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CONTENT

Act—	PAGE
The Nyeri County Vocational Training Centers Act, 2021	1

**THE NYERI COUNTY VOCATIONAL TRAINING CENTERS
ACT, 2021**

No. 14 of 2021

Date of Assent: 17th November, 2021

Date of Commencement: See Section 1

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objecta of the Act.
- 4—Guiding Principles of the Act.
- 5—Training Programmes.

**PART II—ESTABLISHMENT AND MANAGEMENT OF
VOCATIONAL TRAINING CENTERS**

- 6—Establishment of a Vocational Training Centre.
- 7—Powers of a Vocational Training Centre.
- 8—Functions of a Vocational Training Centre.
- 9—Board of Management.
- 10—Powers of a Board Management.
- 11—Functions of Board Management.

**PART III—REGISTRATION AND ADMINISTRATION OF
VOCATIONAL TRAINING CENTRES**

- 12—Term of Office.
- 13—Removal of a Board Member.
- 14—Vacancy of Office of Board Member.
- 15—Registration of Vocational Training Centers.
- 16—Register and supervision of Vocational Training Centers.
- 17—Principal of a Vocational Training Centre.
- 18—Staff.
- 19—Training Board.

**THE NYERI COUNTY VOCATIONAL TRAINING CENTERS
ACT, 2021**

AN ACT of the County Assembly of Nyeri to provide for the establishment, governance and development of Vocational Training Centers; to provide for their development and organisation and for connected purposes.

ENACTED by the County Assembly of Nyeri, as follows—

PART I—PRELIMINARY

Short Title

1. This Act may be cited as the Nyeri County Vocational Training Centers Act, 2021 and shall come into effect fourteen days after publication in the *Kenya Gazette*.

Interpretation

2. In this Act unless the context otherwise requires—

“Authority” means the Technical and Vocational Educational and Training Authority established under section 6 of the Technical and Vocational Education and Training Act No. 29 of 2013;

“Board” means the Board of Management appointed by the Executive Committee Member under Section 8 of this Act;

“Chief Officer” means the Chief Officer in charge of Education and Vocational Training;

“County” means the County Government of Nyeri;

“Department” means the County Department of Education;

“Director” means the County Director heading matters related to Vocational Training;

“Directorate” means the Directorate of Education established by the County Public Service Board to manage all matters relating to Education and Training in Vocational Training Centres;

“enterprise services” means any income generating activities and includes the sale of goods and services;

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

“Principal” means the Principal appointed under section 16 of this Act;

“Private institution” means an institution which is not a public institution;

“Public institution” means an institution established or maintained by use of public funds or by the community;

“Sponsor” means a person who by contract with a vocational training center or any law in Kenya is the recognized sponsor of the vocational training centre or a programme or part of the programme thereof;

“Training” includes technical, industrial and vocational education and training leading to an award of a certificate;

“Vocational Training Centre” means an institution, such as village polytechnics and home craft centers, providing training leading to the awards below the level of diploma.

Object of the Act

3. The object of this Act is to promote the—
 - (a) establishment and progressive development of vocational training centres in the county;
 - (b) acquisition of occupational trade skills by all persons through training;
 - (c) exchange of knowledge and skill and, in so doing, improve the economy of the county; and
 - (d) carrying out of research and development that serves the county.

Guiding Principles

4. In the discharge of its functions and exercise of powers under this Act, the County shall be guided by the following principles—
 - (a) equality, equity and non-discrimination in provision of vocational education and training, and the recognition of trainees with special needs;
 - (b) there shall be constituted appropriate mechanisms to promote access, equity, quality, and relevance in training to ensure adequate human capital for economic, social and political development of the County;
 - (c) promotion of innovativeness, technology transfer and an entrepreneurial culture;

- (d) transparency in the allocation and utilization of public and private resources in the implementation of programmes and activities relating to vocational education and training;
- (e) collaboration with the national government and relevant stakeholders in the implementation of activities necessary for the provision of vocational education and training; and
- (f) promotion of uniform standards of vocational education and training in the county.

