

SPECIAL ISSUE

Kenya Gazette Supplement No. 1 (Taita Taveta County Bills No 1)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

TAITA TAVETA COUNTY BILLS, 2023

NAIROBI, 25th March, 2024

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THE TAITA TAVETA COUNTY VOCATIONAL TRAINING CENTERS BILL, 2024

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THE TAITA TAVETA COUNTY VOCATIONAL TRAINING CENTERS BILL, 2024

A BILL FOR

AN ACT OF THE COUNTY ASSEMBLY OF TAITA TAVETA TO PROVIDE FOR THE ESTABLISHMENT, CLASSIFICATION, GOVERNANCE AND MANAGEMENT OF COUNTY VOCATIONAL TRAINING CENTERS OFFERING COURSES IN TECHNOLOGY, APPLIED SCIENCE, MANAGEMENT AND OTHER TECHNICAL STUDIES AND VOCATIONAL TRAINING, TO PROVIDE FOR THEIR REGISTRATION AND ADMINISTRATION, AND FOR CONNECTED PURPOSES

ENACTED BY THE COUNTY ASSEMBLY OF TAITA TAVETA, AS FOLLOWS—

PART I — PRELIMINARY

Short title	1. This bill may be cited as the Taita Taveta County Vocational Training Centers Bill, 2024, and shall come into operation on a date appointed by the executive committee member responsible for education by notice in the gazette.
Interpretation	2. (1) In this Bill- “ Board ” means the Board of Directors for a county vocational training center privately established under this Bill; “ Board of management ” means the county vocational training center Board of Management governing a public county vocational training center; “ Community ” means administrative ward; “ County chief officer ” means the chief officer responsible for Vocational Education and Training; “ County Executive Committee Member ” means the Executive Committee Member responsible for Vocational Education and Training; “ County Vocational Training Center ” means those institutions referred to as county vocational training centers in this Bill in which not less than ten trainees receive regular instructions; “ Curriculum ” means all the subjects offered and all activities provided in any County vocational training center, and may include the time devoted to each subject and activity; “ Directorate ” means the Directorate of Technical Education and Training established by the County Public Service to manage all matters relating to technical education and training at county vocational training centers;

“Director” means the County Director in Charge of Technical Education and Training.

“Manager” means the head of a County vocational training center;

“Public Funds” means funds from either the national government or county government, development partners, vocational training centers fees collections and income generating activities

“Public County Vocational Training Center” means a county vocational training center maintained or assisted out of public funds;

“Trainee” means a person enrolled as a learner in a County vocational training center;

“Register” means the register of county vocational training centers in the county;

“Syllabus” means a concise statement of the contents of a course of instructions in a given subject or subjects in a trade area;

“Youth” means individuals in the republic who are within the 18 – 35 years’ age bracket.

PART II — ESTABLISHMENT OF THE COUNTY VOCATIONAL TRAINING CENTERS AND PROMOTION OF VOCATIONAL TRAINING

Establishment

3. (1) The Executive Committee Member shall oversee the establishment process of a public county vocational training center.

(2) A person wishing to establish a vocational training center shall apply in writing to the relevant authority for registration in accordance with the provisions of this Bill.

(3) Executive Committee Member under subsection (1) may specify the duties, powers and functions of the county vocational training center;

- a) The manner in which the institute is to be managed;
- b) The constitution, duties, powers and functions of the County vocational training center board of management;
- c) Such other matters with respect to the conduct and management of the county vocational training center as the Executive Committee Member may find it necessary or desirable.

Courses

4. (1) A County vocational training center established under this Bill shall through the established relevant authorities-

- a) provide full/short technical or vocational courses on either full-time or part-time basis in technology, applied science, entrepreneurship, management, agri-business and other business studies;
- b) facilitate award of artisan and trade certificates in accordance with the requirement of the course and the authority responsible for vocational education and training;
- c) provide such relevant facilities and equipment for its trainees as it considers desirable;
- d) establish and appoint trainer and non-trainers post;
- 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 the community when need arises;
- i) make provision for the general welfare, recreational and social needs of its staff and trainees; and
- j) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the above.

