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MANDERA COUNTY GAZETTE SUPPLEMENT

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THE MANDERA COUNTY VILLAGE POLYTECHNIC ACT 2014



No. 16 of 2014

Date of Assent: 5th December, 2014

Date of Commencement: By Notice

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COUNTY ASSEMBLIES FORUM (CAF) P. O. Box 73552 - 00200, No. 16 NAIROBI, KENYA
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THE MANDERA COUNTY VILLAGE POLYTECHNIC ACT, 2014

AN ACT of the County Assembly of Mandera to provide for the establishment of village polytechnics to offer courses in technology, applied science, management and other technical studies, to provide for their registration and administration of the establishment of village polytechnics and for other connected purposes

ENACTED by the County Assembly of Mandera of as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Mandera County Village Polytechnics Act, 2014, 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

Citation.

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

Interpretation.

“Board” means the Board of Directors of a village polytechnic which is privately established and sponsored;

“Council” means the Village Polytechnic Council established under section (16);

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

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

PART II—ESTABLISHMENT OF THE VILLAGE POLYTECHNICS

3. The governor shall promote the establishment of village polytechnics in the county—

Responsibilities of the Governor.

- (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.

4. (1) The governor shall ensure the establishment of village polytechnics by the county government.

Establishment of a village polytechnic

(2) Any qualified person or body may establish a of village polytechnics in the county.

5. The county executive committee shall, in consultation with the County Education Board established under the Basic Education Act-

Guidelines on courses of study etc

- (a) plan, develop and coordinate training and research in the village polytechnics in the county;
- (b) provide guidelines on the courses of study, their curriculum and minimum standards of the village polytechnics.

6. A village polytechnic established under this Act shall—

Powers and functions of a polytechnic

- (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 VILLAGE POLYTECHNICS

7. (1) A person shall not operate a village polytechnic unless it is registered under this Act.

Village
polytechnics to be
registered

(2) Any person who operates a village polytechnic which is not registered under this Act commits an offence

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.

Application for
registration of a
polytechnic

(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 village 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 village 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 village polytechnic or to take such



other action as the Directorate may deem fit.

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

Applicant to pay prescribed fee.

10. The Directorate shall, within seven days after receiving the application, publish the application in the county Gazette and in at least one daily newspaper of national circulation

Publication of the application

11. (1) The Directorate shall register a village 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 village polytechnic.

Registration of a village 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.

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

Permit to operate prior to registration

(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 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 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

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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 village 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.

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

Registration
certificate

(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 village polytechnic in accordance with this Act.

14. The registration certificate issued under section 13 shall be displayed, by the operator, in a conspicuous place on the premises of the village polytechnic

Registration
certificate to be
displayed

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

Register of
polytechnics to be
Kept

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

PART IV—ADMINISTRATION OF VILLAGE POLYTECHNICS

Establishment of Council for Village Polytechnic established by the County Government

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

Village
Polytechnic
Council

(2) The Village Polytechnic Council is responsible for—

- (a) the education policy and mission of the village 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) the appointment and disciplining of the Principal, the Polytechnic Secretary and other senior officers as the Council may determine;
- (f) the determination of the conditions of service of the Principal and other senior officers of the village polytechnic with prior approval of the County Public Service Board;
- (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 village polytechnic.

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

Composition of
Council.

- (a) a Chairperson;
- (b) a Deputy Chairperson;
- (c) one representative of the Alumni Association;
- (d) not less than six and not more than twelve persons representing the community in the county, taking into consideration gender balance, persons with disabilities and the disadvantaged community;
- (e) a representative of the of the Directorate of finance;
- (f) a representative of the County Education Board; and
- (g) the Principal of the polytechnic as an ex-officio member.

(2) All members of the Council, other than the ex-officio member, shall be appointed by the Executive Committee Member responsible for education with the

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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.

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

18. (1) A member of the Council shall cease to hold office if the member —

Vacation of office
of member of
Council

- (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 subsection (1).

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.

Filling of vacancy

20. (1) The Council shall meet for the despatch of business at a time and place that the Chairperson may

Meetings of a
Council

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 six 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.

(8) (a) Minimum academic qualification shall be possession of Kenya Certificate of Secondary Education Certificate; and

(b) Must be persons of integrity and committed to serve the community on voluntary basis.

(9) The Chairperson to the board shall possess at least a diploma certificate.