Training Programmes

5. Training programmes shall take into account—

- (a) the standards and guidelines set out by the Authority under the Technical Training and Vocational Education and Training Act No. 29 of 2013;
- (b) the educational, cultural and social economic back ground of the County residents; and
- (c) the technical and professional skills, knowledge and levels of qualification needed in the various sectors of the County economy.

PART II—ESTABLISHMENT OF VOCATIONAL TRAINING CENTERS

Establishment of vocational training center

6. (1) The Executive Committee Member may either solely or in partnership with any charitable sponsor set-up county vocational centres.

(2) Despite subsection (1), private or charitable bodies that meet the requirements set out in this Act and any other applicable law may set up Vocational Training Centres in the County.

Powers of Vocational Training Centres

7. A Vocational Training Centre set up pursuant to this Act shall have the powers necessary for the execution of its functions under this Act and any other written law.

Functions of a vocational training centre

8. Every Vocational Training Centre shall—

- (a) provide full-time or part-time technical or vocational courses;
- (b) provide such facilities for its students as it considers desirable;

- (c) fix, demand and receive fees and other charges as may be appropriate and as approved by the Executive Committee Member;
- (d) offer technical, entrepreneurship and life skills training as it considers appropriate;
- (e) make provision for the general welfare, recreational and social needs of its staff and students;
- (f) undertake any activity necessary for the fulfillment of any of the functions of the Vocational Training Centre;
- (g) provide a multi-level system of pre and post secondary school education and training programmes relevant to the needs of the County;
- (h) develop and provide educational, cultural, professional technical and vocational services to the community;
- (i) foster corporate social responsibility within the County; and
- (j) promote and establish a culture of innovation in practical technical skills and technology transfer among staff and students.

Board of Management

9. (1) The Executive Committee Member shall, by order in the Kenya Gazette, appoint a Board of Management for each Vocational Training Centre, of not less than seven and not more than nine members.

(2) The Executive Committee Member shall ensure that the composition of the Board of Management takes into account the regional and gender balance and that it promotes the inclusion of persons with disabilities, minorities and the marginalized and ensures balanced competencies among the members.

(3) The Board of Governors of vocational training centres set up by private sponsors shall be appointed according to the instruments setting them up and their number shall be determined by their instruments of establishment.

(4) A person shall qualify to be appointed to the Board under subsection 1 above if such person—

- (a) holds a minimum of a post secondary qualification from a learning institution recognized in Kenya;
- (b) fulfills the requirements of Chapter 6 of the Constitution;
- (c) is committed to serve the Community on a voluntary basis.

(5) The members of the Board shall in the first sitting elect a Chairperson and Vice-chairperson of the opposite gender from amongst themselves.

(6) The conduct of business and affairs of the Board shall be as prescribed in the First Schedule.

Powers of the Board of Management

10. (1) A Board shall have all powers necessary for the proper performance of the functions of the Vocational Training Centre under this Act.

(2) Without prejudice to the generality of subsection (1), the Board shall have powers to—

- (a) secure the assets of the Vocational Training Centre in such manner as best promotes the purpose for which the Vocational Training Centre is established;
- (b) associate with any other institution so as to further the purpose for which the Vocational Training Centre is established;
- (c) receive grants, gifts, donations or endowments and make legitimate disbursements from them;
- (d) delegate any of its powers to any of its committees or employees;
- (e) undertake any activity necessary for the fulfillment of any of the functions of the Board;
- (f) manage human resources of the Vocational Training Centre; and
- (g) approve the budget of the Vocational Training Centre.

Functions of the Board of Management

11. The Board shall—

- (a) formulate administrative policies relating to the vocational training centre;
- (b) ensure efficient management of the vocational training centre;
- (c) oversee prudent utilization of the funds allocated to the vocational training centre;
- (d) ensure that the vocational training centre observes high standards of corporate and business ethics; and
- (e) perform any other functions assigned to it under this Act.

Term of Office

12. The members appointed to the Board under this Act shall hold office for a period of three calendar years from the date of appointment, and shall be eligible for re-appointment for one further term.

