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**KILIFI COUNTY ACTS, 2017**

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CONTENT

Act—	PAGE
The Kilifi County Vocational Training and Education Act, 2017.....	1

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2017

*Kilifi County Vocational Training and Education*

No. 18

**THE KILIFI COUNTY VOCATIONAL TRAINING  
AND EDUCATION ACT, 2017**

**No. 18 of 2017**

*Date of Assent: 21st April, 2017*

*Date of Commencement: See Section 1*

**ARRANGEMENT OF SECTIONS**

*Section*

**PART I—PRELIMINARY**

- 1—Short title
- 2—Interpretation
- 3—Object of the Act

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

- 4—Establishment of a Vocational Training Centre
- 5—Powers of a Vocational Training Centre
- 6—Functions of a Vocational Training Centre
- 7—Board of Management
- 8—Powers of a Board of Management
- 9—Functions of a Board of Management
- 10—Requirement to consult with the County Education Board

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

- 11—Registration of Vocational Training Centres
- 12—Application for registration of a Vocational Training Centre
- 13—Applicant to pay prescribed fee
- 14—Provisional licence to operate prior to registration
- 15—Registration certificate
- 16—Revocation of registration and closure of a Vocational Training Centre
- 17—Issuance of a licence

18—Requirement to publish the registration of a vocational training centre

19—Registration of a village Vocational Training Centre

20—Registration certificate to be displayed

21—Register of Vocational Training Centres

#### **PART IV—ADMINISTRATION OF VOCATIONAL TRAINING CENTRES**

22—Principal of a vocational training centre

23—Staff

24—Academic Board

25—Functions of the Academic Board

26—Committees of the Academic Board

#### **PART V-FINANCIAL PROVISIONS**

27—Funds of the Vocational Training Centre

28—Financial Year

29—Annual Estimates

30—Accounts and Audit

31—Annual Report

#### **PART VI—MISCELLANEOUS PROVISIONS**

32—Collaboration

33—Inspection of Vocational Training Centres

34—Regulations

35—General Penalty

**THE KILIFI COUNTY VOCATIONAL TRAINING  
AND EDUCATION ACT, 2017**

**AN ACT of the County Assembly of Kilifi to provide for  
the establishment, governance and regulation of  
vocational training centres; to provide for their  
registration and management and for connected  
purposes**

**ENACTED** by the County Assembly of Kilifi as follows—

**PART I—PRELIMINARY**

1. This Act may be cited as the Kilifi County Vocational Training and Education Act, 2017 and shall come into force on such date as the Executive Committee Member may, by notice in the Gazette, appoint, which date shall not be later than ninety days from the date of its publication.

Short title

2. In this Act—

Interpretation

"Board" means a Board of Management appointed by the Executive Committee member under Section 4(1) to oversee the affairs of a Vocational Training Centre;

"Director" means the County Director heading the Directorate of Youth Training;

"Directorate" means the Directorate of Education and Training.

"Executive Committee Member" means the County Executive Committee Member responsible for Education, Youth Affairs and Sports;

"Principal" means a person who coordinates and oversees implementation of education guidelines in a Vocational Training Centre and performs delegated teacher management functions;

"vocational training centre" means a youth vocational training centre established by the county executive committee member;

"Principal" means the Principal appointed under section 13.

"Vocational Training Centre" means an institution established by the community as per the Technical and Vocational Education Training Act, 2013.

3. The object of this Act is to promote the—

Object of the Act

- (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.

## **PART II—ESTABLISHMENT AND MANAGEMENT OF VOCATIONAL TRAINING CENTRES**

4. (1) The Executive Committee Member may, by order in the Gazette, establish one or more vocational training centres.

Establishment of a vocational training centre

(2) Despite subsection (1), a person who meets the requirements set out in this Act and any other applicable law may establish one or more vocational training centres.

5. Every vocational training centre established under this Act shall have powers necessary for the execution of its functions under this Act and any other written law.

Powers of a vocational training centre

6. (1) Every vocational training centre shall—

Functions of a vocational training centre

- (a) provide full-time or part-time technical or vocational courses;
- (b) provide such facilities for its Trainees as it considers desirable;
- (c) fix, demand and receive fees and other charges as may be appropriate;
- (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 Trainees; and
- (f) undertake any activity necessary for the fulfilment of any of the functions of the vocational training centre.

7. (1) The Executive Committee Member shall, by order in the Gazette, appoint a Board of Management of not less than five and not more than nine members for each vocational training centre that the he or she establishes.

- (a) The Board shall be a body corporate with a common seal and capable of suing and being sued; and acquiring assets and incurring liabilities.
- (b) No person shall be appointed to the Board under sub-section 1 above unless, the person holds a minimum qualification of a Kenya Certificate of Secondary Education, and be a person of integrity and committed to serve the community on voluntary basis.
- (c) A third of the nominees should be from either gender.

(2) The Principal appointed under section 13 shall be the secretary of the board.

(3) The members of the board shall elect a chairperson and vice-chairperson amongst themselves.

8. (1) The 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 power 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; and
- (e) undertake any activity necessary for the fulfilment of any of the functions of the Board.

