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THE LAMU COUNTY YOUTH POLYTECHNICS ACT, 2015

NO. 4, 2015

AN ACT of the County Assembly of Lamu to provide for the establishment of Youth Polytechnics to offer courses in technology, applied science, management, maritime and other technical studies, to provide for their registration and administration and for other connected purposes.

ENACTED by the County Assembly of Lamu as follows —

PART I — PRELIMINARY

Citation.

1. This Act may be cited as the Lamu County Youth Polytechnics Act, 2015, and shall come into operation on a date appointed by the executive committee member responsible for education by notice in the *County* and *Kenya Gazette*, which date shall not be later than ninety days from the date of its publication.

Interpretation.

2. In this Act, unless the context otherwise requires —
“Board” means the Board of Directors of a Youth Polytechnic which is privately established and sponsored;

“Council” means the Youth Polytechnic Council established under Section 15;

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

“Polytechnic” means a Youth Polytechnic established and registered under this Act.

PART II — ESTABLISHMENT OF THE YOUTH POLYTECHNICS

Responsibilities of
the Governor.

3. The Governor shall promote the establishment of Youth Polytechnics 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 organise conferences, seminars and study groups for the promotion of field learning and gaining of skills by local communities.

Establishment of a Youth Polytechnic.

4. (1) The Governor shall ensure the establishment of Youth Polytechnics by the County Government.

(2) Any qualified person or body may establish Youth Polytechnics in the County;

Guidelines on courses of study, etc.

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

- (a) plan, develop and co-ordinate training and research in the Youth Polytechnics in the County.
- (b) provide guidelines on the courses of study, their curriculum and minimum standards of the Youth Polytechnics.

Powers and functions of a polytechnic.

6. A Youth Polytechnic 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;
- (b) award diplomas and 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 YOUTH POLYTECHNICS

Youth Polytechnics

7. (1) A person shall not operate a Youth Polytechnic

to be registered.

unless it is registered under this Act.

(2) Any person who operates a Youth Polytechnic which is not registered under this Act commits an offence.

Application for registration of a Polytechnic.

8. (1) An application for registration of a polytechnic under this Act shall be in a form prescribed by the Executive Committee Member responsible for education.

(2) An application for registration of a polytechnic under this Act shall be submitted to the Directorate 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 Youth polytechnic; and

(b) conduct an interview with the applicant to assess the suitability of the equipment and the persons proposed to be employed in the Youth Polytechnic.

(4) The County Education Board shall within a reasonable period after the inspection and interview forward its recommendation to the Directorate of Education for the registration of the Youth Polytechnic or to take such other action as the Directorate may deem fit.

Applicant to pay prescribed fee.

9. Any person making an application for registration of a Youth polytechnic shall pay the prescribed fees to the Directorate.

Publication of the application.

10. The Directorate shall, within seven days after receiving the application, publish the application in the *County Gazette* and in a *County Bulletin*.

Registration of a Youth Polytechnic.

11. (1) The Directorate shall register a Youth Polytechnic 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 Youth Polytechnic.

(2) The Directorate shall, within a reasonable period after registration of a Polytechnic, forward the name and all relevant information of the Polytechnic to the County Education Board.

(3) Any person aggrieved by the decision of the Directorate 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.

12. (1) The Directorate may issue to the applicant for registration of a Youth polytechnic a provisional permit to operate pending the fulfilment of the conditions required by the Directorate for the determination of the application.

(2) A provisional permit under sub-section (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 Directorate of Education may specify in the notice.

(3) As a condition of the grant of a permit under this section, the Directorate may prescribe a period not more than one year within which the applicant must fulfill the conditions required by the directorate for the improvements of the operation of the Polytechnic.

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

(5) The holder of a permit under this section shall allow an inspector to enter the premises of the Youth Polytechnic at all reasonable hours, for the purpose of carrying out any inspection to ascertain whether the Polytechnic is in compliance with the conditions of the permit.

Registration certificate.

13. (1) The Directorate shall, on registration of a Youth Polytechnic, issue a registration certificate to the applicant.