Removal of a board member

13. The Executive Committee member may remove a person appointed to the Board on the ground that the member has—

- (a) grossly violated the constitution;
- (b) demonstrated incompetency in the exercise of his or her duties as a member of the Board;
- (c) abused his or her office;
- (d) been affected by physical illness in such a manner leading to inability to perform his or her role as a member of the Board; and
- (e) committed a crime in relation to his or her work as a member of the Board.
- (f) has not attended three consecutive sittings without an apology.

Vacancy of office of Board Member

14. (1) The office of Member of Board of Management shall become vacant if the holder of the office—

- (a) dies;
- (b) resigns, in writing, addressed to the Executive Committee Member;
- (c) has been convicted of an offence under national or county law and imprisoned for at least six months; or
- (d) has been declared mentally unsound.

(2) If a vacancy occurs in the circumstances contemplated by subsection 1 above, the Executive Committee member shall within twenty-one days appoint another person as a replacement to the Board.

PART III—REGISTRATION AND ADMINISTRATION OF VOCATIONAL TRAINING CENTERS

Registration of Vocational Training Centres

No. 29 of 2013

15. (1) A person shall not operate a Vocational Training Centre unless the person or an institution has been accredited, licensed and registered under the Technical and Vocational Education and Training Act.

(2) A person who operates a Vocational Training Centre which is not registered under the Act in subsection (1) commits an offence.

(3) The procedure for registration and accreditation of Vocational Training Centers is as set out in the Technical and Vocational Education and Training Act.

(4) An application for registration by a private institution shall also be forwarded to the Director in the County for record purposes.

Register and Supervision of Vocational Training Centers

16. (1) The Directorate 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 may prescribe.

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

(3) The County may on behalf of any Vocational Training Centres enter into a Memorandum of Understanding with the Authority to enable it exercise the delegated supervisory functions over the Vocational Training Centers within the County in terms of section 7(2) of the Technical and Vocational Education and Training Act.

PART IV—ADMINISTRATION OF VOCATIONAL TRAINING CENTERS

Principal of Vocational Training Center

17. (1) There shall be a Principal for each Vocational Training Centre who shall be the Chief Executive Officer.

(2) The Principal of a Public Vocational Training Centre shall be appointed by the County Public Service Board.

(3) The Principal of a Private Vocational Training Centre shall be appointed by the Board on such terms and conditions as may be specified in the instrument of appointment.

(4) Despite subsections (2) and (3), the appointment of every Principal shall be through a competitive recruitment process.

(5) A person is qualified for appointment as a Principal if the person—

- (a) is a citizen of Kenya;
- (b) holds a minimum of an undergraduate Degree from a recognized institution in Kenya;
- (c) holds a Diploma in Technical Education from a recognized institution in Kenya;
- (d) has at least three years' experience at management level;
- (e) has at least five years' experience in any technical field; and
- (f) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

(6) The Principal shall be the accounting officer of the Vocational Training Centre and, subject to the direction of the Board, shall be responsible for the—

- (a) implementation of the decisions of the Board;
- (b) day to day management of the affairs of the Vocational Training Centre;
- (c) organization and management of the staff; and
- (d) any other function that may be assigned by the Board.

(7) The Principal may be removed from office on the recommendation of the Board.

(8) Before the Principal is removed under subsection (7), the Principal shall be—

- (a) given sufficient notice, of at least fourteen days, of the allegations made against him or her;
- (b) given an opportunity to be heard either in person or by a legal representative; and
- (c) subjected to the Public service disciplinary procedures.

(9) There shall be a deputy Principal for each vocational training centre who shall be appointed by the board of management after the Principal has been appointed.

Staff

18. (1) The Vocational Training Centre teaching and non-teaching staff shall have such academic, technical and other qualifications, as may be determined by the respective Scheme of Service.

(2) In addition to the staff referred to in subsection (1), the County Public Service Board may, upon request by the Chief Officer, second to the Vocational Training Centre such number of staff as may be necessary for the performance of the functions of the Vocational Training Centre.

Training Board

19. Each Vocational Training Centre shall have a training board consisting of the Principal, Deputy Principal, heads of academic departments and any other person specified by the Board.

