NYAMIRA COUNTY GAZETTE SUPPLEMENT

BILLS, 2014

NAIROBI, 10th November 2014

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THE NYAMIRA COUNTY YOUTH DEVELOPMENT CENTRE BILL, 2014

A Bill for

AN ACT of the County Assembly of NYAMIRA to provide for the establishment of county youth development centres to offer courses in technology, applied science, management and other technical studies, to provide for their registration and administration and for other connected purposes.

ENACTED by the County Assembly of (Nyamira) as follows—

PART I — PRELIMINARY

Citation. 1. This Act may be cited as the Nyamira County Youth Development Centre Bill, 2014, and shall come into operation on a date appointed by the Executive Committee Member responsible for education by notice in the county and Kenya Gazette, which date shall not be later than ninety days from the date of its publication.

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

"Board" means the Board of Directors of a County Youth Development Centre which is privately established and sponsored;

"Council" means the County youth Development Centres Council established under section 15;

"Directorate" means the Directorate of Education established by the County Public Service to manage all matters relating to education and training;

"Youth Centre" means a County Youth Development Centre established and registered under this Act.

PART II—ESTABLISHMENT OF THE COUNTY YOUTH DEVELOPMENT CENTRES

Responsibilities of the Governor. 3. The Governor shall promote the establishment of County youth Development Centres in the county —

(a) for the training of young people 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; and

(d) to organize conferences, seminars and study groups for the promotion of field learning and gaining of skills by local communities.
4. (1) The Governor shall ensure the establishment of County Youth Development Centre by the county government.

(2) Any qualified person or body may establish County Youth Development Centre in the county.

5. The county executive committee shall, in consultation with the County Education Board established under the Basic Education Act—

(a) plan, develop and co-ordinate training and research in the Youth Development Centres in the county.

(b) provide guidelines on the courses of study, their curriculum and minimum standards of the County Youth Development Centre.

6. A County Youth Development Centre established under this Act shall —

(a) provide full-time or part-time technical or vocational courses in technology, applied science, commerce, management and other business studies;

(b) award diplomas and certificates in accordance with the requirement of the course and the authority responsible for higher education;

(c) provide such facilities for its students as it considers desirable;

(d) establish and appoint persons in academic and other posts and offices as it considers necessary;

(e) fix, demand and receive fees and other charges as may be appropriate;

(f) provide technical and consultancy services to businesses and industries as it considers desirable;

(g) solicit and receive donations and contributions from any source or raise funds by all lawful means;

(h) give donations and contributions to any person or organisation;

(i) make provision for the general welfare, recreational and social needs of its staff and students; and

(j) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the above.

PART III — REGISTRATION OF COUNTY YOUTH DEVELOPMENT CENTRES

7. (1) A person shall not operate a County Youth Development Centres unless it is registered under this Act.

(2) Any person who operates a County Youth Development Centres which is not registered under this Act commits an offence.
8. (1) An application for registration of a youth centre under this Act shall be in a form prescribed by the Executive Committee Member responsible for education.

(2) An application for registration of a youth Centre under this Act shall be submitted to the Directorate of Education which shall forward a copy of the application to the County Education Board.

(3) The County Education Board shall, within fifteen working days after receiving the application—
   (a) organise an inspection of the County Youth Development Centres; and
   (b) conduct an interview with the applicant to assess the suitability of the equipment and the persons proposed to be employed in the County Youth Development Centres.

(4) The County Education Board shall within a reasonable period after the inspection and interview forward its recommendation to the Directorate of Education for the registration of the village polytechnic or to take such other action as the Directorate may deem fit.

9. Any person making an application for registration of a County Youth Development Centres shall pay the prescribed fees to the Directorate.

10. The Directorate shall, within seven days after receiving the application, publish the application in the County Gazette and in at least one daily newspaper of national circulation.

11. (1) The Directorate shall register a County youth Development Centres if it is satisfied, based upon the written recommendation of the County Education Board that the applicant is a fit and proper person to operate the County Youth Development Centres.

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

(3) Any person aggrieved by the decision of the Directorate under this section may, within thirty days of being notified of the decision, appeal against the decision to the authority responsible for higher education.
12. (1) The Directorate may issue to the applicant for registration of a County youth Development Centres a permit to operate pending the fulfilment of the conditions required by the Directorate for the determination of the application.

(2) A permit under subsection (1) shall cease to operate upon —
   (a) the delivery of a certificate of registration to the applicant; or
   (b) the expiry of twenty-four hours after receipt of the notice of refusal of registration or such longer period as the Directorate of Education may specify in the notice.

(3) As a condition of the grant of a permit under this section, the Directorate may prescribe a period within which the applicant must fulfill the conditions required by the directorate for the improvements of the operation of the Youth Centre.

(4) A permit issued under this section shall be in the form prescribed by the executive committee member responsible for education.

