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**ELGEYO/MARAKWET COUNTY
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**THE ELGEYO/MARAKWET COUNTY VOCATIONAL
TRAINING ACT, 2016**

No. 6 of 2016

Date of Assent: 13th July, 2016

Date of Commencement: See Section 1

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**THE ELGEYO/MARAKWET COUNTY
VOCATIONAL TRAINING ACT, 2016**

AN ACT of the County Assembly of Elgeyo/Marakwet to provide for the establishment of vocational training centres to offer courses in technology, applied science and other technical studies, to provide for their registration and administration and for other connected purposes.

ENACTED by the County Assembly of Elgeyo/Marakwet, as follows—

PART I— PRELIMINARY

1. This Act may be cited as the Elgeyo/Marakwet Vocational Training Act, 2016, and shall come into operation on the date of publication in the Gazette

Citation.

2. In this Act, unless the context otherwise requires—

Interpretation.

“Board” means the Board of Management of a vocational training Centre

“Directorate” means the Directorate of Education and Technical Training established by the County Public Service to manage all matters relating to education and training;

“TVET” means Technical and Vocational Educational and Training;

“TVETA” means Technical and Vocational Educational and Training Authority established under TVET Act of 2013;

“VTC” means Vocational Training Centre;

“Vocational Training Centre” means a vocational training centre established and registered under this Act.

**PART II— ESTABLISHMENT OF THE
VOCATIONAL TRAINING CENTRES**

3. (1) The county government shall promote the establishment of vocational training centres in the county—

Responsibilities of
the county
government.

- (a) for the training of young people to acquire relevant occupational trade skills and enable them to earn a living;
- (b) to promote the exchange of knowledge and skills and enhance business and industry in the county;

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- (c) to enhance research for the advancement of knowledge and its practical application; and
- (d) to organize conferences, seminars and study groups for the promotion of field learning and gaining of skills by local communities.

(2) Any qualified person or body may establish a vocational training centre in the county.

4. A vocational training centre established under this Act shall —

Powers and
functions of a
vocational training
centre

- (a) provide full-time or part-time technical or vocational courses in technology, applied science and agri-business studies;
- (b) award certificates in accordance with the requirement of the course and the authority responsible for higher education;
- (c) provide such facilities for its students as it considers desirable;
- (d) establish and appoint persons in academic and other posts and offices as it considers necessary;
- (e) fix, demand and receive fees and other charges as may be appropriate ;
- (f) provide technical and consultancy services to businesses and industries as it considers desirable;
- (g) solicit and receive donations and contributions from any source or raise funds by all lawful means;
- (h) give donations and contributions to any person or organisation;
- (i) make provision for the general welfare, recreational and social needs of its staff and students; and
- (j) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the above.

**PART III—REGISTRATION OF VOCATIONAL
TRAINING CENTRE**

5. (1) A person shall not operate a vocational training centre unless it is registered under the TVET Act No. 29 of 2013.

Vocational training
centre to be
registered.

(2) Any person who operates a vocational training centre which is not registered under the TVET Act No. 29 of 2013 commits an offence.

6. (1) An application for registration of a vocational training centre under this Act shall be in a form prescribed by the Technical Vocational Education and Training Authority (TVETA) as established under the TVET Act of 2013.

Application for registration of a vocational training centre.

(2) An application for registration of a vocational training centre under this Act shall be submitted to the Department of Education and Technical training who shall forward the application to TVETA.

7. (1) (a) The Department of Education and Technical Training may issue to the applicant for registration of a vocational training centre with a provisional permit, for an interim period not more than nine months, to operate pending fulfillment of the conditions required by TVETA.

Provisional permit to operate prior to registration by TVETA.

(b) Before issuing such provisional permit, the Department must ascertain that the institution meets the minimum standards required to offer quality training programmes as provided for under the TVET Act, 2013.

(2) A provisional permit under subsection (1) shall cease to operate upon—

- (a) the delivery of a certificate of registration by TVETA to the applicant;
- (b) the expiry of nine months interim period;
- (c) the Department of education and Technical Training establishing that the institution fails to comply with the conditions set under subsection (1) (b).

(3) The Executive Committee Member responsible for Education and technical training shall by regulations establish the procedure for application and processing of the provisional permit.

(4) A permit issued under this section shall be in the form prescribed by the Executive Committee Member responsible for Education and Technical Training.

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(5) The holder of a permit under this section shall allow quality assurance assessors to enter the premises of the Vocational Training Centre at all reasonable hours, for the purpose of carrying out any inspection to ascertain whether the vocational training centre is in compliance with the conditions of the permit.

