

CHAPTER 237

THE INDUSTRIAL TRAINING ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. The Industrial Training (Trade Testing) Rules.....	3
2. The Industrial Training (Food Processing and Allied Industries) (Training Levy) Order, 1980.....	11
3. The Industrial Training (Banks and other Financial Institutions) (Training Levy) (Revocation) Order.....	13
4. The Industrial Training (Building, Construction, Civil Engineering and Allied Industries) (Training Levy)(Revocation) Order.....	15
5. The Industrial Training (Chemical Manufacturing, General Processing and Allied Industries) (Training Levy) (Revocation) Order.....	17
6. The Industrial Training (Commercial, Distributive and Allied Trades and Industries) (Training Levy) (Revocation) Order.....	19
7. The Industrial Training (General and Motor Engineering, Transport and Allied Industries) (Training Levy) (Revocation) Order.....	21
8. The Industrial Training (Government Ministries, Commissions and Allied Services) (Training Levy) (Revocation) Order.....	23
9. The Industrial Training (Local Authorities and Allied Services) (Training Levy) (Revocation) Order.....	25
10. The Industrial Training (Medical and Health Service Providers and Allied Industries) (Training Levy) (Revocation) Order.....	27
11. The Industrial Training (Plantation, Agricultural, Ranching and Allied Industries) (Training Levy) (Revocation) Order.....	29
12. The Industrial Training (Printing, Publishing, Paper Manufacturing and Allied Industries) (Training Levy) (Revocation) Order.....	31
13. The Industrial Training (Research, Educational, Training and Allied Institutions) (Training Levy) (Revocation) Order.....	33
14. The Industrial Training (Saw Milling, Timber, Furniture and Allied Industries) (Training Levy) (Revocation) Order, 2007.....	35
15. The Industrial Training (Textile and Allied Industries) (Training Levy) (Revocation) Order, 2007.....	37
16. The Industrial Training (Training Levy) Order.....	39
17. The Industrial Training (Trade Testing) Rules.....	43

THE INDUSTRIAL TRAINING (TRADE TESTING) RULES

ARRANGEMENT OF RULES

Rule

1. Citation
2. Interpretation
3. Approval of and conditions for trade tests
4. Application for a trade test
5. Information as to previous trade tests
6. Fees for trade tests
7. Tools for trade test
8. Issue of Certificate
9. Register of Certificates
10. Evaluation of trade tests
11. Notification of trade test results
12. Marks and ratings for trade tests
13. Repetition of a trade test
14. Loss of certificate
15. Further trade tests
16. Surrender of certificates
17. Offences and penalties
18. Appeals

SCHEDULES

FORMS

TRADE TESTING FEES

THE INDUSTRIAL TRAINING (TRADE TESTING) RULES

[Legal Notice 251 of 1977, Legal Notice 74 of 1982, Legal Notice 168 of 1998, Legal Notice 19 of 2005, Legal Notice 24 of 2011, Legal Notice 25 of 2016]

1. Citation

These Rules may be cited as the Industrial Training (Trade Testing) Rules.

2. Interpretation

In these Rules, unless the context otherwise requires, "trade test" means a test approved by the Cabinet Secretary under rule 3 of these Rules.

3. Approval of and conditions for trade tests

(1) The Cabinet Secretary may, by notice in the *Gazette*, approve such tests as he may, with the advice of the Council, deem necessary for the purpose of assessing the occupational skills of persons (other than apprentices and indentured learners) in any particular trade or occupation, or trades and occupations generally.

(2) Any tests approved by the Cabinet Secretary under paragraph (1) of this rule, shall be in the form and subject to the conditions prescribed by the Director and approved by the Cabinet Secretary.

4. Application for a trade test

(1) Any person wishing to undergo a trade test shall submit his name for that purpose, together with his Identity Card number or registration number and two recent passport size photographs, through his employer or association of employers, or if self-employed or un-employed direct, to the Director not less than four months before the date, which shall be notified, on which the trade test is due to take place:

Provided that the Director may, in his discretion, reject an application by any person who has failed to complete the period of service specified in a contract of apprenticeship or indentured learnership by which he was bound.

(2) Notwithstanding the provisions of paragraph (1) of this rule any person may apply to undergo a trade test in more than one trade or occupation if he has the necessary skills and qualifications; except that Director may, in his discretion, allow or reject such application.

(3) An application for a trade test under paragraph (1) of this rule shall be in the form set out in the First Schedule to these Rules.

5. Information as to previous trade tests

(1) In forwarding an application for a trade test, the employer or association of employers, or if self-employed or unemployed, the applicant, shall specify any previous trade test or tests passed by the employee or by him declaring the date or dates of passing and the qualifications obtained.

(2) The employee or any other applicant shall, if required to do so, furnish proof that he has passed the test or tests referred to in paragraph (1) of this rule.

6. Fees for trade tests

(1) Every person who applies to undergo a trade test in a grade specified in the first column of the Second Schedule to these Rules shall pay the fees prescribed in respect thereof in the second column of that Schedule.

(2) On a request for a further trade test under rule 15 of these Rules, the Director may direct that the fee payable on application shall be paid by the person or association making the request.

(3) Where the application for a trade test is sent by post, the fees shall be remitted by a crossed postal order or money order drawn in favour of the Ministry of Labour.

[Subsidiary]

7. Tools for trade test

Any person who applies to undergo a trade test under these Rules shall provide himself with the necessary tools required for such trade test.

8. Issue of Certificate

(1) The Director, on being satisfied that an applicant reached the standard required to qualify in a trade test and that he has paid the necessary fees as specified in the Second Schedule to these Rules, shall issue to such applicant the National Trade Certificate of Proficiency.

(2) The certificate issued under this rule shall be in the form approved by the Director, and shall show the name and registration number (or Identity Card number in case of male applicants) of the applicant, together with a photograph of the applicant furnished by him under rule 4 of these Rules, and particulars of the tests undertaken and the standard achieved.

