



REPUBLIC OF KENYA

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***BUNGOMA COUNTY GAZETTE  
SUPPLEMENT***

**ACTS, 2015**

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**NAIROBI, 10th July, 2015**

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POLYTECHNICS ACT**

**No. 8 of 2015**

*Date of Assent: 1st July, 2015*

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## THE BUNGOMA COUNTY YOUTH POLYTECHNICS ACT

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

ENACTED by the County Assembly of Bungoma, as follows—

### PART I—PRELIMINARY

1. This Act may be cited as the Bungoma County Youth Polytechnics Act, 2105, and shall come into operation upon publication in the Kenya *gazette* or County *gazette* whichever comes earlier. Citation.

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

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

“Council” means the County Youth Polytechnic Council established under section 16;

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

“Member of the Executive Committee” means the Member of the Executive Committee responsible for education;

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

### PART II—ESTABLISHMENT OF THE YOUTH POLYTECHNICS

3. The governor shall promote the establishment of Youth 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 Youth polytechnics by the county government.

Establishment of a Youth polytechnic

(2) Any qualified person or body may establish a Youth polytechnic in the county.

5. The Member of the county executive committee shall—

Guidelines on courses of study etc.

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

6. A Youth 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) prepare learners to be awarded diplomas or 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) demand and receive fees and other charges as may be appropriate; fixing to be left to the county education board
- (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 organization;
- (i) make provision for the general welfare, recreational and social needs of its staff and students; and
- (j) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the above.

### **PART III—REGISTRATION OF YOUTH POLYTECHNICS**

**7. (1)** A person shall not operate a Youth polytechnic unless it is registered under this Act. Youth polytechnics to be registered.

(2) Any person who operates a Youth 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.

(3) The Directorate of Education shall, within fifteen working days after receiving the application—

- (a) organize an inspection of the Youth polytechnic; and
- (b) conduct an interview with the applicant to assess the suitability of the equipment and the persons proposed to be employed in the Youth polytechnic.

**9.** Any person making an application for registration of a Youth 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 Youth polytechnic if it is satisfied that the applicant is a fit and proper person to operate the Youth polytechnic. Registration of a Youth polytechnic.

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

(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 Member of the Executive Committee responsible for education.

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

Permit to operate  
prior to  
registration.

(2) A provisional certificate under subsection (1) shall cease to operate upon—

- (a) the delivery of a certificate of registration to the applicant; or
- (b) the expiry of seven days 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 provisional certificate 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 provisional certificate issued under this section shall be in the form prescribed by the executive committee member responsible for education.

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

**13.** (1) The Directorate shall, on registration of a Youth 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 Youth 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 a Youth polytechnic. Registration certificate to be displayed.

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

16. (1) There is hereby established a County Youth polytechnic Councils County Youth Polytechnic Council.

(2) The Youth Polytechnic Council is responsible for—

- (a) overseeing the activities of the polytechnics;
- (b) safeguarding the assets of the polytechnics and the effective and efficient use of their resources;
- (c) considering and approving annual estimates of income and expenditure of the polytechnics;
- (d) the appointment and disciplining of managers of youth polytechnics;
- (e) the determination of the conditions of service of the Principals and other senior officers of the Youth polytechnics;
- (f) considering and approving of recommendations of the academic boards; and
- (g) such other functions that are incidental to the achievement of the aims and objectives of the Youth polytechnics.

17. (1) The Youth Polytechnic Council shall comprise— 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 Directorate of finance;
- (f) a representative of the County Education Board; and
- (g) a representative of the polytechnic managers who shall be an *ex officio* member.
- (h) a member of the County Assembly of the respective ward or his/her representative who shall be an *ex officio* member.

(2) All members of the Council, other than the *ex-officio* members, shall be appointed by the Executive Committee Member.

(3) Members of the Council shall hold office for a period of three years from the date of appointment and shall be eligible for reappointment for the second and last term.

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

**18.** The Member of the Executive Committee may, at any time remove a member of the Council from office if a member—

Power of the Member of the Executive to remove from office a member of the Council

- (a) Misbehaves, or abuses the office;
- (b) fails to attend three consecutive meetings of the Council without reasonable excuse;
- (c) is unable to perform the functions of the office of member arising from infirmity of body or mind;
- (d) grossly violates the Constitution;
- (e) is declared bankrupt; or
- (f) is convicted for an offence involving fraud or dishonesty.

**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.** The Schedule to this Act shall apply in relation to meetings of the Council and other matters specified in that Schedule.

Meetings of a  
Council.

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

Board of  
Directors of a  
Youth  
polytechnic.

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

- (a) overseeing the activities of the polytechnic;
- (b) considering and approving annual estimates of income and expenditure 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 and other senior officers;
- (f) considering and approving the recommendations of the academic board; and
- (g) overseeing the general management and administration of the polytechnic.

