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CONTENT

Act—

PAGE

The Marsabit County Vocational Training Act, 2017..... 1

THE MARSABIT COUNTY VOCATIONAL TRAINING ACT, 2017

No. 1 of 2017

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ARRANGEMENT OF SECTIONS

Section

PART I – PRELIMINARIES

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

PART II – ESTABLISHMENT OF VOCATIONAL TRAINING CENTRES

- 4—Establishment of Vocational Training centres.

PART III – ADMINISTRATION OF VOCATIONAL TRAINING CENTRES

- 5—Management Committees.
- 6—Composition of Management Committee.
- 7—Functions of the Management Committee.
- 8—Powers of the Management Committee.
- 9—Requirement to consult.
- 10—Meetings of Management Committee.
- 11—Removal of a Member of a Management Committee.
- 12—Filling of Vacancy.
- 13—Dissolution of the Management Committee.
- 14—Functions of the department.
- 15—Committees of the department.

PART IV – FINANCIAL PROVISIONS

- 16—Funds of the Vocational Training centre.
- 17—Financial Year.
- 18—Annual Estimate.
- 19—Accounts and Audit.

20—Annual Report.

PART V—MISCELLANEOUS PROVISION

21—Collaboration.

22—Inspection of vocational training centres.

23—Regulations.

24—General Penalty.

**THE MARSABIT COUNTY VOCATIONAL TRAINING
ACT, 2017**

AN ACT of the County Assembly of Marsabit to provide for establishment, management and governance of Vocational Training; establishment and governance of Vocational Training centres; and for connected purposes

ENACTED by the County Assembly of Marsabit as follows—

PART I – PRELIMINARY

1. This Act may be cited as the Marsabit County Vocational Training Act, 2017.

Short title.

2. In this Act unless the context otherwise requires:-

Interpretation.

“director” means the County Director for the time being responsible for matters relating to Vocational Training;

“department” means the department of the County Executive responsible for matters relating to education;

“authority” means the Technical and Vocational Education and Training” (TVETA) established under section 6 of the Technical and Vocational Education and Training Act, 2013;

Act No. 29 of 2013.

“executive committee member” means the County Executive Committee Member for the time being responsible for matters related to Vocational Training;

“vocation” means an occupation, calling, trade or pursuit that is determined, in accordance with this Act or any other law to be a vocation;

“Vocational Training” means any program of instruction in technical, industrial or vocational education offered at a village polytechnic;

“Vocational Training centre” means a polytechnic established under this Act to provide Vocational Training;

“student” means a person who has enrolled at a Vocational Training centre;

3. The object of this Act is to provide for—

Object and application of the Act.

(a) establishment and progressive development of Vocational Training centres in the county;

- (b) acquisition of occupational trade skills through training;
- (c) development of entrepreneurial and self-employment skills;
- (d) exchange of knowledge and skill in the county; and
- (e) availability of skilled and semi-skilled labour within the county.

PART II— ESTABLISHMENT OF VOCATIONAL TRAINING CENTRE

4. (1) The Executive Committee Member shall establish a Vocational Training centre in each sub-county.

Establishment of vocational training centres.

(2) Despite subsection (1), a person who meets the requirements set out in this Act or any other written law, may establish one or more Vocational Training centres in each ward.

PART III— ADMINISTRATION OF VOCATIONAL TRAINING CENTRES

5. (1) Each Vocational Training centre shall have a Management Committee.

Management committees.

(2) The Executive Committee Member shall, by notice in the *County Gazette*, appoint, upon consultations with the relevant stakeholders and beneficiaries, a Management Committee for each Vocational Training centre.

6. (1) The Management Committee shall consist of not less than five (5) and not more than nine persons composed of the following—

Composition of the Management Committee.

- (a) a non-executive Chairperson;
- (b) the Principal to the Vocational Training centre who shall be the secretary;
- (c) one person with knowledge and skills in vocational training;
- (d) two youth representatives one each from either gender;
- (e) two persons representing industry and commerce one each from either gender;

- (f) a person representing persons with disability;
- (g) ward administrator (*ex-officio*).

