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**THE VIHIGA COUNTY VOCATIONAL TRAINING CENTRES
(VILLAGE POLYTECHNICS) BILL, 2025**

A Bill for

AN ACT of the County Assembly of Vihiga to give effect to Section 9 of Part II of the Fourth Schedule of the Constitution; to provide for matters relating to vocational training centres, the establishment and governance of vocational training centres and for connected purposes

ENACTED by the County Assembly Vihiga, as follows —

PART I —PRELIMINARY

Short title

1. This Act may be cited as the Vihiga County Vocational Training Centres (Village Polytechnics) Bill, 2025 and shall come into force on the fourteenth day after publication in the *Gazette*.

Interpretation

2. In this Act unless the context provides otherwise the word—

“Board” means the Board of the Technical and Vocational Education and Training Authority established by Section 8 of the Technical and Vocational Education and Training Act (Cap. 210A) Laws of Kenya;

“county” means the Vihiga County;

“county chief officer” means the County Chief Officer in the County Government responsible for vocational training centres;

“County Executive Committee” means the County Executive Committee for Vihiga County established in accordance with Article 179 of the Constitution;

“county public service Board” means Vihiga County Public Service Board established in accordance with section 57 of the County Governments Act No.17 Laws of Kenya;

“county public service” has the same meaning as that assigned by section 2 of the County Governments Act;

“county executive committee member” means the County Executive Committee Member in the county government responsible for vocational education and training;

“county government” means the County Government of Vihiga;

“director” means the Director in-charge of the directorate of vocational education and training in the County;

“Directorate” means the Directorate of Vocational Education and Training in the County Government;

“principal” means the administrative Head of a vocational training centre appointed under section 26 of this Act;

“Stakeholder” refers to any person, body or organization benefitting from or engaged in promotion of vocational training under this Act and includes a development partner, guardian, group of persons, parent, sponsor, trainee, trainer, or any other person of goodwill;

“trainee” means a person who has been admitted and registered at vocational training centre and is undergoing training;

“trainer” means a person engaged in teaching at a vocational training centre and includes the principal and Deputy Principal;

“vocational training centre” has the same meaning as a village polytechnic referred to in Part II section 9 of the Fourth Schedule on devolved functions as an institution providing vocational training leading to an award below a Diploma.

The object and purpose of the Act

3. The object and purpose of this Act is to—

- (a) provide for the establishment and registration of village polytechnics otherwise referred to in this Act as vocational training centres as a devolved function pursuant to Part 2 section 9 of the Fourth Schedule to the Constitution;
- (b) to provide for the management and governance organs for the vocational training centres;
- (c) to provide for the membership of the management and governance organs and the governance procedures;
- (d) provide for standards, quality and relevance in training at the vocational training centres;
- (e) to provide for vocational education funding;
- (f) acquisition of occupational trade skills by young persons through training;
- (g) exchange of knowledge and skill and, in so doing, improve the economy of the county; and
- (h) carrying out of research and development that serves the county.

PART II—ESTABLISHMENT, REGISTRATION AND LICENSING OF VOCATIONAL TRAINING CENTRES

Establishment of a vocational training centre

4. A person intending to establish a vocational training center in the county which has already been accredited in accordance with the provisions of the Technical Education and Vocational Training Act shall apply to the Board for registration after meeting the conditions prescribed in Sections 17 to 21 of Technical and Vocational Education and Training Act.

Application procedure for registration of a vocational training centre

5. An application for registration of a vocational training centre shall be submitted to the Board in accordance with the procedure prescribed in Part III of the Technical and Vocational Education and Training Act.

Licensing of vocational training centres

6. A licence issued to a successful applicant by the Board following registration of a vocational training centre as provided in section 20 of the Technical Education and Vocational Training Act shall be sufficient authority to establish and operate a vocational training centre in the county.

PART III—COUNTY REGISTER OF VOCATIONAL TRAINING CENTRES

Requirement for registration of vocational training centres in the county

7. There shall be maintained in the county by the relevant department a register into which shall be entered all vocational training centres registered and licensed by the Board.

The purpose of registration vocational training centres in the county

8. The purpose of maintaining a county register for vocational training centres under this part shall be to —

- (a) provide the county government with the required data for coordination, effective governance and management of vocational training centres;
- (b) enable the county government implement effective monitoring and evaluation systems in all vocational training centres; and
- (c) complement national government efforts in ensuring that only licensed vocational training centres are allowed to operate in the county.

Duty to submit copies of documents to the County Director for registration

9. (1) A person who has been licensed by the Board to establish a vocational training centre shall submit a certified copy of the licence together the application form submitted to the Board to the County Director of Vocational Training Centres in the county for registration.

(2) The County Director of Vocational Training Centres shall designate an officer with the relevant qualifications to register vocational training centres under this part.

(3) Any person who fails to submit documents for registration as required by subsection (1) commits an offence.

The Directorate of Vocational Training in the County

10. There is established the Directorate of Vocational Training at the county which shall be headed by the County Director of Vocational Training Centres.

(2) The Directorate shall be responsible for—

- (a) registration of vocational training centres in the county;
- (b) coordination of vocational training centres in the county; and
- (c) the implementation of the decisions of the County Executive Committee member made in the discharge of the functions assigned under this Act.

