

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**KAJIADO COUNTY BILLS, 2023**

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**THE KAJIADO COUNTY VOCATIONAL TRAINING CENTRES  
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**THE KAJIADO VOCATIONAL TRAINING CENTRES BILL,  
2023**

**A Bill for**

**AN ACT of the County Assembly of Kajiado to give effect to paragraph 9 of Part II of the Fourth Schedule to the Constitution, provide for a legal framework to establish and maintain Vocational Training Centres in the County and for connected purposes**

**ENACTED** by the County Assembly Kajiado, as follows—

**PART I—PRELIMINARY**

**Short title and commencement**

1. (1) This Act may be cited as the Kajiado County Vocational Training Centres Act, 2023.

(2) This Act shall come into force on such date as the Executive Committee Member shall, by notice in the *Gazette*, appoint, but not later than three months after publication of the Act.

**Interpretation.**

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

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

“Vocational Training Centre” means Training Centres established pursuant to this Act.

**Objective of the Act**

3. The object and purpose of this Act is to—

- (a) establish a legal framework to support the establishment of Vocational Training Centres in the County;
- (b) provide for a self-regulating framework for Vocational Training Centres established in the County; and
- (c) facilitate the implementation of County Government function under the Fourth Schedule to the Constitution.

**PART II—VOCATIONAL TRAINING CENTRES**

**Autonomy and members of a Vocational Training Centre**

4. (1) A Vocational Training Centre shall have autonomy in its internal affairs.



(2) A Vocational Training Centre shall encompass full-time trainers, other full-time staff and full-time trainees as its members.

(3) Determination as to who is to be regarded as full-time shall be issued by regulations.

### **The mission of Vocational Training Centres**

5. (1) The mission of a Vocational Training Centre includes—

- (a) working on research, artistic and cultural premises;
- (b) providing higher education for professional expert jobs based on the requirements of working life and its development;
- (c) supporting the professional growth of individuals; and
- (d) carrying out applied research and development that serves Vocational Training Centre education, supports the world of work and regional development, and takes the industrial structure of the region into account.

(2) Vocational Training Centres shall provide and develop adult education in order to maintain and upgrade working life competencies.

### **Cooperation with the operating environment**

6. In carrying out its mission, a Vocational Training Centre shall cooperate with business and industry and other sectors of the labour market, in particular within the County, and with local and foreign higher education institutions and other educational establishments.

## **PART III—OPERATING A VOCATIONAL TRAINING CENTRE**

### **Vocational Training Centre operating licence**

7. (1) Upon application, the Executive Committee Member may grant a licence to operate a Vocational Training Centre to any person.

(2) The licence shall be granted subject to such conditions as the County Executive Committee Member may prescribe.

(3) The licensee is entitled to operate a Vocational Training Centre which provides Vocational Training Centre education in accordance with the educational mission specified in the operating licence.

(4) The licence issued under this Act may impose development and other obligations on the Vocational Training Centre.

(5) The Executive Committee Member may cancel an operating licence in whole or in part—



- (a) if so required by fundamental changes in educational needs or for other reasons relating to the running of the Vocational Training Centre;
  - (b) if the Vocational Training Centre in its operation fails to fulfil the requirements and obligations referred to in this Act; or
  - (c) for any other justifiable reason.
- (6) The Executive Committee Member may make regulations generally to give full effect to this section.
- (7) An application made under this section shall be in accordance to a prescribed form and accompanied by such fees as the Executive Committee Member may prescribe.

### **Educational mission**

8. (1) Every Vocational Training Centre established under this Act shall have an educational mission.
- (2) The educational mission referred to under sub-section (1) shall determine its field of operation, its language of instruction and the location of its units.
- (3) The Executive Committee Member shall make regulations to give effect to this section.

## **PART IV—STEERING AND EVALUATION OF OPERATIONS**

### **Target setting**

9. (1) In accordance with further provisions to be issued in the regulations, the County Government shall adopt a Development Plan for Education and Research for a specific period of time, setting out general development targets for Vocational Training Centres.
- (2) The Executive Committee Member shall agree with a Vocational Training Centre on objectives of primary relevance to national higher education policy to be set for the operation of the Vocational Training Centre and their monitoring and on major national development projects for a specified number of years at a time.

### **Quality assessment**

10. (1) A Vocational Training Centre shall be responsible for the quality and continuing development of the education and other activities it provides.