(3) A certificate issued under this rule shall be signed by the Director and by the officer appointed by him to examine the applicant in the trade test in respect of which it is issued.

(4) The Director shall cause to be kept together with the registers kept under rule 9 of these Rules a copy of the certificate issued under this rule.

9. Register of Certificates

The certificates issued under rule 8 of these Rules, shall be numbered serially, and the Director shall cause a register to be kept, in which shall be entered the number of such certificates, the names of the persons to whom they have been issued and any other particulars he may deem necessary.

10. Evaluation of trade tests

(1) A person's degree of proficiency shall be determined with due regard to the following

- (a) the kind of safety required in carrying out the trade or occupation;
- (b) operational procedures;
- (c) dimensional control and accuracy;
- (d) quality finish and assembly;
- (e) skill in handling and selecting tools;
- (f) speed and time taken to complete the test.

(2) Evaluation of the test piece shall be carried out during and on completion of the trade test.

11. Notification of trade test results

Every person who undergoes a trade test under these Rules shall be notified as soon as reasonably practicable, and by registered post, the results of his trade test, and such notification shall indicate—

- (i) the percentage marks and ratings obtained in the tests;
- (ii) the reasons why a person who was unsuccessful failed his test; and
- (iii) the place and manner of obtaining the certificate to be issued in accordance with the provisions of rule 8 of these Rules.

12. Marks and ratings for trade tests

(1) There shall be a total of one hundred total marks for each trade test held under these Rules, which shall consist of seventy marks for practical test and thirty marks for oral and written test respectively; and the pass mark shall be not less than an aggregate of sixty per cent.

(2) The following marks and ratings shall be awarded to the person undergoing a trade test under these Rules according to the degree of proficiency achieved by him—

Rating	Percentage (Aggregate Marks)
(a) First Class Pass	86–100 percent
(b) Ordinary Pass	60–85 percent
(c) Fail	59% and below

13. Repetition of a trade test

Any person who fails a trade test shall not undergo a second trade test until after six months from the date he underwent the first trade test.

14. Loss of certificate

(1) Any person issued with a certificate under these Rules who loses such a certificate shall notify the Director, within two months from the date he first discovered the loss, of the fact that he has lost the certificate.

(2) A notification under paragraph (1) of this rule shall state the date on which the trade test in respect of which the lost certificate was issued was held, the date of its issue and the serial number of such certificate.

(3) The Director may, on receipt of a notification under this rule and after making such inquiry as he deems necessary, issue or refuse to issue a certified copy of the original certificate to the person making the notification.

15. Further trade tests

(1) If, in the opinion of an employer or association of employers or employees recognized for the purpose by the Director, any person to whom a certificate has been granted under these Rules no longer possesses the standard of ability, skill or competence required for the grant of such certificate, a request may be made to the Director that such person be required to undergo a further trade test of the standard applicable to such certificate.

(2) The Director may, after making such inquiry as he considers necessary, require the person to whom this rule applies to undergo such trade test, which shall take place not later than three months after the request was originally made.

16. Surrender of certificates

The Director may require any person to whom a certificate has been issued under these Rules to surrender such certificate on the grounds that the holder has failed to qualify in a trade test held in accordance with the provisions of rule 15 of these Rules, or that the holder has been guilty of such conduct in connection with his trade or occupation as renders it undesirable that he should continue to hold such certificate or for any other sufficient reason.

17. Offences and penalties

Any person who knowingly and without authority—

- (a) possesses any certificate to which he is not entitled under these Rules;
- (b) being entitled under these Rules to the possession of a certificate parts with such possession to a person not so entitled; or
- (c) alters or defaces a certificate issued under these Rules or makes a facsimile of such certificate with intent to deceive or defraud; or
- (d) fails to produce or surrender a certificate issued under these Rules without good and sufficient cause;

shall be guilty of an offence and liable to a fine of one thousand shillings or to imprisonment for six months or to both such fine and imprisonment.

[Subsidiary]

18. Appeals

(1) The Cabinet Secretary shall, by notice in the *Gazette*, appoint a tribunal consisting of five members for the purposes of deciding an appeal made under paragraph (3) of this rule.

(2) Three members of the tribunal shall form a quorum.

(3) Any person who feels aggrieved by an order or decision of the Director made under any of these Rules may, within fourteen days of such order or decision, appeal in writing to the Cabinet Secretary who shall as soon as reasonably practicable convene the tribunal appointed under paragraph (1) of this rule for the purpose of hearing and determining such appeal.

(4) The appeal shall be in the form of a memorandum and shall set out the decision of the Director appealed against, the date of the decision, and the grounds of appeal.

(5) Any decision of the tribunal under this rule shall be final and conclusive and no appeal shall lie therefrom to any Court.

FIRST SCHEDULE

[r. 4]

FORMS

Republic of Kenya

Form G.P. 61

[L.N. 74/1982, r. 2(b).]

To: THE DIRECTOR,

NATIONAL INDUSTRIAL VOCATIONAL TRAINING SCHEME

MINISTRY OF LABOUR

P.O. Box 40540, NAIROBI

APPLICATION FOR TRADE TEST

*1. FULL NAME OF APPLICANT _____

(in BLOCK LETTERS, as stated on Identity Card)

*2. REGISTRATION NUMBER _____

(as stated on Identity Card)

*3. DECLARED NATIONAL STATUS _____

4. NATURE OF TEST REQUIRED—

Trade _____ Grade _____

5. IS TEST REQUIRED FOR IMMIGRATION PURPOSES?

(Answer "Yes" or "No")

6. PREVIOUS GOVERNMENT TRADE TESTS TAKEN (if any)—

Trade _____ If failed state Application No. _____

Grade _____ of last trade test _____

Certificate No. _____

7. DETAILS OF ANY APPRENTICESHIP SERVED _____

8. PRESENT EMPLOYER—

Name _____

Industrial Training

[Subsidiary]

P.O. Box No. _____

Situation of Premises _____

9. †APPLICANT'S ADDRESS FOR CORRESPONDENCE (if different from that of employer)

10. I enclose two photographs (head and shoulders), size 2" x 2", with my name (in BLOCK LETTERS) on reverse.

11. †I enclose Sh. _____ in payment of fee.