(3) The County Director of Vocational Training Centres shall be answerable to the County Executive Committee member through the County Chief Officer.

(4) There shall be maintained under this section by the Director, a register of all vocational training centres operating in the county.

**PART IV— GOVERNANCE AND MANAGEMENT OF
VOCATIONAL TRAINING CENTRES**

The guiding principles in the governance and management of vocational training centres

11. (1) The guiding principles to be observed in the governance and management of a vocational training centre under this Act shall be that—

- (a) training at the vocational training centres shall be availed to all qualified persons without discrimination;
- (b) there shall be instituted appropriate mechanisms to promote access, equity, quality and relevance in training at the vocational

training centres to ensure adequate human capital for economic, social and political development;

(c) training programmes shall take into account—

- (i) the educational, cultural, and socio-economic background of the trainees;
- (ii) the technical and professional skills, knowledge and levels of qualification needed in the various sectors of the economy and the technological and structural changes to be expected;
- (iii) the trends towards integration of information and communication technologies to multiply access and improve training capacity, delivery modes and sustainable employment potential of the graduates;
- (iv) the employment opportunities, occupational standards and development prospects at the international, national, regional and county levels;
- (v) the protection of environment and the common heritage of the country; and
- (vi) non-discrimination in according training opportunities to members of all communities in the county and industrial attachment and internships for trainees

The role of the County Executive Committee member

12. The County Executive Committee Member shall—

- (a) with the approval of the County Executive Committee, develop the policies and strategies relevant to the county to ensure sustainable management and governance of the vocational training centres;
- (b) be responsible jointly with other stakeholders for resource mobilization for the vocational training centres;
- (c) jointly with other stakeholders, promote access, equity, quality and relevance in training;
- (d) consult with the Cabinet Secretary on matters of relevance to vocational training centres;
- (e) ensure implementation of national laws and policies on vocational training centers in the county; and
- (f) be responsible coordination and supervision of vocational training centres in the county;

- (g) ensuring compliance by vocational training centres on the requirement for monitoring and evaluation in all vocational training centres.

PART V—ORGANS OF GOVERNANCE AND MANAGEMENT OF AN EDUCATIONAL AND VOCATIONAL TRAINING CENTRES

The organs of governance and management of an educational and vocational training center

13. The organs of governance and management of an educational and vocational training center shall include —

- (a) the Board of Governors for a public Vocational Educational and Technical Training Centre;
- (b) the Board of Directors for a private Vocational Educational and Technical Training Centre;
- (c) the Administration; and
- (d) any other organ established under an instrument of governance and management issued by the Board.

The guiding principles and the principal objective of the organs of governance and management of vocational training centres

14. The guiding principles and the principal objective of organs of governance and management of vocational training centres shall aim at—

- (a) encouraging cooperation and collaboration among all stakeholders for effective representation in governance and management of the vocational training centre;
- (b) decentralizing decision making authority with regard to financial matters, human resource issues and other relevant matters;
- (c) enhancing the culture of accountability, democracy and transparency in the governance and management of the vocational training centre;
- (d) ensuring effective and efficient education and training; and
- (e) ensuring the participation of and consultation with the stakeholders at the county, national and international levels.

PART VI—BOARDS OF GOVERNORS AND BOARDS OF DIRECTORS OF VOCATIONAL TRAINING CENTRES

Establishment of Board of Governors for public vocational training centre

15. (1) There is established for every public vocational training centre a Board of Governors.

(2) A Board of Governors of a public vocational training centre shall be unincorporated.

(3) Any property registered in the name of or held by a public Vocational Training Centre shall be the property of the County Government and shall be registered or held on trust for the County Government.

Composition of the Board of Governors of a public vocational training centre

16. (1) A Board of Governors of a public vocational training centre shall comprise—

- (a) a chairperson;
- (b) not less than seven and not more than nine members whose appointment shall take into account one third gender balance, representation of persons with disabilities, youths and community interests; and
- (c) the principal of the vocational training centre who shall be the secretary to the Board of Governors.

(2) Members of the Board of Governors of a public vocational centre shall be appointed by the County Executive Committee and the names published in the *Gazette*.

(3) Members of the Board of Governors a public vocational training center shall elect a deputy chairperson from amongst the members who shall be of the opposite gender to the chairperson at the first meeting.

(4) A person shall not be appointed or permit to be appointed as chairperson or member of more than one vocational training centre.

(5) Any person not having been appointed chairperson or member or co-opted as a member of a public vocational training centre shall not participate in the performance of the functions of a Board of Governors as such member or take part in the conduct of business of Board of Governors or any of its committees

Establishment and Composition of the Board of Directors of a private vocational training centre

17. There is established for every private vocational training centre a Board of Directors consisting of such number of members as may be determined and appointed by the sponsor or the proprietor a private vocational training and specified in the certificate of registration of the private vocational training centre and such members shall serve on such terms as shall be set by the sponsor or the proprietor.

Qualifications for appointment as member of the Board of Governors or Board of Directors of a vocational training centre

18. A person qualifies to be appointed member of the Board of Governor or Board of Directors of vocational training centre if that person has knowledge and experience in —

- (a) leadership and management;
- (b) financial management;
- (c) technology;
- (d) industry;
- (e) engineering;
- (f) information communication technology; and
- (g) has not been convicted of a criminal offence and imprisoned to a term exceeding six months.

