

SPECIAL ISSUE

NATIONAL COUNCIL FOR
LAW REPORTS
LIBRARY

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

Embu County Gazette Supplement No. 32 (Acts No. 14)



REPUBLIC OF KENYA

EMBU COUNTY GAZETTE SUPPLEMENT

ACTS, 2015

NAIROBI, 22nd December, 2015

CONTENT

Act—

PAGE

The Embu County Vocational Training Centres Act, 2015 149

THE EMBU COUNTY VOCATIONAL TRAINING CENTRES ACT, 2015

No. 14 of 2015

Date of Assent: 18th December, 2015

Date of Commencement: 22nd December, 2015

ARRANGEMENT OF SECTIONS

Section

PART I— PRELIMINARY

- 1—Short title and Commencement.
- 2—Interpretation.
- 3—Object of the Act.

PART II — ESTABLISHMENT OF VOCATIONAL TRAINING CENTRES

- 4— Establishment of a Vocational Training Centre.
- 5— Responsibilities of the Executive Committee Member.
- 6—Guidelines on courses of study etc.
- 7—Powers and Functions of a Vocational Training Centre.

PART III — REGISTRATION OF VOCATIONAL TRAINING CENTRES

- 8— Vocational Training Centres to be registered.
- 9—Application for registration of a Vocational Training Centre.
- 10—Applicant to pay prescribed fee.
- 11—Publication of the application.
- 12—Registration of a Vocational Training Centre.
- 13—Permit to operate prior to registration.
- 14—Registration Certificate.
- 15—Registration certificate to be displayed.
- 16—Register of Vocational Training Centres to be kept.

PART IV — ADMINISTRATION OF VOCATIONAL TRAINING CENTRES

- 17— Vocational Training Centre Board of Management.
- 18— Composition of Board of Management.



- 19—Vacation of office of member of Board of Management.
- 20—Filling of vacancy.
- 21—Meetings of a Board of Management.
- 22—Principal and Deputy Principal of a Vocational Training Centre.
- 23—Other Officers and Staff.
- 24—Academic Board.
- 25—Responsibility of the Academic Board.
- 26—Committees of Academic Board.

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

- 27—Funds of the Vocational Training Centre.
- 28—Annual Estimates.
- 29—Accounts and Audit.
- 30—Annual Report.

PART VI — MISCELLANEOUS PROVISIONS

- 31—Transitional Provision
- 32—Regulations.
- 33—Rules.
- 34—General Penalty.

2015

Embu County Vocational Training Centres

THE EMBU COUNTY VOCATIONAL TRAINING CENTRES ACT, 2015

AN ACT of the County Assembly of Embu to provide for the establishment and registration of Vocational Training Centres to offer courses in technology, applied science, management and other technical studies, to provide for their administration and for other connected purposes

ENACTED by the County Assembly of Embu as follows—

PART I — PRELIMINARY

Short title and Commencement

1. This Act may be cited as Embu County Vocational Training Centres Act, 2015 and shall come into force upon publication in *gazette*.

Interpretation

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

“Board of Management” means the Board of Management established under section 17;

“Chief Officer” means the County Chief Officer for the time being responsible for matters of Education in the County;

“County” means Embu County;

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

“Executive Committee Member” means the County Executive Committee Member responsible for Education; and

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

Object of the Act

3. The object of this Act is to promote the—

- (a) implementation of constitutional provisions as set out under section 9 of Part 2 of the Fourth Schedule to the Constitution of Kenya, 2010 on Village Polytechnics;
- (b) establishment and progressive development of Vocational Training Centres in the County;
- (c) acquisition of occupational trade skills by young persons through training;

- (d) exchange of knowledge and skill and, in so doing, improve the economy of the County; and
- (e) Carrying out of research and development that serves the County.

PART II —ESTABLISHMENT OF VOCATIONAL TRAINING CENTRES

Establishment of a Vocational Training Centre

4. (1) The Executive Committee Member shall ensure the establishment of Vocational Training Centres by the County Government.

(2) Any qualified person or body may establish a Vocational Training Centre in the County.

Responsibilities of the Executive Committee Member

5. The Executive Committee Member shall promote the establishment of Vocational Training Centres in the County—

- (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;
- (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.

Guidelines on courses of study etc.

6. The Executive Committee Member shall, in consultation with the County Education Board established under the Basic Education Act—

- (a) plan, develop and coordinate training and research in the Vocational Training Centres in the County; and
- (b) Provide guidelines on the courses of study, their curriculum and minimum standards of the Vocational Training Centres.

Powers and Functions of a Vocational Training Centre

7. A Vocational Training Centre established under this Act shall—

- (a) provide full-time or part-time technical or vocational courses in technology, applied science, commerce, management and other business studies;

2015

Embu County Vocational Training Centres

COUNTY ASSEMBLIES FORUM (CAF)
 No. 14
 P. O. Box 73552 - 00200,
 NAIROBI, KENYA

- (b) provide such facilities for its students as it considers desirable;
- (c) fix, demand and receive fees and other charges as may be appropriate ;
- (d) provide technical and consultancy services to businesses and industries as it considers desirable;
- (e) solicit and receive donations and contributions from any source or raise funds by all lawful means;
- (f) make provision for the general welfare, recreational and social needs of its staff and students; and
- (g) 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 CENTRES

Vocational Training Centres to be registered

8. (1) A person shall not operate a Vocational Training Centre unless it is registered under this Act.