Signed _____

Date _____

NOTES:

*(a) The particulars given against items 1 to 3 MUST be as they appear on applicant's Identity Card.

(b) Care must be taken to fill in ALL information required; incomplete forms will not be accepted.

(c) †Any change of address should be notified to the Director of Industrial Training without delay.

(d) Any applicant failing to report for a trade test after a reasonable call-up notice will be required to repay the fee payable for the trade test.

(e) †The prescribed fees for trade tests are as follows:—

Artisan Grade III Sh. 100

Artisan Grade II Sh. 200

Artisan Grade I Sh. 300

If this application is sent by post the fee must be sent in the form of a crossed Postal or Money Order drawn in favour of the Ministry of Labour.

FOR OFFICIAL USE ONLY

Office of origin _____

Miscellaneous Receipt No. _____ Application No. _____

Date _____ Entered (Date) _____

SECOND SCHEDULE

[r. 6]

TRADE TESTING FEES

[L.N. 74/1982, r. 2(a), L.N. 168/1998, r. 2, L.N. 19/2005, r. 2, L.N. 24/2011, r. 2, L.N. 25/2016, r. 2.]

GRADE OF TRADE TEST	APPLICATION FEES (KSh.)
Artisan Grade III	5,000
Artisan Grade II	6,000
Artisan Grade I	7,500

THE INDUSTRIAL TRAINING (FOOD PROCESSING AND ALLIED INDUSTRIES) (TRAINING LEVY) ORDER, 1980

[Legal Notice 127 of 1980, Legal Notice 103 of 2007]

1. This Order may be cited as the Industrial Training (Food Processing and Allied Industries) (Training Levy)(Revocation) Order, 2007.
 2. The Industrial Training (Food Processing and Allied Industries) (Training Levy) Order is revoked.
-

THE INDUSTRIAL TRAINING (BANKS AND OTHER FINANCIAL INSTITUTIONS) (TRAINING LEVY) (REVOCATION) ORDER

[Legal Notice 112 of 2007]

1. This Order may be cited as the Industrial Training (Banks and Other Financial Institutions) (Training Levy) (Revocation) Order.
 2. The Industrial Training (Banks and Other Financial Institutions) (Training Levy) Order (Subleg) is revoked.
-

**THE INDUSTRIAL TRAINING (BUILDING, CONSTRUCTION,
CIVIL ENGINEERING AND ALLIED INDUSTRIES)
(TRAINING LEVY)(REVOCATION) ORDER**

[Legal Notice 114 of 2007]

1. This Order may be cited as the Industrial Training (Building, Construction, Civil Engineering and Allied Industries) (Training Levy)(Revocation) Order.
 2. The Industrial Training (Building, Construction, Civil Engineering and Allied Industries) (Training Levy) Order (Subleg) is revoked.
-

**THE INDUSTRIAL TRAINING (CHEMICAL MANUFACTURING,
GENERAL PROCESSING AND ALLIED INDUSTRIES)
(TRAINING LEVY) (REVOCATION) ORDER**

[Legal Notice 111 of 2007]

1. This Order may be cited as the Industrial Training (Chemical Manufacturing, General Processing and Allied Industries) (Training Levy) (Revocation) Order.
 2. The Industrial Training (Chemical Manufacturing, General Processing and Allied Industries) (Training Levy) Order (Subleg) is revoked.
-

**THE INDUSTRIAL TRAINING (COMMERCIAL,
DISTRIBUTIVE AND ALLIED TRADES AND
INDUSTRIES) (TRAINING LEVY) (REVOCATION) ORDER**

[Legal Notice 110 of 2007]

1. This Order may be cited as the Industrial Training (Commercial, Distributive and Allied Trades and Industries) (Training Levy) (Revocation) Order.
 2. The Industrial Training (Commercial, Distributive and Allied Trades and Industries) (Training Levy) Order (Subleg) is revoked.
-

**THE INDUSTRIAL TRAINING (GENERAL AND
MOTOR ENGINEERING, TRANSPORT AND ALLIED
INDUSTRIES) (TRAINING LEVY) (REVOCATION) ORDER**

[Legal Notice 104 of 2007]

1. This Order may be cited as the Industrial Training (General and Motor Engineering, Transport and Allied Industries) (Training Levy) (Revocation) Order.
 2. The Industrial Training (General and Motor Engineering, Transport and Allied Industries) (Training Levy) Order (Subleg) is revoked.
-

**THE INDUSTRIAL TRAINING (GOVERNMENT
MINISTRIES, COMMISSIONS AND ALLIED
SERVICES) (TRAINING LEVY) (REVOCATION) ORDER**

[Legal Notice 116 of 2007]

1. This Order may be cited as the Industrial Training (Government Ministries, Commissions and Allied Services)(Training Levy) (Revocation) Order.
 2. The Industrial Training (Government Ministries, Commissions and Allied Services) (Training Levy) Order (Subleg) is revoked.
-

THE INDUSTRIAL TRAINING (LOCAL AUTHORITIES AND ALLIED SERVICES) (TRAINING LEVY) (REVOCATION) ORDER

[Legal Notice 109 of 2007]

1. This Order may be cited as the Industrial Training (Local Authorities and Allied Services) (Training Levy) (Revocation) Order.
 2. The Industrial Training (Local Authorities and Allied Services) (Training Levy) Order (Subleg) is revoked.
-