(2) A registration certificate shall be valid for a period of five years from the date of issue and may be renewed on application by the operator of the Youth Polytechnic in accordance with this Act.

Registration certificate
to be displayed.

14. The registration certificate issued under Section 12 shall be displayed, by the operator, in a conspicuous place on the premises of the Youth Polytechnic.

Register of Polytechnics
to be kept.

15. (1) The Directorate shall keep a register of all Youth Polytechnics operating in the County and shall include in the register names of the Youth Polytechnics and such other particulars as the executive committee member responsible for education may prescribe.

(2) The Directorate shall forward all the particulars

recorded in the register to the County Education Board.

PART IV — ADMINISTRATION OF YOUTH POLYTECHNICS

ESTABLISHMENT OF COUNCIL FOR YOUTH POLYTECHNIC ESTABLISHED BY THE COUNTY GOVERNMENT

Youth Polytechnic
Council.

16. (1) A Youth Polytechnic established by the County Government shall have a governing body known as the Youth Polytechnic Council.

(2) The Youth Polytechnic Council is responsible for —

- (a) the education policy and mission of the Youth polytechnic;
- (b) overseeing the activities of the Polytechnic;
- (c) safeguarding the assets of the Polytechnic and the effective and efficient use of its resources;
- (d) considering and approving annual estimates of income and expenditure of the Polytechnic;
- (e) overseeing the activities of the Polytechnic;
- (f) safeguarding the assets of the Polytechnic and the effective and efficient use of its resources;
- (g) the appointment and disciplining of the Principal, the Polytechnic Secretary and other senior officers as the Council may determine;
- (h) the determination of the conditions of service of the Principal and other senior officers of the Youth Polytechnic with prior approval of the Executive Committee Member responsible for Finance;
- (i) considering and approving of recommendations of the academic board;
- (j) the establishment of committees which may be necessary for the efficient performance of its business; and
- (k) such other functions that are incidental to the achievement of the aims and objectives of the Youth polytechnic.

Composition of
Council.

17. (1) A Youth Polytechnic Council shall consist —

- (a) a Chairperson;
- (b) a Deputy Chairperson;
- (c) one representative of the Alumni Association;
- (d) not less than three and not more than five other persons representing the community in the county, taking into consideration gender balance, persons with disabilities and the disadvantaged

community;

(e) a representative of the County Education Board; and

(f) the Principal of the polytechnic shall be the secretary of the Council.

(2) All members of the Council shall be appointed by the Executive Committee Member responsible for education with the approval of the County Assembly.

(3) Members of the Council shall hold office for a period of five years from the date of appointment and shall be eligible for reappointment for another one term only.

Vacation of office of member of Council.

18. (1) A member of the Council 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 Committee Member responsible for education;
- (e) without reasonable cause, is absent from three consecutive meetings of the Council;
- (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 responsible for education may remove a member from the office if in the opinion of the Committee Member, the member is unfit to continue in office on any of the grounds under sub-section (1).

Filling of vacancy.

19. If the office of a member of the Council 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 Council.

20. (1) The Council shall meet for the dispatch

of business at a time and place that the Chairperson may determine but shall meet at least three times each academic year.

(2) The Chairperson shall preside at each meeting of the Council. 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 Council elected by the other members present may preside.

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

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

(5) A decision of the Council 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 Council shall have an original and a casting vote.

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

BOARD OF DIRECTORS FOR A YOUTH POLYTECHNIC PRIVATELY ESTABLISHED

Board of Directors of
a Youth Polytechnic.

21. (1) There shall be a Board of Directors for a Youth Polytechnic privately established and sponsored as may be determined by the promoters of the Polytechnic.

(2) The Board of Directors shall be responsible for —

- (a) the education policy and mission of the Youth Polytechnic;
- (b) overseeing the activities of the Polytechnic;
- (c) considering and approving annual estimates of income and expenditure of the Polytechnic;
- (d) safeguarding the assets of the Polytechnic and the effective and efficient use of its resources;
- (e) considering and approving annual estimates of income and expenditure of the Polytechnic;
- (f) the appointment and disciplining of the Principal and other senior officers;
- (g) considering and approving the recommendations of the academic board; and
- (h) 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 YOUTH POLYTECHNIC

Principal and Deputy
Principal of a
Polytechnic.