(2) Any person who operates a Vocational Training Centre which is not registered under this Act commits an offence.

Application for Registration of a Vocational Training Centre

9. (1) An application for registration of a Vocational Training Centre under this Act shall be in a form prescribed by the Executive Committee Member.

(2) An application for registration of a Vocational Training Centre under this Act shall be submitted to the Department of Education which shall forward a copy of the application to the County Education Board.

(3) The County Education Board shall, within fifteen working days after receiving the application—

- (a) organise an inspection of the Vocational Training Centre ; and
- (b) conduct an interview with the applicant to assess the suitability of the equipment and the persons proposed to be employed in the Vocational Training Centre.

(4) The County Education Board shall within fourteen days after the inspection and interview forward its recommendation to the Department of Education for the registration of the Vocational Training Centre or to take such other action as the Department may deem fit.

Applicant to Pay Prescribed Fee

10. Any person making an application for registration of a Vocational Training Centre shall pay the prescribed fees to the Department.

Publication of the Application

11. The Department shall, within seven days after receiving the application, publish the application in the *gazette*.

Registration of a Vocational Training Centre

12. (1) The Department shall register a Vocational Training Centre if it is satisfied, based upon the written recommendation of the County Education Board that the applicant is a fit and proper person to operate the Vocational Training Centre within fourteen days after publication.

(2) The Department shall, within seven days after registration of a Vocational Training Centre forward the name and all relevant information of the Vocational Training Centre to the County Education Board.

(3) Any person aggrieved by the decision of the Department under this section may, within thirty days of being notified of the decision, appeal against the decision to the authority responsible for higher education.

Permit to operate Prior to Registration

13. (1) The Department may issue to the applicant for registration of a Vocational Training Centre a permit to operate pending the fulfilment of the conditions required by the Department for the determination of the application.

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

- (a) the delivery of a certificate of registration to the applicant; or
- (b) The expiry of twenty-four hours after receipt of the notice of refusal of registration or such longer period as the Department of Education may specify in the notice.

(3) As a condition of the grant of a permit under this section, the Department may prescribe a period within which the applicant must fulfil the conditions required by the Department for the improvements of the operation of the Vocational Training Centre.

(4) A permit issued under this section shall be in the form prescribed by the Executive Committee Member.

(5) The holder of a permit under this section shall allow an inspector to enter the premises of the Vocational Training Centre at all reasonable

2015

Embu County Vocational Training Centres

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.

Registration Certificate

14. (1) The Department shall, on registration of a Vocational Training Centre issue a registration certificate to the applicant.

(2) The Department shall inspect and monitor the standards of the registered Vocational Training Centres in the County.

“(3) The holder of a registration certificate under this section shall allow an inspector from the Department or authorized by the Department, to enter the premises of the Vocational Training Centre at all times, for the purpose of carrying out any inspection to ascertain whether the Vocational Training Centre is in compliance with the conditions of the registration certificate.

Registration certificate to be displayed

15. The registration certificate issued under section 14 shall be displayed, by the operator, in a conspicuous place on the premises of the Vocational Training Centre.

Register of Vocational Training Centres to be kept

16. The Department shall keep a register of all Vocational Training Centres operating in the County and shall include in the register, names of the Vocational Training Centres and such other particulars as the Executive Committee Member responsible for education may prescribe.

PART IV — ADMINISTRATION OF VOCATIONAL TRAINING CENTRES

Vocational Training Centre Board of Management

17. (1) The Executive Committee Member shall, by order in the Gazette, appoint a Board of Management as nominated by a nomination panel for each Vocational Training Centre established by the County Government.

(2) The nomination panel referred to in sub-section (1) shall comprise of;

- (a) the ward administrator of the ward the Vocational Training Centres is situate or his or her representative;
- (b) the elected member of County assembly from the ward the Vocational Training Centre is situate or his or her representative;
- (c) a representative of the vocational training centre sponsors;

No. 14

Embu County Vocational Training Centres

- (d) a representative of the Chief Officer who shall be the Chairperson;
- (e) the principal of the vocational training centre who shall be the secretary.

(3) A person shall not be nominated to the Board of Management unless that person holds at least a diploma from an institution recognized in Kenya

(4) The Board of Management shall be the governing body of the Vocational Training Centre

(5) 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 determination of the conditions of service of the Principal and other senior officers of the Vocational Training Centre with prior approval of the County Executive Committee Member responsible for Finance;
- (f) considering and approving of recommendations of the academic board;
- (g) the establishment of committees which may be necessary for the efficient performance of its business; and
- (h) Such other functions that are incidental to the achievement of the aims and objectives of the Vocational Training Centre.