Matters to take into account in appointing members of the Board of Governors or the Board of Directors of vocational training centre

19. In appointing members of the Board of Governors of a public vocational training centre, the County Executive Committee member, sponsor or proprietor of a vocational training centre shall take into account ethnic and gender balance, and promote inclusion of persons with disabilities, minorities and the marginalized and ensure balanced competences amongst the members.

(2) When appointing the Board of Governors of a public vocational training centre, the County Executive Committee Member shall ensure that the terms of all members do not commence or end on the same dates.

(3) A sponsor or proprietor of a private vocational training centre shall when appointing members of the Board of Directors of a private vocational training centre, take into account and strive to give effect to the matters contained in subsections (1) and (2) of this section.

Tenure of a member of the Board of Governors

20. (1) A member of the Board of Governors of a public vocational training centre shall be appointed to a one term of three years which may be renewed once for a similar period.

(2) Despite subsection (1) a member of the Board of Governors of a public vocational training centre may cease being a member—

- (a) if the member dies while still a member;
- (b) when the term of the member expires without renewal;

- (c) if the member resign by notice in writing served on the County Executive Committee member thirty days prior to the date of resignation;
- (d) if the member becomes insolvent or has conveyed or assigned his property or has made a proposition or arrangement for the benefit of his creditors;
- (e) if the member's appointment is otherwise revoked by the County Executive Committee member on any of the following grounds—
 - (i) physical or mental incapacity to perform the functions assigned by this Act;
 - (ii) if the member fails to attend three consecutive meetings without prior authorization or satisfactory explanation;
 - (iii) if convicted of a criminal offence and sentenced to a term of imprisonment exceeding six months;
 - (iv) following revocation of his appointment by the nominating body or organization represented by the member;
 - (v) gross misconduct; or
 - (vi) gross violation of the Constitution or the law.

(3)The County Executive Committee member shall prescribe the procedure in the regulations for revocation of the membership as provided in subsection (2).

(4) Any vacancy arising in the membership of the Board of Governors under this section other than under (2)(b) shall be filled within a period of ninety days from the date the vacancy arises.

Functions of the Board of Governors of a public vocational training centre

21. (1) Functions of the Board of Governors of a public vocational training centre shall include—

- (a) overseeing the conduct of education and training in the centre as provided in this Act and other applicable laws and formulating policies relevant to the Vocational Training Centre;
- (b) promoting and maintaining standards, quality and relevance in education and training in the centre in accordance with this Act and the applicable laws;
- (c) administering and managing the property of the centre;

- (d) developing and implementing the centres' and county Government's strategic plans;
- (e) preparing annual estimates of revenue and expenditure for the centre and incurring expenditure on behalf of the centre and overseeing prudent utilization of the funds;
- (f) receiving, on behalf of the centre , fees, grants, subscriptions, donations, bequests or other moneys and to make disbursement to the centre, or other bodies or persons;
- (g) determining the fees payable and prescribing conditions under which the fees may be remitted in part or in whole in accordance with the guidelines prescribed by this Act or County of National laws;
- (h) mobilizing resources for the centre;
- (i) developing and reviewing programmes for training and to make representations to the Board;
- (j) regulating the admission and registration or exclusion of students from a vocational training centre subject to the provisions of the Technical and Vocational Education and Training Act;
- (k) approving collaboration or association with other institutions and industries in and outside Kenya subject to the prior approval by the Board;
- (l) recruiting and appointing support staff;
- (m) determining in consultation with the County Public Service Board, suitable terms and conditions of service for support staff and remunerating such staff;
- (n) making regulations governing organization, conduct and discipline of staff and students to ensure that the Vocational Training Centre observes high standards of corporate and business ethics;
- (o) preparing comprehensive annual reports on all areas of their mandate, including education and training services and submitting them to the County Executive Committee Member and the Board;
- (p) providing for the welfare of the students and staff of the centre;
- (q) encouraging, nurturing and promoting democratic culture, dialogue and tolerance in the Centre; and

- (r) performing any other function conferred on it by this Act or national or county legislation.

(2) In the performance assigned by this Act, the Board of Governors shall—

- (a) uphold the provisions of this Act; and
- (b) ensure consultation with the county executive committee member effective participation of stakeholders in matters relating to management, governance and promotion of training by the vocational training centre.

Committees of the Board of Governors of a public vocational training centre

22. (1) A Board of Governors may establish such committees as it may deem appropriate to perform such functions and discharge such duties as it may determine.

(2) A Board of Governors shall appoint the chairperson of a committee established under this section from amongst the members.

(3) A Board of Governors may co-opt persons with special knowledge, experience and skills in training into any of its committees from time to time but not for a period not exceeding two months.

Conduct of business of the Board of Governors and Board of Directors of a vocational training centre

23. (1) The County Executive Committee member shall develop and publish the guidelines for the conduct of the business of Board of Governors or the Board of Directors of a vocational training centre under this Act.

(2) In the absence of the guidelines developed and published by the County Executive Committee member under subsection(1), the provisions of the First and Second Schedules of the Technical Education and Vocational Training Act shall apply to the conduct of the business of a Board of Governors of a vocational training centre under this Act.

