REPUBLIC OF KENYA

MARSABIT COUNTY GAZETTE SUPPLEMENT

BILLS, 2016

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CONTENT

Bill for Introduction into the County Assembly of Marsabit —

The Marsabit County Vocational Training Bill, 2016 ........................................1

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THE MARSABIT COUNTY VOCATIONAL TRAINING BILL, 2016

ARRANGEMENT OF CLAUSES

PART I—PRELIMINARIES

Clause
1—Short title.
2—Interpretation.
3—Object and application of the Act.

PART II—ESTABLISHMENT OF VOCATIONAL TRAINING CENTRES
4—Establishment of vocational training centres.

PART III—ADMINISTRATION OF VOCATIONAL TRAINING CENTRES
5—Management committees.
6—Composition of management committee.
7—Functions of the management committee.
8—Powers of the management committee.
9—Requirement to consult.
10—Meetings of management committee.
11—Removal of a member of a management committee.
12—Meetings of the management committee.
13—Dissolution of the management committee.
14—Functions of the Department.
15—Committees of the Department.

PART IV—FINANCIAL PROVISIONS
16—Funds of the vocational training centre.
17—Financial Year.
18—Annual Estimate.
19—Accounts and Audit.
20—Annual Report.

PART V—MISCELLANEOUS PROVISION
21—Collaboration.
22—Inspection of vocational training centres.
23—Regulations
24—General Penalty
The Marsabit County Vocational Training Bill, 2016

THE MARSABIT COUNTY VOCATIONAL TRAINING BILL, 2016

A Bill for

AN ACT of the County Assembly of Marsabit to provide for management of vocational training; establishment and governance of vocational training centres; and for connected purposes

ENACTED by the County Assembly of Marsabit, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Marsabit County Vocational Training Centre Act, 2016

2. In this Act—

"Director" means the County Director for the time being responsible for matters relating to vocational Training;

"Department" means the department of the County Executive Committee responsible for matters relating to education

"Authority" means the Technical and Vocational Education and Training” (TVETA) established under section 6 of the Technical and Vocational Education and Training Act, No. 29 of 2013;

"Executive Committee Member” means the County Executive Committee Member for the time being responsible for matters related to vocational training;

"vocation" means an occupation, calling, trade or pursuit that is determined, in accordance with this Act or any other law to be a vocation;

"vocational training” means any program of instruction in technical, industrial or vocational education offered at a village polytechnic;

"vocational training centre” means a polytechnic established under this Act to provide vocational training;

“student” means a person who has enrolled at a vocational training centre.
3. The object of this Act is to provide for—
(a) establishment and progressive development of vocational training centres in the county;
(b) acquisition of occupational trade skills through training;
(c) development of entrepreneurial and self-employment skills;
(d) exchange of knowledge and skill in the county; and
(e) availability of skilled and semi-skilled labour within the county.

PART II—ESTABLISHMENT OF VOCATIONAL TRAINING CENTRE

4. (1) The Executive Committee Member shall establish a vocational training centre in each ward.

(2) Despite subsection (1), a person who meets the requirements set out in this Act or any other written law, may establish one or more vocational training centre.

PART III — ADMINISTRATION OF VOCATIONAL TRAINING CENTRES

5. (1) Each vocational training centre shall have a management committee.

(2) The Executive Committee Member shall, by notice in the County Gazette, appoint a management committee for each vocational training centre.

6. (1) The management committee shall consist of not less than five (5) and not more than nine persons composed of the following—
(a) a non-executive chairperson;
(b) the principal to the vocational training centre who shall be the secretary;
(c) one person with knowledge and skills in vocational training;
(d) two youth representatives one each from either gender;
(e) two persons representing industry and
commerce one each from either gender;

(f) a person representing persons with disability;

(g) ward administrator (ex-officio).

(2) All members of the management committee members shall be appointed by the executive committee member.

(3) Members of the board shall hold office for a term of three years from the date of appointment and shall be eligible for re-appointment for one final term.

(4) In any case, not more than one third of all the members of the management committee shall be of the same gender.