**THE INDUSTRIAL TRAINING (MEDICAL AND
HEALTH SERVICE PROVIDERS AND ALLIED
INDUSTRIES) (TRAINING LEVY) (REVOCATION) ORDER**

[Legal Notice 117 of 2007]

1. This Order may be cited as the Industrial Training (Medical and Health Service Providers and Allied Industries) (Training Levy) (Revocation) Order.
 2. The Industrial Training (Medical and Health Service Providers and Allied Industries) (Training Levy) Order (Subleg) is revoked.
-

**THE INDUSTRIAL TRAINING (PLANTATION,
AGRICULTURAL, RANCHING AND ALLIED
INDUSTRIES) (TRAINING LEVY) (REVOCATION) ORDER**

[Legal Notice 105 of 2007]

1. This Order may be cited as the Industrial Training (Plantation, Agricultural, Ranching and Allied Industries) (Training Levy) (Revocation) Order.
 2. The Industrial Training (Plantation, Agricultural, Ranching and Allied Industries) (Training Levy) Order (Subleg) is revoked.
-

**THE INDUSTRIAL TRAINING (PRINTING, PUBLISHING,
PAPER MANUFACTURING AND ALLIED INDUSTRIES)
(TRAINING LEVY) (REVOCATION) ORDER**

[Legal Notice 106 of 2007]

1. This Order may be cited as the Industrial Training (Printing, Publishing, Paper Manufacturing and Allied Industries) (Training Levy)(Revocation) Order.
2. The Industrial Training (Printing, Publishing, Paper Manufacturing and Allied Industries) (Training Levy) Order (Subleg) is revoked.

THE INDUSTRIAL TRAINING (RESEARCH, EDUCATIONAL, TRAINING AND ALLIED INSTITUTIONS) (TRAINING LEVY) (REVOCATION) ORDER

[Legal Notice 115 of 2007]

1. This Order may be cited as the Industrial Training (Research, Educational, Training and Allied Institutions) (Training Levy) (Revocation) Order.
 2. The Industrial Training (Research, Educational, Training and Allied Institutions) (Training Levy) Order (Subleg) is revoked.
-

THE INDUSTRIAL TRAINING (SAW MILLING, TIMBER, FURNITURE AND ALLIED INDUSTRIES) (TRAINING LEVY) (REVOCATION) ORDER, 2007

[Legal Notice 107 of 2007]

1. This Order may be cited as the Industrial Training (Saw Milling, Timber, Furniture and Allied Industries) (Training Levy) (Revocation) Order.
 2. The Industrial Training (Saw Milling, Timber, Furniture and Allied Industries) (Training Levy) Order (Subleg) is revoked.
-

THE INDUSTRIAL TRAINING (TEXTILE AND ALLIED INDUSTRIES) (TRAINING LEVY) (REVOCATION) ORDER, 2007

[Legal Notice 108 of 2007]

1. This Order may be cited as the Industrial Training (Textile and Allied Industries) (Training Levy) (Revocation) Order.
 2. The Industrial Training (Textile and Allied Industries) (Training Levy) Order (Subleg) is revoked.
-

THE INDUSTRIAL TRAINING (TRAINING LEVY) ORDER

[Legal Notice 113 of 2007, Legal Notice 10 of 2020, Legal Notice 62 of 2021]

1. This Order may be cited as the Industrial Training (Training Levy) Order.

2. (1) In this Order—

"employee" means a person employed for wages or salary and includes an apprentice, indentured learner, other trainee, temporary, seasonal and casual worker;

"financial year" means the period of twelve months ending on the last day of the business accounting period;

"levy" means the training levy imposed by paragraph 4.

[LN 62 of 2021, r. 2.]

3. (1) A person who is an employer at the commencement of this Order shall within thirty days after the commencement of this Order, unless already registered, apply to the Director in the prescribed form set out in the Second Schedule, to be registered as an employer.

(2) A person who becomes an employer after the commencement of this Order shall, within thirty days of becoming an employer, apply to the Director in the Form 1 set out in the Schedule to be registered as an employer.

(3) The Director shall issue a certificate of registration to an employer registered under this Order.

(4) A person registered as an employer, who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing stating the reasons for his ceasing to be an employer.

3A. A person who becomes an employer of less than one hundred employees shall be exempted from the provisions of subparagraph (1) and (2) for a period of twelve months with effect from the date of registration of the business.

[LN 10 of 2020.]

4. (1) At the end of each financial year but not later than the ninth day of the month following end of the financial year, an employer shall remit to the Director a levy of six hundred shillings per employee per year or *pro rata* for their term of service.

(2) Payment of the levy due shall be accompanied by an annual return in Form 2 set out in the Schedule.

[LN 10 of 2020, LN 62 of 2021, r. 3.]

5. Without prejudice to any other remedy, the levy due under this Order, plus the five percent penalty imposed by section 5B (3) which remains unpaid, shall be recoverable summarily by the Director as a civil debt due to the Industrial Training Levy Fund.

SCHEDULE

FORMS

(r. 3(2))

Form 1**REPUBLIC OF KENYA**

MINISTRY OF LABOUR AND HUMAN RESOURCE

DEVELOPMENT DIRECTORATE OF INDUSTRIAL TRAINING

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

APPLICATION FORM FOR REGISTRATION AS A LEVY CONTRIBUTOR

Particulars of the Employer:

Industrial Training

[Subsidiary]

1. Name of Employer
2. Nature of Business
3. Registered Name of Business
4. Certificate of Registration No.
5. Date of Registration
6. Date of commencement of Business
7. PIN
8. Location of registered Office
- Town Road/Street
- Building/Floor
9. Tel. No(s)
10. P.O. Box Code
11. Tax No.
12. E-mail Address
13. Website (if any)
14. Total No. of Employees
- (a) Directors/Managers/Supervisors:
- (b) Non-managerial
Staff
- (c) Contract Staff:
- (d) Casual/Temporary Staff:
- (e) Trainee/apprentices/indentured learners:
- (a) Name of Contact Officer:
- (b) Designation:

I certify that the information given herein is true to the best of my knowledge.