(2) All members of the Management Committee shall be appointed by the Executive Committee Member in consultation with the relevant stakeholders.

(3) Members of the Management Committee shall hold office for a term of three years from the date of appointment and shall be eligible for re-appointment for one final term.

(4) In any case, not more than one third of all the members of the Management Committee shall be of the same gender.

7. The Management Committee shall—

- (a) efficiently manage the Vocational Training centre;
- (b) oversee prudent utilization of the funds allocated to the Vocational Training centre;
- (c) ensure that the Vocational Training centre observes high standards of corporate and business ethics;
- (d) safeguard assets of the Vocational Training centre and the effective and efficient use of its resources;
- (e) consider and approve annual estimates of income and expenditure of the Vocational Training centre;
- (f) determination of the conditions of service of the non-teaching staff of the Vocational Training centre with prior approval of the executive committee members responsible for skill development and finance;
- (g) establish committees necessary for the efficient performance of its business;
- (h) link the Vocational Training centre to the community; and
- (i) perform such other functions as may be assigned under this Act.

Functions of the Management Committee.

8. (1) The Management Committee shall have all powers necessary for the proper performance of its functions under this Act.

Powers of the Management Committee.

(2) Without prejudice to the generality of subsection (1), the board shall have power to—

- (a) supervise 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 functions;
- (e) disciplining all the staff as the Management Committee may determine; and
- (f) undertake any activity necessary for the fulfilment of any of the functions of the board.

9. The Vocational Training Centre shall conduct its business in consultation County Education Board and the Authority.

Requirement to consult.

10. (1) The Management Committee shall meet for the dispatch of business at a time and place that the Chairperson may determine but shall meet not less than four times and not more than eight times in a calendar year.

Meetings of the Management Committee.

(2) The Chairperson shall preside at each meeting of the Management Committee, in the absence of the Chairperson the Vice-Chairperson shall preside and in the absence of both, a member of the Management Committee elected by other members present may preside.

(3) A special meeting shall be convened if two-thirds of the members of the Management Committee sign a requisition to that effect.

(4) A decision of the Management Committee shall be decided by consensus failing which a simple majority of votes cast shall decide the matter.

(5) The person chairing a meeting of the Management Committee shall have an original and a casting vote.

(6) The Management Committee may co-opt any person to attend a meeting of the Management Committee but that person shall not vote on a matter for a decision by the Management Committee.

(7) The quorum at the meeting of the Management Committee shall be one-third of the members of the committee.

11. (1) A member of the Management Committee 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 an offence and sentenced for a period exceeding six months without an option of a fine;
- (d) resigns in writing to the Executive Committee Member responsible for education, skill development, youth and sports;
- (e) without reasonable cause, is absent from three consecutive meetings of the board;
- (f) is found guilty of professional misconduct by the relevant professional body;
- (g) is disqualified from holding a public office under the chapter six of the constitution of Kenya, 2010;
- (h) engages in any gross misbehavior or misconduct; or
- (i) dies.

(2) The Executive Committee Member may remove a member from the office if in the opinion of the Executive Committee Member, the member is unfit to continue in the office on any of the grounds under subsection (1) above.

(3) No person may be removed from a committee before they are notified of the intention to remove them

Removal of members of a Management Committee.

together with the reasons for removal and subsequently afforded a chance to make representations.

12. If the office of a member of the Management Committee falls vacant, the Executive Committee Member may appoint another person to fill the vacancy and the person appointed shall be in the office for the remainder of the term of the vacating member.

Filling of vacancy.

13. (1) Where in the opinion of the Executive Committee Member the Management Committee has failed to discharge properly its functions, the Executive Committee Member may in writing—

Dissolution of Management Committee.

- (a) suspend the Management Committee from the exercise of the performance of all its powers and functions and appoint an Interim Committee to exercise and perform all the powers and functions of the Management Committee for a period not exceeding three months.
- (b) require the resignation of all or any of the members of the board and appoint or require the appointment of new members of the Management Committee.