(3) The Board may, in the exercise of its functions, ensure payment of all expenses incurred in promoting and registering the company and may exercise all such acts required to be exercised by the company subject to the provisions of this Act or any regulations made under it.

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

Principal and  
Deputy Principal  
of a polytechnic.

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

- (a) holds a minimum of a diploma from an institution 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 may determine.

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

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

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

(6) A board of management of the centre shall appoint a Deputy principal 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 Youth 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 Youth polytechnic such officers as may be necessary for the better performance of polytechnic.

**24.** A Youth polytechnic shall have an academic board consisting of the Principal, deputy 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.

**25.** 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, 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.

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

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

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

Funds of the  
Youth  
Polytechnic.

- (a) monies allocated by the County Assembly for purposes of the polytechnic;
- (b) any grants, gifts, donations or other endowments given to the polytechnic; and
- (c) such funds as may vest in or accrue to the polytechnic in the performance of its functions under this Act or any other written law.

(2) Any funds donated, granted or lent to the Youth polytechnic shall be made public before use.

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

Annual Estimates.

(2) The annual estimates shall make provision for all the estimated expenditure of the polytechnic for the financial year concerned and, in particular, shall provide for—

- (a) payment of remuneration in respect of the members and staff of the polytechnic;
- (b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the polytechnic;
- (c) maintenance of the buildings and grounds of the Polytechnic;
- (d) funding of training, research and development of activities of the polytechnic;
- (e) creation of funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of other matters that the polytechnic may deem fit; and
- (f) any other expenditure necessary or required for the purposes of this Act.

(3) The annual estimates shall be approved by the Youth Polytechnic Council before the commencement of the financial year to which they relate and forwarded to the Executive Committee Member responsible for education.

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

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

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

**30.** (1) 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 Member of the Executive Committee three months after the end of the year to which it relates.

(3) The annual report shall contain in respect of the year to which it relates—

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

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

## PART VI – MISCELLANEOUS PROVISIONS

**31.** The Directorate shall inspect and monitor the standards of the Youth polytechnics in the county. Inspection of polytechnics

**32.** The Executive Committee Member responsible for education may make regulations for the better carrying out of the purposes and provisions of this Act. Regulations

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

**SCHEDULE (s. 20)****Meetings of the County Youth Polytechnic Council****1. Convening meetings**

(1) The Member of the Executive Committee shall convene the first meeting of the council as soon as is practicable after the appointment of the Council for the election of the Chairperson and Vice-Chairperson and thereafter the Council shall meet for the transaction of business at times and places that may be decided upon by the Council but the Council shall meet at least once in every two months.

(2) The Chairperson or, in the absence of the Chairperson, the Vice-Chairperson may, at any time, call a special meeting of the Council, or shall call a special meeting upon a written request by a majority of the members of the Council.

(3) The Chairperson shall preside at all meetings of the Council and in his or her absence, the members present may appoint a member from among themselves to preside at that meeting.

**2. Quorum**

The quorum at a meeting of the Council shall be four members.

**3. Taking decisions**

Questions proposed at a meeting of the Council shall be decided by a majority of the votes of the members present and if there is an equality of votes, the person presiding shall have a casting vote in addition to his or her deliberative vote.

**4. Disclosure of interest**

(1) A member of the Council who has any pecuniary interest in a matter being considered or about to be considered by the Council shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Council.

(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the Council and the member making the disclosure shall not, unless the Council otherwise determines in respect of that matter—

- (a) be present during any deliberation on the matter by the Council;
- (b) take part in the decision-making of the Council on the matter.



(3) For the purpose of making a decision by the Council under subparagraph (2), the member who has made the disclosure shall not—

- (a) be present during the deliberations of the Council for the making of that determination;
- (b) influence any other member or take part in the making of the determination by the Council.

## **5. Co-option of persons to meetings of Council**

(1) The Council may co-opt any person to any meeting of the Council to assist it on any matter if the Council is satisfied that, that person's qualifications and experience are likely to benefit the Council.

(2) A person co-opted to assist the Council under subparagraph (1) is entitled to take part in the proceedings of the Council at the meeting concerning the matter in connection with which he or she is co-opted, but is not entitled to vote or take part in any other proceedings of the Council.

## **6. Minutes of meetings**

(1) The Council shall cause the minutes of its meetings to be recorded and kept and the minutes of each meeting shall be confirmed by the Advisory Council at the next meeting and signed by the Chairperson of the meeting.

(2) The Chairperson of the Advisory Council shall submit to the Member of the Executive Committee a copy of the minutes of each meeting as soon as the minutes have been confirmed.

## **7. Remuneration**

Members of the Council shall be paid such sitting and other allowances as the Member of the Executive Committee may in consultation with the Salaries and Remuneration Commission, determine.

## **8. The Council to regulate its own procedure**

Subject to the provisions of this Schedule, the Council may regulate its own proceeding