8. (1) The Department of education and Technical training shall keep a register of all Vocational Training Centres operating in the county and shall include in the register names of the vocational training centre and such other particulars as the Executive committee member responsible for education and technical training may prescribe.

Register of
vocational training
centre to be Kept.

(2) The Department shall forward all the particulars recorded in the register to the County Education Board.

**PART IV—ADMINISTRATION OF VOCATIONAL
TRAINING CENTRE**

*Establishment of Board of Management for Vocational
training centres established by the County Government*

9. (1) A vocational training centre established by the County Government shall have a governing body known as the Vocational training centre Board of management.

Vocational training
centre Board.

(2) The vocational training centre Board of management is responsible for—

- (a) the education policy and mission of the vocational training centre;
- (b) overseeing the activities of the vocational training centre;
- (c) safeguarding the assets of the vocational training centre and the effective and efficient use of its resources;
- (d) considering and approving annual estimates of income and expenditure of the vocational training centre;
- (e) the appointment and disciplining of the Principal, the vocational training centre Secretary and other senior officers as the Board may determine;
- (f) the determination of the conditions of service of

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the Principal and other senior officers of the vocational training centre with prior approval of the County Executive Committee Member responsible for Education;

- (g) considering and approving of recommendations of the academic board;
- (h) the establishment of committees which may be necessary for the efficient performance of its business; and
- (i) such other functions that are incidental to the achievement of the aims and objectives of the vocational training centre .

10. (1) The Board of Management of a public Vocational Training centre shall consist of nine members nominated by a nomination panel and appointed by the CECM responsible for Education and Technical Training. The composition of the Board of Management shall be as follows—

Composition of
Board.

- (a) two persons from either gender to be nominated by the sponsor of the Vocational Training Centre or Sub-county Education board or County Education Board;
- (b) two persons from either gender representing the community in which the VTC is situated;
- (c) two youth (one male and one female);
- (d) one person representing people with special needs;
- (e) one representative of the students;
- (f) two members co-opted to the Board during the first BOGs meeting. These members will be drawn from the Parents Instructors Association (PIA).

(2) The composition of the board as provided under clause (1) Shall be nominated and appointed on the basis of their knowledge and experience in:

- (a) Industry/commerce.
- (b) Financial management.

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- (c) Engineering.
- (d) Technology application.
- (e) Leadership and management.
- (f) Information, communication technology.

(3) The Principal of the vocational training Centre shall be the secretary of the Board of Management.

(4) The Board shall appoint a qualified person be the secretary to the Board.

Nomination panel

11. There shall be a nomination panel comprising of:

- (a) Parents Association Chairperson, who shall be the chairperson.
- (b) Principal of the Vocational Training centre.
- (c) Sponsor of the VTC. In circumstances where the VTC has no sponsor, then a representative of the Sub County Education Board (SCEB) or County Education Board.
- (d) Area Ward Administrator.
- (e) Area Member Of County Assembly.

12. (1) A member of the Board shall cease to hold office if the member —

Vacation of office of
member of Board.

- (a) is unable to perform the functions of the office by reason of mental or physical infirmity;
- (b) is declared bankrupt or becomes insolvent;
- (c) is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;
- (d) resigns in writing to the Executive Committee Member responsible for education;
- (e) without reasonable cause, is absent from three consecutive meetings of the Board;
- (f) is found guilty of professional misconduct by the relevant professional body;
- (g) is disqualified from holding a public office under the Constitution;

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(h) engages in any gross misbehaviour or misconduct; or

(i) dies.

(2) The County Executive Committee Member responsible for education may remove a member from the office if in the opinion of the Executive Committee Member the member is unfit to continue in office on any of the grounds under subsection (1).

13. If the office of a member of the Board falls vacant, the County Executive Committee Member may appoint another person to fill the vacancy and the person appointed shall be in office for the remainder of the term of the vacating member.

Filling of vacancy.

14. (1) The Board shall meet for the despatch of business at a time and place that the Chairperson may determine but shall meet at least three times each academic year.

Meetings of a Board.

(2) The Chairperson shall preside at each meeting of the Board, in the absence of the Chairperson the Vice-Chairperson shall preside and in the absence both the Chairperson and the Vice-Chairperson, a member of the Board elected by the other members present may preside.

(3) A meeting shall be convened if six members of the Board sign a requisition to that effect.

(4) The quorum at a meeting of the Board shall be half of the members of the Board.

(5) A decision of the Board shall be decided by consensus failing which a simple majority of votes cast shall decide the matter.