7. (1) The management committee shall—

(a) efficiently manage the vocational training centre;

(c) oversee prudent utilization of the funds allocated to the vocational training centre;

(d) ensure that the vocational training centre observes high standards of corporate and business ethics;

(e) safeguard assets of the vocational training centre and the effective and efficient use of its resources

(d) consider and approve annual estimates of income and expenditure of the vocational training centre.

(f) determination of the conditions of service of the non-teaching staff of the vocational training centre with prior approval of the executive committee members responsible for skill development and finance

(h) establish committees necessary for the efficient performance of its business;

(i) link the vocational training centre to the community; and

(j) perform such other functions as may be assigned under this Act.

Functions of the management committee
8. The management committee shall have all powers necessary for the proper performance of its functions under this Act.

(2) Without prejudice to the generality of subsection (1), the board shall have power to—

(a) supervise the assets of the vocational training centre in such manner as best promotes the purpose for which the vocational training centre is established;

(b) associate with any other institution so as to further the purpose for which the vocational training centre is established;

(c) receive grants, gifts, donations or endowments and make legitimate disbursements from them;

(d) delegate any of its powers;

(e) disciplining all the staff as the management committee may determine; and

undertake any activity necessary for the fulfilment of any of the functions of the board.

9. The vocational training centre shall conduct its business in consultation with the County Education Board and the Authority.

10. (1) The management committee shall meet for the dispatch of business at a time and place that the chairperson may determine but shall meet at least three times each academic/calendar year.

(2) The chairperson shall preside at each meeting of the management committee, in the absence of the chairperson the vice-chairperson shall preside and in the absence of both, a member of the management committee elected by other members present may preside.

(3) A meeting shall be convened if 60% of the members of the management committee sign a requisition to that effect.

(4) A decision of the management committee shall be decided by consensus failing which a simple majority of votes cast shall decide the matter.
(5) The person chairing a meeting of the management committee shall have an original and a casting vote.

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

11. (1) A member of the management committee 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 an offence and sentenced for a period exceeding six months without an option of a fine;

(d) resigns in writing to the executive committee member responsible for education, skill development, youth and sports;

(e) without reasonable cause, is absent from three consecutive meetings of the board;

(f) is found guilty of professional misconduct by the relevant professional body;

(g) is disqualified from holding a public office under the chapter six of the Constitution of Kenya, 2010;

(h) engages in any gross misbehavior or misconduct; or

(i) dies.

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

(3) No person may be removed from a committee before they are notified of the intention to remove them together with the reasons for removal and subsequently afforded a chance to make representations.

12. If the office of a member of the management committee falls vacant, the Executive Committee Member
may appoint another person to fill the vacancy and the person appointed shall be in the office for the remainder of the term of the vacating member.

13. (1) Where in the opinion of the Executive Committee Member the management committee has failed to discharge properly its functions, the Executive Committee Member may in writing—

(a) suspend the board from the exercise of the performance of all its powers and functions and appoint an interim committee to exercise and perform all the powers and functions of the management committee for a period not exceeding three months.

(b) require the resignation of all or any of the members of the board and appoint or require the appointment of new members of the management committee.

14. (1) The Department in consultation with the County Education Board and the authority shall determine—

(a) criteria for admission of students;

(b) academic standards, validation and review of courses offered by vocational training centres;

(c) procedure for assessment and examination of students

(d) procedure for the award of qualifications;

(e) procedure for expelling students on academic and discipline grounds;

(f) development of the academic activities of the vocational training centre; and

(g) disciplinary procedures for academic staff and students of a vocational training centre.

(2) The Department shall also—

(a) advise the management committees on academic policy and other matters of academic importance to the vocational training centre; and
(b) provide for the resources required to support the academic activities of the vocational training centre.

15. (1) The Department may establish committees for the better carrying out of its functions.

(2) Every committee shall, before establishment, be approved by the County Executive Committee Member.

(3) The Department may co-opt a person to a committee establishment under subsection (1) for a particular reason and such person shall hold office for such period and on such terms as the Department may determine.

PART IV—FINANCIAL PROVISIONS

16. The funds and assets of the vocational training centre 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 or the performance of its functions under this Act;

(b) such monies as may be payable to the vocational training centre pursuant to 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.

17. The financial year of the vocational training centre shall be the period of twelve months ending on the thirtieth June in each year.