22. (1) A Youth Polytechnic shall, through an open, transparent and competitive recruitment, appoint a suitably qualified person to be the Principal of the Polytechnic.

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

- (a) holds a degree from a university recognised 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*.

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

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

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

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

(6) A Youth Polytechnic Council shall appoint a Deputy Principal of the polytechnic who shall deputise the Principal and perform such work as the Principal may assign.

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

Other officers and staff.

23. (1) The Youth Polytechnic shall have such academic,

technical and administrative officers and support staff, as may be determined by the Council or Board.

(2) In addition to the staff under sub-section (1), the County Government and the County Education Board may, upon request by the Council or Board, second to a Youth Polytechnic such officers as may be necessary for the better performance of Polytechnic.

ACADEMIC BOARD OF A YOUTH POLYTECHNIC

Academic board.

24. A Youth Polytechnic shall have an academic board consisting of the Principal, Deputy Principal, Heads of the Academic Departments and any other persons specified by the Council or Board of Directors 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;
- (b) issues relating to scholarships at the Polytechnic, 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 Polytechnic;
- (i) consideration of the resources required to support the academic activities of the Polytechnic;
- (j) the establishment of links with different industries and businesses to ensure the entrepreneurial development of students; and
- (k) advising the Council or Board and the Principal on academic policy and other matters of importance to the Polytechnic.

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 Council or Board 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 Council or Board.

PART V — FINANCIAL PROVISIONS FOR YOUTH POLYTECHNICS ESTABLISHED BY THE COUNTY GOVERNMENT

Funds of the Youth
Polytechnic.

- 27.** (1) The funds of a Youth Polytechnic established by the County Government shall consist of:
- (a) monies allocated by the County Government for purposes of the Polytechnic;
 - (b) any grants, gifts, donations or other endowments given to the Polytechnic; and
 - (c) such funds as may vest in or accrue to the Polytechnic in the performance of its functions under this Act or any other written law.
- (2) Any funds donated, granted or lent to the Youth Polytechnic shall be made public before use.

Annual Estimates.

- 28.** (1) At least three months before the commencement of each financial year, a Youth Polytechnic shall cause to be prepared estimates of the revenue and expenditure of the Polytechnic for that year.
- (2) The annual estimates shall make provision for all the estimated expenditure of the Polytechnic for the financial year concerned and, in particular, shall provide for —
- (a) payment of remuneration in respect of the members and staff of the Polytechnic;
 - (b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the Polytechnic;
 - (c) maintenance of the buildings and grounds of the Polytechnic;
 - (d) funding of training, research and development of activities of the Polytechnic;
 - (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 Polytechnic 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 Youth Polytechnic Council before the commencement of the financial year to which they relate and forwarded to the Executive Committee Member responsible for education.

Accounts and Audit.

29. (1) The Youth Polytechnic Council shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Youth Polytechnic.

(2) Within a period of three months after the end of each financial year, the Youth Polytechnic Council shall submit to the County Auditor, the accounts of the Youth Polytechnic in respect of that year together with a —

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

Annual Report.

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

(2) The Council 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 Youth Polytechnic;
- (b) a description of the activities of the Polytechnic;
- (c) other statistical information relating to the functions that the polytechnic 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 Polytechnic; and
- (f) any other information relating to its functions that the Council considers necessary.

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

PART VI — MISCELLANEOUS PROVISIONS

Inspection of
Polytechnics.

31. The Directorate shall, in consultation with the County Education Board, inspect and monitor the

standards of the Youth Polytechnics in the County.

Regulations.

32. The Executive Committee Member responsible for education may, with the approval of the County Assembly, make regulations for the better carrying out of the purposes and provisions of this Act.

Rules.

33. A Youth Polytechnic Council or Board may make rules not inconsistent with the provisions of this Act, generally for the better functioning of the Polytechnic.

Offences and penalty.

34. Any person who contravenes the provisions of this Act commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to a term of imprisonment not exceeding two years or to both.