(5) The holder of a permit under this section shall allow an inspector to enter the premises of the County Youth Development Centres at all reasonable hours, for the purpose of carrying out any inspection to ascertain whether the Youth Centre is in compliance with the conditions of the permit.

13. (1) The Directorate shall, on registration of a County Youth Development Centres issue a registration certificate to the applicant.

(2) A registration certificate shall be valid for a period of five years from the date of issue and may be renewed on application by the operator of the County youth Development Centres in accordance with this Act.

14. The registration certificate issued under section 12 shall be displayed, by the operator, in a conspicuous place on the premises of the County Youth Development Centres.

15. (1) The Directorate shall keep a register of all County Youth Development Centres operating in the county and shall include in the register names of the County Youth Development Centres and such other particulars as the Executive Committee Member responsible for education may prescribe.

(2) The Directorate shall forward all the particulars recorded in the register to the County Education Board.
PART IV—ADMINISTRATION OF COUNTY YOUTH DEVELOPMENT CENTRES

Establishment of Council for County Youth Development Centres established by the County Government

County youth Development Centres Council.

16. (1) A County Youth Development Centres established by the County Government shall have a governing body known as the County youth Development Centres Council.

(2) The County youth Development Centres Council is responsible for—

(a) the education policy and mission of the County youth Development Centres;
(b) overseeing the activities of the Youth Centre;
(c) safeguarding the assets of the Youth Centre and the effective and efficient use of its resources;
(d) considering and approving annual estimates of income and expenditure of the polytechnic;
(e) overseeing the activities of the Youth Centre;
(f) safeguarding the assets of the Youth Centre and the effective and efficient use of its resources;
(g) the appointment and disciplining of the Principal, the Youth Centre Secretary and other senior officers as the Council may determine;
(h) the determination of the conditions of service of the Principal and other senior officers of the County Youth Development Centres with prior approval of the Executive Committee Member responsible for Finance;
(i) considering and approving of recommendations of the academic board;
(j) the establishment of committees which may be necessary for the efficient performance of its business; and
(k) such other functions that are incidental to the achievement of the aims and objectives of the County youth Development Centres.

Composition of Council.

17. (1) A County Youth Development Centres Council shall consist of—

(a) a Chairperson;
(b) a Deputy Chairperson;
(c) one representative of the Alumni Association;
(d) not less than six and not more than twelve persons representing the community in the county, taking into consideration gender balance, persons with disabilities and the disadvantaged community;
(e) a representative of the Directorate of finance;
(f) a representative of the County Education Board; and
(g) the Principal of the polytechnic as an ex-officio member.

(2) All members of the Council, other than the ex-officio member, shall be appointed by the Executive Committee Member responsible for education with the approval of the County Assembly
(3) Members of the Council shall hold office for a period of five years from the date of appointment and shall be eligible for reappointment.

(4) The Council shall appoint a qualified person to be the secretary to the Council.

18. (1) A member of the Council shall cease to hold office if the 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 responsible for education;
(e) without reasonable cause, is absent from three consecutive meetings of the Council;
(f) is found guilty of professional misconduct by the relevant professional body;
(g) is disqualified from holding a public office under the Constitution;
(h) engages in any gross misbehaviour or misconduct; or
(i) dies.

(2) The Executive Committee Member responsible for education may remove a member from the office if in the opinion of the Committee Member the member is unfit to continue in office on any of the grounds under subsection (1).

19. 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.

20. (1) The Council shall meet for the despatch 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 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 six 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.

Board of Directors for a County Youth Development Centres privately established

Board of Directors of a County Youth Development Centres.

21. (1) There shall be a Board of Directors for a County Youth Development Centres privately established and sponsored as may be determined by the promoters of the Youth Centre.
(2) The Board of Directors shall be responsible for—
(a) the education policy and mission of the County Youth Development Centres;
(b) overseeing the activities of the Youth Centre;
(c) considering and approving annual estimates of income and expenditure of the polytechnic;
(d) safeguarding the assets of the Youth Centre and the effective and efficient use of its resources;
(c) considering and approving annual estimates of income and expenditure of the County Youth Development Centres;
(d) the appointment and disciplining of the Principal and other senior officers;
(e) considering and approving the recommendations of the academic board; and
(f) overseeing the general management and administration of the Youth Development Centres.
(3) The Board may, in the exercise of its functions, ensure payment of all expenses incurred in promoting and registering the company and may exercise all such acts required to be exercised by the company subject to the provisions of this Act or any regulations made under it.

Staff of a County Youth Development Centres

22. (1) A County Youth Development Centres shall, through an open, transparent and competitive recruitment, appoint a suitably qualified person to be the Principal of the Youth Polytechnic Centres.
(2) A person shall be qualified for appointment as the Principal if the person—
(a) holds a degree from a university recognized in Kenya;
(b) has at least three years proven experience at management level;
Other officers and staff

(3) The Principal shall serve on such terms and conditions as the Council or Board may determine.