(2) The Vocational Training Centre shall evaluate its education and other activities and their impact.

(3) The Vocational Training Centre shall also participate in external evaluation of its operation and quality assurance system on a regular basis and publish the findings of its evaluations.

(4) The Executive Committee Member may cancel the operating licence of a Vocational Training Centre that fails to comply with this section.

## **PART V—VOCATIONAL TRAINING CENTRE ADMINISTRATION**

### **Internal administrative bodies**

11. (1) All Vocational Training Centres established under this Act shall have a Board of Management.

(2) The internal administration of a Vocational Training Centre shall be managed by a Board.

### **Board**

12. (1) The Board shall be presided over by a Chairperson.

(2) The Board shall include the representation of the other leadership, full-time trainers, other full-time staff and full-time trainees of the Vocational Training Centre and representatives of business and industry and other sectors of the labour market.

(3) The total number of Board members and the number of members belonging to the groups referred to in sub-section (2) shall be determined by the organisation operating the Vocational Training Centre.

(4) The appointment of a chairperson and election of members shall be as provided for under the code of regulations of the Vocational Training Centre.

(5) The code or regulations referred to under sub-section (4) shall be presented to the Executive Committee Member for approval.

### **Duties of the Board**

13. (1) The Board shall oversee operations of the Vocational Training Centre.

(2) The Board shall—

- (a) submit proposals towards the action and economic plan and budget of the Vocational Training Centre to the person operating the Vocational Training Centre;



- (b) determine the grounds for allocating the appropriations granted to the Vocational Training Centre;
- (c) submit a proposal to the organisation operating the Vocational Training Centre concerning changes in the educational mission;
- (d) appoint other multi-member administrative bodies;
- (e) adopt certificate regulations of the Vocational Training Centre;
- (f) adopt regulations on internal administration; and
- (g) deliberate and resolve any other matters assigned to it by statutes or regulations, or matters which by virtue of their nature fall within its duties.

## **PART VI—INSTRUCTION AND CERTIFICATE**

### **Language of instruction**

14. The language of instruction of a Vocational Training Centre shall be English or Swahili.

### **Vocational Training Centre education**

15. Within the scope of the educational mission assigned to it, a Vocational Training Centre shall provide education specialist training and other adult education and open Vocational Training Centre instruction.

### **Certificates and requirements**

16. (1) The Vocational Training Centres shall confer Vocational Training Centre certificate.

(2) Provisions on the certificates conferred by a Vocational Training Centre, the objectives of the certificates and the structure of studies and other study requirements shall be issued by regulations and stipulated, by virtue thereof, in the certificate regulations of the Vocational Training Centre.

## **PART VII—TRAINEES**

### **Number of trainees**

17. A Vocational Training Centre shall decide on the annual number of trainees admitted to the Vocational Training Centre.

### **Trainee selection and acceptance**

18. (1) The admission criteria and the arrangement of entrance examinations shall be determined by the Vocational Training Centre.



(2) The applied admission criteria must be consistent with regard to all the applicants.

(3) An applicant may apply to the board of the Vocational Training Centre in writing for rectification of a decision concerning admission within 14 days of receiving the notification of the decision.

(4) The admission results may not be changed to the detriment of any other admitted person in consequence of the rectification request.

(5) Further provisions on the procedure shall be issued by regulations.

### **Trainee registration**

19. An admitted student who has notified the Vocational Training Centre of his or her acceptance of the student place shall enrol at the Vocational Training Centre in the manner stipulated by the Vocational Training Centre, whereupon he or she is registered as a student.

### **Forfeiture of right to study**

20. (1) A student who has not registered in the manner provided in section 19 shall forfeit his or her right to study.

(2) Should the student later wish to start or resume his or her studies, he or she must reapply to the Vocational Training Centre for right to study.

(3) A student who fails to complete his or her studies within the period of time laid down by the Vocational Training Centre shall forfeit his or her right to study, unless the Vocational Training Centre for a special reason grants him or her extension to finish the studies.

(4) A student may apply to the Board of the Vocational Training Centre in writing for rectification of a decision concerning forfeiture of right to study within 14 days of receiving notification of the decision.

### **Disciplinary action**

21. (1) A student who has been found guilty of deception in the Vocational Training Centre or otherwise breached the order of the Vocational Training Centre may be punished by disciplinary action, depending on the severity of the breach, by a caution or by suspension for a period of not more than one year.

