LEGAL NOTICE NO. 100

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

IN EXERCISE of the powers conferred by section 29(f) of the Industrial Training Act, the Cabinet Secretary for Labour and Social Protection makes the following Rules—

THE INDUSTRIAL TRAINING (TRADE TESTING) RULES, 2021

1. These Rules may be cited as the Industrial Training (Trade Testing) Rules 2021.

2. In these Rules, unless the context otherwise requires—

   “Act” means the Industrial Training Act;

   “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, 2014;

as developed in accordance with the Kenya National Qualifications Framework Act, 2014.

3.(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.(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).

(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.(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. 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.(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),
(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. (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;
conduct skills assessments and referee checks while making the decision to register or renew the registration of an applicant; or

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. 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 fulfillment of the conditions as set out in the Industrial Training Standards and Guidelines.

10.(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.(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.

(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.(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.(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. 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.(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. 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.(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.(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. 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.(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.

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

**FIRST SCHEDULE**  (r. 5(1), 13(1), 22)

<table>
<thead>
<tr>
<th>National Qualification</th>
<th>Marks Distribution</th>
<th>Minimum Entry Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Practical Test</td>
<td>Oral and Written Test</td>
</tr>
<tr>
<td>TT Grade - III</td>
<td>90</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Completion of Level-I; or Certificate of Experiential Learning recognised by KNQA</td>
</tr>
<tr>
<td>TT Grade - II</td>
<td>85</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>GTT-III and 2 Years of relevant industrial experience after Grade-III; or</td>
</tr>
<tr>
<td>Level</td>
<td>Percentage</td>
<td>Years of Experience</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>TT Grade - I</td>
<td>80</td>
<td>20</td>
</tr>
<tr>
<td>Master Craftsperson - III</td>
<td>75</td>
<td>25</td>
</tr>
<tr>
<td>Master Craftsperson - II</td>
<td>70</td>
<td>30</td>
</tr>
<tr>
<td>Master Craftsperson - I</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>Professional Master Craftsperson</td>
<td>50</td>
<td>50</td>
</tr>
</tbody>
</table>
Professional master crafts person is KNQF level 8

SECOND SCHEDULE

(2) Trade Test Fees

<table>
<thead>
<tr>
<th>National Qualification</th>
<th>Trade Test Fees (Ksh)</th>
<th>KNQF Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>GTT Grade - III</td>
<td>5,000</td>
<td>2</td>
</tr>
<tr>
<td>GTT Grade - II</td>
<td>6,000</td>
<td>3</td>
</tr>
<tr>
<td>GTT Grade - I</td>
<td>7,500</td>
<td>4</td>
</tr>
<tr>
<td>Master Craftsperson - III</td>
<td>10,000</td>
<td>5</td>
</tr>
<tr>
<td>Master Craftsperson - II</td>
<td>25,000</td>
<td>6</td>
</tr>
<tr>
<td>Master Craftsperson - I</td>
<td>50,000</td>
<td>7</td>
</tr>
<tr>
<td>Professional Master Craftsperson</td>
<td>75,000</td>
<td>8</td>
</tr>
</tbody>
</table>

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

THIRD SCHEDULE

(2) Marks and ratings for Trade Tests

<table>
<thead>
<tr>
<th>Rating</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Class</td>
<td>86-100</td>
</tr>
<tr>
<td>Ordinary Pass</td>
<td>70-85</td>
</tr>
<tr>
<td>Fail</td>
<td>69 and below</td>
</tr>
</tbody>
</table>

FOURTH SCHEDULE

(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
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
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

Dated on the 24th May, 2021

SIMON CHELUGUI,
Cabinet Secretary for Labour and Social Protection.