PART VII—ADMINISTRATION OF VOCATIONAL TRAINING CENTRES

The Administration of a vocational training centre

24. The administration of a public vocational training centre comprises—

- (a) the principal who shall be the chief executive officer and head of administration of a vocational training centre;

- (b) the deputy principal who shall be the deputy chief executive officer and head of administration of a vocational training centre;
- (c) heads of administrative units;
- (d) trainers; and
- (e) other staff of the vocational training centre as the Board of Governors may determine.

(2) To give effect to subsection(1), the Board of Management or the Board of Directors of a vocational training centre shall establish a governance structure that permits the creation of administrative units taking into account the needs of the vocational training centre,

(3) The chief executive officer or head of administration of a private vocational training centre shall be appointed in accordance with the instrument of governance formulated by the sponsor or the proprietor for the centre.

Functions of the Administration

25. Functions of the Administration of a vocational training centre are—

- (a) day to day management of a vocational training centre;
- (b) implementation of the decisions of the Board of Governors or the Board of Directors and the provisions of this Act and the provisions of the Technical Education and Vocational Training Act under the direction of the Board of Governors or the Board of Directors.

Appointment of the Principal

26. There shall be a principal for every public educational and vocational training centre appointed by the County Public Service Board through a competitive process.

(2) The principal of a vocational training centre shall-

- (a) be the accounting officer of the vocational training centre;
- (b) subject to the control of the Board of Governors, be responsible for the—
 - (i) implementation of the decisions of the Board of Governors made in the discharge of the functions assigned by this Act;
 - (ii) day to day administration of the vocational training centre;
 - (iii) organization and management of the staff; and

- (iv) any other function that may be assigned in the appointment.

Qualifications for appointment of principal of a vocational training centre

27. A person qualifies to be appointed as a principal if the person—

- (a) is a citizen of Kenya;
- (b) is registered and licensed as a trainer;
- (c) holds at least a diploma in technical fields from a recognized institution in Kenya;
- (d) has at least five years' experience as a trainer in any technical field; and
- (e) shown merit, integrity and ability as reflected in work performance and results.
- (f) meets the requirements of leadership and integrity set out in chapter six of the Constitution.

Tenure of principal of a vocational training centre

28. A Principal of a public vocational training centre shall be appointed to one term of five years which may be renewed once for a similar period.

Appointment of the deputy principal

29. There shall be appointed by the County Public Service Board of the Deputy Principal for every vocational training centre through a competitive process.

(2) The Deputy Principal shall be the principal assistant to the Principal in the discharge of the functions of the principal assigned by this Act.

(3) The provisions of sections 27 and 28 of this Act on the qualifications and tenure of the principal shall apply to the deputy principal appointed under this section.

Appointment of trainers of a vocational training centre

30. The County Public Service Board shall appoint trainers including instructors, tutors and teachers for vocational training centres on the request of the county chief officer of the department responsible for vocational training in the county.

(2) The criteria and procedure for appointment of officers in the County Public Service shall apply to appointment of instructors and tutors under this section.

(3) Despite any provision in this section no person shall be appointed a trainer, instructor or teacher in a vocational training centre unless such person is registered and licensed in accordance with the provision of section 23 of the Technical and Vocational Education and Training Act (Cap. 210A).

Appointment of other staff of the vocational training centre

31. A Board of Governors may, upon such terms and conditions of service as may be determined by the Board of Governors after consultations with the County Public Service Board employ such staff or hire the services of such consultations or experts as may be necessary for the proper performance of its functions taking into accounts its budgetary limits.

Secondment of staff to vocational training centres

32. The County Public Service Board may, on the request of the Board of Governors of a public vocational training centre, second staff to the public vocational training centre from the County Public Service.

(2) Staff who have been seconded to a public vocational training centre under this section shall, during the period of secondment, be deemed to be staff of the vocational training centre and shall be subject to the control of the vocational training centre.

(3) No secondment of staff under this section shall be made to a private vocational training centre.

Staffing in private vocational training centres

33. (1) The sponsor or proprietor of a private vocational training centre shall be responsible for staffing of the institution in accordance with the instrument of governance of the institution.

(2) Nothing in this section shall be construed as permitting a private vocational training centre to employ a principal, deputy principal or trainer who does not meet the qualifications prescribed by this Act and by the Technical Education and Vocational Training Act.

PART VIII—ADMISSION AND REGISTRATION OF TRAINEES VOCATIONAL TRAINING CENTRE

Requirements and criteria for admission and registration of trainees.

34. (1) The academic committee of a vocational training centre established under Part VIII of this Act shall, amongst its functions, be

responsible for the determination of the requirements and criteria for admission of trainees in a vocational training centre.

(2) In making a determination under subsection (1) of this section, the academic committee shall give effect to the requirements and criteria

Admission of trainees to vocational training centre

35. (1) The Principal of a vocational training centre shall be responsible for admission of trainees into a vocational training centre.

(2) The Academic Committee may assign such of its members as may be requested by the Principal to assist the Principal discharge the responsibility of admission of trainees into a vocational training centre.

Registration of trainees

36. (1) A trainee who has been admitted to a vocational training centre shall be registered in a register maintained at the institution for the purpose with such particulars and details as shall be prescribed by the Board of Governors.

(2) Despite subsection (1) of this Act, a register of trainees shall contain separate entries of trainees with disabilities which shall include the gender, age, nature of disability and any request for special assistance presented by the trainee which the trainee may require during the training.