(2) Before a decision is taken on the matter, the student must be given an opportunity to be heard on the matter.



(3) The decision to caution a student shall be made by the rector and the decision on a student's suspension by the board of the Vocational Training Centre.

### **PART VIII—TRAINERS AND OTHER STAFF**

#### **Trainers and other staff**

22. (1) A Vocational Training Centre may have trainers and visiting trainers.

(2) The staff of a Vocational Training Centre shall be appointed or hired by the Vocational Training Centre.

#### **Trainers' qualification requirements and duties**

23. Provisions on the Vocational Training Centre trainers' qualification requirements and duties shall be issued by regulations.

### **PART IX—FINANCING**

#### **Core funding**

24. A person operating a Vocational Training Centre shall be allocated core funding by the County Government on the basis of the number of Vocational Training Centre trainees and a unit cost determined per student.

#### **Other sources of funding**

25. An organisation operating a Vocational Training Centre may accept contributions and donations for the operations and development of the Vocational Training Centre.

### **PART X—MISCELLANEOUS PROVISIONS**

#### **Cooperation between Vocational Training Centres**

26. Vocational Training Centres may agree on joint education and research units with a view to coordinating operations of Vocational Training Centres located in the same region or to promoting joint projects, research and development cooperation or other forms of collaboration.

#### **Appeals**

27. An appeal against a decision made by a Vocational Training Centre pursuant to this Act and to a Decree issued by virtue of it shall be lodged with the administrative court within whose jurisdiction the head office the Vocational Training Centre is located.

#### **Trainee body**

28. (1) A Vocational Training Centre shall have a trainee body to which the full-time trainees of the Vocational Training Centre may belong.



(2) The trainee body may also admit other Vocational Training Centre trainees as members.

(3) The duties of the trainee body shall be to select trainee representatives for the Vocational Training Centre board and to participate in other Vocational Training Centre activities.

(4) The trainee body shall also otherwise contribute to preparing trainees for an active, cognizant and critical citizenship.

(5) The trainee body shall liaise between and on behalf of its members for promoting their societal, social and intellectual aspirations and those relating to studies and the status of trainees in society.

### **Regulations**

29. (1) The County Executive Committee Member may make regulations generally for better carrying into effect the provisions of this Act.

(2) The Executive Committee Member may prescribe forms and rules to give full effect to this Act.

### **Prescription of fees**

30. The Executive Committee Member may prescribe fees required under this Act.



## **MEMORANDUM OF OBJECTS AND REASONS**

The object and purpose of this Act is to establish a legal framework to support the establishment of Vocational Training Centres in the County, to provide for a self-regulating framework for Vocational Training Centres established in the County and to facilitate the implementation of County Government function under the Fourth Schedule to the Constitution.

**PART I** of the Bill provides for preliminary matters. It provides for the short title and commencement date, Interpretation and sets the objectives of the Act.

**PART II** of the Bill provides for the establishment of Vocational Training Centres. It provides for the autonomy and members of a Vocational Training Centre, mandatory setting of mission statement of Vocational Training Centres, and cooperation with the operating environment.

**PART III** of the Bill provides for the operating a Vocational Training Centre. It provides for conditions for issuance of Vocational Training Centre operating licence.

**PART IV** of the Bill provides for a framework to steer and evaluation of operations of a Vocational Training Centre. It provides for target setting and quality assessment.

**PART V** of the Bill provides for the Vocational Training Centre administration. It provides for Vocational Training Centre internal administrative bodies, establishment of Board and sets out duties of the Board.

**PART VI** of the Bill provides for matters relating to instructions in the Vocational Training Centre. It provides for the language of instruction, Vocational Training Centre education and certificates issued and other requirements.

**PART VII** of the Bill provide for matters concerning students or trainees. It provides for number of trainees, trainee selection and acceptance, registration of trainees and disciplinary action.

**PART VIII** of the Bill provides for matters relating to trainers and other staff Trainers and other staff and trainers' qualification requirements and duties.

**PART IX** of the Bill provides for Core funding of Vocational Training Centres and other sources of funding.

**PART X** of the Bill provides for miscellaneous matters. It provides for cooperation between Vocational Training Centres, appeals, trainee body, Regulations and prescription of fees.

**JOSHUA SAITOTI SAIGILU,**  
*Chairperson, Committee on Education  
and Vocational Training.*