Name:

Chief Executive Officer

Signature:

Date:

SEAL/STAMP

Form 2 _____ (r. 4(2))

REPUBLIC OF KENYA

MINISTRY OF LABOUR AND HUMAN RESOURCE
DEVELOPMENT DIRECTORATE OF INDUSTRIAL TRAINING

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

LEVY PAYMENT RETURN FORM

Payment of levy in respect of the month ending 20 In accordance with paragraph 4 (2) of the Industrial Training(Training Levy) Order.

1. Name of employer
2. Registration No.:
3. Postal address:

Industrial Training

[Subsidiary]

- (i) Levy for the month Ksh.
- (ii) Plus penalty of 5% as stipulated under section 5B (3) of the Act (if applicable)

.....
Total payment

I/We

Declare that the above particulars are true.

Signed

(1)	(1)
(2)	(2)

Date

SEAL/STAMP

Note. — This return should be forwarded to the Director of Industrial Training, P.O. Box 74494-00200, Nairobi with each payment of the training levy.

THE INDUSTRIAL TRAINING (TRADE TESTING) RULES

ARRANGEMENT OF RULES

Rule

1. Citation
2. Interpretation
3. Approval and conditions for trade tests
4. Application for trade test
5. Minimum entry requirements
6. Tools for trade test
7. Fees
8. Registration of industrial training assessors
9. Validity of registration
10. Training of assessors
11. Conduct of industrial training assessors
12. Evaluation of candidates
13. Marks and ratings for trade tests
14. Notification of trade test results
15. Certificates
16. Register of certificate
17. Re-taking of trade test
18. Re-assessment
19. Recall of certificates
20. Authentication of certificates
21. Replacement of certificates
22. Progression from one level to another
23. Offences and penalties
24. Appeals
25. Trade testable areas

SCHEDULES

MINIMUM ENTRY REQUIREMENTS

TRADE TEST FEES

MARKS AND RATINGS FOR TRADE TESTS

TRADE TEST APPLICABLE AREAS

THE INDUSTRIAL TRAINING (TRADE TESTING) RULES

[Legal Notice 100 of 2021]

1. Citation

These Rules may be cited as the Industrial Training (Trade Testing) Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

"Act" means the Industrial Training Act (Cap. 237);

"assessor" means a person contracted by the National Industrial Training Authority to undertake assessment of trade test candidates on behalf the Authority;

"experiential learning" means acquisition of knowledge or skills through experience leading to an award of a certificate;

"Code of Conduct" means a set of rules outlining the social norms, proper practices, rules and responsibilities of assessors;

"occupation" means a job or a profession;

"recognition of prior learning" means the process used to identify, assess and certify knowledge, skills, attitudes and competencies possessed by a person and acquired either non-formally or informally against the prescribed standards for a partial or full qualification;

"trade" means a skilled occupation;

"trade test" means a test in respect of a given trade for skills acquired either non-formally or informally approved by the Cabinet Secretary under these Regulations;

"trainer" means any person, firm, or institution registered under section 7C of the Act;

"Kenya National Qualification Authority" means the body charged with the responsibility of regulating qualifications in Kenya under the Kenya National Qualifications Framework Act (Cap. 214);

"Kenya National Qualifications Framework" means the national system for the articulation, classification, registration, quality assurance, and the monitoring and evaluation of national qualifications as developed in accordance with the Kenya National Qualifications Framework Act (Cap. 214).

3. Approval and conditions for trade tests

(1) The Cabinet Secretary may, on the advice of the National Industrial Training Board, approve, by notice in the *Gazette*, tests, considered necessary for the purpose of assessing the occupational skills of persons, other than apprentices and indentured learners, in any particular trade or occupation, or trades and occupations generally.

(2) The tests approved under paragraph (1) shall be in the form and subject to the conditions prescribed by the Director-General.

4. Application for trade test

(1) A person wishing to undertake a trade test shall apply to the Director-General in a prescribed form at least two months before the date of the test which shall be notified.

(2) An application under paragraph (1) shall be accompanied by a copy of the applicant's identity card or any other recognized form of identification and two recent passport size photographs.

(3) The Director-General may, under exceptional circumstances, vary the timelines for submission of applications under paragraph (1).

[Subsidiary]

(4) An applicant shall, when making an application for a trade test under paragraph (1), specify any previous trade test or tests passed relating to the trade applied for and qualification obtained and provide proof that the applicant had passed the test or tests referred to in paragraph (1), when required.

5. Minimum entry requirements

(1) The minimum entry requirements for all trade test levels shall be as provided for under the First Schedule.

(2) A person who has gained relevant practical experience in industry equivalent to any trade test level may apply to the Director-General for recognition of prior learning.

(3) A person who applies for recognition of the skills and knowledge under paragraph (2) shall be subjected to recognition of prior learning assessment and be issued with a trade test certificate at the relevant level and Certificate of Experiential Learning, if successful.

(4) The Director-General may approve or reject an application under paragraph (3) if the candidate cannot demonstrate having gained the relevant practical experience and knowledge.

(5) Notwithstanding rule 4(1), a person may apply to undertake a trade test in more than one trade or occupation where an applicant has the necessary skills and qualifications and has successfully undergone recognition of prior learning assessment.

6. Tools for trade test

A person who applies to undergo a trade test under these Rules shall be required to provide the necessary Personal Protective Equipment and basic tools required for the test.

7. Fees

(1) A citizen of the East African Community Partner State who applies to undertake a trade test in respect of any level, under rule 4(1), shall pay the fees specified in the Second Schedule and the persons of other nationalities shall pay an additional thirty percent above the approved local rates.