9. (1) The Board shall—

Functions of a Board  
of Management

- (a) formulate 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.

(2) The members appointed to the Board by the Executive Committee member under section 7(1) shall, hold office for a period of three calendar years from the date of appointment, provided that a person shall be eligible for re-appointment for one further term.

Term of office

(3)(1) The Executive Committee member may remove a person appointed to the Board on the ground that the member has—

Removal of a board  
member

- (i) grossly violated the constitution;
- (ii) demonstrated incompetency in the exercise of his or her duties as a member of the Board.
- (iii) abused his or her office.
- (iv) 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
- (v) committed a crime in relation to his or her work as a member of the board.
- (vi) Has not attended three consecutive sittings without an apology.

(4) A person appointed to the board shall cease to be a member if he or she—

- (i) dies;
- (ii) has been convicted of an offence under national or county law and imprisoned for more than six months;
- (iii) has been declared mentally unsound; and

(5) Upon a person ceasing to be a member of the Board under sub-section 2 above, the Executive Committee member shall, appoint another person as a replacement to the board.

10. (1) The Executive Committee Member shall, in consultation with the County Education Board established under the Basic Education Act—

Requirement to consult with the County Education Board

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

### **PART III—REGISTRATION OF VOCATIONAL TRAINING CENTRES**

11. (1) A person shall not operate a vocational training centre unless it is registered under this Act.

Registration of vocational training centres

(2) A person who operates a vocational training centre which is not registered under this Act commits an offence.

12. (1) An application for registration of a vocational training centre shall be in the form prescribed by Technical and Vocational Education and Training Authority.

Application for registration of a vocational training centre

(2) An application for registration of a vocational training centre shall be submitted to the Director general Technical and vocational Education and Training Authority.

(3) The institution shall forward the application to the Director Vocational training in the County for record purposes.

### **PART IV—ADMINISTRATION OF VOCATIONAL TRAINING CENTERS**

13. (1) There shall be a Principal for each vocational training centre who shall be the Chief Executive Officer.

Principal of a vocational training centre

(2) The Principal of a vocational training centre that receives public funds shall be appointed by the County Public Service Board.

(3) The Principal of a vocational training centre that is not publicly funded 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 degree in technical field or education and any technical skill;
- (c) possess principal skills;
- (d) has at least five years experience in any technical field; and
- (e) meets the requirements of leadership and integrity set out in chapter six of the Constitution.

(6) The Principal is the accounting officer of the vocational training centre and, subject to the direction of the Board, is 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 given—

- (a) not less than fourteen (14) days' notice of the allegations made against them; and
- (b) an opportunity to be heard either in person or by a legal representative.

(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.

14. (1) The vocational training centre teaching and non-teaching staff shall have such academic, technical and other staff, as may be determined by the County Public Service Board for the teaching staff and the Board for the other staff.

Staff

(2) In addition to the staff referred to in subsection (1), the County Public Service Board may, upon request by the vocational training centre, 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.

(3) Staff seconded to the vocational training centre shall, during the period of secondment, be deemed to be staff of the vocational training centre and shall be subject only to the direction of the vocational training centre.

(4) This section only applies to Public Vocational Training Centres.

15. A vocational training centre shall have an academic board consisting of the Principal, Deputy Principal, heads of academic divisions, heads of academic departments and any other person specified by the Board.

Academic Board

16. (1) The Academic Board shall determine the—

Functions of the Academic Board

- (a) criteria for the admission of Trainees;
- (b) procedure to assess and examine Trainees;
- (c) appointment and dismissal of internal and external examiners;
- (d) procedure for expelling Trainees on academic grounds;
- (e) development of the academic activities of the vocational training centre;
- (f) establishment of links with different industries and businesses to ensure the entrepreneurial development of Trainees;

(2) The Academic 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.

(c) hear petitions from trainees.

**17.** (1) The Academic Board may establish committees for the better carrying out of its functions.

Committees of  
Academic Board

(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—FINANCIAL PROVISIONS**

**18.** The funds and assets of the vocational training centre consist of—

Funds of the  
vocational training  
centre

- (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.

**19.** The financial year of the vocational training centre shall be the period of twelve months ending on the thirtieth June in each year.

Financial year

**20.** (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 the vocational training centre for that financial year.

Annual estimates

(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.

**21.** (1) The vocational training centre shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities.

Accounts and audit

(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.

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

Annual report

(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 County executive committee member three months after the end of the year to which it relates to the relevant department.

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

#### **PART VI—MISCELLANEOUS PROVISIONS**

**23.** A vocational training centre may collaborate with any other vocational training centre or any other training institution to promote its development.

Collaboration

**24.** The Kilifi County Directorate shall, in consultation with the County Education Board, inspect and monitor the standards of the vocational training centres in the county.

Inspection of vocational training centres

2017

*Kilifi County Vocational Training and Education*

No. 18

Regulations

**25.** (1) The Executive Committee Member may, in consultation with the Chairperson of the County Education Board, make regulations 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.

**26.** 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 Kenya Shillings five hundred thousand or to a term of imprisonment not exceeding two years or to both.

General Penalty