18. (1) At least three months before the commencement of each financial year, the management 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 the vocational training centre
for the financial year concerned and, in particular, shall provide for the—

(a) payment of the salaries, allowances and other charges in respect of staff of the vocational training centre;

(b) funding of the registration, monitoring and evaluation of activities of the vocational training centre;

(c) maintenance of the buildings and grounds of the vocational training centre;

(d) funding of training, research and development of activities of the vocational training centre;

(e) reserve funds to meet future or contingent liabilities in relation to insurance or replacement of building or equipment; and

(f) any other expenditure necessary or required for the purpose of this Act.

(3) The annual estimates shall be forwarded to the Department for consideration and consolidation into the Department's annual budget.

19. (1) The management committee of every vocational training centre shall 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 management committee shall submit to the county auditor the accounts of the vocational training centre in respect of that year together with—

(a) a statement of the income and expenditure of the 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 funds and assets of a vocational training centre shall be managed in accordance with the Constitution and relevant provisions of national legislation on public finance, audit and procurement.
20. (1) The management committee shall, at the end of each financial year cause an annual report to be prepared.

(2) Without limiting what may be included in the annual report, the annual report shall include—

(a) the audited financial report of the vocational training centre;

(b) description of the activities of the vocational training centre;

(c) such other statistical information as the vocational training centre may consider appropriate relating to the vocational training centre's functions;

(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 vocational training centre;

(f) such other information as the executive committee member may direct; and any other information relating to its functions that the management committee considers necessary.

(3) The management committee shall submit the annual report to the CEC responsible of skill development three months after the end of the year to which it relates.

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

PART V—MISCELLANEOUS PROVISIONS

21. A vocational training centre may collaborate with any other vocational training centre or any other training institution or person in the conduct of the centre’s business.

22. The Department shall, in consultation with the County Education Board inspect, monitor and enforce quality standards of vocational training within the county.
23. (1) The Executive Committee Member may make regulations generally for the better carrying out into effect of any provisions of this Act.

(2) Such regulations may prescribe—

(a) any fees payable under this Act;

(b) prescribe the procedure for the conduct of business of management committees;

(c) organs to be established in vocational training centres for management of certain matters;

(d) academic calendar of a vocational training centre;

(e) any forms; and

(f) any other matter necessary for the better carrying into effect of the provisions of this Act.

(3) For the purposes of Article 94 (6) of the Constitution—

(a) the purpose and objective of the delegation under this section is to enable the Executive Committee Member to make rules to provide for the better carrying into effect of the provisions of this Act;

(b) the authority of the Executive Committee Member to make Rules under this section shall be limited to enacting regulations necessary for the fulfilment of the objectives specified of this Act; and

(c) the principles and standards applicable to the Regulations made under this section are the national values and principles of governance under Article 10 of the Constitution and the provisions of the Interpretation and General Provisions Act, Cap. 2 with appropriate modifications.

24. 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 not exceeding one million shilling or to a term of imprisonment not exceeding two years or to both.
MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to give effect to Article 43 and 55 and the Fourth Schedule, Part 2 of the Constitution which grants county governments the power to establish village polytechnics. The Bill provides for management of vocational training; establishment and governance of vocational training centres; and for connected purposes.

Part I provides for preliminary matters. It outlines the short title, interpretation and object as well as application of the Bill.

Part II provides for the establishment of Vocational Training Centres. It provides for the establishment of a vocational training centre in each ward.

Part III is on the administration of Vocational Training Centres. It provides for the following matters: management committee, the powers of the board of management, functions of the management committee, requirement to consult with the County Education Board and the Authority, composition of the Board of Management, minimum qualification, meeting of Board of Management, vacation of office of member of Board, filling vacancy, dissolution of the board, Board of directors of a private Vocational training centres, principal of a Vocational training centres, staff, the Academic Board, functions of Academic Board and Committees of the Academic Board.

Part IV is on financial provisions. This part contains the following provisions: funds of the Vocational Training Centre, the financial year, annual estimate, accounts and audit and annual report.

Part V contains miscellaneous provisions. This part contains the following provisions: collaboration, inspection of vocational training centres, regulations, and general penalty.

Dated the 20th June, 2016

SULEIMAN KHALIF,
Leader of Majority.