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REPUBLIC OF KENYA

**NAKURU COUNTY GAZETTE  
SUPPLEMENT**

**ACTS, 2014**

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(POLYTECHNICS ) ACT, 2014**

**No. 6 of 2014**

*Date of Assent: 30th October, 2014*

*Date of Commencement: By Notice*

**ARRANGEMENT OF CLAUSES**

*Clauses*

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**THE NAKURU COUNTY VOCATIONAL AND  
TECHNICAL (POLYTECHNICS) ACT, 2014**

**AN ACT of the County Assembly of Nakuru to provide  
for the establishment, governance and regulation  
of polytechnics; to provide for their registration  
and management and for connected purposes.**

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

**PART I—PRELIMINARY**

1. This Act may be cited as the Nakuru County Vocational and Technical (Polytechnics) Act, 2014 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 governors appointed by the Executive Committee member under Section 4(1) to oversee the affairs of a polytechnic;

“Director” means the Director of the County Director of Youth Training heading the Directorate of Youth Training;

“Directorate” means the Directorate of Youth Training established by the County Public Service to manage all matters relating to education and training in Village Polytechnics;

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

“Polytechnic” means a village polytechnic established by the County Executive Committee member;

22. “Principal” means the Principal appointed under section

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

Object of the Act.

- (a) establishment and progressive development of polytechnics in the county
- (b) acquisition of occupational trade skills by young 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 POLYTECHNICS**

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

Establishment of a Polytechnic.

(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 polytechnics.

5. Every Polytechnic 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 Polytechnic.

6. (1) Every Polytechnic shall—

Functions of a Polytechnic.

- (a) provide full-time or part-time technical or vocational courses
- (b) provide such facilities for its students as it considers desirable;

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- (c) fix, demand and receive fees and other charges as may be appropriate;
- (d) offer technical and consultancy services as it considers appropriate;
- (e) make provision for the general welfare, recreational and social needs of its staff and students; and
- (f) undertake any activity necessary for the fulfilment of any of the functions of the polytechnic.

7. (1) The Executive Committee Member shall, by order in the Gazette, appoint a Board of Governors of not less than four and not more than six persons for each Polytechnic that the he or she establishes.

Board of  
governors.

(1A) The Board shall be a body corporate with a common seal and capable of suing and being sued; and acquiring assets and incurring liabilities.

(1B) No person shall be appointed to the Board under subsection 1 above unless, the person holds a degree from a university recognized in Kenya.

(2) The Principal shall be appointed by the County Public Service Board under Part IV of this Act and 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 polytechnic under this Act.

Powers of a  
Board of  
governors.

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

- (a) supervise the assets of the polytechnic in such manner as best promotes the purpose for which the polytechnic is established;
- (b) associate with any other institution so as to further the purpose for which the polytechnic 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

9. The Board shall—

Functions of a Board of governors.

- (a) formulate policy relating to the polytechnic;
- (b) ensure efficient management of the polytechnic;
- (c) oversee prudent utilization of the funds allocated to the polytechnic;
- (d) ensure that the polytechnic observes high standards of corporate and business ethics; and
- (e) perform any other functions assigned to it under this Act.

9A. The persons appointed to the Board by the Executive Committee member under section 4(1) shall, hold office for a period of four calendar years from the date of appointment, provided that a person shall be eligible for re-appointment for

Terms of the Board.

one further term.

**9B.** (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 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.

(2) 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
- (iv) has been convicted of a crime under international law.

(3) 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 polytechnics in the county; and
- (b) provide guidelines on the courses of study, their curriculum and minimum standards of the polytechnics.

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

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

Registration of polytechnics.

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

12. (1) An application for registration of a polytechnic shall be in a form prescribed by the Executive Committee Member in regulations.

Application for registration of a polytechnic.

(2) An application for registration of a polytechnic shall be submitted to the Director.

(3) The Director shall forward a copy of the application to the County Education Board.

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

- (a) organize an inspection of the polytechnic; and

- (b) conduct an interview with the applicant to assess of the suitability—
  - (i) the equipment of the polytechnic; and
  - (ii) the persons proposed to be employed in the polytechnic.

(5) The County Education Board shall within thirty days after the inspection and interview, forward its recommendation to the Director for the registration of the polytechnic or to take such other action as the Director may deem fit.

13. A person making an application for the registration of a Polytechnic shall pay the prescribed fees to the Directorate.

Applicant to pay prescribed fee.

14. (1) The Directorate may issue to the applicant for registration of a Polytechnic a provisional licence to operate pending the fulfilment of the conditions required by the Directorate for the determination of the application.

Provisional licence to operate prior to registration.

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

- (a) the issuance 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 may specify in the notice.

(3) As a condition of the grant of a provisional licence under this section, the Directorate may prescribe a period within which the applicant must fulfil the conditions required by it for the improvements of the operation of the polytechnic.

(4) A provisional licence shall be in the form prescribed by the Executive Committee Member in regulations.

(5) The holder of a provisional licence shall allow an inspector to enter the premises of the polytechnic during official working hours, for the purpose of carrying out any inspection to ascertain whether the polytechnic is in compliance with the conditions of the temporary licence.

15. (1) The Directorate shall, on registration of a polytechnic, issue a registration certificate and a license for the year which the registration has been effected to the applicant

Registration certificate.

(2) A registration certificate issued under this Act shall be subject to such conditions as the Director may determine and as are specified in the licence.

(3) The Director may at any time during the validity of a registration certificate—

- (a) vary the conditions of the licence; or
- (b) impose conditions or further conditions on the licence.