Authority

5. (1) A county vocational training center established under this Bill shall be a body corporate with perpetual succession and a common seal and shall in its corporate name, be capable of—

- a) suing and being sued;
- b) taking, purchasing or otherwise acquiring, holding, charging or disposing of both movable and immovable property;
- c) borrowing money;
- d) charging for services offered;
- e) entering into contracts and;
- f) doing or performing all other acts necessary for the proper performance of its functions under this Bill which may be lawfully done or performed by a body corporate.

Role of the Governor

6. (1) The Governor shall promote the establishment of County Vocational Training Centers in the county to —

- a) promote training and acquisition of relevant knowledge skills and attitude;
- b) to promote the exchange of knowledge and skills and enhance business and industry in the county;

Role of the County Executive
Committee Member

- c) to enhance research and innovations for the advancement of knowledge and its practical application; and
- d) to organize platforms and programs to promote field learning and gaining of skills by local communities.

7. (1) The County Executive Committee Member shall consult with the County Education Board established pursuant to section 17(1) of the Basic Education Act, 2013—

- a) plan, develop and co-ordinate training and research in the County Vocational Training Centers in the county;
- b) provide guidelines on the courses of study, the Curriculum and minimum standards of the county Vocational Training Centers;
- c) oversee the operation and management of County Vocational Training Centers, plan, promote, develop and coordinate education, training and research in the county in accordance with the provisions of this Bill, the National policy and the laws and policies of the county government;
- d) maintain a data bank of all Vocational Training Centers within the county;
- e) co-ordinate with all relevant agencies to promote quality training within the County;
- f) put measures in place to ensure all trainees enrolled in Vocational Training Centers complete their training; and
- g) formulate a development plan for vocational training for the County consistent with any National plan for economic and social development of the County.

Delegation of powers

8. (1) Subject to this Bill, and to any other regulation made there under, the Executive Committee Member may, by order, delegate any of his or her functions with respect to vocational training to a relevant officer.

(2). The Executive Committee Member shall have the power to order, revoke, suspend, vary or amend an order given under subsection (1).

PART III—REGISTRATION OF COUNTY VOCATIONAL TRAINING CENTERS

Registration and Licensing

9. (1) A person shall not operate a county vocational training center unless it is registered, licensed and accredited under this policy and according to TVET act no.29 of 2013.

Offences and penalties 10. Any person who operates a county vocational training center which is not registered under this policy commits an offence and shall be liable to a fine or imprisonment.

Application for registration 11. An application for registration of a vocational training center under this policy shall be in a form prescribed by the Technical and Vocational Education and Training Authority.

- a) An application for registration of a county vocational training center under this policy shall be submitted to Technical and Vocational Education and Training Authority.
- b) The Technical and Vocational Education and Training Authority shall;
- c) organize an inspection of the county vocational training center after payment of registration fee; and
- d) conduct an interview with the applicant to assess the suitability of the equipment, premises and the persons proposed to be employed in the county vocational training center as per section 23 of the TVET Act,2013 and TVET Authority section57(b) of TVET Act,2013.
- e) The TVETA shall within a reasonable period after the inspection and interview forward its recommendation to the TVETA Director for the registration of the county vocational training center or to take such other action as may deem fit.

Registration fees 12. Any person making an application for registration of a County Vocational Training Center shall pay the prescribed fees to the TVETA.

- a) The TVETA shall register a county vocational training center if it is satisfied, based upon the written recommendation if the Institution meets all the requirements.
- b) The TVETA shall, within a reasonable period after registration of a vocational training center forward the name and all relevant information of the vocational training center to the Manager.

Issuance of registration certificate 13. The TVETA on registration of a County vocational training center issue a registration certificate to the applicant. A registration certificate shall be valid for a period of five years from the

date of issuance and may be renewed on application by the county vocational training center in accordance as stipulated in TVET Act no. 29 of 2013.

