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THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL, 2020

A Bill for

AN ACT of Parliament to provide a framework for the establishment of systems for the administration of training in vocational education and training within a county, and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the County Vocational Education and Training Act, 2020.

Short title.

2. (1) In this Act —

Interpretation.

“Authority” means the Technical and Vocational Educational and Training Authority established under section 6 of the Technical and Vocational Education and Training Act;

No. 29 of 2013.

“Board” means a board of management of a public vocational education and training centre established under section 21(1);

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to vocational education and training;

“Council” means the Technical and Vocational Education and Training Curriculum Development, Assessment and Certification Council established under section 44(1) of the Technical and Vocational Education and Training Act;

“County Education Board” means the County Education Board established under section 17 of the Basic Education Act;

No. 14 of 2013.

“county executive committee member” means the county executive committee member responsible for matters relating to vocational education and training within each county;

“county public service board” means the Board established under section 57 of the County Governments Act;

No. 17 of 2012.

“curriculum” means all approved courses taught or programmes offered in a vocational education and training centre;

“integrated vocational education and training centre” means a vocational education and training centre designed to accommodate and provide courses and training suitable for the needs of a trainee with special needs;

“Kenya Institute of Curriculum Development” means the Kenya Institute of Curriculum Development established under section 3 of the Kenya Institute of Curriculum Development Act;

No. 4 of 2013.

“manager” means the administrator of a vocational education and training centre who is responsible for the implementation of policy guidelines and professional practice in a vocational education and training centre;

“National Qualifications Framework” means the national system for the articulation, classification, registration, quality assurance, and the monitoring and evaluation of national qualifications as developed in accordance with the Kenya National Qualifications Framework Act;

No. 22 of 2014.

“private vocational education and training centre” means a vocational education and training centre established, owned or operated by a private person;

“public vocational education and training centre” means a vocational education and training centre established, owned or operated by a county government and includes a sponsored vocational education and training centre;

“special vocational education and training centre” means a vocational education and training centre for trainees with disabilities and includes an institution which provides appropriate curriculum differentiation in terms of content, teaching, instructional materials, alternative media of communication or duration to address the special needs of a trainee and to eliminate social, mental, intellectual, physical or environmental barriers to a trainee;

“sponsor” means a person or institution that makes a significant contribution and impact on the academic, financial and infrastructural development of a vocational education and training centre;

“trainee” means a person enrolled in a vocational education and training centre to pursue vocational education and training;

“trainee with special needs” means a trainee whose mental characteristics, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are under-developed and include trainees who suffer from long-term disabilities that affect the body or emotions to the extent that learning growth and development is affected;

“transitional certificate” means a certificate issued under section 35(4); and

“vocational education and training” means the vocational education and training programmes imparted to a trainee in a vocational education and training centre.

3. Every person shall, in the exercise of powers and performance of functions under this Act, be guided by the following principles –

Guiding principles.

- (a) co-ordinated public participation in the formulation, implementation, monitoring and evaluation of policies and plans; promotion of uniform standards of vocational education and training in the country;
- (b) equality, equity and non-discrimination in the provision of vocational education and training, and the recognition of trainees with special needs;
- (c) promotion of innovativeness, technology transfer and an entrepreneurial culture;
- (d) transparency in the allocation and utilization of public and private resources, and in the implementation of programmes and activities relating to vocational education and training;
- (e) ensuring that interventions are based on objective information and methods;
- (f) accountability through developmentally appropriate methods of monitoring and evaluation in tracking the skills and knowledge acquisition of a trainee, and the improvement of the vocational education and training education system and programs; and

- (g) collaboration with the national government and relevant stakeholders in the implementation of activities necessary for the provision of vocational education and training.

4. The Cabinet Secretary shall, for the coordinated development, management and implementation of county vocational education and training by county governments, be responsible for the —

Obligations of the
National
Government.