PART IX—ESTABLISHMENT OF THE ACADEMIC COMMITTEE

Establishment of the Academic Committee

37. (1) There is established for every vocational training centre an academic committee comprising—

- (a) the Principal;
- (b) the Deputy Principal;
- (c) heads of departments and administrative units; and
- (d) any other person as may be specified by the Board of Governors.

(2) The Academic Committee may with the approval of the Board of Governors, establish sub-committees from amongst the members of the Committee for better performance of the functions assigned to the Committee in this Act.

(3) The Academic Committee may co-opt persons not exceeding two in number with the relevance expertise and experience to committees established under subsection (1) for a specified purpose and such persons

shall be members for the period specified in the instrument of co-option but not exceeding three months as the Board may determine.

Functions of the Academic Committee

38. (1) The functions of the Academic Committee includes—

- (a) the determination of the requirements and the criteria for the admission and registration of trainees;
- (b) the curricula, the academic standards, validation and review of courses;
- (c) the procedure of assessing and examining of students;
- (d) the appointment and dismissal of internal examiners;
- (e) the procedure for disciplinary action against trainees in related to academic misconduct;
- (f) development of the academic activities of the vocational training centre;
- (g) the establishment of links with different industries and businesses to ensure the entrepreneurial development of students;
- (h) advise the Board on academic policy and other matters of academic importance to the Vocational Training Centre; and
- (i) consider the resources required to support the academic activities of the Vocational Training Centre.

(2) In the performance of the functions assigned by this section, the Academic Committee shall be guided and give effect to the standards and quality of training prescribed by the Technical Education and Vocational Training Act.

PART X—TRAINING AT VOCATIONAL TRAINING CENTRES

Programs of training and courses of study in a vocational training centre

39. (1) The Academic Committee shall be responsible under the direction of the Board of Governors for design, introduction, review or alteration of programmes of instruction or courses of study in a vocational training centre.

(2) The training programmes designed for a vocational training shall be sustainable and aim at facilitating—

- (a) innovation and creativity;

- (b) continuation of training for improvement of professional qualifications and updating of knowledge, skills and understanding;
- (c) complementary education for those receiving vocational training in the form of on-the job training or other training in the vocational training center or other facilities; and
- (d) the special needs of persons with disability, minorities and the marginalized groups.

(3) Programmes of instruction or courses of study in a vocational training centre designed, introduced, reviewed or altered under this section shall not be implemented without the approval of the Board

National and international standards in training and quality assurance

40. Every vocational training centre shall when designing training programmes and courses of study—

- (a) adopt appropriate national and international standards in training;
- (b) establish, implement, and manage credible quality assurance systems ;
- (c) establish and promote appropriate collaborative arrangements with national and international agencies on standards and quality assurance;
- (d) establish systems and processes for the continuous review and improvement of standards and quality assurance; and
- (e) provide for measures to ensure implementation by the vocational training centre, regulatory and quality assurance agencies and any person engaged in training of the guidelines on standards, quality and relevance of training established under this Act and national legislation.

Attachment and internship of trainees

41. (1) A vocational training centre shall, in its training system integrate on-the-job attachment and internships at all levels in order to provide relevant training for the development of appropriate practical and innovative skills.

(2) The County Executive Committee Member shall take affirmative action on behalf of the vocational training centres to identify and establish a network and data bank of potential industries, bodies, organizations or

entities with the required capacity and willingness to receive trainees on attachment and internship for placement.

(3) The Academic Committee shall design and cause to be implemented a code of conduct for trainees who are on attachment and internship.

Training of persons with disability in a vocational training centre

42. (1) The County Executive Member shall, in consultation with the National Council for Persons with Disabilities implement a mechanism for identification of persons with disabilities and shall further take affirmative measures to ensure access to and provision of vocational training for persons with disabilities in vocational training centres.

(2) Every vocational training centre to which a person with disability is admitted as a trainee shall adopt and implement systems within its limits during the training of the person to ensure the trainee benefits from a training that satisfies training needs of the person.

Examinations, competence assessments and certification

43. (1) Every vocational training centre operating in the county shall adopt for purposes of examination, competence assessment and certification of trainees the curriculum designed and developed by the Certification Council established under section 44 of the Technical Education and Vocational Training Act.

(2) The rules with respect to examinations and competence assessments governing a vocational training centre operating in the county shall be the rules made by the Certification Council under section 45(b) of the Technical Education and Vocational Training Act.

(3) Any case of indiscipline involving a trainee registered as a candidate during examinations shall be reported to the Certification Council for investigations and required action.

(4) An examination or competence assessment carried out in a vocational training centre under this Act shall lead to an award of a certificate:

Provided that a vocational training centre may partner with a technical education and vocational training institute established under the Technical Education and Vocational Training Act to award diploma certificates approved by the Board.

(5) The Certification Council shall be responsible for issuance of certificates to candidates who satisfy examinations and competence assessment requirements in a vocational training centre under this Act.

PART XI— FUNDING OF VOCATIONAL TRAINING CENTRES

The sources of funds of vocational training centres

44. (1) The funds of vocational training centres consist of—

- (a) such monies or assets as may accrue to or vest in the vocational training centre in the course of the exercise of its powers and the performance of its functions under this Act;
- (b) such monies as may be payable to the vocational training centre under this Act or any other law;
- (c) such monies as may be appropriated by the County Assembly for the purposes of the Vocational Training Centre; and
- (d) all monies from any other source provided, donated or lent to the vocational training centre.