Display of registration certificate

14. The registration certificate issued under section 12 shall be displayed, by the manager, in a conspicuous place on the premises of the county vocational training center.

Register

The County Chief Officer shall keep a register of all county vocational training centers operating in the county

PART IV –ADMINISTRATION OF COUNTY VOCATIONAL TRAINING CENTERS

Establishment And Functions
Of The Board of The County
Vocational Training Board

15. (1) There is established a Board to be known as the County vocational training Board for every registered vocational training institution

(2). The functions of the Board shall be:

- a) to formulate a strategic plan for the institution;
- b) to formulate the management policy, vision and mission and code of conduct of the county vocational training center;
- c) promote the best interests of the students in the institution and ensure its development;
- d) to promote quality education and training through effective curriculum implementation and delivery in accordance with the set standards;
- e) to mobilize resources for the purposes of the institution subject to the provisions of the relevant laws;
- f) to create an enabling environment for the staff of the institution to perform their professional duties;
- g) to advise the County Chief Officer on the staffing needs of the institution;
- h) to recruit, employ and remunerate personell as may be required by the institution;
- i) to receive on behalf of the institution fees, grants, subscriptions, endowments, donations and all other monies and to make disbursements on behalf of the institution;
- j) to safeguard the assets of the vocational training center and the effective and efficient use of its resources;
- k) preparing the annual estimates of income and expenditure of the vocational training center;
- l) To enter into association with local or international institutions so as to further the purpose for which the institution was established;

- m) recommend disciplinary action against the Manager, Trainers and staff as the may determine;
- n) to monitor and evaluate the activities of the vocational training center;
- o) to prepare a comprehensive annual report on all areas of its mandate including but not limited to education, training, finance and research and submit to the County Chief Officer;
- p) Such other functions that are incidental to the achievement of the aims and objectives of the county vocational training center.

Composition

16. (1) A County vocational board shall consist of—

- a) one community member from the ward;
- b) one member of the Youth;
- c) one person representing people of special needs;
- d) one person representing a special interest group;
- e) two parent representing students from the vocational training center elected during parents meeting – one male and one female.
- f) the Manager of the vocational training center who shall be the secretary;
- g) area chief as ex-officio member;
- h) Sub- County vocational education and training officer as an ex-officio member;

(2). the County Executive Committee Member will in writing appoint the persons nominated under section 16 (a) to (h).

(3). Gender balance shall be put into consideration while nominating the members to the board of management.

(4). Members of the Board of Management, other than ex-officio members, shall hold office for a term of three years from the date of appointment and shall be eligible for reappointment for a further term of three years.

Cease to hold office

17. (1) A member of the Board shall cease to hold office if that 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 County Executive Committee Member;
- e) without reasonable cause, is absent for 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; engages in any gross misbehavior or misconduct;
- h) his /her economic or business interests are linked to those of Vocational Training Center;
- i) he/she fails integrity test as provided for in chapter six of the Kenyan constitution (2010); or
- j) dies.

Dissolution of the board 18.(1) Where in the opinion of the County Executive Committee Member, a Board of Management has behaved irresponsibly or has failed to exercise properly its functions, the County Executive Committee Member; responsible for Vocational Education and Training in writing-

- a) Suspend the board from the exercise of its powers and performance of duties, appoint training officer perform duties of the board for such period not exceeding one year.
- b) Require the resignation of all members and appoint new Vocational Training Center Board;

2. The County Executive Committee Member shall make regulations providing for the manner in which the appointed training officer under sub-section (1) shall exercise all the powers and perform the duties of a board.

Vacancy

19. If the office of a board member 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.

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

The Chairperson shall preside at each meeting of the board of management, 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 of management elected by the other members present may preside.