Functions of the Academic Board

20. (1) The training board shall ensure compliance to—

- (a) criteria for the admission of students;
- (b) curricula, the academic standards, validation and review of courses;
- (c) procedure to assess and examine students;
- (d) appointment and dismissal of internal and external examiners;
- (e) procedure for the award of qualifications;
- (f) development of the academic activities of the Vocational Training Centre;
- (g) establishment of links with different industries and businesses to ensure the entrepreneurial development of students.

(2) The Training Board shall also—

- (a) advise the Board on academic policy and other matters of academic importance to the Vocational Training Centre; and
- (b) consider the resources required to support the academic activities of the Vocational Training Centre.

Committees of the Academic Board

21. (1) The training Board may establish committees for the better carrying out of its functions.

(2) Every committee shall, before establishment, be approved by the Board.

(3) The academic board may co-opt persons to committees established under subsection (1) for a particular reason and such persons shall hold office for such period as the Board may determine.

(4) The persons co-opted under subsection (2) shall not be more than two.

PART V—HOME CRAFT CENTERS

Establishment of Home craft centers

22. (1) The Executive Committee Member shall establish County Home Craft Centers.

(2) The Executive Committee Member shall promote the establishment of Home Craft Centers by—

- (a) religious organizations;
- (b) public benefit organizations;
- (c) an individual or group of individuals;
- (3) Home craft centers established in the County may—
 - (a) provide home craft skills;
 - (b) promote, protect and propagate indigenous products; and
 - (c) promote home craft entrepreneurship.

(4) A home craft center established under this Act shall not be used for furtherance of any unlawful activity.

Regulation of Home craft Centers

23. (1) The Executive Committee Member may make regulations on the establishment and proper running of home craft centers.

(2) Regulations made under subsection (1) may—

- (a) prescribe standards relating to premises, facilities and programmes;
- (b) provide for the administration and management of community home craft centers; and
- (c) provide for licensing and registration.

Funding and Support

24. The Executive Committee Member shall, out of money annually appropriated to the Directorate of Vocational Education and Training—

- (a) provide necessary training resources and facilities for home craft centers;
- (b) provide required facilities and infrastructure; and
- (c) provide funds to cater for center operation costs.

Home Craft Enterprise Services

25. (1) County home craft centers established under this Act may engage in enterprise services for the generation of income.

(2) The Executive Committee Member shall promote home craft center enterprise services

(3) The Executive Committee Member may make regulations on the management and utilization of funds from County home craft center enterprise services.

PART VI—FINANCIAL PROVISIONS

Funds of the Vocational Training Centers

26. The funds and assets of Vocational Training Centre shall consist of—

- (a) such monies or assets as may accrue to or vest in the Vocational Training Centre in the course of the exercise of its powers or the performance of its functions under this Act;
- (b) such monies as may be payable to the Vocational Training Centre pursuant to this Act or any other law;
- (c) such monies as may be appropriated by the County Assembly for the purposes of the Vocational Training Centre; and
- (d) all monies from any other source provided, donated or lent to the Vocational Training Centre.

Financial Year

27. The financial year of Vocational Training Centres shall be the period of twelve months ending on the thirtieth June in each year.

Annual Estimates

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

- (a) payment of the salaries, allowances and other charges in respect of the Board members, staff or agents of the Vocational Training Centre;
- (b) payment of pensions, gratuities and other charges and in respect of benefits which are payable out of the funds of the Vocational Training Centre;
- (c) funding of the registration, monitoring and evaluation of activities of the Vocational Training Centre;
- (d) the maintenance of the buildings and grounds of the Vocational Training Centre;
- (e) funding of training, research and development of activities of the Vocational Training Centre;
- (f) reserve funds to meet future or contingent liabilities in relation to retirement benefits, insurance or replacement of buildings or equipment; and
- (g) any other expenditure necessary or required for the purposes of this Act.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and forwarded to the Executive Committee Member for tabling before the relevant County Assembly Committee.

Accounts and Audit

29. (1) Each Vocational Training Centre shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities.

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General 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) a statement of the assets and liabilities of the Vocational Training Centre on the last day of that financial year.