(2) The County Executive Committee Member shall put into effect the following to ensure sufficient funding for vocational training centres—

- (a) develop a capitation policy for vocational training centres;
- (b) seek the adoption of the policy by the County Assembly;
- (c) implement progressive measures to ensure allocation of sufficient monies in every Annual Budget Estimates towards management and development of vocational training centres; and
- (d) employ robust resource mobilization programmes and initiatives to attract and retain development partners for sustainable funding of vocational training centres

(3) Except under the written authority of the County Executive Committee member, all funds received by a vocational training centre in its name shall be deemed as having accrued to the vocational training centres under this section and shall be paid into Fund established under this Act.

Establishment of the Vocational Training Centers Fund

45. (1) There is established a fund to be known as Vihiga County Vocational Training Fund.

(2) The object and the purpose of the fund shall be to provide funds to be used for financing training in vocational training centres.

(3) There shall be paid into the Fund—

- (a) monies approved by the County Assembly in the annual estimates;
- (b) such sums of money as may be received by the Fund in the form of donations;
- (c) such sums of money as may be specifically designated for the Fund by the National Government by way of funding model in existence for vocational training centres under Technical Education and Vocational Training Act;
- (d) income generated by investments made by the vocational training centres; and
- (e) endowments, grants and gifts from whatever source designated for the Fund.

(4) There shall be paid out of the Fund any expenditure approved by the Funding Management Committee and incurred in connection with the administration of the Fund.

Composition of the Funding Management Committee

46. The Fund shall be managed by Funding Management Committee appointed by the County Executive Committee Member and comprising of the following membership —

- (a) the chairperson not being a person serving in the county public service;
- (b) the county chief officer responsible for Vocational Education and Training;
- (c) the county chief officer responsible for Finance
- (d) the Director responsible for Vocational Education and Training
- (e) five persons with proven knowledge in technical and vocational training, legal and financial matters having regard to the objects of the Act and taking into account the interests of—
 - (i) persons with disabilities;
 - (ii) the youth;
 - (iii) gender equity; and
 - (iv) the marginalized groups and communities.

Functions of the Funding Management Committee

47. The Funding Management Committee shall be responsible for the management of the Fund and for—

- (a) disbursement of funds to vocational training centres in accordance with the criteria determined by the output, efficiency and role played by the center in areas prioritized by the County Government;
- (b) the establishment of the maximum differentiated unit cost for the programmes offered and discipline differentiated remuneration for academic staff and advise the County Government accordingly;
- (c) receipt of funds for purpose of the Fund from the County Government, donors and from any other sources; and
- (d) the provision of advice on disbursement criteria for the Fund utilization.

Provided that in the performance of the function under paragraph (b) of this section, the Funding Committee shall consult the vocational training centres benefitting from the Fund.

Administration of the Fund

48. (1) There shall be the Fund Administrator appointed for the Fund.

(2) The qualifications and terms and conditions of service of the Fund Administrator shall be determined by the County Public Service Board.

(3) The County Executive Committee Member responsible for finance may, after consultation with the County Executive Committee member deploy or assign an officer from the county public service with the relevant qualifications to perform the functions of the Fund Administrator.

(4) The Fund Administrator shall be the Secretary to the Funding Management Committee and shall be responsible for the administration of the Fund under the direction of the Funding Management.

Disbursements from the Fund.

49. Every disbursement from the Fund shall be valid only if—

- (a) the request for disbursement is made in writing by the vocational training centre and supported by a minute of Board of Governors approving the request;
- (b) the Funding Management Committee approves the request at a meeting held for the purpose and supported by the relevant minute; and
- (c) the disbursement requested was included in the annual budget estimates of the vocational training centre.

Utilization of the funds

50. (1) Monies which accrue to the vocational training centres under this Act shall be utilized only for the purposes of this Act and for promotion of education and training in vocational training centres using such criteria as may be prescribed by the County Executive Committee member by way of regulations published in the *Gazette*.

(2) Despite any provision in this Act, the Funding Management Committee may invest any unutilized balances of funds in the Fund in such manner as it may determine after consultation the Boards of Governors of vocational training centres.

(3) Any profit arising from investment under subsection(2) shall be deemed as revenue accruing to the Fund and shall be paid into the fund and utilized in accordance with the provisions of this Act.

Budgeting for the vocational training centres

51. (1) At least three months before the commencement of each financial year, the Funding Managing Committee shall cause to be prepared estimates of the revenue and expenditure of the vocational training centre for that financial year.

(2) The annual estimates shall make provision for all the estimated expenditure of every vocational training centre for the relevant financial year 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 vocational training centre;
- (b) payment of pensions, gratuities and other charges and in respect of benefits which are payable out of the funds of the vocational training centre;
- (c) funding of the registration, monitoring and evaluation of activities of the vocational training centre;
- (d) the maintenance of the buildings and grounds of the vocational training centre;
- (e) funding of training, research and development of activities of the vocational training centre;
- (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 vocational training centres.

(3) The annual estimates prepared for vocational training centres under this section shall be submitted to the County Executive Committee through the County Executive Committee member for approval and tabling before the County Assembly in accordance with the provisions of the Public Finance Management Act, 2012.

