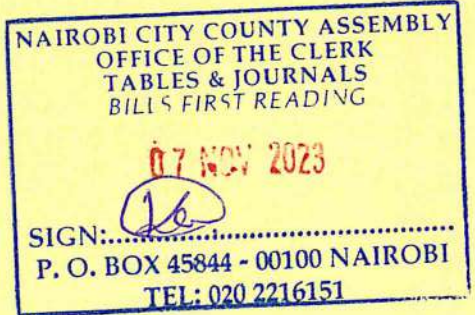


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NAIROBI CITY COUNTY BILLS, 2023

NAIROBI, 25th October, 2023

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**THE NAIROBI COUNTY TECHNICAL, VOCATIONAL
EDUCATION AND TRAINING BILL, 2023**

A Bill for

AN ACT of the Nairobi City County Assembly to provide for the establishment, classification, governance and management of County Public Vocational Training Centres and home-craft centres; to provide for their registration and administration, and for connected purposes.

ENACTED by the Nairobi City County Assembly, as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Nairobi City County Technical, Vocational Education and Training Act, 2023, and shall come into operation on a date appointed by the Executive Committee member.

Interpretation

2. In this Act, unless the context otherwise requires—

“Board” means the Board of Directors for a County Public Vocational Training Centre or Home-craft Centre privately established under this Act;

“Community” means the administrative ward;

“county public vocational training centre or home-craft centre” means a vocational training centre or home-craft centre maintained or assisted out of public funds;

“curriculum” means all the subjects offered and all activities therein stipulated, and may include the time devoted to each subject and activity;

“Directorate” means the Directorate of Vocational Training established by the County Public Service to manage all matters relating to education and training at county public vocational training centre or home-craft centres;

“Director” means the County Director in Charge of Vocational Training.

“Executive Committee Member” means the Executive Committee Member for the time responsible for matters related to basic education and training;

“Home-craft centre” means those institutions referred to as home-craft centres in this Act and which offer basic craft training;

“Manager” means any person or body of persons responsible for the management and conduct of a County Public Vocational Training Centre or Home-craft Centre and includes a Board.

“Principal” means the head of a County public Vocational Training Centre or Home-craft Centre or the head of a home-craft Centre;

“public funds” means funds from either the National Government or County Government;

“trainee” means a person enrolled as a learner in a County Public Vocational Training Centre or Home-craft Centre;

“register” means the record of the County Public Vocational Training Centre and Home-craft Centers in the County;

“syllabus” means a concise statement of the contents of a course of instructions in a given subject or subjects within a particular curriculum; and

“vocational training” means education that prepares people for specific trades, crafts and careers.

PART II— ESTABLISHMENT OF THE VOCATIONAL TRAINING CENTERS, HOME-CRAFT CENTRES AND PROMOTION OF TECHNICAL VOCATIONAL EDUCATION AND TRAINING

Establishment of County Public Vocational Training Centre and Home-craft Centre

3. (1) The Executive Committee Member may, by order in the Gazette, establish a County Public Vocational Training Centre or Home-craft Centre, as he or she deems necessary.

(2) A person wishing to establish a polytechnic or home-craft centre shall apply in writing to the relevant authority for registration in accordance with the provisions of this Act.

(3) An order made by the Executive Committee Member under subsection (1) shall specify—

- (a) the duties, powers and functions of the County Public Vocational Training Centre or Home-craft Centre;
- (b) the manner in which the institute is to be governed;
- (c) the constitution, duties, powers and functions of the County Public Vocational Training Centre or Home-craft Centre Council; and

- (d) such other matters with respect to the conduct and management of the county public vocational training centre or home-craft centre as the Executive Committee Member may find it necessary or desirable.