Minimum
qualification

Board of Directors for a village polytechnic privately established

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

Board of Directors
of a village
polytechnic

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

(a) the education policy and mission of the village polytechnic;

(b) overseeing the activities of the polytechnic;

(c) considering and approving annual estimates of income and expenditure of the polytechnic;

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- (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 v 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 institution and may exercise all such acts required to be exercised by the institution subject to the provisions of this Act or any regulations made under it.

Staff of a village polytechnic

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

Principal and
Deputy Principal
of a polytechnic.

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

- (a) holds a degree from a university 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.

(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 village 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 village 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 Village Polytechnic Council shall appoint a Deputy Principal of the polytechnic 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.

23. (1) The village polytechnic shall have such academic, technical and administrative officers and support staff, as may be determined by the Council 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 Council or Board, second to a village polytechnic such officers as may be necessary for the better performance of polytechnic.

Academic board of a village polytechnic

24. A village polytechnic shall have an academic board consisting of the Principal, Vice-Principal, heads of Academic Divisions, heads of the Academic Departments and any other persons specified by the Council or Board of Directors as the case may be

Academic board.

The academic board is responsible for—

Responsibility of the academic board

- (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,

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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

25. (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.

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 Council or Board.

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

26. (1) The funds of a village polytechnic established by the County Government shall consist of—

Funds of the
Village
Polytechnic

- (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 village polytechnic shall be made public before use.

(3) No payment shall be made out of the funds of a sub-county, ward and other decentralized units unless it has been provided for in the approved annual or revised or supplementary estimates of expenditure and authorized by the Member of the County Executive responsible for finance.

(4) The executive member for finance may make regulations, for the better carrying out of the provisions of this Act.

(5) Regulations made under subsection (3) shall be tabled before the County Executive Committee Members for approval, and shall not take effect until such approval is obtained

27. The Council shall, at the end of each financial year cause an annual report to be prepared. Annual Report

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

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

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PART VI — MISCELLANEOUS PROVISIONS

28. The Directorate shall, in consultation with the County Education Board, inspect and monitor the standards of the village polytechnics in the county.

Inspection
polytechnics of

29. 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

Regulations

30. A Village Polytechnic Council or Board may make rule not inconsistent with the provisions of this Act, generally for the better functioning of the polytechnic

Rules

31. 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 imprisonment not exceeding two years or to both

Offences and
penalty

FIRST SCHEDULE

CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNTY VILLAGE POLYTECHNICS COUNCIL

1. *Filling of Vacancy:* A vacancy in the office of a member under Section 11 shall be filled by a person appointed by the CEC in accordance with the provisions of this Schedule
2. *Vice Chairperson:* The Council shall, at its first meeting, elect a Deputy Chairperson from amongst the persons appointed under Section 10 of this Act.
3. The Council shall meet at least three times in each year meetings of the Council.
4. *Special meetings:* The Chairperson may at any time convene a special Meeting of the Council and shall do so within fifteen days Of a written requisition for the meeting signed by at least three members.
5. *Chairperson to preside* (1) The Chairperson shall preside at all meetings of the Council, in which the Chairperson is present and in the case of his or her absence, the Deputy Chairperson Shall preside;
(2) At a meeting of the Council at which neither the Chairperson or Deputy Chairperson is present, the Members of the Council present shall elect one of their Numbers to preside, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.
6. *Quorum:* The quorum for the conduct of the business of the Council shall be five members.
7. *voting procedure* The decisions of the Council shall be by a majority of Votes, and the Chairperson of the meeting shall have an Original and a casting vote.
8. *validity of proceedings* The validity of any proceedings of the Council not be affected by any vacancy among the membership thereof, or by reason of a defect in the appointment of a member.
9. *Minutes of the meeting.* Minutes of the proceedings at meetings of the Council Shall be kept in such a manner as the Council directs, and, On the written request of the Cabinet secretary, shall be made available to him or her or any person nominated by him or her.
10. *Committees of the Council:* The Council may establish such committee as may be necessary for the performance of the functions of the Council and may, subject to the provisions of this Act, delegate powers conferred on it to any such committee.

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11. *Power of the Council to Regulate own procedure.* Subject to the provisions of this Schedule, the Council shall regulate its own procedure.

12. *Disclosure of interest:* (1) If a member of the Council is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, he or she shall at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under this Paragraph shall be recorded in the minutes of the meeting at which it is made.