

CHAPTER 84 - Police

An Act of Parliament to provide for the functions, organization and discipline of the Kenya Police Force and the Kenya Police Reserve, and for matters incidental thereto

Arrangement of Sections

1 Short title.

This Act may be cited as the Police Act.

2 Interpretation.

In this Act, unless the context otherwise requires—

"arms" include firearms;

"Commissioner" means the Commissioner of Police appointed under the Constitution;

"Force" means the Kenya Police Force, referred to in section 3, including the Reserve;

"gazetted officer" means a police officer holding one of the ranks specified in Part I of the First Schedule;

"inspector" means a police officer holding one of the ranks specified in Part II of the First Schedule;

"police officer" means an officer of the Force;

"police station" means a post or place appointed by the Commissioner, by notice in the Gazette, to be a police station;

"Reserve" means the Kenya Police Reserve referred to in section 53;

"reserve police officer" means an officer of the Reserve;

"subordinate officer" means a police officer holding one of the ranks specified in Part III of the First Schedule.

3 Composition of the Force

(1) The Kenya Police Force shall consist of such maximum number of officers as shall be determined from time to time by the President.

(2) The Force shall consist of the ranks set forth in the First Schedule, and police officers shall have seniority according to their position in the Schedule.

(3) The Minister may from time to time, by notice in the Gazette, amend the Schedule.

4 Commissioner may delegate his powers

1) The Commissioner may delegate any of the powers conferred upon or vested in him by this Act or, unless a contrary intention appears, by any other written law, to any gazetted officer of or above the rank of senior superintendent.

(2) Without prejudice to any power vested in the Commissioner (whether or not delegated under subsection (1)), the control of the Force in any province, district, area, place or unit shall be vested in such police officer as may be appointed by, or under the directions of, the Commissioner for that purpose.

5 Force standing orders.

1) The Commissioner may issue administrative orders, to be called Force standing orders, not inconsistent with the Constitution or the provisions of this Act or of any regulations made thereunder, for the general control, direction and information of the Force.

(2) Force standing orders shall not require to be published in the Gazette.

7 Declaration on joining the Force.

Every police officer shall on being enlisted make and sign before some officer authorized by law to administer oaths or before the Commissioner, in English or in some 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 Second Schedule.

8 Certificate of appointment.

A certificate of appointment in such form as may be prescribed, signed by such gazetted officer as may be authorized by the Commissioner in that behalf, shall be issued to every police officer on appointment, and shall be evidence of his appointment under this Act.

9 Police officers prohibited from taking other employment.

No police officer other than a Reserve police officer shall engage himself in any trade, business or employment, or take part in any commercial or agricultural undertaking, outside the scope of his duties as an officer of the Force, except with the authority of the Commissioner.

10 Prolongation of service in case of war, etc.

Any police officer whose period of service expires during a state of war or state of emergency or during any time when any regulations are in force under section 3 or section 4 of the Preservation of Public Security Act may be retained in the Force and his service prolonged for such further period as the Commissioner may direct, but not for more than six months after the ending of such state or time.

11 Restrictions on resignation of inspectors and subordinate officers.

(1) No inspector shall resign from the Force before the expiry of three months (or such lesser period as the Commissioner may in any particular case accept) after he has given written notice to the Commissioner of his intention to resign.

(2) No subordinate officer shall resign from the Force before the expiry of one month (or such lesser period as the Commissioner may in any particular case accept) after he has given written notice to the Commissioner of his intention to resign.

13 Surrender of public property on resignation, etc.

(1) Every police officer leaving the Force shall forthwith, on ceasing duty as such, deliver to the police officer in charge of the Force at such person's last station of employment in the Force, or to such other person as the Commissioner may appoint for the purpose, all uniforms, arms, accoutrements and equipment supplied to him as public property.

(2) Any person who fails to comply with subsection (1), or who returns such property in a damaged condition, the damage not being attributable to the proper discharge of his duties in the Force, shall be guilty of an offence and liable, whether or not any penalty is otherwise imposed, for the cost of replacing such property, or, as the case may require, for the cost of its repair, and such cost shall be recoverable by the Government by deduction from any moneys due to such person, and shall be a debt due from such person to the Government.

14 Functions of the Force.

(1) The Force shall be employed in Kenya for the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders, and the enforcement of all laws and regulations with which it is charged.

14A Control and conduct of Force in executing functions.

(1) The force shall perform its functions under the overall direction, supervision and control of the Commissioner of Police, and shall be impartial and objective in all matters and in particulars in all political matters and shall not accord different treatment to different persons on the basis of their political opinions.