Powers and functions of polytechnic and home-craft-centres

4. (1) A County Public Vocational Training Centre or Home-craft Centre established under this Act shall—

- (a) provide full-time, part-time or competency based technical or vocational courses in technology, applied science, commerce, management, agri-business, other business studies and arts and crafts;
- (b) award trade test and certificates in accordance with the requirement of the course and the authority responsible for higher education; provide such facilities for its students as it considers desirable;
- (c) establish and appoint persons in academic and other posts and offices as it considers necessary;
- (d) fix, demand and receive fees and other charges as may be appropriate;
- (e) provide technical and consultancy services to businesses and industries as it considers desirable;
- (f) solicit and receive donations and contributions from any source or raise funds by all lawful means;
- (g) give donations and contributions to any person or organisation;
- (h) make provision for the general welfare, recreational and social needs of its staff and students; and
- (i) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the above.

(2) A County Public Vocational Training Centre or Home-craft Centre established under this Act shall be a body corporate with perpetual succession and a common seal and shall in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of both movable and immovable property;
- (c) borrowing money;

- (d) charging for services offered, with the approval of the Executive Committee Member;
- (e) entering into contracts; and
- (f) doing or performing all other acts necessary for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

Guidelines on courses of study

5. The County Executive Committee Member shall, with advice of the County Education Board established under the Early Childhood Development and Education Act, 2020—

- (a) plan, develop and co-ordinate training and research in the County Public Vocational Training Centre or Home-craft Centres and home-craft centres in the County; and
- (b) provide guidelines on the courses of study, their curriculum and minimum standards of the village polytechnic or home-craft centres and home-craft centers.

Responsibilities of the County Executive Committee Member

6. The County Government shall promote the establishment of County Public Vocational Training Centre and Home-craft Centres in the County —

- (a) for the training of the youth 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;
- (d) to organize conferences, seminars and study groups for the promotion of field learning and gaining of skills by local communities;
- (e) oversee the management and development of vocational education staff through the TVET;
- (f) develop and expand by equipping the TVET's centres to ensure access to quality affordable appropriate and relevant technical industrial vocational training;

- (g) co-ordinate with Governor's office and develop partners in the county to facilitate youth training and empowerment partners in the county to facilitate youth training and empowerment;
- (h) co-ordinate with national government for implementation of training programmes certification;
- (i) formulate a County Technical Vocational Education and Training Strategic Development Plan; and
- (j) promote training and progressive development under the Vocational Training Centres and similar.

Role of Executive Committee Member

7. (1) The Executive Committee Member shall promote vocational training within the County and progressive development of county public vocational training centre or home-craft centres or any other institution devoted to the promotion of vocational training, and shall secure the effective co-operation under his or her general direction or control, of all county public vocational training centre or home-craft centres concerned with vocational training in line with the County Education and Training Policy and the National Youth Polytechnic or Home-craft Centres Policy.

(2) For the purpose of carrying out his duties under sub-section (1) above, the Executive Committee Member may from time to time formulate a development plan for vocational training for the County consistent with any National plan for economic and social development of the County.

Delegation of functions by Executive Committee Member

8. (1) Subject to this Act and to any other regulation made thereunder, the Executive Committee Member may, by order, delegate any of his or her functions with respect to vocational training to a sub-County on such terms, conditions, or restrictions as he may think fit.

(2) The Executive Committee Member, may by order, revoke, suspend, vary or amend an order made under sub-section (1).

(3) Where a delegation of a function to a Sub-County is revoked or suspended under sub-section (2) of this section, the Executive Committee Member may recover from the Sub-County the whole amount or part of the expenditure incurred in the performance of the functions.

PART III—REGISTRATION OF COUNTY VOCATIONAL TRAINING CENTERS AND HOME-CRAFT CENTERS

Polytechnics and Home-craft Centers to be registered

9. (1) A person shall not operate a County Public Vocational Training Centre or Home-craft Centre unless it is registered in accordance with section 7 (k) of the Technical Vocational Education and Training Act, 2013 or otherwise established under this Act.

(2) Any person who operates a county public vocational training centre or home-craft centre which is not registered under this Act commits an offence and shall be liable to a fine or imprisonment (or both) for a term specified under section 34 of this Act.