Financial year of the Funding Management Committee

52. The Financial year of the Funding Management Committee shall be the period of twelve months commencing on First of July and ending on the Thirtieth day of June of the following year.

Accounts and Audits

53. (1) Every vocational training centre shall for every financial year cause to be kept proper books and records of account of the income, expenditure, assets and liabilities.

(2) Within a period of three months after the end of each financial year, the Funding Management Committee shall submit to the Auditor-General the consolidated accounts of vocational training centres in respect of that year together with—

- (a) a statement of the income and expenditure of every vocational training centre during that year; and
- (b) a statement of the assets and liabilities of the Vocational Training Centre on the last day of that financial year.

(3) The annual accounts of the Vocational Training Centre 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.

Annual Reports

54. (1) The Funding Management Committee shall, at the end of each financial year cause to be prepared the annual report.

(2) The annual report, prepared under this section shall include—

- (a) the audited financial report of every vocational training centre;
- (b) description of the activities of the vocational training centre;
- (c) such other statistical information concerning vocational training centres as may be required under the Technical Education and Vocational Act or other law;
- (d) the cost implication of the exercise of any of its mandate or function under this Act;

- (e) any challenges experienced in the implementation of the object and purpose of this Act for vocational training centre;
- (f) such other information as may be required to be prepared by the Executive Committee Member may direct or considered relevant by the Funding Management Committee.

(3) The annual report prepared under this section shall be submitted to the County Executive Committee Member for tabling before the County Executive Committee with a copy to the County Assembly not later than three months after the close of the financial year to which it relates.

(4) The annual report shall be published and publicized in a manner determined by the County Executive Committee member.

(5) Nothing in this section shall be construed as exempting any person by whom reports are expected to be from submitting the reports required to be submitted under this Act.

PART XII—STAKEHOLDER FORUM AND ASSOCIATIONS OF VOCATIONAL TRAINING CENTRES

Establishment of the Stakeholder Forum

55. (1) There is established the Stakeholder Forum for vocational training centres operating in the county.

(2) The Stakeholder Forum shall be—

- (a) a body bringing together parents or guardians of trainees, development partners and any other person involved in activities which promotes the object of this Act;
- (b) a forum for collaboration amongst vocational training centres in promotion of development; and
- (c) shall be recognized by the Board of Governors of a vocational training centre for purposes of engagement as provided in section-14(e) of this Act

(3) The Stakeholder Forum shall be developed and managed in accordance with regulations made by the County Executive Committee Member.

Associations of Vocational Training Centres

56. (1) The County Executive Committee member shall publish regulations for establishment of the Association for Vocational Training Centres operating in the county.

(2) The regulations shall provide for the procedure of bringing together under the Association —

- (a) all teaching staff of all the vocational training centres; and
- (b) all trainees in all vocational training centres.

(3) The Association shall be responsible for the organization of the teaching staff and trainees for joint participation in—

- (a) research and innovations;
- (b) the organization of vocational training centres for annual exhibitions;
- (c) competitions targeting creativity and innovations; and
- (d) any other activity of common interest to all the vocational training centres.

The Stakeholder Forum and Association of Vocational Training Centre to be a political.

57. (1) The Stakeholder Forum and Association of Vocational Training Centres shall not engage in any political activity in own name or allow its name or members to engage in any political activity or support for a political party or a candidate in an election for a political seat.

(2) The County Executive Committee member shall have powers after investigations and upon being convinced that subsection(1) of this section to suspend any or all activities of the Stakeholder Forum or the Association of Vocational Training Centres for the period to be specified in the notice of suspension.

(3) A suspension under subsection (2) shall be published in the Gazette and may be varied or revoked in a similar manner by the County Executive Committee member.

PART XIII—MISCELLANEOUS PROVISIONS

Monitoring and evaluation in vocational training centres

58. (1) The county government department responsible for vocational training centres shall be in charge of monitoring and evaluation in vocational training centres and shall design the tool to be used in monitoring and evaluation.

(2) Every vocational training centre shall put in place internal systems to ensure the maintenance of standards, quality in the management of the centres and relevance of training programmes in accordance with the standards set out by the Board.

(3) The County Executive Committee member shall appoint persons with the relevant qualifications from the county public service to be evaluators and monitors.

(4) The evaluators and monitors in the performance of their responsibilities inquire into infrastructure, equipment, programs, the trainers, students and any other relevant matter concerning a vocational training centre and shall prepare and submit to the County Executive Committee member of the report of the evaluation and monitoring not later than three months after the end of every year.

(5) The evaluation and monitoring report submitted under subsection (4) shall be tabled before the County Executive Committee with copies to the County Assembly within three months after receipt by the County Executive Committee member.

Inspection of vocational training centres

59. Notwithstanding any provision of this Act, the County Director of Vocational Training Centres shall continuously inspect vocational training centres in the county and submit quarterly reports to the County Executive Committee member on the level of compliance by the vocational training centres with the standards prescribed in the Technical Education and Vocational Training Act and the challenges if any, noted during the inspection.

Closure of a vocational training centre

60. (1) A vocational training centre may be closed—

- (a) with the approval of the County Assembly following a recommendation of the County Executive Committee;
- (b) by the Board after failure to rectify upon service as provided in sections 36 and 37 of the Technical Education and Vocational Training Act.