(2) No police officer shall subject any person to torture or to any other cruel, inhuman or degrading treatment.

(3) Any police officer who contravenes the provisions of this section shall be guilty of a felony.

15 Obedience to orders and warrants, prevention and detection of crime, etc.

(1) Every police officer shall promptly obey all lawful orders in respect of the execution of his office which he may from time to time receive from his superiors in the Force.

(2) Every police officer shall promptly obey and execute all orders and warrants lawfully issued to him, collect and communicate intelligence affecting law and order and take all steps necessary to prevent the commission of offences and public nuisance, to detect offenders and bring them to justice and to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient ground exists.

16 Maintenance of order on roads, etc.

(1) It shall be the duty of the Force to regulate and control traffic and to keep order on and prevent obstructions in public places, and to prevent unnecessary obstruction on the occasions of assemblies, meetings and processions on public roads and streets, or in the neighbourhood of places of worship during the time of worship therein.

(2) Any person who disobeys any lawful order given by any police officer acting under subsection (1) shall be guilty of an offence, and may be arrested without a warrant unless he gives his name and address and satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

17 Unclaimed property.

(1) It shall be the duty of a police officer to take charge of unclaimed property handed to him by any other person or found by such police officer to be unclaimed, and to furnish an inventory or description thereof to a magistrate having jurisdiction in the area in which the property is found by, or handed to, him, and such magistrate shall give orders for the detention of the property, and shall cause a notice to be posted in a conspicuous place in his court and at such police stations as he considers necessary, describing such property and requiring any person who may have a claim thereto to appear and establish such claim within six months from the date of the notice:

Provided that—

(i) if the property is liable to rapid decay, or if the magistrate is of the opinion that its immediate sale would be to the benefit of the owner thereof, he may direct it to be sold, or, if he deems it advisable so to do, may cause the property to be destroyed; and

(ii) if the property is a firearm or ammunition the magistrate may order that it shall be disposed of in such manner as the Commissioner may direct.

(2) If no owner establishes his claim to the property within six months from the date of such notice, it may be sold in such manner as the magistrate shall direct.

(3) Where such property has been sold in accordance with this section the proceeds of sale shall be paid to the person who establishes his claim thereto, or, if no lawful claim to it has been established, shall be dealt with in the following manner—

(a) such proportion as the magistrate may direct shall be paid to the finder of the property;

(b) the balance (if any) shall be paid into the Consolidated Fund.

18 Police station records.

(1) Every police officer in charge of a police station shall keep a record in such form as the Commissioner may direct, and shall record therein all complaints and charges referred, the names of all persons arrested and the offences with which they are charged.

(2) A copy of any entry in a record kept under subsection (1), certified under the hand of the police officer in charge of the police station to be a true copy, shall be admissible in evidence of its contents in all legal proceedings, and where a copy of an entry purports to be so certified it shall be presumed, until the contrary is proved, that the copy is so certified.

19 Power to lay complaints, apply for warrants ,etc.

A police officer may lay any lawful complaint before a magistrate and may apply for a summons, warrant, search warrant or such other legal process as may lawfully be issued against any person.

22 Power to compel attendance at police station or office.

(1) A police officer may by writing under his hand require any person who he has reason to believe has information which will assist him in investigating an alleged offence to attend before him at a police station or police office in the district in which such person resides or for the time being is.

(2) Any person who without reasonable excuse fails to comply with a requisition under subsection (1), or who having complied refuses or fails to give his correct name and address and to answer truly all questions that may be lawfully put to him, shall be guilty of an offence:

Provided that no person shall be required to answer any question the answer to which may tend to expose him to a criminal charge, or to a penalty or forfeiture.

(3) Any police officer may record any statement made to him by any such person, whether such person is suspected of having committed an offence or not, but, before recording any statement from a person whom such police officer has decided to charge or who has been charged with committing an offence, the police officer shall warn such person that any statement which may be recorded may be used in evidence:

Provided that any such statement shall, whenever possible, be recorded in writing and signed by the person making it after it has been read to him in a language which he understands and he has been invited to make any correction he may wish.

23 Power to require bond for attendance at court.

1) A police officer investigating an alleged offence (not being an offence against discipline) may require any person to execute a bond in such sum and in such form as may be required, conditioned on his due attendance at court if and when required so to attend.