(6) The person chairing a meeting of the Board shall have an original and a casting vote.

(7) The Board may co-opt any person to attend a meeting of the Board but that person shall not vote on a matter for a decision by the Board.

Board of Directors for a vocational training centre privately established

15. (1) There shall be a Board of Directors for a vocational training centre privately established and

Board of Directors
of a vocational
training centre.

sponsored as may be determined by the promoters of the vocational training centre.

- (2) The Board of Directors shall be responsible for—
- (a) the education policy and mission of the vocational training centre ;
 - (b) overseeing the activities of the vocational training centre;
 - (c) considering and approving annual estimates of income and expenditure of the vocational training centre;
 - (d) safeguarding the assets of the vocational training centre and the effective and efficient use of its resources;
 - (e) the appointment and disciplining of the Principal and other senior officers;
 - (f) considering and approving the recommendations of the academic board; and
 - (g) overseeing the general management and administration of the polytechnic.

(3) The Board may, in the exercise of its functions, ensure payment of all expenses incurred in promoting and registering the company and may exercise all such acts required to be exercised by the company subject to the provisions of this Act or any regulations made under it.

Staff of a vocational training centre

16. (1) A vocational training centre shall, through an open, transparent and competitive recruitment, appoint a suitably qualified person to be the Principal of a vocational training centre

Principal and Deputy
Principal of a
vocational training
centre.

(2) A person shall be qualified for appointment as the Principal if the person—

- (a) holds at least, Higher Diploma in Technical Education from a recognized training institution in Kenya or accredited foreign training institution.
- (b) has at least three years proven experience at management level;

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- (c) has experience in any technical field; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) The Principal shall serve on such terms and conditions as the Board or Board may determine.

(4) The Principal shall, in the performance of the functions and duties of office, be responsible to the Board or the Board as the case may be.

(5) The Principal shall be the chief executive and accounting officer of the vocational training centre and as such, shall be responsible for—

- (a) the academic performance of the vocational training centre
- (b) carrying into effect the decisions of the Board or Board;
- (c) day-to-day administration and management of the affairs of the vocational training centre ;
- (d) supervision of the academic and other staff of the vocational training centre ; and
- (e) perform such other duties as may be assigned by the Board or Board.

(6) A Vocational training centre Board shall appoint a Deputy Principal of the vocational training centre who shall deputize the Principal and perform such work as the Principal may assign.

(7) The provisions of subsection (2) (a), (c) and (d) shall apply to the appointment of a Deputy Principal.

17. (1) The vocational training centre shall have such academic, technical and administrative officers and support staff, as may be determined by the Board or Board.

Other officers and staff

(2) In addition to the staff under subsection (1), the county government and the County Education Board may, upon request by the Board or Board, second to a vocational training centre such officers as may be necessary for the better performance of vocational training centre.

Academic board of a vocational training centre

18. A vocational training centre shall have an academic board consisting of the Principal, Deputy Principal, heads of the Academic Departments and any other persons specified by the Board or Board of Directors as the case may be.

Academic board.

Responsibility of the
academic board.

19. The academic board is responsible for—

- (a) determining the criteria for the admission of students;
- (b) issues relating to scholarships at the vocational training centre if any;
- (c) the content of curricula, the academic standards, validation and review of courses;
- (d) the procedure to assess and examine students;
- (e) the appointment and removal of internal and external examiners;
- (f) the procedure for the award of qualifications and honorary academic titles;
- (g) the procedure for expelling students on academic grounds;
- (h) the development of the academic activities of the vocational training centre;
- (i) consideration of the resources required to support the academic activities of the vocational training centre;
- (j) the establishment of links with different industries and businesses to ensure the entrepreneurial development of students; and
- (k) advising the Board or Board and the Principal on academic policy and other matters of importance to the vocational training centre

20. (1) The academic board may establish committees to perform such of its functions as it may determine but each committee shall be approved by the Board or Board as the case may be.

Committees of
academic board.

(2) The number of members of a committee and the terms upon which committee members are to hold office shall be determined by the academic board with the approval of the Board or Board.

**PART V—FINANCIAL PROVISIONS FOR
VOCATIONAL TRAINING ESTABLISHED BY THE
COUNTY GOVERNMENT**

21. (1) The funds for vocational training established by the County Government shall consist of—

Funds for vocational
training.

- (a) monies allocated by the County Government for purposes of the vocational training centres;

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- (b) any grants, gifts, donations or other endowments given to the vocational training centre; and
- (c) such funds as may vest in or accrue to the vocational training centre in the performance of its functions under this Act or any other written law.

