

22nd May, 2015

LEGAL NOTICE No. 89

THE NATIONAL POLICE SERVICE COMMISSION ACT
(No. 30 of 2011)

IN EXERCISE of the powers conferred by section 28 of the National Police Service Commission Act, the National Police Service Commission makes the following Regulations: —

THE NATIONAL POLICE SERVICE COMMISSION (TRANSFER AND DEPLOYMENT)
REGULATIONS, 2015

PART I —PRELIMINARY

Citation.

1. These Regulations may be cited as the National Police Service Commission (Transfers and Deployments) Regulations, 2015.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

"Act" means the National Police Service Act, 2011;

"assignment" means the allocation of specific duties to an officer;

"Commission" means the National Police Service Commission established under Article 246 of the Constitution;

"deployment" means the temporary movement of an officer from one station to another station, to undertake a specific assignment, for a period not exceeding three months and in which the pay point remains at the original station in which the officer was initially posted prior to the deployment;

"distribution of police officers" means the number of police officers required in a particular station, unit, formation, post or outpost;

"posting" means the placing of an officer in his or her duty station;

"secondment" means the temporary deployment of an officer outside the National Police Service with or without additional responsibilities;

"Service" means the National Police Service established under Article 243 of the Constitution;

"Service Board" means the Service Board established under section 21 of the National Police Service Act, 2011; No. 11 A of 2011

"transfer" means the relocation of an officer from the current duty station to a new duty station and matters relating to the officer including the pay point of the officer is moved to the new duty station.

PART II —TRANSFERS

Transfers generally.

3. (1) Upon being appointed in the Service, an officer may from time to time be transferred from one station to another station as the Commission may determine.

(2) A transfer shall not be used as a disciplinary sanction or reward measure.

(3) Where it is found that a transfer has been used as a disciplinary sanction or as a reward measure, the Commission shall revoke the transfer and direct appropriate disciplinary action to be taken against any officer established to have participated in the transfer.

Authority to transfer.

4. (1) Subject to Article 246 (3) of the Constitution, the mandate to determine transfers shall lie with the Commission.

(2) The Commission shall determine inter-county transfers of any officer.

(3) The Inspector-General shall —

(a) be responsible for determining the distribution of officers in the Service; and

(b) recommend to the Commission, in writing, the authorization of transfers as may be necessary for purposes of attaining the required distribution of officers in the Service.

(4) The Commission shall, in considering a recommendation for transfer of an officer by the Inspector-General, inter alia consider-

(a) the justification for the transfer;

(b) whether the proposed transfer would disrupt police work;

(c) whether funds are available to pay the officer's transfer allowance; or

(d) ethnic diversity and gender representation.

(5) The Inspector-General shall ensure that an officer being transferred has been adequately facilitated.

Conditions for transfers.

5. (1) An officer appointed in the Service shall be deemed to have agreed to work in any place in the Kenya and transfers shall be in accordance with the term's and conditions of employment in the Service.

(2) A transfer shall be based on necessity and shall be carried out in a manner that shall not disrupt the operations of the concerned Service.

(3) Subject to paragraph (4), in order to be considered for transfer, an officer shall be required to have served in a duty station for a continuous period of at least one year and a maximum period of three years.

(4) Despite subsection (3), the Commission may, in exceptional circumstances, determine an officer's transfer without due regard to the period prescribed in paragraph (3).

(5) Where transfers are made, the Commission shall ensure that the requisite support is accorded to the officer for purposes of facilitating the resettlement of the officer and his or her family.

(6) The Commission and the Inspector-General shall ensure that transfers are fair and just and does not allow corruption including soliciting or offering money or other services to acquire or avoid a transfer.

(7) Lobbying or canvassing for or against a transfer shall constitute a disciplinary offence.

Transfer on medical and compassionate grounds.

6. An officer may, make an application in writing and in accordance with the requirements set out in the standing orders requesting for a transfer or raising an objection to an intended transfer' on medical or compassionate grounds, for consideration by the Commission.

Notification of transfer.

7. (1) The Commission shall, in writing through the Inspector- General, notify an officer of a transfer.

(2) An officer's notification of transfer under paragraph (1) shall state the officer's new station, the date of assumption of duties and the details of how the officer shall be facilitated during the transfer.

PART II—DEPLOYMENT

Authority to deploy officers. No of 2011.

8. (1) Subject to section 10(1)(g) of the National Police Service Deploy Act, the mandate to deploy an officer lies with the Inspector-General.

(2) The Inspector-General shall, from time to time or on a need basis, determine the deployment of officers in the Service.

(3) A deployment shall not be used as a disciplinary sanction or as a reward measure.

Period of deployment.

9. (1) A deployment shall not exceed three months and may be extended from time to time due to the operational requirements but shall not be for a period of one year.

(2) Where deployment exceeds a period of one year, the Commission shall consider transferring the officer.

(3) Any further extension of the deployment period by the Inspector-General shall be with the approval of the Commission.

(4) At the end of the deployment period, an officer shall be required to undergo counseling sessions as may be determined by the Service for psychological purposes of transition into regular policing.

PART III —SECONDMENTS AND ATTACHMENTS

Secondment and attachment.

10. (1) An institution may request the Inspector-General to second or attach a member of the Service to the institution for a specified period of time.

(2) The requests under paragraph (1) shall be made in writing to the Inspector-General.

(3) On receipt of the request under paragraph (2), the Inspector-General shall within fourteen days consult the Service Board concerning the request made by the institution.

Terms and conditions of secondments and attachments.

11. (1) Secondment of an officer shall be done after confirmation that the institution to which the officer is seconded shall pay the costs of the service of the officer being seconded.

(2) All secondments or attachments shall be for a period not exceeding three years.

(3) Any further extension of the secondment or attachment period by the Inspector-General shall be with the approval of the Commission.

Review of Regulations.

12. The Commission may review these Regulations from time to time.

Made on the 7th May, 2015.

JOHNSTON KAVULUDI,
Chairperson,
National Police Service Commission.