Composition of the Board of Management

18. (1) A Vocational Training Centre Board of Management consists of:

- (a) the Principal who shall be the secretary;
- (b) a representative from the office of the Chief Officer who shall be the Chairperson;
- (c) a representative of Vocation Training Centre sponsors;
- (d) a representative of the persons with disabilities;

- (e) a representative of the Youth;
- (f) a representative of the community with technical knowledge on the Vocational Training Centres; and
- (g) a representative of parents in the Vocational Training Centre who shall be the Vice-Chairperson and whose term of office and whose term of office shall be two years non-renewable.

(2) Not more than two-thirds of the members of the Board shall be of the same gender.

(3) The term of office for members under sub-section (1) paragraphs (c), (d), (e) and (f) shall be three years renewable once for a further one term.

(4) For purposes of administration, each private vocational training centre in the County shall establish a Parents Teachers Association

19. Vacation of office of a member of Board of Management

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

- (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 Member;
- (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;
- (h) engages in any gross misbehaviour or misconduct; or
- (i) Dies.

(2) The Executive Committee Member may remove a member from the office if in his or her opinion, the member is unfit to continue in office on any of the grounds under sub-section (1).

Filling of Vacancy

20. If the office of a member of the Board of Management falls vacant, the 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.

Meetings of a Board of Management

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

(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 at least 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.

Principal and Deputy Principal of a Vocational Training Centre

22. (1) The Executive Committee Member shall, through an open, transparent and competitive recruitment, appoint a suitably qualified person to be the Principal of the Vocational Training Centre.

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

- (a) holds at least a diploma from an institution recognized in Kenya;
- (b) has at least three years proven experience at management level;
- (c) has experience in any technical field; and
- (d) Meets the requirements of Chapter Six of the Constitution.

2015

Embu County Vocational Training Centres

(3) The Principal shall serve on such terms and conditions as may be contained in the scheme of service.

(4) The Principal shall, in the performance of the functions and duties of office, be responsible to the Board of management or 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 of management;
- (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 of management.

(6) A Vocational Training Centre Board of management 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.

Other Officers and Staff

23. (1) The Vocational Training Centre shall have such academic, technical and administrative officers and support staff, as may be determined by the Board.

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

Academic Board

24. 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 as the case may be.

Responsibility of the Academic Board

25. The academic board is responsible for—

- (a) determining the criteria for the admission of students;

No. 14

Embu County Vocational Training Centres

- (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 of management and the principal on academic policy and other matters of importance to the Vocational Training Centre.

Committees of Academic Board

26. (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 of Management as the case may be.

(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 of Management.

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

Funds of a Vocational Training Centre

27. (1) The funds of a Vocational Training Centre established by the County Government shall consist of—

- (a) monies allocated by the County Government for purposes of the Vocational Training Centre ;
- (b) any grants, gifts, donations or other endowments given to the Vocational Training Centre ; and

2015

Embu County Vocational Training Centres

- (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 a Vocational Training Centre shall be made public before use.

Annual Estimates

28. (1) At least four months before the commencement of each financial year, a Board of Management shall cause to be prepared estimates of the revenue and expenditure of the Vocational Training Centre for that year.

(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 grounds of the Vocational Training Centre ;
- (d) funding of training, research and development of 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, equipment and 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 Board of management before the commencement of the financial year to which they relate and forwarded to the Executive Committee Member responsible for education.

29. (1) The Vocational Training Centre Board of management 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 of management shall submit



to the County 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.

Annual Report

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

(2) The Board of management shall submit the annual report to the Executive Committee Member 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 of management considers necessary.

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

PART VI — MISCELLANEOUS PROVISIONS

Transitional provisions

31. (1) a Vocational Training Centre that, immediately before the commencement of this Act, was registered as a polytechnic in accordance with national law shall be deemed to be registered as a Vocational Training Centre under this Act, and continues to be so licensed for the relevant period of registration subject to such conditions of registration as may be imposed under this Act.

(2) Despite sub-section (1), the Department may give written notice to the provider of an education centre registered under sub-section (1), requiring the service provider who operates that centre to apply for

2015

Embu County Vocational Training Centres

registration under regulations made under this Act within three months of the date of that notice, and—

- (a) if that service provider fails to make such an application within the specified period, the centre ceases to be licensed under sub-section (1) at the end of that period; or
- (b) If that service provider makes such an application within the required period, the centre continues to be licensed under sub-section (1) until that application has been determined.

Regulations

32. (1) The Executive Committee Member may, in consultation with the Boards of Management, make regulations for the better carrying out of the purposes and provisions of this Act.

(2) Without prejudice to the generality of sub-section (1), such regulations may provide for the—

- (a) implementation of this Act;
- (b) general management of the Vocational Training Centre ; and
- (c) such other matters as the Executive Committee Member considers necessary.

Rules

33. A Vocational Training Centre Board of Management may make rules not inconsistent with the provisions of this Act or any Regulations made under it, generally for the better functioning of the Vocational Training Centre.

General Penalty

Any person who contravenes the provisions of this Act commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand shilling or to a term of imprisonment not exceeding two years or to both.