- (a) development of an education, training and research policy on county vocational education and training;
- (b) development of examination standards and certification;
- (c) development of a curriculum and co-curricular on vocational education and training;
- (d) accreditation of institutions and programmes on county vocational training and education;
- (e) training and registration of vocational education and training instructors;
- (f) capacity building and technical assistance on the implementation of county vocational education and training to the county governments;
- (g) establishment of partnerships and linkages to support vocational education and training;
- (h) setting of standards for the registration and licensing of vocational education training institutions by the county governments;
- (i) setting of standards for minimum qualification for trainers working in vocational training centres;
- (j) provision of budget support and resource mobilisation to subsidise vocational education and training at the counties;
- (k) monitoring and evaluation of the implementation of vocational training programmes in the counties;
- (l) development and implementation of a national qualifications framework to provide for progression, recognition and equation of qualifications, credit transfers and waivers; and

- (m) development and implementation of a national qualifications framework to provide for progression, recognition and equalisation of qualifications, credit transfers and waivers with respect to vocational education and training in counties.

5. Each county government shall, for the development of vocational education and training in the respective county and implementation of this Act —

Obligations of the county government.

- (a) procure and put in place the necessary training infrastructure, equipment, learning and teaching resources in the delivery of vocational education and training in the respective county;
- (b) formulate and implement county specific programmes, plans and policies to ensure availability, accessibility and effective delivery of vocational education and training;
- (c) be responsible for the staffing of personnel in vocational education and training institutions in the county and supervision of vocational education and training within the county;
- (d) implement the policies, strategies and standard developed by the county government for the delivery of vocational education and training and implementation of this Act;
- (e) provide the funds necessary for the development of vocational education and training centres and for the administration of vocational education and training within the county;
- (f) identify trainees with special needs in the county, undertake an assessment of their needs and put in place measures for the provision of vocational education and training to them;
- (g) carry out public awareness and advocacy programmes in relation to vocational education and training in the county;
- (h) collaborate with international, national and local institutions in the provision of vocational education and training; and

- (i) promote the circulation of and access to up-to-date and timely information on vocational education and training.

6. A person who is issued with a licence to establish a vocational education and training centre shall —

Role of the management of a vocational education and training centre.

- (a) put in place the necessary structures necessary for the management and administration of vocational education and training programmes in the centre;
- (b) employ qualified instructors and other personnel to offer services at the vocational education and training centre;
- (c) administer a curriculum on vocational education and training approved in accordance with this Act;
- (d) ensure the provision of quality services in the vocational education and training centre;
- (e) ensure that the premises meet the requirements of the occupational health and safety regulations and building standards prescribed under this Act and any other law;
- (f) provide the necessary training and learning materials and equipment; and
- (g) meet such other requirements as may be prescribed under this Act and as the county executive committee member in consultation with the Council may prescribe for the delivery of quality vocational education and training services within the respective county.

7. (1) The county executive committee member shall, in consultation with the National Council for Persons with Disabilities established under section 3 of the Persons with Disabilities Act, establish a mechanism for the identification of trainees with special needs and put in place such measures as may be necessary to ensure access to and provision of vocational education and training to trainees with special needs.

Trainee with special needs. No. 14 of 2003.

(2) In performing the functions under subsection (1), the county executive committee member shall—

- (a) put in place the necessary infrastructure and mechanisms to ensure that trainees with special needs are provided with appropriate interventions;

- (b) establish adequate vocational education and training centres, facilities and rehabilitation services to cater for trainees with special needs;
- (c) equip existing county vocational education and training centres with the necessary structures to enable access by persons with special needs;
- (d) conduct training and capacity building programmes targeting managers, instructors and staff of vocational education and training centres that provide vocational education and training to trainees with special needs;
- (e) put in place adequate facilities and ensure that every public vocational education and training centre providing training to trainees with special needs is accessible and has adequate instructors; and
- (f) put in place measures to ensure the production of or access to affordable assistive aids and devices for trainees with special needs.

(3) The county executive committee member shall, in consultation with the National Council for Persons with Disability, make regulations setting out the criteria for the identification of trainees with special needs under subsection (2) and for the effective implementation of this Act.

PART II – ESTABLISHMENT, REGISTRATION AND ACCREDITATION OF VOCATIONAL EDUCATION AND TRAINING CENTRES

8. Vocational education and training centres shall be categorised as —

Categories of vocational education and training centres.

- (a) public vocational education and training centres; or
- (b) private vocational education and training centres.

9. Each county government shall, in consultation with the relevant stakeholders, establish and maintain such vocational education and training centres, including special vocational education and training centres and integrated vocational education and training centres for trainees with special needs, as it may consider necessary.