(2). A meeting shall be convened if 30% of the members of the board of management sign a requisition to that effect. The quorum at a meeting of the board of management shall be half of the members of Board of Management. A decision of the Board of Management shall be decided by consensus failing which a simple majority of votes cast shall decide the matter. The person chairing a meeting of the Board of Management shall have an original and a casting vote. The Board of Management may co-opt any person to attend a meeting of the board but shall not vote on a matter for a decision by the Board of Management.

Appointment to the board

20. (1) A person appointed as a member of the Board of management shall be in possession of Kenya Certificate of Secondary Education certificate and shall be a person of integrity and committed to serve the community on voluntary basis. The Chairperson to the Board of Management shall possess at least a diploma certificate.

Board of directors

21. (1) There shall be a Board of Directors for a county vocational training center privately established and sponsored as may be determined by the promoters of the vocational training center.

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

- a) to formulate a strategic plan for the institution;
- b) to formulate the management policy, vision and mission and code of conduct of the county vocational training center;
- c) promote the best interests of the students in the institution and ensure its development;
- d) to promote quality education and training through effective curriculum implementation and delivery in accordance with the set standards;
- e) to mobilize resources for the purposes of the institution subject to the provisions of the relevant laws;
- f) to create an enabling environment for the staff of the institution to perform their professional duties;
- g) to advise the County Chief Officer on the staffing needs of the institution;

- h) to recruit, employ and remunerate personnel as may be required by the institution;
- i) to receive on behalf of the institution fees, grants, subscriptions, endowments, donations and all other monies and to make disbursements on behalf of the institution;
- j) to safeguard the assets of the vocational training center and the effective and efficient use of its resources;
- k) preparing the annual estimates of income and expenditure of the vocational training center;
- l) To enter into association with local or international institutions so as to further the purpose for which the institution was established;
- m) recommend disciplinary action against the Manager, Trainers and staff as the may determine;
- n) to monitor and evaluate the activities of the vocational training center;
- o) to prepare a comprehensive annual report on all areas of its mandate including but not limited to education, training, finance and research and submit to the County Chief Officer;
- p) Such other functions that are incidental to the achievement of the aims and objectives of the county vocational training center.

(3). The Board may, in the exercise of its functions, ensure payment of all expenses incurred in promoting and registering the vocational training center and may exercise all such acts required to be exercised by the vocational training center subject to the provisions of this Bill.

Recruitment

22. (1) The County Public Service Board shall, through an open, transparent and competitive recruitment, appoint a suitably qualified person to be in the grades of Youth Polytechnic Instructor III/II/I, Senior Youth Polytechnic Instructor, Job Group 'H/J/K/L' for Diploma holders and pedagogy, Youth Training Officer/Senior/Chief/Principal Youth Training Officer, Job Groups 'K/L/M/N/P/Q/R' for degree holders with Technical Education or Educational Technology or TVET Education Technology will form a common establishment for the purpose of this Scheme of Service.

(2). Manager of the vocational training center, deputy manager and trainers. A person shall be qualified for appointment as the Manager if that person—

- a) holds a at least a diploma in any Technical Trade area and technical education from a recognized institution;
- 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 Manager shall serve on such terms and conditions as the County Chief Office in charge of Vocational Training may determine.

(4). The Manager shall, in the performance of the functions and duties of office, be a secretary to the board.

(5). The Manager shall be the accounting officer of the county vocational training center and as such, shall be responsible for—

- a) the academic performance of the vocational training center;
- b) carrying into effect the decisions of the Board;
- c) day-to-day administration and management of the affairs of the county vocational training center;
- d) supervision of the academic and other staff of the Vocational Training Center; and
- e) perform such other duties as may be assigned by the County Chief Officer.

(6). The County Public Service Board in consultation with the County Chief Officer shall appoint a Deputy Manager of the vocational training center who shall deputize the Manager and perform such work as the Manager may assign. The provisions of subsection (2) (a), (c) and (d) shall apply to the appointment of a Deputy Manager.