16. (1) The registration referred to in section (15) remains valid but may be revoked in the following instances—

Revocation of registration of a polytechnic and closure.

- (a) an offence under this Act, or in respect of the licensed activity under any other written law, has been committed by the licence holder or any employee of the licence holder;
- (b) a condition of the registration licence has been contravened or not complied with.
- (c) where the polytechnic is being managed in a

manner which is, in the opinion of the Executive Committee Member, harmful to the physical, mental or moral welfare of the students;

(2) Once registration of a polytechnic is revoked, it is deemed to be closed.

(3) The Director may serve a notice, in writing, not exceeding six months directing the Principal to remedy a situation to prevent revocation of the polytechnic's registration.

(4) Despite subsection (2), the Cabinet Secretary responsible for matters relating to security may order the immediate closure of a polytechnic, if in the Cabinet Secretary's opinion, there are compelling reasons for its immediate closure.

(5) Where a Principal has not complied with a condition imposed under subsection (3) within the stipulated period, the Executive Committee Member shall revoke the registration of the polytechnic and it shall be deemed to be closed.

(6) Before the polytechnic is closed under subsection (3), the Principal shall be given an opportunity to be heard either in person or by a legal representative.

(7) Despite anything contained in this section, a polytechnic shall be deemed to be closed if it is not in operation for a continuous period of five years.

**17. (1)** A licence 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 polytechnic in accordance with this Act.

Issuance of a licence.

(2) The licence issued together with the certificate of registration shall remain valid until the end of the year which it is issued.

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**18.** The Directorate shall, within sixty days after the registration of a Polytechnic, publish the registration in the county Gazette and in at least one newspaper with national circulation.

Requirement to publish the registration of a polytechnic.

**19.** (1) The Directorate shall register a Polytechnic if it is satisfied, based upon the written recommendation of the County Education Board, that the application is in order.

Registration of a village Polytechnic.

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

(3) A 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 authority responsible for higher education.

**20.** The registration certificate issued under section 16 and the licence issued under section 17 shall be displayed, by the Principal, in a conspicuous place on the premises of the polytechnic.

Registration certificate to be displayed.

**21.** (1) The Directorate shall keep a register of all polytechnics operating in the county and shall include in the register names of the polytechnics and such other particulars as the Executive Committee Member may prescribe.

Register of polytechnics.

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

**PART IV—ADMINISTRATION OF VILLAGE  
POLYTECHNICS**

**22.** (1) There shall be a Principal for each polytechnic who shall be the chief executive officer. Principal of a polytechnic.

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

(3) The Principal of a polytechnic 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 at least a diploma in technical education from a recognized institution in Kenya;
- (c) has at least three years experience at management level;
- (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.

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(6) The Principal is the accounting officer of the polytechnic 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 polytechnic;
- (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) sufficient notice of the allegations made against them; and
- (b) an opportunity to be heard either in person or by a legal representative.

(9) This section applies to the Deputy Principal.

**23.** (1) The polytechnic 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 polytechnic, second to the polytechnic such number of staff as may be necessary for the performance of the functions of the

polytechnic.

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

(4) This section only applies to polytechnics funded by public monies.

24. A polytechnic 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.

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

Board Functions of the Academic.

- (a) criteria for the admission of students;
- (b) curricula, the academic standards, validation and review of courses
- (c) procedure to assess and examine students;
- (d) appointment and dismissal of internal and external examiners;
- (e) procedure for the award of qualifications;
- (f) procedure for expelling students on academic grounds;
- (g) development of the academic activities of the polytechnic;

establishment of links with different industries and businesses to ensure the entrepreneurial development of students;

(2) The Academic Board shall also—

- (a) advise the Board on academic policy and other matters of academic importance to the polytechnic; and
- (b) consider the resources required to support the academic activities of the polytechnic.

26. (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**

27. The funds and assets of the polytechnic consist of—

Funds of the  
polytechnic.

- (a) such monies or assets as may accrue to or vest in the polytechnic 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 polytechnic pursuant to this Act or any other law;
- (c) such monies as may be appropriated by the County Assembly for the purposes of the polytechnic; and
- (d) all monies from any other source provided,

donated or lent to the polytechnic.

**28.** The financial year of the polytechnic shall be the period of Twelve months ending on the Thirtieth June in each year. Financial year.

**29. (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 polytechnic for that financial 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 the—

- (a) payment of the salaries, allowances and other charges in respect of the Board members, staff or agents of the polytechnic;
- (b) payment of pensions, gratuities and other charges and in respect of benefits which are payable out of the funds of the polytechnic;
- (c) funding of the registration, monitoring and evaluation of activities of the polytechnic;
- (d) the maintenance of the buildings and grounds of the polytechnic;
- (e) funding of training, research and development of activities of the polytechnic;
- (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.

**30.** (1) The polytechnic 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 polytechnic in respect of that year together with—

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

(3) The annual accounts of the polytechnic 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.

**31.** (1) The board shall, at the end of 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 polytechnic;
- (b) description of the activities of the polytechnic;
- (c) such other statistical information as the polytechnic may consider appropriate relating to the polytechnic'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 polytechnic;
- (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 Governor 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 polytechnic may determine.

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

32. A polytechnic may collaborate with any other polytechnic or any other training institution to promote its development. Collaboration.

33. The Directorate shall, in consultation with the County Education Board, inspect and monitor the standards of the polytechnics in the county. Inspection of polytechnics.

**34.** (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. Regulations.

(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 polytechnic; and
- (c) such other matters as the polytechnic considers necessary.

**35.** 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.