(2) A person who wishes to be assessed outside the existing trade test series shall pay such fees as shall be determined by the Director-General from time to time and be assessed within thirty days of making the application.

8. Registration of industrial training assessors

(1) The Authority shall invite applications from eligible persons for consideration for registration as industrial training assessors after every three years or such other time when need arises.

(2) A person who wishes to be registered as an assessor shall make an application to the Director-General in the prescribed form and attach the following—

- (a) a copy of the national identification card, valid passport or any other legal identification document;
- (b) certified copies of professional, academic and other relevant certificates;
- (c) evidence of work experience in industry; and
- (d) proof of membership to a professional body, where applicable.

(3) An assessor may apply to be registered in one or more skill areas.

(4) A person shall qualify for registration, by the Authority, as an assessor if that person—

- (a) possesses the qualifications set by the Authority for skill areas in respect of which the application is made or such other qualifications as, in the opinion of the Director-General, are equivalent to the qualifications specified in paragraph (2);
- (b) has the practical experience to the satisfaction of the Authority, whether acquired in Kenya or elsewhere, to complement such qualifications or has otherwise satisfied the Director-General that they possess such practical

experience as to render them competent to be accredited as a trainer or assessor; and

- (c) has successfully undergone such skills assessment as the Authority may conduct for this purpose.

(5) The Authority may, when considering an application for the registration of an assessor,—

- (a) make such inquiries and conduct such investigations as are reasonable and appropriate in the circumstances and may be necessary to satisfy the Authority of the knowledge, skills and experience of an applicant;
- (b) conduct skills assessments and referee checks while making the decision to register or renew the registration of an applicant; or
- (c) consider the previous conduct of an applicant, where the application is for the renewal of registration.

(6) The Authority shall enter the names of the successful applicants into the register of accredited assessors kept and maintained by the Authority.

(7) The Authority may refuse to register an applicant under these Rules if the applicant knowingly—

- (a) presents false documents for accreditation; or
- (b) impersonates any other person named in any certificate of accreditation;

(8) The Authority may suspend the registration of an assessor if—

- (a) the assessor has knowingly allowed details of their accreditation to be included in the particulars of another applicant;
- (b) the assessor is convicted of any crime under the laws of Kenya;
- (c) the assessor has breached any of these Rules;
- (d) it is in the public good to do so;
- (e) the assessor has violated the Code of Conduct for Industrial Training Assessors; or
- (f) for any other reason the Authority may determine from time to time.

(9) The Authority shall not exercise its powers under paragraph (8), unless an opportunity of being heard has been given to the assessor.

(10) An aggrieved assessor may appeal in writing to the Director-General within fourteen days of suspension under paragraph (8).

9. Validity of registration

The registration of an assessor under these Rules shall be valid for a period of three years and may be renewed for a similar period upon the fulfilment of the conditions as set out in the Industrial Training Standards and Guidelines.

10. Training of assessors

(1) All registered assessors shall be required to attend such assessors training as may be organized by the Authority from time to time before being engaged in any assignment.

(2) The assessors may be required to pay the requisite fee for the training in paragraph (1).

11. Conduct of industrial training assessors

(1) A registered industrial training assessor shall adhere to the Code of Conduct for assessors at all times when undertaking any industrial training assessment on behalf of the Authority.

(2) The Authority may on its own motion, or upon receipt of a complaint from any person with respect to conduct of an assessor, appoint a committee to undertake an investigation into a complaint in order to establish any violation of the Code of Conduct.

[Subsidiary]

(3) The assessor under investigation shall be suspended until investigation into their conduct has been concluded.

(4) The investigating committee shall conduct the investigations within two months and submit a report and recommendations, where appropriate.

(5) An assessor who is suspended shall not conduct any assessment on behalf of the Authority until the suspension has been lifted.

(6) The Authority may remove the name of an assessor from the register if the assessor

- (a) has been debarred from participating in assessment process under any legislation;
- (b) has been found guilty of non-compliance with the code of conduct for industrial training assessors;
- (c) fails to comply with the provisions of these Rules and industrial training and assessment standards as may be formulated by the authority from time to time;
- (d) is declared bankrupt; or
- (e) any other ground as found necessary by the Director-General.

(7) An assessor aggrieved by the decision of the Authority under these Rules may appeal in writing to the Director-General within fourteen days of the decision

12. Evaluation of candidates

(1) A person's degree of competency shall be determined with due regard to the following

- (a) adherence to health and safety requirements related to the trade or occupation;
- (b) standard operational procedures and practices related to the trade or occupation;
- (c) dimensional control and accuracy;
- (d) quality, finish and assembly of work or product;
- (e) identification, selection and handling of tools;
- (f) speed and time taken to complete the test; and
- (g) the management of resources during the assessment.

(2) The evaluation of the candidate's project shall be carried out during and on completion of the test.

13. Marks and ratings for trade tests

(1) The distribution of marks for the practical test and written test for each Grade shall be as set out in the First Schedule.

(2) The marks and rating shall be awarded to the person undergoing a trade test under these Rules according to the degree of competency achieved as set out in the Third Schedule.

(3) The pass mark for each level held under these Rules shall be seventy per cent and a person who attains below the seventy per cent score shall be deemed not yet competent.

14. Notification of trade test results

A person who takes a trade test under these Rules shall be notified of the results as soon as reasonably practicable through registered post, email, SMS or access from the trade test portal of the Authority indicating—

- (a) the results obtained in a test; and
- (b) the place and manner of obtaining the certificate issued under rule 15.

15. Certificates

(1) The Director-General shall, on being satisfied that an applicant has attained the standard required to qualify in a trade test and has paid the necessary fees, issue the applicant with the Government Trade Test Certificate.