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

(5) The Principal shall be the chief executive and accounting officer of the County Youth Development Centres and as such, shall be responsible for—

(a) the academic performance of the Youth Development Centres;

(b) carrying into effect the decisions of the Council or Board;

(c) day-to-day administration and management of the affairs of the County youth Development Centres;

(d) supervision of the academic and other staff of the Youth Development Centres; and

(f) perform such other duties as may be assigned by the Council or Board.

(6) A County youth Development Centres Council shall appoint a Deputy Principal of the Youth Development Centres who shall deputize the Principal and perform such work as the Principal may assign.

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

23. (1) The County youth Development Centres shall have such academic, technical and administrative officers and support staff, as may be determined by the Council or Board.

(2) In addition to the staff under subsection (1), the county government and the County Education Board may, upon request by the Council or Board, second to a County Youth Development Centres such officers as may be necessary for the better performance of the polytechnic.

Academic board of a County Youth Development Centre

24. A County youth Development Centres shall have an academic board consisting of the Principal, Deputy-Principal, heads of Academic Divisions, heads of the Academic Departments and any other persons specified by the Council or Board of Directors as the case may be.
25. The academic board is responsible for—
(a) determining the criteria for the admission of students;
(b) issues relating to scholarships at the polytechnic if any;
(c) the content of curricula, the academic standards, validation and review of courses;
(d) the procedure to assess and examine students;
(e) the appointment and removal of internal and external examiners;
(f) the procedure for the award of qualifications and honorary academic titles;
(g) the procedure for expelling students on academic grounds;
(h) the development of the academic activities of the Youth Development Centres;
(i) consideration of the resources required to support the academic activities of the Youth Development Centres;
(j) the establishment of links with different industries and businesses to ensure the entrepreneurial development of students; and
(k) advising the Council or Board and the Principal on academic policy and other matters of importance to the Youth Development Centres.

26. (1) The academic board may establish committees to perform such of its functions as it may determine but each committee shall be approved by the Council or Board as the case may be.

(2) The number of members of a committee and the terms upon which committee members are to hold office shall be determined by the academic board with the approval of the Council or Board.

PART V—FINANCIAL PROVISONS FOR COUNTY YOUTH DEVELOPMENT CENTRES ESTABLISHED BY THE COUNTY GOVERNMENT

27. (1) The funds of a County Youth Development Centres established by the County Government shall consist of—
(a) monies allocated by the County Government for purposes of the Youth Development Centres;
(b) any grants, gifts, donations or other endowments given to the Youth Development Centres; and
(c) such funds as may vest in or accrue to the Youth Development Centres in the performance of its functions under this Act or any other written law.

(2) Any funds donated, granted or lent to the County Youth Development Centres shall be made public before use.
28. (1) At least three months before the commencement of each financial year, a County youth Development Centres shall cause to be prepared estimates of the revenue and expenditure of the polytechnic for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Youth Development Centres for the financial year concerned and, in particular, shall provide for —

(a) payment of remuneration in respect of the members and staff of the Youth Development Centres;
(b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the Youth Development Centres;
(c) maintenance of the buildings and grounds of the Youth Development Centres;
(d) funding of training, research and development of activities of the Youth Development Centres;
(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 Youth Development Centres 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 Youth Development Centres Polytechnic Council before the commencement of the financial year to which they relate and forwarded to the Executive Committee Member responsible for education.

29. (1) The County youth Development Centres Council shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the County Youth Development Centres.

(2) Within a period of three months after the end of each financial year, the County Youth Development Centres Council shall submit to the county Auditor, the accounts of the County Youth Development Centres in respect of that year together with a—

(a) statement of the income and expenditure of the Youth Development Centres during that year; and
(b) statement of the assets and liabilities of the Youth Development Centres on the last day of that financial year.
30. (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 Governor 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 Youth Development Centres;
   (b) a description of the activities of the Youth Development Centres;
   (c) other statistical information relating to its functions that the Youth Development Centres may consider appropriate;
   (d) the impact of the exercise of any of its mandate or function;
   (e) any impediments to the achievements of the objects and functions of the Youth Development Centres; 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.

PART VI — MISCELLANEOUS PROVISIONS

31. The Directorate shall, in consultation with the County Education Board, inspect and monitor the standards of the County Youth Development Centres in the county.

32. The Executive Committee Member responsible for education may, with the approval of the County Assembly, make regulations for the better carrying out of the purposes and provisions of this Act.

33. A County Youth Development Centres Council or Board may make rules not inconsistent with the provisions of this Act, generally for the better functioning of the Youth Development Centres.

34. 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.

GLADYS MOMANYI
C.E.C Member, Education and ICT.

10th November 2014.