(3) The annual accounts of the Vocational Training Centre shall be prepared, audited and reported upon in accordance with the provisions of

Articles 226 and 229 of the Constitution and the law relating to public audit.

Annual Report

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

(2) Without limiting what may be included in the annual report, the annual report shall include—

- (a) the audited financial report of the Vocational Training Centre;
- (b) description of the activities of the Vocational Training Centre;
- (c) such other statistical information as the Vocational Training Centre may consider appropriate relating to the Vocational Training Centre's functions;
- (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;
- (f) such other information as the Executive Committee Member may direct; and any other information relating to its functions that the Board considers necessary.

(3) The Board shall submit the annual report to the Executive Committee Member within three months after the end of the year to which it relates for subsequent submission to the County Treasury and the County Assembly.

(4) The annual report shall be published and publicized in a manner that may be determined by the County Executive Committee.

PART VII—MISCELLANEOUS PROVISIONS

Collaboration

31. A Vocational Training Centre may collaborate with any other Vocational Training Centre or any other training institution to promote its development.

Standards and Quality Assurance of Vocational Training Centers

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

(2) The Department shall in accordance with the provisions of this Act—

- (a) adopt appropriate national and international standards in training;
- (b) establish, implement and manage credible quality assurance systems;
- (c) establish and promote appropriate collaborative arrangements with national and international agencies on standards and quality assurance; and
- (d) establish systems and processes for the continuous review and improvement of standards and quality assurance in Vocational Training Centers.

Regulations

33. (1) The Executive Committee Member may, in consultation with other stakeholders, make regulations with approval of the County Assembly generally for the better carrying out into effect of any provisions of this Act.

(2) Without prejudice to the generality of subsection (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 Vocational Training Centre considers necessary.

General Penalty

34. A person who contravenes any provision of this Act for which no other penalty is prescribed, 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.

SCHEDULE [Section 9(6)]**PROVISIONS AS TO THE CONDUCT OF THE BUSINESS AND AFFAIRS OF THE BOARDS OF GOVERNORS**

1. The Board shall meet as often as necessary for the transaction of business, but not more than four months shall elapse between the date of one meeting and that of the next meeting.
2. The Chairperson may at any time, and upon written request by a majority of the members, call a special meeting of the Board.
3. The Chairperson shall preside over every meeting of the Board at which he/she is present, but in the absence of the Chairperson, the vice chairperson shall preside and in the absence of the Chairperson and the Vice Chairperson, the members present may elect one from among them to preside.
4. The quorum for a meeting of the Board shall be two-thirds of the membership.
5. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the members present, and in the case of an equality of votes the chairperson or person presiding shall have a casting vote.
6. A member who has a direct or indirect interest in a matter being considered or to be considered by the Board shall, as soon as the relevant facts regarding the matter come to knowledge of the member, disclose the nature of such interest, and shall not be present during any deliberations on the matter.
7. The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and shall be signed by the chairperson or the person presiding at the meeting.
8. Save as provided in this Schedule the Board may regulate its own procedure.

SCHEDULE (Section 9(6))
PROVISIONS AS TO THE CONDUCT OF THE BUSINESS AND
AFFAIRS OF THE BOARDS OF GOVERNORS

1. The Board shall meet as often as necessary for the transaction of business; but not more than four months shall elapse between the date of one meeting and that of the next meeting.
2. The Chairman may at any time, and upon written request by a majority of the members, call a special meeting of the Board.
3. The Chairman shall preside over every meeting of the Board at which he is present, but in the absence of the Chairman, the Vice Chairman shall preside and in the absence of the Vice Chairman and the Chairman, the members present may elect one from among them to preside.
4. The quorum for a meeting of the Board shall be two-thirds of the membership.
5. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the members present, and in the case of an equality of votes the Chairman or person presiding shall have a casting vote.
6. A member who has a direct or indirect interest in a matter being considered or to be considered by the Board shall, as soon as the relevant facts regarding the matter come to knowledge of the member, disclose the nature of such interest, and shall not be present during any deliberations on the matter.
7. The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and shall be signed by the Chairman or the person presiding at the meeting.
8. Save as provided in this schedule the Board may regulate its own procedure.