

**SAMBURU COUNTY VOCATIONAL EDUCATION
TRAINING CENTRES ACT, 2019**

PART I : PRELIMINARY

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| Citation | 1. This Act may be cited as the Samburu County vocational education training centres Act, 2019 |
| Interpretation | 2. In this Act, unless the context otherwise requires—

-Board means the Board of management of a Vocational education Training Centre.

-Directorate means the Directorate of Education established by the County Public Service to manage all matters relating to education and training. |

PART II– ESTABLISHMENT OF THE VOCATIONAL TRAINING CENTRES

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| Objectives of Vocational Training Centres | 3. The County shall promote the establishment of Vocational Training Centres in the County –
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. |
| Responsibilities of the County Government | 4. The County Government shall, in promoting accessibility to and availability of Vocational Education and training Centres in the County under this Act –
a) Provide training Infrastructure, Machines, Equipment, Learning and Teaching Resources;
b) Formulate and implement programmes, plans and policies to ensure availability of and accessibility to Vocational Education Training Centres;
c) Be responsible for staffing Personnel and supervision of Vocational Education and training within the County;
d) Provide the funds necessary for the Development of Vocational Education and Training Centres and for administration of Vocational Education and Training Centres
e) Identify trainees with special needs in the County, undertake necessary assessment of their needs, and put in place the necessary measures for provision of Vocational Education and training to them;
f) Carry out public awareness and advocacy programmes in relation to Vocational Education and Training in the County; |

- g) Establish and maintain relationships between International, National and Local Institutions in the provisions of Vocational Education and Training; and
 - h) Promote the circulation of and access to up –to-date and timely information on Vocational Education and Training in the County.
- Establishment of Vocational training Centres
5. (1) The County shall ensure the establishment of Vocational training Centres across the County.
(2) Any qualified person or body may establish a Vocational training Centre in consultation with the County Government.
- Guidelines on courses of study
6. The county executive committee shall, in consultation with the County Education Board established under the Basic Education Act –
- a) plan, develop and coordinate training and research in the Vocational Education Centres in the county and
 - b) provide guidelines on the local courses of study, their curriculum and minimum standards required to join.
- Powers and functions of a vocational education Centre
7. A Vocational Education Centre established under this Act shall –
- a) provide full-time or part-time technical or vocational courses in technology, applied science, commerce, management and other business studies;
 - b) award diplomas and 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) 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 any person or organisation;
 - 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 VOCATIONAL EDUCATION CENTRES

- Vocational education centres to be registered
8. (1) A person shall not operate a Vocational education training Centre unless it is registered under this Act.
(2) Any person who operates a Vocational education training Centre which is not registered under this Act commits an offence.
- Application for registration of a vocational education centre
9. (1) An application for registration of a vocational education training centre under this Act shall be in a form prescribed by the executive committee member responsible for education in consultation with technical, vocational education and training Authority.

(2) An application for registration of a vocational education training centre under this Act shall be submitted to the director in charge of Vocational training centres directorate of Education which shall forward a copy of the application to the County Education Board.

(3) The County Education Board shall, within fifteen working days after receiving the application –

(a) organize, and Assess vocational education training centre; and

(b) conduct an interview with the applicant to assess the suitability of the equipment and the persons proposed to be employed in vocational education centre

(4) The County Education Board shall within a reasonable period after the assessment and interview forward its recommendation to the Directorate of Education for the registration of the Vocational education training Centre or to take such other action as the Directorate may deem fit

Applicant to pay prescribed fee

10. Any person making an application for registration of a vocational education centre shall pay the prescribed fees to the Director in charge of vocational training in the County.

Publication of the application

11. The Director shall, within seven days after receiving the application, publish the application in the Gazette.

Registration of a vocational education centre

12. (1) The Directorate shall register a Vocational education centre if it is satisfied, based upon the written recommendation of the County Education Board that the applicant is a fit and proper person to operate a vocational education centre.
(2) The Director shall, within a reasonable period after registration of a vocational education centre, forward the name and all relevant information of the vocational education centre to the County Education Board.

(3) Any person aggrieved by the decision of the Director under this section may, within thirty days of being notified of the decision, appeal against the decision to the authority responsible for higher education

13. (1) The Directorate may issue to the applicant for registration of a Vocational education training Centre a provisional permit to operate pending the fulfilment of the conditions required by the Directorate for the determination of the application.

(2) A provisional permit under subsection (1) shall cease to operate upon –

a) the delivery of a certificate of registration to the applicant; or

b) the expiry of twenty-four hours 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 permit under this section, the Directorate may prescribe a period not more than one year within which the applicant must fulfill the conditions required by the directorate for the improvements of the operation of the vocational education training centre .

(4) A permit issued under this section shall be in the form prescribed by the executive committee member responsible for education.