Staff establishment

23 (1). A county Vocational Training Center shall have an academic board consisting of the Manager, Deputy Manager, heads of departments, and any other persons specified by the County Chief Officer as the case may be. The academic board shall be responsible for—

- a) determining the criteria of admission of trainees;
- b) issues relating to scholarships, sponsorship and bursaries at the vocational training center;
- c) implementing the curriculum, the academic standards, validation and review of courses;
- d) facilitating the assessment and examining of trainees;
- e) facilitating the award of certificates upon completion;
- f) disciplining of trainees;

- g) developing academic activities of the vocational training center;
- h) planning, budgeting and allocation of the resources to support the academic activities of the vocational training center;
- i) establishing links with industries and business partners to ensure the entrepreneurial development of trainees;
- j) advising the Board of Management on academic policy and other matters of importance to the vocational training center.

Functions

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

PART V—FINANCIAL PROVISIONS

Funds

25. (1) The funds of a county vocational training center established by the county government shall consist of—

- a) monies allocated by the county government for purposes of the vocational training center;
- b) any grants, gifts, donations or other endowments given to the vocational training center; and
- c) Such funds as may vest in or accrue to the Vocational Training Center in the performance of its functions under this Bill.

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

Revenue and expenditure

26. (1) At least three months before the commencement of each financial year, a vocational training center shall prepare a budget for that particular year.

(2). The budget estimates shall make provision for all the estimated expenditure of the vocational training center for the financial year concerned and, in particular, shall provide for-

- a) payment of remuneration in respect of the board members and staff of the vocational training center;
- b) payment of statutory deductions and other charges in respect of benefits which are payable out of the funds of the vocational training center;
- c) maintenance of the buildings and grounds of the vocational training center;

- d) funding of training, research and development of activities of the vocational training center;
- 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 center may deem fit;
- f) and any other expenditure necessary or required for the purposes of this Bill.

(3). The budget estimates shall be approved by the Board before the commencement of the academic year to which they relate and forwarded to the County Chief Officer.

Records

27. (1) The manager shall ensure proper keeping of books and records of accounts of the income, expenditure, assets and liabilities of the county vocational training center.

(2). Within a period of three months after the end of each academic year, the manager shall submit to the county Internal Auditor, the accounts of the county vocational training center in respect of that year together with a —

- a) statement of the income and expenditure of the vocational training center during that year; and
- b) Statement of the assets and liabilities of the vocational training center on the last day of that academic year.

Annual report

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

(2) The Board shall submit an audited report to the County Chief Officer three months after the end of the year;

The annual report shall contain—

- a) the financial statements of the county vocational training center;
- b) a description of the activities of the vocational training center;
- c) other statistical information relating to its functions that the vocational training center may consider appropriate;
- d) any impediments to the achievements of the objects and functions of the vocational training center; and
- e) Any other information relating to its functions that the Board considers necessary.

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

PART VI — MISCELLANEOUS PROVISIONS

Inspection and Monitoring

29. The Directorate of Vocational Training shall, in consultation with the County Education Board, inspect and monitor the standards of the county vocational training center in the county.

Regulations

30. The County Executive Committee Member may, with the Regulations approval of the Cabinet, make Regulations for the better carrying out of the purposes and provisions of this Bill.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to provide a legal framework for the proper establishment and regulation of vocational training centers by creating a regulatory framework to control the registration of county vocational training centers.

The Bill is organized in six parts covering the following-

Part I provides for Preliminaries including- short title and interpretation of the Bill;

Part II Provides for the Establishment of Vocational Training Centres and promotion;

PART III Provides for Registration of County Vocational Training Centres;

Part IV Provides for Administration of County Vocational Training Centres;

Part V Provides for Financial Provisions.

Part VI is the Miscellaneous Part providing for Inspection and Monitoring, Regulations, Rules including Offences and Penalties.

The Bill shall occasion additional expense which will be provided for in the estimates.

HON. DANIEL KIMUYU

Chairperson, Early Childhood Development Education, Libraries and Vocational Training