(2) Any person who refuses or fails to comply with a requirement lawfully made under subsection (1) shall be guilty of an offence

24 Police bail bonds, etc., to issue free of charge.

Notwithstanding anything to the contrary contained in any law in force, no fee shall be chargeable on any bail bond in a criminal case, recognizance to prosecute or give evidence, or recognizance or personal appearance or otherwise, issued or taken by a police officer.

25 Power to inspect licences and vehicles.

(1) Any police officer in uniform, and any police officer not in uniform, who, on being required to do so, produces his certificate of appointment, may stop and detain any person whom he—

(a) sees doing any act or thing; or

(b) sees in possession of any thing; or

(c) suspects of doing any act or thing or of being in possession of any thing, for which a licence is required under any written law, and may require such person to produce such licence, and may, when in uniform, stop and search any vehicle which he has reasonable grounds for suspecting is being used in the commission of an offence against any written law.

(2) Subject to the provisions of any written law, any person who fails to produce such licence when called upon by a police officer so to do may be arrested without a warrant unless he gives his name and address and satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

(3) Any person who fails to obey any reasonable signal of a police officer under subsection (1) requiring him to stop any vehicle, or who obstructs any police officer in the execution of his duty under that subsection, shall be guilty of an offence, and any police officer may arrest any such person without a warrant, and may cause any such vehicle found by him to have been used for the commission of an offence against any written law to be moved to the nearest police station and there detained until released by the officer in charge of the police station:

Provided that no such arrest shall take place if such person gives his name and address and satisfies such police officer as provided in subsection (2).

26 Road barriers.

(1) Notwithstanding the provisions of any other law Road barriers, in force, any gazetted officer or inspector or any police officer in charge of a police station may, if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of crime or for the apprehension of offenders, erect or cause to be erected barriers in or across any road or street, or in any public place, in such manner as he may think fit.

(2) Any police officer in uniform may take all reasonable steps to prevent any vehicle being driven past any such barrier; and any driver of any vehicle who fails to comply with any reasonable signal of a police officer in uniform requiring him to stop the vehicle before reaching any such barrier shall be guilty of an offence and liable to imprisonment for a term not exceeding three months or to a fine not exceeding three thousand shillings or to both.

(3) No police officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver or any other occupant of any vehicle as a result of the driver of such vehicle failing to obey any police officer acting under subsection (2).

28 Power to use arms.

A police officer may use arms against—

(a) any person in lawful custody and charged with or convicted of a felony, when such person is escaping or attempting to escape;

(b) any person who by force rescues or attempts to rescue another from lawful custody;

(c) any person who by force prevents or attempts to prevent the lawful arrest of himself or of any other person:

Provided that arms shall not be used—

(i) as authorized in paragraph (a), unless the officer has reasonable ground to believe that he cannot otherwise prevent the escape, and unless he gives warning to such person that he is about to use arms against him and the warning is unheeded;

(ii) as authorized in paragraph (b) or paragraph (c), unless the officer has reasonable ground to believe that he or any other person is in danger of grievous bodily harm or that he cannot otherwise prevent the rescue or, as the case may be, effect the arrest.

29 Powers, etc., whilst engaged on duties of prison officer.

A police officer engaged in carrying out the duties of a prison officer shall have all the powers, protections and privileges attaching to a prison officer.

30 Non-liability for act done in obedience to warrant.

(1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by a judge,

or magistrate, the court shall, upon production of the warrant containing the signature of the judge or magistrate, accept such warrant as prima facie evidence of the due making thereof, and upon the proof that the act complained of was done in obedience to such warrant enter judgment in favour of such police officer.

(2) No proof of the signature of such judge or magistrate shall be required unless the court has reason to doubt the genuineness thereof, and, where such signature is proved not to be genuine, judgment shall nevertheless at the time the act complained of was committed be based on reasonable grounds that the signature was genuine.

33 Power to summon witnesses.

(1) Every police officer empowered to inquire into offences against discipline may summon and examine witnesses on oath or affirmation and require the production of relevant documents in any matter he is inquiring into, and may adjourn any such inquiry from time to time as he may deem fit.

(2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place mentioned in the summons, or, having attended, refuses to answer all questions that are lawfully put to him (other than questions which may incriminate him) or fails without reasonable cause to produce any document, shall be guilty of an offence.

34 Powers of arrest for disciplinary offences.

Any gazetted officer or inspector may arrest without warrant, or order the arrest without warrant of, any police officer (not being a police officer of a higher rank) who is accused of any offence against discipline, and any police officer may, on receipt of any such order, apprehend such police officer without a warrant, and shall forthwith bring him before a gazetted police officer or an inspector, who may confine such police officer in any building set apart as a guard room or cell.