Application for registration of a polytechnic or home-craft centre

10. (1) An application for registration of a County Public Vocational Training Centres and/ or home craft centres referred to under this Act shall be in accordance with provisions and regulations of the Technical And Vocational Education And Training Act, 2013.

(2) The County government shall assist the Authority established under Technical And Vocational Education And Training Act, 2013 in the Registration of the Technical and Vocational Training by ensuring the institutions have met the minimum requirements for registration of the TVET institutions as established by the said Authority.

(3) The County government shall also facilitate—

- (a) for land ownership documents;
- (b) proper infrastructure;
- (c) adequate human resource;
- (d) nomination of the board of governors for the institutions;
- (e) public health assessment reports; and
- (f) any other need that the County can do to ensure smooth training services are offered in the institutions.

PART IV—ADMINISTRATION AND MANAGEMENT OF VOCATIONAL TRAINING CENTRES AND HOME CRAFT CENTRES IN NAIROBI CITY COUNTY

County Public Vocational Training Centre or Home-craft Centre Council

11. (1) A County public vocational training centre or home-craft centre established by the County Government or sponsored by a religious

body and aided by the County Government shall have a governing body known as the County Public Vocational Training Centre Council or County Home-craft Centre Council.

(2) The County Public Vocational Training Centre or Home-craft Centre Council shall be responsible for—

- (a) the education policy and mission of the public county public Vocational Training Centre or Home-craft Centre;
- (b) overseeing the activities of the public polytechnic or home-craft centre;
- (c) safeguarding the assets of the public polytechnic or home-craft centre and the effective and efficient use of its resources;
- (d) preparing the annual estimates of income and expenditure of the public polytechnic or home-craft centre;
- (e) disciplining of the Principal of the public Polytechnic or home-craft centre;
- (f) the determination of the conditions of service of the nonteaching staff of the County Public Vocational Training Centre or Home-craft Centre with prior approval of the Executive Committee Member responsible for Finance;
- (g) considering and approving of recommendations of the polytechnic or home-craft centre academic Board;
- (h) the establishment of committees which may be necessary for the efficient performance of its business;
- (i) such other functions that are incidental to the achievement of the aims and objectives of the County Public Vocational Training Centre or Home-craft Centre or Home-craft Centre;
- (i) developing and implementing the institutions strategic plan;
- (j) receiving fees, grants, subscriptions, donations, bequests or other monies and to make disbursement to the institutions or other bodies or persons;
- (k) determine fees payable and prescription conditions under which fees may be remitted in part or in whole in accordance with guidelines developed under the provisions of TVET Act, 2013;
- (m) mobilise resources for the Vocational Training Centers;
- (n) make regulations governing organizing, conduct and discipline of the staff and students; and

- (o) provide for the welfare of the students and staff of the Vocational Training Centers.

Composition of Council

12. (1) A County Public Vocational Training Centre or Home-craft Centre Council shall consist of—

- (a) the Ward Administrator;
- (b) one person representing the religious groups appointed by the Executive Committee Member;
- (c) an expert in technical, vocational education and training nominated by the County Education Board and appointed by the Executive Committee Member;
- (d) one member representing the industry or commerce appointed by the Executive Committee Member;
- (e) one member representing persons with special needs appointed by the Executive Committee Member;
- (f) the Principal of the polytechnic or home-craft centre who shall be the Secretary;
- (g) a representative of the County Directorate of Vocational Training as *ex-officio* member;

(2) Membership of the Council shall not exceed two-thirds of the same gender in accordance with Article 27 (8) of the Constitution

(3) Members of the Council, other than *ex-officio* members, shall hold office for a term of three years from the date of appointment and shall be eligible for reappointment for a final term of three years.

(4) Quorum of the Council and/or Board of Directors shall be at least two-thirds of the membership.

