the officer had retired from the Service and in accordance with the relevant labour laws.

### **33. Review of decision**

(1) An officer who has been found unsuitable or incompetent may, within seven days after being informed of the decision, request for a review of the decision by the Commission.

(2) The Commission shall not grant a request for review unless the request is based—

- (a) on the discovery of a new and important matter which was not within the knowledge of, or could not be produced by the officer at the time the determination or finding sought to be reviewed was made, provided that the lack of knowledge on the part of the officer was not due to lack of due diligence;

[Subsidiary]

- (b) on some mistake or error apparent on the face of the record; or
- (c) on any reason the Commission considers just and proper.

(3) A request for review shall act as a stay of the decision of the Commission, but the officer in question shall proceed on leave for the duration of the review.

(4) The Commission may, upon review, confirm or reverse its earlier decision.

#### **34. Record of proceedings**

The Commission shall cause to be made and kept an accurate record of its proceedings.

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**NATIONAL POLICE SERVICE (CERTIFICATE  
OF APPOINTMENT) REGULATIONS, 2014**

[L.N. 14/2014.]

**1. Citation**

These Regulations shall be cited as the National Police Service (Certificate of Appointment) Regulations, 2014.

**2. Certificate of Appointment**

A certificate of appointment shall be in the form set out in the Schedule to these Regulations.

SCHEDULE  
CERTIFICATE OF APPOINTMENT

The image displays two versions of the National Police Service Certificate of Appointment form. The top version is a smaller, simplified form with fields for Service No., Name, ID/No., Blood Group, Rank, Sex, and S/No., and a signature line for the Gazetted Officer. The bottom version is a larger, more detailed form with the same fields and a signature line for the Gazetted Officer. Both forms include the text: 'NATIONAL POLICE SERVICE CERTIFICATE OF APPOINTMENT Issued in accordance with the provisions of Section 74 of the National Police Service Act. HAVING DULY MADE AND SIGNED THE OATH OR AFFIRMATION PRESCRIBED IN THE 4TH SCHEDULE OF THE NATIONAL POLICE SERVICE ACT, IS HEREBY VESTED WITH THE POWERS, IMMUNITIES AND PRIVILEGES APPERTAINING TO HIS / HER RANK AND APPOINTMENT IN THE NATIONAL POLICE SERVICE'.



**DECLARATION OF BONI FOREST AND THE SURROUNDING  
ENVIRONS AS DISTURBED AND DANGEROUS AREAS**

[L.N. 14/2017.]

IN EXERCISE of the powers conferred by section 106 (l) of the National Police Service Act, 2011, the Cabinet Secretary for the Interior and Coordination of National Government, in consultation with the National Security Council, declares Boni Forest and the surrounding environs as set out in the Schedule to be disturbed and dangerous areas.

1. The Notice does not apply to the Islands of Lamu, Manda and Pate.
2. Unless earlier revoked, this notice shall remain in force for period of Ninety (90) days subject to extension by the Cabinet Secretary.

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**SCHEDULE**

Holugho Border Point (M/R 300729);  
Galmagala (M/R GJ0007696);  
Sangailu (M/R FJ930555);  
Masalani (M/R FJ302126);  
Dodehei (M/R GJ869885);  
Milimani (M/R GJ805704 —Map Sheet No. SA37);  
Baurre (M/R GJ809718);  
Basuba (M/R GJ804728);  
Mangai (M/R GJ807742);  
Maralani (M/R GJ812756);  
Ijara (M/R F1690270);  
Hola (M/R FJ170380);  
Garsen M/R FH250520);  
Kipini (M/R FH700250);  
Kiunga (M/R GJ807777; and  
Ishakani/Dar es Salaam Border Point (M/R GJ813782).

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**DECLARATION OF CERTAIN  
ADMINISTRATIVE LOCATIONS OF BARINGO  
COUNTY AS DISTURBED AND DANGEROUS AREAS**

[L.N. 20/2017.]

IN EXERCISE of the powers conferred by section 106 (1) of the National Police Service Act, 2011, the Cabinet Secretary for the Interior and Co-ordination of National Government, in consultation with the National Security Council, declares that certain administrative locations of Baringo County as disturbed and dangerous.

The locations are:

1. Arabal
2. Kiserian
3. Mochongoi
4. Rugus
5. Mukutani
6. Chebinyiny
7. Komolion
8. Chepkaacha
9. Makutano
10. Paka
11. Orus
12. Loiywat
13. Silale
14. Nando
15. Tangulbei
16. Chepkererat
17. Kipnai
18. Ng'oron
19. Amaya

This notice shall take effect from the date of publication and shall remain in force for a period of thirty (30) days subject to revocation and/or extension.



**DECLARATION OF LAMU AND GARISSA AND  
TANA RIVER COUNTIES AND THE SURROUNDING  
ENVIRONS AS DISTURBED AND DANGEROUS AREAS**

[L.N. 106/2017.]

IN EXERCISE of the powers conferred by section 106 (1) of the National Police Service Act, 2011, the Cabinet Secretary for the Interior and Co-ordination of National Government, in consultation with the National Security Council, declares parts of Lamu, Garissa and Tana River Counties and the surrounding environs as disturbed and dangerous areas.

The areas covered are:

1. Holugho Border Point (M/R 300729)
2. Galmagala (M/R GJ0007696)
3. Sangailu (M/R FJ930555)
4. Masalani (M/R FJ302126)
5. Bodehei (M/R GJ869885)
6. Milimani (M/R GJ805704 Map Sheet No. SA37)
7. Baure (M/R GJ809718)
8. Basuba (GJ 804728)
9. Mangai (GJ 807742)
10. Maralani (GJ812756)
11. Ijara (M/R FJ690270)
12. Hola (M/R FJ170380)
13. Garsen (M/R FH 250520)
14. Kipini (M/R FH700250)
15. Kiunga (GJ807777)
16. Ishakani/Dar-es-Salaam Border Point (GJ813782)

This notice excludes the Islands of Lamu, Manda and Pate.

This notice shall take effect from the date of publication and shall remain in force for a period of ninety (90) days subject to revocation and/or extension.