(2) The certificate issued under paragraph (1) shall be in the form approved by the Director-General, and shall—

- (a) indicate the name of the applicant;
- (b) indicate the registration number or identity card number or any other recognized form of identification of the applicant together with a passport size photograph submitted under rule 4(2);
- (c) indicate particulars of the tests undertaken;
- (d) indicate the grade attained;
- (e) be numbered serially; and
- (f) be signed by an authorized officer and countersigned by the Director-General.

16. Register of certificate

The Director-General shall cause a register of certificates to be kept, in which shall be entered—

- (a) the number of the certificates;
- (b) the names of the persons to whom certificates have been issued; and
- (c) such other particulars as the Director-General may consider necessary.

17. Re-taking of trade test

(1) A person who fails a trade test shall be eligible to re-take the trade test in the subsequent series.

(2) A person who wants to re-take a trade test shall apply for the re-take in accordance with rule 4 and pay the fees prescribed in the Second Schedule.

18. Re-assessment

(1) An employer, association of employers, professional body, employees' association or institution, may request the Director-General for the re-assessment of a person whose competence in respect to the certificate held in a given trade is below the expected performance standard.

(2) The Director-General may, upon a request under paragraph (1) and after making the necessary inquiries, require a person whose competence is below the expected performance standard to undertake re-assessment in the subsequent assessment cycle.

(3) A person who requests the Director-General to undertake a re-assessment under paragraph (1) shall pay the prescribed assessment fees.

19. Recall of certificates

The Director-General may require a person to whom a certificate has been issued to surrender the certificate where—

- (a) the holder has failed a reassessment in trade test or proficiency in accordance with rule 16; or
- (b) the holder has been found guilty of gross misconduct in connection with their trade or occupation, which renders it undesirable that they should continue to hold the certificate or for any other sufficient reason.

20. Authentication of certificates

(1) An employer, association of employers, professional body, employee's association, institution or any interested party may, in writing, request the Director-General to verify the authenticity of a trade test certificate.

[Subsidiary]

(2) A person who requests the Director-General to verify the authenticity of a trade test certificate under paragraph (1) shall submit a copy of the certificate to be verified and pay the prescribed fees.

(3) The Authority shall undertake the verification and communicate the findings to the applicant.

21. Replacement of certificates

(1) A person whose trade test certificate is lost or defaced may apply to the Director-General, in writing, for a replacement.

(2) An application under paragraph (1) shall be accompanied by—

- (a) a police abstract in respect of the lost certificate; or
- (b) the original defaced certificate; and
- (c) proof of payment of the requisite replacement of certificate fees as may be prescribed by the Authority from time to time.

(3) The Director-General may, after undertaking the necessary verification, process and issue a duplicate certificate.

22. Progression from one level to another

The time taken for one to be assessed at the next level of the same trade shall be as provided in the First Schedule.

23. Offences and penalties

A person who knowingly and without authority:

- (a) possess a certificate to which he is not entitled under these Rules;
- (b) being entitled under these Rules to the possession of a certificate parts with possession of it to a person not so entitled;
- (c) alters or defaces a certificate issued under these Rules or makes a photocopy of the certificate with intent to deceive or defraud; or
- (d) fails to produce or surrender on request a certificate issued under these Rules without good and sufficient cause,

shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or to imprisonment for six months or both.

24. Appeals

(1) A person who feels aggrieved by an order or decision of the Director-General made under any of these Rules may, within fourteen days of that order or decision, appeal in writing to the Chairperson of the Board.

(2) The appeal shall be in the form of a memorandum and shall set out the decision of the Director-General appealed against, the date of the decision, and the grounds of appeal.

(3) The Chairperson of the Board shall upon receipt of the appeal convene a Board Committee as soon as reasonably practical for the purpose of hearing and determining the appeal.

(4) The decision of the Board shall be communicated to the appellant within two months of the hearing.

25. Trade testable areas

The list of testable areas shall be as contained in the Fourth Schedule.

Industrial Training

[Subsidiary]

FIRST SCHEDULE

[r. 5(1), 13(1), 22]

MINIMUM ENTRY REQUIREMENTS

National Qualification	Marks Distribution		Minimum Entry Requirements
	Practical Test	Oral and Written Test	
TT Grade - III	90	10	Completion of Level - 1; or Certificate of Experiential Learning recognized by KNQA
TT Grade - II	85	15	GTT-III and 2 Years of relevant industrial experience after Grade-III; or Certificate of Experiential Learning recognized by KNQA
TT Grade - I	80	20	GTT-II and 3 Years of relevant industrial experience after Grade-II; or Certificate of Experiential Learning recognized by KNQA
Master Craftsperson-III	75	25	GTT-I and 3 years of relevant industrial experience after Grade-I; or Certificate of Experiential Learning by KNQA
Master Craftsperson-II	70	30	MCP-III and 3 Years of relevant industrial experience after MCP-II or Certificate of Learning recognised by KNQA
Master Craftsperson - I	60	40	MCP-II and 3 Years of relevant industrial experience after MCP-II; or Certificate

Industrial Training

[Subsidiary]

Professional Master 50 Craftsperson	50	of Experiential Learning recognized by KNQA MCP-I and 5 Years of relevant industrial experience after MCP-I; or Certificate of Experiential Learning recognized by KNQA
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Professional master crafts person is KNQF level 8

SECOND SCHEDULE

[r. 7(1)]

TRADE TEST FEES

National Qualification	Trade Test Fees (Ksh)	KNQF Level
GTT Grade - III	5,000	2
GTT Grade - II	6,000	3
GTT - I	7,500	4
Master Craftsperson- III	10,000	5
Master Craftsperson - II	25,000	6
Master Craftsperson - I	50,000	7
Professional Master Craftsperson	75,000	8

NOTE: Persons of other nationalities shall pay 30% above the local rates for each level above.