(5) The holder of a permit under this section shall allow an inspector to enter the premises of the Vocational education training Centre at all reasonable hours, for the purpose of carrying out any inspection to ascertain whether the vocational education training centre is in compliance with the conditions of the permit

Registration certificate.

14. (1) The Director shall, on registration of a Vocational education training Centre issue a registration certificate to the applicant.

(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 Vocational education training Centre in accordance with this Act.

Registration certificate to be displayed.

15. The registration certificate issued under section 12 shall be displayed, by the operator, in a conspicuous place on the premises of the vocational education training centre .

Register to be Kept.

16. (1) The Directorate shall keep a register of all Vocational education training Centre operating in the county and shall include in the register names of the Vocational education training Centres and such other particulars as the executive committee member responsible for education may prescribed.

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

PART IV – ADMINISTRATION OF VOCATIONAL EDUCATION TRAINING CENTRES

Establishment of vocational education training centres board of management.

Vocational education training Centre board

17. (1) A Vocational education training Centre established by the County Government shall have a governing body known as the Vocational education training Centre Council.

(2) The Vocational education training Centre Board of management is responsible for—

(a) the education policy and mission of the vocational education training centre ;

(b) overseeing the activities of the vocational education training centre;

(c) safeguarding the assets of the vocational education training centre and the effective and efficient use of its resources;

(d) considering and approving annual estimates of income and expenditure of the vocational education training centre ;

(e) overseeing the activities of the vocational education training centre;

(f) safeguarding the assets of the vocational education training centre and the effective and efficient use of its resources;

(g) the appointment and disciplining of the Principal/Manager, the Vocational education training centre Secretary and other senior officers as the Board of management may determine;

- (h) the determination of the conditions of service of the Principal/Manager and other senior officers of the Vocational education training Centre with prior approval of the Executive Committee Member responsible for Finance;
- (i) considering and approving of recommendations of the academic board;
- (j) the establishment of committees which may be necessary for the efficient performance of its business; and
- (k) such other functions that are incidental to the achievement of the aims and objectives of the vocational education training centre .

Functions of the board

18. The functions of the Board shall be to –

- a) Oversee the conduct of education and training in the vocational education and training Centre in the County in accordance with provisions of this Act and any other written Law;
- b) Administer and manage the property of the Vocational education and training Centre’
- c) Manage the Vocational education and training programmes in the Vocational education and training Centre by promoting and maintaining standards, quality and relevance of education and training;
- d) Develop and implement the Vocational education and Training Centre’s Strategic plan;
- e) Mobilize resources for the vocational education and training Centre;
- f) Regulate the enrolment and exclusion of trainees from the Vocational education and training Centre;
- g) Prepare annual estimates of revenue on behalf of the Vocational education and training Centre;
- h) Incur expenditure on behalf of the Vocational education training Centre;
- i) Receive, on behalf of the Vocational education and training Centre, fees, grants, donations, bequests or other money and to make disbursements on behalf of the Vocational education and training Centre; and
- j) Carry out such other functions as may be necessary for the benefit of the Vocational education and training Centre.

Composition of board of management

19. (1) A Vocational education training Centre Board of management shall consist of –

- a) a Chairperson;
- b) Deputy Chairperson;
- c) one representative of the Alumni Association;
- d) not less than three and not more than five other persons representing the community in the county, taking into consideration gender balance, persons living with disabilities and the disadvantaged community;
- e) a representative of the County Education Board; and

- f) the Principal/Manager of the vocational education training Centre shall be the secretary of the Council
- (2) All members of the Board of management shall be appointed by the Executive Committee Member responsible for education with the approval of the County Assembly.
- (3) Members of the Board of management shall hold office for a period of five years from the date of appointment and shall be eligible for reappointment for a further one term of five years only.

Vacation of office

20. (1) A member of the Board of management shall cease to hold office if the 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 Executive Committee Member responsible for education;
 - e) without reasonable cause, is absent from three consecutive meetings of the council;
 - f) is found guilty of professional misconduct by the relevant professional body;
 - g) is disqualified from holding a public office under the Constitution;
 - h) engages in any gross misbehavior or misconduct; or
 - i) dies.
- (2) The Executive Committee Member responsible for education may remove a member from the office if in the opinion of the Committee Member the member is unfit to continue in office on any of the grounds under subsection (1).

Filling of vacancy.

21. If the office of a member of the Board of management 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.

Meetings of board of management

22. (1) The Board of management shall meet for the dispatch of business at a time and place that the Chairperson may determine but shall meet at least three times each academic year
- (2) The Chairperson shall preside at each meeting of the Council, 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.
- (3) A meeting shall be convened if four members of the Board of management sign a requisition to that effect.
- (4) The quorum at a meeting of the Board of management shall be half of the members of the Council

- (5) decision of the Board of management shall be decided by consensus failing which a simple majority of votes cast shall decide the matter
- (6) The person chairing a meeting of the Board of management shall have an original and a casting vote.
- (7) The Board of management may co-opt any person to attend a meeting of the Board of management but that person shall not vote on a matter for a decision by the Council.