38 Recovery of fines by deduction from salary.

Every fine imposed for an offence against discipline shall be recovered by one or more deductions from the gross monthly salary payable to the officer on whom the fine is imposed, the amount of each deduction being in the discretion of the officer imposing the fine:

Provided that no deduction, nor the aggregate of deductions if more than one fine is outstanding at the same time, shall exceed one-half of the gross salary payable in any month.

39 Loss or damage to property to be made good by stoppage of pay.

Any inspector or subordinate officer who sells, pawns, loses by neglect, makes away with or wilfully or negligently damages any arms, 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, may, in addition to or in lieu of any other punishment or penalty, be

ordered to make good either partially or wholly the value of such property or the amount of such loss or damage, as the case may be, and the amount of such value or of such loss or damage may be recovered by stoppage from his pay or from any other amount owing to him by the Government.

40 Prohibition against police officer being member of trade union.

1) It shall not be lawful for any police officer to be or to become a member of—

(a) any trade union, or any body or association affiliated to a trade union; or

(b) any body or association the objects or one of the objects of which is to control or influence conditions of employment in any trade or profession; or

(c) any body or association the object or one of the objects of which is to control or influence the pay, pensions or conditions of service of the Force, other than a staff association established and regulated pursuant to regulations made under this Act.

(2) Any police officer who contravenes this section shall be liable to be dismissed from the Force and to forfeit all rights to any pension or gratuity.

(3) If any question arises as to whether any body is a trade union, or body or association to which this section applies, the question shall be referred to the Minister, whose decision thereon shall be final and conclusive.

41 Desertion.

1) Any inspector or subordinate officer who absents himself from duty without leave or just cause for a period exceeding twenty-one days shall, unless the contrary is proved, be deemed to have deserted from the Force.

(2) Upon reasonable suspicion that any person has deserted from the Force, any police officer may arrest him without warrant, and shall thereupon take him before a magistrate having jurisdiction in the area in which such person deserted or was arrested.

(3) Any inspector or subordinate officer who deserts from the Force shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand shillings or to both.

42 Traitorous or disloyal language.

Any police officer who uses traitorous or disloyal words shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand shillings.

43 Penalty for mutiny and sedition, and for failing to suppress or report same.

(1) Any police officer who begins or joins in any mutiny or sedition among any police officers, or who conspires with any other person to cause any such mutiny or sedition, shall be guilty of an offence and liable to imprisonment for life.

(2) Any police officer who does not use his utmost endeavours to suppress any mutiny or sedition among any police officers, or who, being cognizant of any such mutiny or sedition or intended mutiny or sedition, does not, without delay, give information thereof to his senior police officer, shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

44 Interdiction.

Where any police officer has, in accordance with Force standing orders or any other written law, been interdicted from duty, he shall not by reason of such interdiction cease to be a police officer:

Provided that the powers, privileges and benefits vested in him as a police officer shall, during his interdiction, be in abeyance, but he shall continue to be subject to the same discipline and penalties, and to the same authority, as if he had not been interdicted.

45 Private use of police on application.

(1) The Commissioner may on application by any person, hereafter in this section called the applicant, station a police officer for duty at such place and for such period as the Commissioner may approve, and thereupon and for the period aforesaid the applicant shall pay to the Commissioner from time to time when required to do so the cost, calculated in accordance with the rates from time to time specified by the Commissioner by notice in the Gazette, and the applicant shall provide the police officer with such accommodation and sustenance as may be so specified:

Provided that an applicant may, on giving to the Commissioner one month's notice (or such shorter notice as the Commissioner may agree to accept), require that any such officer be withdrawn from such place, and the applicant shall not be liable for any expense incurred after the expiration of such notice in connexion with the employment of such officer.

(2) Any amount due from an applicant under the provisions of this section shall be a debt due from the applicant to the Government.

46 Employment of additional officers on private property.

Where the Commissioner considers that the employment of additional police officers in any place is necessary for the safety of the private property of some person, or in the interests of some person, or that there is a reasonable apprehension of a breach of the peace in connexion with any such private property, he may station police officers for duty at such place and for such period as he considers necessary, and such person shall reimburse to the Commissioner the expenses incurred thereby:

Provided that the Minister may remit the whole or any part of such payment.