(2) Any funds donated, granted or lent to the vocational training centre shall be made public before use.

22. (1) At least three months before the commencement of each financial year, a vocational training centre shall cause to be prepared estimates of the revenue and expenditure of the vocational training centre for that year and submit the same to County Executive Member responsible for Education.

Annual Estimates.

(2) The annual estimates shall make provision for all the estimated expenditure of the vocational training centre for the financial year concerned and, in particular, shall provide for —

- (a) payment of remuneration in respect of the members and staff of the vocational training centre;
- (b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the vocational training centre ;
- (c) maintenance of the buildings and equipment of vocational training centre;
- (d) funding of training, research and development activities of the vocational training centre;
- (e) creation of funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations and equipment in respect of other matters that the vocational training centre may deem fit; and
- (f) any other expenditure necessary or required for the purposes of this Act.

(3) The annual estimates shall be approved by the vocational training centre before the commencement of the financial year to which they relate and forwarded to the Executive Committee Member responsible for education.

23. (1) The vocational training centre Board shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the vocational training centre.

(2) Within a period of three months after the end of each financial year, the vocational training centre Board shall submit to the county schools Auditor, the accounts of the vocational training centre in respect of that year together with a—

- (a) statement of the income and expenditure of the vocational training centre during that year; and
- (b) statement of the assets and liabilities of the vocational training centre on the last day of that financial year.

24. (1) The Board shall, at the end of each financial year cause an annual report to be prepared.

Annual Report.

(2) The Board shall submit the annual report to the Governor three months after the end of the year to which it relates.

(3) The annual report shall contain in respect of the year to which it relates—

- (a) the financial statements of the vocational training centre ;
- (b) a description of the activities of the vocational training centre;
- (c) other statistical information relating to the its functions that the vocational training centre may consider appropriate;
- (d) the impact of the exercise of any of its mandate or function;
- (e) any impediments to the achievements of the objects and functions of the vocational training centre; and
- (f) any other information relating to its functions that the Board considers necessary.

(4) The annual report shall be published and publicized in a manner that the Board may determine.

PART VI – MISCELLANEOUS PROVISIONS

25. (1) For the purposes of assuring standards, quality and relevance in training, The Department of Education and Technical Training shall:

Quality assurance in
vocational training
centres

- (a) in conjunction with VTC boards and County Education board administer policies and guidelines developed under TVET Act No. 29 of 2013 and any other connected written law to govern the establishment and accreditation of training institutions;
- (b) ensure the maintenance of standards, quality and relevance in all aspects of training within the National training standard.

26. (1) Every institution shall put in place internal systems to ensure the maintenance of standards, quality and relevance of training programmes.

Monitoring and
Evaluation of
Vocational Training
Centres

(2) The Department of education and technical training shall conduct periodic evaluation of each institution for purposes of assessing and evaluating on a regular basis the quality of training offered and its compliance with TVET Authority requirements.

(3) after completion of evaluation and monitoring as provided for under this section , the department shall prepare a report in the prescribed form and submit the same to the county government executive committee and The TVET Authority.

(4) The Executive Committee member responsible for education and technical Training may by notice in writing, requires an institution in default of any set standards to comply therewith within a prescribed time and in a prescribed manner.

27. (1) If any vocational training centre served with the notice under section 32 (4) fails to comply, the Executive Committee Member shall in consultation with County Executive committee and the County Education board recommend to TVET Authority to consider initiating a process of closing the institution.

Closure of
vocational training
centre

28. Any person who contravenes the provisions of this Act commits an offence and is liable, on conviction, to a fine not exceeding one million shilling or to a term of

Offences and
penalty.

imprisonment not exceeding two years or to both.

29. (1) All vocational training centres established prior to coming into force of this Bill, shall upon the commencement of this Act, seek registration and accreditation with TVET Authority in accordance with the provisions of the Act.

Existing institutions

(2) All acts, directions, orders, appointments, requirements, authorizations and all funds, assets acquired underwritten national laws and regulations before coming into force of this bill shall, so far as they are not inconsistent with this bill, be deemed to have been issued, taken, done or acquired under this Act.

30. The Executive Committee Member responsible for education shall, in consultation with the County Education Board, TVET Authority and with the approval of the County Assembly, make regulations for the better carrying out of the purposes and provisions of this Act.

Regulations

31. A county executive committee member responsible for education shall in consultation with the Board of Management, may make regulations that are consistent with the provisions of this Act, generally for the better functioning of the vocational training centre.

Rules

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