THIRD SCHEDULE

[r. 13(2)]

MARKS AND RATINGS FOR TRADE TESTS

Rating	Percentage (%)
First Class	86-100
Ordinary Pass	70-85
Fail	69 and below

FOURTH SCHEDULE

[r. 25]

TRADE TEST APPLICABLE AREAS

Agriculture and Natural Resources

1. Dairy Processing Operator
2. Flower Grower
3. Mechanical Tea Harvester

4. Mushroom Farmer
5. Poultry Farmer
6. Ranch Foreman
7. Ranch Herdsman
8. Ranch Supervisor
9. Apiarist
10. Behave Fabricator

Apparel Technology

11. Apparel Quality Checker
12. Batik Decorator
13. Dressmaking
14. Fashion Accessory Maker
15. Garment Production Supervisor
16. Hand Screen Printer
17. Machine Knitter
18. Sewing Machine Operator
19. Tailor
20. Tie and Dye Decorator
21. Upholsterer
22. Embroiderer

Arts, Audio-visual Technology, Media and Communications

23. Audio Recording Engineers
24. Broadcast Engineers
25. Music Instrumentalist
26. Music Producer
27. Photographer
28. Videographer
29. Events Manager

Automotive Engineering

30. Automobile Collision Repairers
31. Automobile Service Technicians
32. Automotive Designers
33. Diesel Mechanics
34. Earth Moving Plant Operator
35. Fuel Cell Engineers
36. Lifting Plant Operator
37. Light Vehicle Mechanic
38. Locomotive Engineers

[Subsidiary]

- 39. Motor Vehicle Assembler
- 40. Motor Vehicle Electrician
- 41. Motorcycle Mechanic
- 42. Panel Beater
- 43. Plant Mechanic
- 44. Power Generation Mechanic
- 45. Spray Painter
- 46. Vehicle Body Builder

Building Technology

- 47. Steel Fixer
- 48. Architects
- 49. Cabinet Maker
- 50. Carpenter and Joiner
- 51. Civil Engineering Technicians
- 52. Civil Engineers
- 53. Concrete Moulder
- 54. Drafters
- 55. Form Worker
- 56. Furniture Designers
- 57. Furniture Manufacturing Workers
- 58. Glazier
- 59. Interior Decorator
- 60. Landscaper
- 61. Mason
- 62. Painter Decorator
- 63. Plumber and Pipe Fitter
- 64. Polisher
- 65. Scaffold fitter
- 66. Sign Writer
- 67. Terrazzo/Granolithic Layer
- 68. Tile Layer
- 69. Wood Carving
- 70. Wood Machinist

Cosmetology

- 71. Beauty Therapist
- 72. Hairdresser
- 73. Make-up Artist
- 74. Nail Technician

Electrical Engineering

- 75.** Electrical and Electronics Engineers
- 76.** Electrical Engineering Technologists
- 77.** Electrical Fitter
- 78.** Electrical Motor Rewinding
- 79.** Electrical Wireman
- 80.** Electromechanical Engineering Technologists
- 81.** Electronic Mechanic
- 82.** Electronics Engineering Technicians
- 83.** Electronics Service Technicians
- 84.** Instrumentation Technicians
- 85.** Solar Engineers
- 86.** Solar Photovoltaic Installer

Energy

- 87.** Energy Efficiency Engineers
- 88.** Petroleum Engineers
- 89.** Petroleum Products Handler
- 90.** Petroleum Technicians
- 91.** Renewable Energy Engineers
- 92.** Wind Energy Engineers

Health Science

- 93.** Clinical Applications Specialists
- 94.** Drug Developers
- 95.** Health Care Assistant
- 96.** Laboratory Testing Technicians
- 97.** Laser Technicians
- 98.** Ophthalmic Laboratory Technicians
- 99.** Optical Engineers
- 100.** Optics Technicians

Hospitality and Tourism

- 101.** Food and Beverage Production
- 102.** Food and Beverage Service
- 103.** Housekeeping
- 104.** Pastry Cook

Information Communication Technology

- 105.** Computer Network Administrators
- 106.** Computer Operator
- 107.** Computer Programmers

[Subsidiary]

- 108. Computer Systems Programmer/Analysts
- 109. Computer Repair and Maintenance Technician
- 110. Computer-Aided Design Drafters and Technicians
- 111. Drone Engineers
- 112. Drone Manufacturing Workers
- 113. Drone Pilots
- 114. Drone Repair Technicians
- 115. Embedded Systems Engineers
- 116. Fibre Optics Technicians
- 117. Graphic Designer
- 118. Hardware Engineers
- 119. Internet Security Specialists
- 120. Robotics Engineers and Technicians
- 121. Software Designers
- 122. Software Engineers

Leather Technology

- 123. Footwear Cutter
- 124. Footwear Laster
- 125. Footwear Stitcher
- 126. Leather Tanning and Finishing Workers
- 127. Leather Worker
- 128. Shoe Maker

Mechanical Engineering

- 129. Arc Welding
- 130. Boilermakers and Mechanics
- 131. Boiler Operator
- 132. Coremakers
- 133. Fluid Power Technicians
- 134. Forge Shop Workers
- 135. Gas Welder
- 136. General Fitter
- 137. Industrial Machinery Mechanics
- 138. Manufacturing Engineering Technologists
- 139. Manufacturing Engineers
- 140. Manufacturing Production Technicians
- 141. Manufacturing Supervisors
- 142. Mechanical Engineering Technicians
- 143. Mechatronics Engineers

- 144. Metallurgical Engineers
- 145. Metallurgical Technicians
- 146. Moulder
- 147. Non-Destructive Testing Specialists
- 148. Refrigeration and Air Conditioning Mechanic
- 149. Sheet Metal Workers
- 150. Turner Machinist

Security

- 151. Armourer
- 152. Forensic Engineers
- 153. Gunsmiths
- 154. Intelligence Officer

Other Applicable areas may be added from time to time