Vacation of office of member of Council

13. (1) A member of the Council shall cease to hold office if that 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;

- (e) is found guilty of professional misconduct by the relevant professional body;
- (f) is disqualified from holding a public office under the Constitution;
- (g) engages in any gross misbehaviour or misconduct; or
- (h) 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 office on any of the grounds under subsection (1)

Filling of vacancy

14. If the office of a member of the Council 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 a Council

15. (1) The Council 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 of both the Chairperson and the Vice-Chairperson, a member of the Council elected by the other members present may preside.

(3) A meeting shall be convened if 30% of the members of the Council sign a requisition to that effect.

(4) The quorum at a meeting of the Council shall be half of the members of the Council.

(5) A decision of the Council 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 Council shall have an original and a casting vote.

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

Qualifications for member of Council

16. (1) A person appointed as a member of the Council shall have a minimum qualification of a craft certificate and shall be a person of integrity and committed to serve the community on voluntary basis.

(2) The Chairperson to the Council shall possess at least a diploma certificate or its academic equivalent

Principal and Deputy Principal of a polytechnic or home-craft centre and teaching staff

17. (1) The Polytechnic Council or Board where applicable or Home-craft Centre Council or Board where applicable shall, through an open, transparent and competitive recruitment procedure, appoint a suitably qualified person to be the Principal of the polytechnic or Home-craft Centre, Deputy Principal and teaching staff.

(2) A person shall be qualified for appointment as the Principal if that person—

- (a) holds at least a diploma in technical education from a recognized institution in Kenya and a higher diploma in any management course;
- (b) has at least three years proven experience at senior management level;
- (c) has a minimum of five years' experience in any technical field; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) The Principal shall be the Secretary to the Council and shall serve on such terms and conditions as the Council may determine.

(4) The Principal shall, in the performance of the functions and duties of office, be responsible to the Council.

(5) The Principal shall be the chief executive and accounting officer of the County Public Vocational Training Centre or Home-craft Centre and as such, shall be responsible for—

- (a) the training programmes of the Polytechnic or Home-craft Centre;
- (b) carrying into effect the decisions of the Council;
- (c) day-to-day administration and management of the affairs of the County Public Vocational Training Centre or Home-craft Centre;

(d) supervision of the academic and other staff of the polytechnic or Home-craft Centre; and

(e) perform such other duties as may be assigned by the Council.

(6) The Polytechnic Council or Home-craft Centre Council in consultation with the Executive Committee member shall appoint a Deputy Principal of the polytechnic or Home-craft Centre who shall deputize the Principal and perform such work as the Principal may assign.

(7) The provisions of sub-section (2) (a), (c) and (d) shall apply to the appointment of a Deputy Principal.

Other officers and staff

18. (1) The county public vocational training centre or home-craft centre teaching and non-teaching staff shall have such academic, technical and administrative officers and support staff, as may be determined by the Polytechnic or Home-craft Centre Council or Board of Directors in case of private institutions.

(2) In addition to the staff under sub-section (1), the County Government and the County Education Board may, upon request by the Council, second to a County Public Vocational Training Centre or Home-Craft Centre such officers as may be necessary for the better performance of Polytechnic or Home-craft Centre.

PART V—FINANCIAL PROVISIONS

Funds of the Public County Public Vocational Training Centre and Home-craft Centres

19. (1) The funds of a County Public Vocational Training Centre or Home-craft Centre established by the County Government shall consist of—

(a) monies appropriated by the County Government for purposes of the Polytechnic or Home-craft Centre;

(b) any grants, gifts, donations or other endowments given to the Polytechnic or Home-craft Centre; and

(c) such funds as may vest in or accrue to the Polytechnic or Home-craft Centre in the performance of its functions under this Act or any other written law.

(2) Any funds donated, granted or lent to the County Public Vocational Training Centre or Home-craft Centre shall be subject to public accounting procedures.