47 Additional officers for disturbed or dangerous areas

(1) The Minister may, by notice in the Gazette, and in such other manner (if any) as he may direct, declare that any area of Kenya is in a disturbed or dangerous state, or that, by reason of the conduct of the inhabitants of such area or any class or section of such inhabitants, it is expedient to increase the number of police officers stationed in such area.

(2) Upon publication of a notice under subsection (1) the Commissioner may—

(a) by notice in the Gazette or in such other manner as he may consider necessary to bring it to the notice of the persons affected thereby prohibit the possession of arms in the area and order the surrender of all or such arms, by all or such of the inhabitants of the area, as may be specified;

(b) station an additional number of police officers in the area, and, subject to subsection (5), the cost of such additional police officers shall be borne by the inhabitants of the area:

Provided that any order made under paragraph (a) requiring the surrender of arms shall specify the times and places at which, and the persons to whom, such surrender shall be made, and shall provide for the safe custody of all arms surrendered, and for their return upon revocation or termination of the notice under subsection (1).

(3) If any police officer, in any area in which all or any arms have been ordered to be surrendered under paragraph (a) of subsection (2), has reasonable cause to believe that the delay which would occur in obtaining a search warrant would, or would tend to, defeat the purposes of this section, he may, without warrant, enter and search any land, premises or place in or upon which he has reason to believe any arms ordered to be surrendered may be found, and may seize any such arms there found:

Provided that a police officer entering any land, premises or place under this subsection shall, if required to do so by the occupier thereof, produce to the occupier his certificate of appointment.

(4) Any person who fails to comply with an order made by the Commissioner under subsection (2), or who obstructs any police officer in the due exercise of his powers under subsection (3), shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand shillings or to both, and may be arrested by a police officer without warrant.

(5) Where any additional police officers have been stationed in any area under subsection (2), the Minister shall, after consultation with the Chief Justice, appoint a magistrate who shall make such inquiry as he may consider necessary, and shall apportion the cost of the additional police officers (or so much thereof as, in his judgment, the means of the inhabitants of the area will reasonably afford) among the inhabitants of the area, according to his judgment as to the respective means of the inhabitants:

Provided that the magistrate may exempt any person, or class of persons, or section of the inhabitants, from liability to bear such portion of the cost as he may determine.

(6) Every notice issued under subsection (1) shall state the period for which it is to remain in force, and may, at any time, be withdrawn or continued in force for such further period as the Minister shall, in each case, by notice in the Gazette, direct.

(7) In this section, "inhabitants" means all persons who, by themselves or their agents, servants or tenants, occupy or have a lawful interest in any land within an area specified in a notice issued under subsection (1).

48 Power to appoint special police officers.

The Commissioner may at any time, if it appears to him to be expedient in the interests of public order and safety so to do, appoint persons to be special police officers for such period and within such area as he may consider necessary, and every such officer shall during the period of his service as a special police officer be deemed to be a police officer.

49 Reciprocating country defined.

In this Part, "reciprocating country" means any country which the President may, being satisfied that the law of that country contains provisions reciprocal to this Part and that Kenya is or will be declared a reciprocating country for the purpose of those provisions, by notice in the Gazette, declare to be a reciprocating country for the purposes of this Part.

50 Service of police officers in neighbouring country.

(1) The President may, on the application of the government of a neighbouring country, order such number of "police officers as he may think fit to proceed to that country for service therein for the purpose of assisting the police force of that country in a temporary emergency.

(2) Where a police officer is punished under the law of a neighbouring country, or under any provisions of this Act applied by the law of a neighbouring country to a police officer whilst present therein, for any offence (whether against discipline or otherwise) committed by him while he was present in that country in pursuance of this Part, he shall be deemed for all purposes to have been punished in Kenya for a like offence committed within Kenya.

51 Service of police officers of neighbouring country in Kenya.

(1) The President may make application to the government of a neighbouring country for police officers of that country to be sent to Kenya for service therein for the purpose of assisting the Force in a temporary emergency.

(2) Whenever any police officers from a neighbouring country are present in Kenya in pursuance of an application made under subsection (1)—

- (a) they shall be under the orders of their own officers present with them (if any), subject however to the overall control of the senior officer present whether he is a member of the Force or of the police force of the neighbouring country;
- (b) they shall have and may exercise the powers, and shall be liable to perform the duties, of police officers of equivalent rank in the Force, and shall for this purpose be deemed to be members of the Force;
- (c) the laws which govern their discipline, punishment and terms and conditions of service in their own country shall, so far as is practicable, be applied in Kenya as if they were part of the law of Kenya:

Provided that—

- (i) those laws shall not be taken to confer on an officer of the Force power to punish an officer of the police force of the neighbouring country for an offence against discipline;
- (ii) where those laws confer on a court or magistrate of the neighbouring country jurisdiction to try and punish an offence against discipline, such jurisdiction may be exercised by a court or magistrate possessing comparable jurisdiction within Kenya;
- (d) any contract of service between such an officer and his government may be enforced in Kenya in the same way and with the same effect as if it were made between the officer and the Government of Kenya.