(2) A vocational training centre may be closed pursuant to subsection (1)(a) if, from the report of a committee of inquiry appointed by the County Executive Committee for the purpose, the vocational training centre has become unviable or unsustainable.

(3) An appeal against closure under subsection (1)(b) of this section shall lie to the Cabinet Secretary as provided in Section 37(2) of the Technical Education and Vocational Training Act.

Offences and penalties under the Act

61. A person commits an offence under this Act if that person—

- (a) fails to comply with any provision in this Act requiring his compliance;

- (b) knowingly gives false information whether in writing or verbally in any document or to a person lawfully engaged in execution of the objectives of this Act;
- (c) hinders or otherwise obstructs an evaluator or monitor from performing the evaluation or monitoring responsibilities assigned under this Act; or
- (d) aids or abets the commission of an offence under this Act.

(2) An offence committed by a vocational training centre shall be deemed to have been committed by the principal unless the contrary is proved.

(3) A person who commits an offence under this Act shall be liable on conviction to a fine of shillings one million or a term of imprisonment of two years or both:

Provided that a fine imposed by a court against a vocational training centre shall be recoverable as a civil debt from the vocational training centre.

General penalty

62. 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 as prescribed in the TVET Act.

Transition

63. Upon the commencement of this Act—

- (a) any person who was holding an office to which this Act applies shall continue to hold such an office up to the expiry of two years following the date commencement or the end of the term whichever comes early;
- (b) a person who by virtue of this Act fails to meet the minimum qualifications to remain in that office shall continue to hold such an office up to the expiry of two years following the date commencement or the end of the term whichever comes early and if he does not acquire the required qualification during the period shall be re-deployed to perform the duties where he qualifies or be retired in accordance with the terms applicable to the county public service;
- (c) all assets and liabilities of a vocational training centre shall be taken over by the management of the vocational training centre under this Act;

- (d) any suit which was pending against or by a vocational training centre shall be taken over and continued by the management of the vocational training centre under this Act; and
- (e) any issue which remained unresolved at the commencement of the Act shall be resolved by the County Executive Committee member.

Powers of the County Executive Committee member to make Regulations

64. The County Executive Committee Member may make regulations not inconsistent with the Technical Education and Vocational Training Act or other national law for the better carrying into effect the objects and purpose of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to promote the establishment and progressive development of Vocational Training Centres in the county and acquisition of occupational trade skills by young persons through training as well as the exchange of knowledge and skill.

The structure of the Bill is as follows:

Part I (clauses 1–3) of the Bill contains preliminary provisions. Clause 1 states the title of the Bill and clause 2 deals with interpretation of terms as used in the Bill. Clause 3 sets out the object of the Bill.

Part II (clauses 3-9) of the Bill deals with establishment and management of Vocational Training Centres.

Clause 3 states that the Executive Committee Member may, by order in the Gazette, establish one or more Vocational Training Centres. Clause 4 provides for powers of a Vocational Training Centre while clause 5 sets out the functions of the youth Vocational Training Centres which are, among others, to provide full-time or part-time technical or vocational courses.

Clause 6 establishes the Board of Management while clause 7 is to the effect that the Board shall have all powers necessary for the proper performance of the functions of the Vocational Training Centre under the Bill. Clause 8 provides for functions of the Board which include formulating policy relating to the Vocational Training Centre.

Clause 9 provides that the Executive Committee Member shall, in consultation with the County Education Board, plan, develop and coordinate affairs and research in the county Vocational Training Centres and provide guidelines on the courses of study, their curriculum and minimum standards of the Vocational Training Centres.

PART III (clause10) provides for registration of Vocational Training Centres.

PART IV (clause 11-16) is on administration of Vocational Training Centres.

Clause 11 provides the requirement that there shall be a Principal for each Vocational Training Centre who shall be the chief executive officer while Clause 12 is on the Vocational Training Centre teaching and non-teaching staff to have such academic, technical and other staff, as may be determined by the County Public Service. Clause 13 provides for the Academic Board while clause 14 sets out the functions of the Academic Board to include determining the criteria for the admission of students.

Clause 15 provides that the Academic Board may establish committees for the better carrying out of its functions.

PART V (Clause 17-20) sets out Establishment of Vocational Training Fund. Clause 17 and 18 set for the Establishment of the Fund, Clause 19 provides for the financial year of the Board while clause 20 provide for the establishment of regulations to the Vihiga Vocational Training Fund.

PART VI (clause 21-26) sets out the financial provisions.

Clauses 21 and 22 set out the funds and assets of the Vocational Training Centre and the financial year respectively. Clause 23 provides the requirement of annual estimates while clause 24 is on accounts and audit of the Vocational Training Centre. Clause 25 requires the Board to, at the end of each financial year, cause an annual report to be prepared. Clause 26 provides for the funding of the Vocational training Centres.

PART VI (clause 27-30) is on Miscellaneous Provisions.

Clause 27 provides that a Vocational Training Centre may collaborate with any other Vocational Training Centre or any other training institution to promote its development while clause 28 provides for the inspection of Vocational Training Centres. Clause 29 sets out the power of the Executive Committee Member, in consultation with the Chairperson of the Board, to make regulations while clause 35 provides a general penalty. Clause 30 provides for the general penalty.

ERICK ODEI OBAMU,
Member of County Assembly.