Annual estimates

20. (1) At least three months before the commencement of each financial year, a Polytechnic or Home-craft Centre shall cause to be prepared estimates of the revenue and expenditure of the Polytechnic or Home-craft Centre for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the polytechnic or home-craft centre 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 or Home-craft Centre;
- (b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the Polytechnic or Home-craft Centre;
- (c) maintenance of the buildings and grounds of the polytechnic or home-craft centre;
- (d) funding of training, research and development of activities of the Polytechnic or Home-craft Centre;
- (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 or Home-craft Centre 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 County Public Vocational Training Centre or Home-craft Centre Council before the commencement of the financial year to which they relate and forwarded to the Executive Committee Member.

Accounts and Audit

21. (1) The County Public Vocational Training Centre or Home-craft Centre Council shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the County Public Vocational Training Centre or Home-craft Centre.

(2) Within a period of three months after the end of each financial year, the County Public Vocational Training Centre or Home-craft Centre Council shall submit to the county Auditor, the accounts of the County Public Vocational Training Centre or Home-craft Centre in respect of that year together with —

- (a) statement of the income and expenditure of the Polytechnic or Home-craft Centre during that year; and
- (b) statement of the assets and liabilities of the Polytechnic or Home-craft Centre on the last day of that financial year.

Annual Report

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

(2) The Council shall submit the annual report to the County Executive Committee 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 County Public Vocational Training Centre or Home-craft Centre;
- (b) a description of the activities of the Polytechnic or Home-craft Centre;
- (c) other statistical information relating to its functions that the Polytechnic or Home-craft Centre may consider appropriate;
- (d) other statistical information relating to the its functions that the Polytechnic or Home-craft Centre may consider appropriate;
- (e) any impediments to the achievements of the objects and functions of the Polytechnic or Home-craft Centre; and
- (f) any other information relating to its functions that the Council considers necessary.

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

Accounting of donor funds

23. (1) County Public Vocational Training Centre or Home-craft Centres that implement development programs funded by public funds, including donor funding shall be accountable through regular financial reporting an submission of audited annual financial statements to the relevant accounting officer in a format prescribed by the Public Sector Accounting Standards Board.

(2) County Public Vocational Training Centre or Home-craft Centres and referred to under sub-section (1) of this Act, shall be registered in accordance with provisions of this Act.

PART VI—MISCELLANEOUS PROVISIONS

Regulations

24. The Executive Committee Member may make Regulations for the better carrying out of the purposes and provisions of this Act.

Rules

25. A County Public Vocational Training Centre or Home-craft Centre Council may make rules not inconsistent with the provisions of this Act, generally for the better functioning of the polytechnic or home-craft centre.

Offences and Penalties

26. (1) 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.

(2) Any person convicted for an offence provided for under subsection (1) shall be disqualified from holding any public office.

MEMORANDUM OF OBJECTS AND REASONS

Education as we know it has become a center stage for knowledge acquisition which is crucial for individual and county development. In this respect, the essence of Technical, Vocational Education and Training in the development of the nation and indeed the County cannot be over emphasized.

However, the new county governance structures need to address the core problems confronting them to reap the full benefits of Technical, Vocational Education and Training. The current infrastructure, quality of lecturers and leadership needs to be improved at the decentralized level.

A good starting point would be the enactment of a reform and development oriented legislative framework.

The Objective of this Bill is to provide for the establishment and promotion; registration; and the administration and management of Technical Vocational Education centres and Home craft centres in Nairobi City County.

Part I provides for preliminary matters including interpretation of unique terms used within the Act.

Part II provides for establishment of the vocational training centres, home-craft centres and promotion of technical vocational education and training.

Part III provides for registration of County Vocational Training Centres and Home-craft Centres.

Part IV provides for administration and management of vocational training centres and home-craft centres in Nairobi City County.

Part V provides for financial provisions relating to public vocational training or home-craft centres.

Part VI provides for miscellaneous provisions.

The enactment of this Bill shall occasion additional expenditure of public funds which shall be provided for in the estimates.

PERPETUA MPONJIWA,
Member of the County Assembly.