14. (1) The department in consultation with the County Education Board and the Authority and in accordance with the TVET, National legislation and policy, shall determine—

Functions of the department.

- (a) criteria for admission of students;
 - (b) academic standards, validation and review of courses offered by Vocational Training centres;
 - (c) procedure for assessment and examination of students;
 - (d) procedure for the award of qualifications;
 - (e) procedure for expelling students on academic and discipline grounds;
 - (f) development of the academic activities of the Vocational Training centre; and
 - (g) disciplinary procedures for academic staff and students of a Vocational Training centre.
- (2) The Department shall also—

- (a) advise the Management Committees on academic policy and other matters of academic importance to the Vocational Training centre; and
- (b) provide for the resources required to support the academic activities of the Vocational Training centre and to disburse the funds allocated and approved in the County budget to the centres.

15. (1) The Department may establish committees for the better carrying out of its functions.

Committees of the Department.

(2) Membership to the committees in sub-section (1) shall be subject to approval by the Executive Committee Member before establishment.

(3) The Department may co-opt a person to a committee establishment under subsection (1) for a particular reason and such person shall hold office for such period and on such terms as the Department may determine.

PART IV—FINANCIAL PROVISIONS

16. 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, including those payable as school fees, 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.

17. 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.

Annual estimates.

18. (1) At least three months before the commencement of each financial year, the Management Committee shall cause to be prepared estimates of the revenue and expenditure of the 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 staff of the Vocational Training Centre;
- (b) funding of the registration, monitoring and evaluation of activities of the Vocational Training centre;
- (c) maintenance of the buildings and grounds of the Vocational Training Centre;
- (d) funding of training, research and development of activities of the Vocational Training Centre;
- (e) reserve funds to meet future or contingent liabilities in relation to insurance or replacement of building or equipment; and
- (f) any other expenditure necessary or required for the purpose of this Act.

(3) sitting allowances for the Management Committee members shall be paid out of the annual estimates.

(4) The annual estimates shall be forwarded to the Department for consideration and consolidation into the Department's annual budget.

19. (1) The Management Committee of every 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 Management Committee shall submit to the county auditor 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 funds and assets of a Vocational Training centre shall be managed in accordance with the Constitution and relevant provisions of National legislation on public finance, audit and procurement.

20. (1) The Management Committee 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 Management Committee considers necessary.

(3) The Management Committee shall submit the annual report to the CEC responsible for skill development three months after the end of the year to which it relates.

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

(5) The annual report in sub-section (4) shall be made available in hard copy to any member of the public upon request.

PART V—MISCELLANEOUS PROVISIONS

21. A Vocational Training Centre may collaborate with any other Vocational Training centre or any other training institution or person in the conduct of the centre's business.

Collaboration.

22. The Department shall, in consultation with the County Education Board inspect, monitor and enforce quality standards of vocational training within the County.

Inspection of Vocational Training centres.

23. (1) The Executive Committee Member may make Regulations generally for the better carrying out into effect of any provisions of this Act.

Regulations.

(2) Such Regulations may prescribe—

- (a) any fees payable under this Act;
- (b) prescribe the procedure for the conduct of business of Management Committees;
- (c) organs to be established in vocational training centres for management of certain matters;
- (d) academic calendar of a Vocational Training Centre; and
- (e) any forms; and
- (f) any other matter necessary for the better carrying into effect of the provisions of this Act.

(3) The purposes of Article 94 (6) of the Constitution—

- (a) the purpose and objective of the delegation under this section is to enable the Executive Committee Member to make rules to provide for the better carrying into effect of the provisions of this Act;
- (b) the Authority of the Executive Committee Member to make Rules under this section shall be limited to enacting Regulations necessary for the fulfilment of the objectives specified of this Act; and

- (c) the principles and standards applicable to the Regulations made under this section are the national values and principles of governance under Article 10 of the Constitution and the provisions of the Interpretation and General Provisions Act, Cap. 2 with appropriate modifications.

Cap. 2

24. 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 shilling or to a term of imprisonment not exceeding two years or to both.

General penalty.