53 Composition of the Reserve.

- (1) The Kenya Police Reserve shall consist of such persons resident in Kenya (other than serving members of the armed forces) as, having attained the age of eighteen years, volunteer for service in the Reserve and are enrolled as Reserve police officers.
- (2) The Reserve may be employed in Kenya for assisting the Force in the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders, and the enforcement of all laws and regulations with which the Force is charged.

58 Disciplinary powers over Reserve officers.

Every officer of the Reserve who is required to perform police duties or training or who has been called out, under section 57, or who otherwise performs or purports to perform any police duties, shall be subject to the disciplinary provisions which, from time to time, apply to officers of the Force of equivalent rank.

59 Unlawful possession of police property, personation, etc.

- (1) Any person, not being a police officer, who is found in possession of—
 - (a) any article which has been supplied to a police officer for use in the execution of his duty; or

(b) any medal or decoration granted to a police officer for gallantry, service or good conduct,

and who fails to account satisfactorily for his possession thereof, shall be guilty of an offence.

(2) Any person who, without lawful authority—

(a) purchases or receives any article which has been supplied to a police officer for use in the execution of his duty, or any medal or decoration granted to any police officer for gallantry, service or good conduct; or

(b) aids or abets any police officer in selling or disposing of any such article, medal or decoration as is referred to in paragraph (a); or

(c) puts on the dress or assumes the name, designation or description of any police officer; or

(d) acts as or personates any police officer,

shall be guilty of an offence.

60 Disorderly conduct in police building, etc.

(1) Any person who, in any police building, police office lock-up or cell behaves in a riotous, indecent, disorderly, or insulting manner shall be guilty of an offence.

(2) Any police officer may arrest without a warrant any person who, within his view, commits an offence under subsection (1).

61 Penalty for causing disaffection, etc., among police officers.

Any person who—

(a) causes or attempts to cause or does any act calculated to cause disaffection amongst police officers;

(b) induces or attempts to induce or does any act calculated to induce any police officer to commit any breach of discipline; or

(c) induces or attempts to induce or does any act calculated to induce any police officer to withhold his services,

shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty thousand shillings or to both and in addition, if he is a police officer, he shall forfeit all rights to a pension or gratuity and be disqualified thereafter for being a police officer.

62 Liability of police officers to prosecution under other laws.

Nothing in this Act shall exempt any police officer from being proceeded against under the provisions of any other law in force in respect of any act or omission constituting an offence under any of the provisions of this Act:

Provided that no police officer shall be punished twice for the same offence

63 General penalty.

Any person who is guilty of an offence under this Act for which no other penalty is expressly provided shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred shillings or to both.

64 Application of Code of Regulations.

Every police officer shall be subject to Force standing orders and to the provisions of the Code of Regulations for the time being in force, so far as the same are not inconsistent with the provisions of this Act or of any regulations or standing orders made thereunder.

65 Regulations.

The Minister may make regulations, not inconsistent with the provisions of this Act, for prescribing anything which by this Act is required to be prescribed, or relating to any of the following matters—

- (a) the forms of certificates of appointment and other forms to be used under this Act;
- (b) the disposal, according to law, of personal property of deceased subordinate officers;
- (c) the conditions under which police may be provided for private purposes;
- (d) the establishment, operation and administration of police staff associations;
- (e) the definition of disciplinary offences;
- (f) for enabling the Commissioner to remove from any police officer other than a gazetted officer the powers, privileges and benefits vested in him as a police officer, where the Commissioner considers it necessary, in the interests of the Force, so to do;
- (g) the enlistment, promotion, leave, resignation, release dismissal and re-engagement of Reserve police officers;
- (h) the pay and allowances of Reserve police officers;
- (i) the establishment of stores for arms and ammunition deposited by the public and the regulation thereof, including the imposition of fees, the destruction of any ammunition which is or is likely to become dangerous and the destruction, sale or other disposal of any firearm which is abandoned or in respect of which the fees have not been paid for any period exceeding four years.