Board of
Directors for a
Vocational
education
training centre
established
privately

23. (1) There shall be a Board of Directors for a Vocational education training centre privately established and sponsored as may be determined by the promoters of the polytechnic.
- (2) The Board of Directors shall be responsible for—
- a) the education policy and mission of the Vocational education training centre ;
 - b) overseeing the activities of the polytechnic;
 - c) considering and approving annual estimates of income and expenditure of the polytechnic;
 - d) safeguarding the assets of the polytechnic and the effective and efficient use of its resources;
 - e) the appointment and disciplining of the Principal and other senior officers;
 - f) (g) considering and approving the recommendations of the academic board; and
 - g) overseeing the general management and administration of the polytechnic.
- (2) 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.

Management of
vocational
education and
training centre

24. (1) A Vocational education training centre shall, through an open, transparent and competitive recruitment, appoint a suitably qualified person to be the Principal/Manager of the vocational education and training Centre.
- (2) A person shall be qualified for appointment as the Principal/Manager if the person—
- a) holds a degree from a university 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/Manager shall serve on such terms and conditions as the Board of management or Board may determine.
- (4) The Principal/Manager shall, in the performance of the functions and duties of office, be responsible to the Board of management or the Board as the case may be.
- (5) The Principal/Manager shall be the chief executive and accounting officer of the Vocational education training centre and as such, shall be responsible for—

- i. the academic performance of the polytechnic;
- ii. carrying into effect the decisions of the Board of management or Board;
- iii. day-to-day administration and management of the affairs of the Vocational education training centre ;
- iv. supervision of the academic and other staff of the polytechnic and;
- v. perform such other duties as may be assigned by the Board of management or Board.

(6) A Vocational education training centre Board of management shall appoint a Deputy Principal/Manager of the polytechnic who shall deputize the Principal/Manager and perform such work as the Principal/Manager may assign.

(7) The provisions of subsection (2) (a), (c) and (d) shall apply to the appointment of a Deputy Principal/Manager.

Other officers and staff

25. (1) The Vocational education training centre shall have such academic, technical and administrative officers and support staff, as may be determined by the Board of management or Board.

(2) In addition to the staff under subsection (1), the county government and the County Education Board may, upon request by the Board of management or Board, second to a Vocational education training centre such officers as may be necessary for the better performance of polytechnic.

Academic board

26. A Vocational education training centre shall have an academic board consisting of the Principal/Manager, Deputy Principal/Manager, Heads of the Academic Departments and any other persons specified by the Board of management or Board of Directors as the case may be.

Responsibility of the academic board.

27. The academic board is responsible for—

- a) determining the criteria for the admission of students;
- b) (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 Board of management or Board and the Principal/Manager on academic policy and other matters of importance to the polytechnic.

Committees of
academic board

28. (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 Board of management or Board as the case may be.
- (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 Board of management or Board.

**PART V—FINANCIAL PROVISIONS FOR VOCATIONAL EDUCATION
TRAINING CENTRES ESTABLISHED BY THE COUNTY
GOVERNMENT**

Funds of the
Vocational
education
training centre .

29. (1) the funds of a Vocational education training centre established by the County Government shall consist of –
- a) monies allocated by the County Government 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 Vocational education training centre shall be made public before use.

Annual
Estimates

30. (1) At least three months before the commencement of each financial year, a Vocational education training centre shall cause to be prepared estimates of the revenue and expenditure of the polytechnic for that year.
- (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 Vocational education training centre Board of management before the commencement of the financial year to which they relate and

forwarded to the Executive Committee Member responsible for education.

Accounts and
Audit

31. (1) The Vocational education training centre Board of management shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Vocational education training centre .
- (2) Within a period of three months after the end of each financial year, the Vocational education training centre Board of management shall submit to the county Auditor, the accounts of the Vocational education training centre 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.

Annual reports

32. (1) The Board of management shall, at the end of each financial year cause an annual report to be prepared.
- (2) The Board of management shall submit the annual report to the Governor 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 Vocational education training centre ;
 - b) a description of the activities of the polytechnic;
 - c) other statistical information relating to the its 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 Board of management considers necessary.
- (3) The annual report shall be published and publicized in a manner that the Board of management may determine.

PART VI — MISCELLANEOUS PROVISIONS

Inspection of
vocational
education and
training Centres
Regulations

33. The Directorate shall, in consultation with the County Education Board, inspect and monitor the standards of the Vocational education training centre in the county
34. The Executive Committee Member responsible for education may, with the approval of the County Assembly, make regulations for the better carrying out of the purposes and provisions of this Act.

Rules

35. A Vocational education training centre Board of management or Board may make rule not inconsistent with the provisions of this Act, generally for the better functioning of the polytechnic.

Offences and
penalty

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