Establishment of public county vocational education and training centres.

10. (1) A public vocational education and training centre may be sponsored by a private person or a religious institution. Sponsorship.

(2) A sponsorship arrangement entered into under subsection (1) shall be for the enhancement of vocational education and training programmes and contribute directly or indirectly to the quality of vocational education and training administered in the vocational education and training centre.

(3) Notwithstanding the generality of subsection (2), the role of the sponsor under subsection (1) shall be to —

- (a) participate and make recommendations on the review of the syllabus, curriculum, books and other teaching aids; and
- (b) offer financial and infrastructural support to the vocational education and training centre.

(4) A sponsor shall not compromise the implementation of any law applicable to the vocational education and training centre or compromise the professional standards and ethics of instructions in a vocational education and training centre.

(5) Notwithstanding the fact that the sponsor of a vocational education and training centre is a faith based institution, the curriculum in the vocational education and training centre shall be secular.

11. (1) The county executive committee member in each county government shall keep and maintain a register of— Registers to be kept.

- (a) persons registered to provide vocational education and training within the county;
- (b) licensed vocational education and training centres within the county;
- (c) vocational education and training centres whose licence has been cancelled or suspended;
- (d) vocational education and training centres updated assets and liabilities;
- (e) learners in all training centres;
- (f) vocational education and training centres integrated development plans for inclusion in the County Integrated Development Plans; and

(g) such other particulars as the county executive committee member may from time to time determine.

(2) A person may inspect the register and obtain a copy of, or an extract of the register from the county executive committee member upon payment of such fee as shall be prescribed under the county legislation.

12. A person shall not own or operate a private vocational education and training centre unless —

(a) the vocational education and training centre is registered in accordance with the Technical and Vocational Education and Training Act; and

(b) such person is issued with a licence to operate a vocational education and training centre.

13. The registration and licensing of vocational education and training centres shall be in accordance with Part IV of the Technical and Vocational Education and Training Act.

14. In establishing a vocational education and training centre, a county government shall ensure that the —

(a) premises meet the occupational health, safety regulations and building standards prescribed under this Act and the respective county legislation;

(b) vocational education and training offered at the centre meet the requirements set out under this Act and any other relevant law;

(c) vocational education and training centre is accessible, taking into account the special needs of trainees;

(d) instructors and other staff of the vocational education and training centre are registered and qualified to offer vocational education and training; and

(e) vocational education and training centre is equipped with suitable training infrastructure, learning and teaching resources.

15. (1) A foreign institution which intends to offer vocational education and training in Kenya under this Act,

Registration of vocational education and training centres.

No. 29 of 2013

Registration and licensing of vocational education and training centres.
No. 29 of 2013.

Requirements in relation to a vocational education and training centre.

Accreditation.

No. 29 of 2013

shall apply to the Technical and Vocational Education and Training Authority Board for accreditation.

(2) An accredited institution may apply to the county executive committee member in the prescribed form for approval to enter into an arrangement with a licenced vocational education and training centre in a respective county for purposes of offering joint training or a training programme.

(3) A training programme offered under subsection (2) shall be approved by the Cabinet Secretary in consultation with the Authority.

16. (1) The county executive committee member may, in consultation with the Authority, and subject to the provisions of section 17, cancel a licence and deregister a vocational education and training centre if —

Cancelation of a licence and deregistration.

- (a) the vocational education and training centre violates any of the provisions of this Act or any other applicable law;
- (b) a serious criminal activity has been or is being committed in the vocational education and training centre; or
- (c) the vocational education and training centre has ceased to be a vocational education and training centre or closed down.

(2) The county executive committee member shall not cancel a licence under subsection (1) unless the county executive committee member —

- (a) issues to the licensee a notice specified under section 17 of at least fourteen days of its intention to cancel the licence; and
- (b) grants the licensee an opportunity to be heard.

17. (1) A county executive committee member shall, in consultation with the Authority, and before cancelling a licence and deregistering a vocational education and training centre, issue to the licensee a compliance notice in the prescribed form.

Notice of non-compliance.

(2) A compliance notice issued under subsection (1) shall —

- (a) be in writing;
- (b) contain information on the areas of non-compliance and the steps required to be undertaken in order to comply;
- (c) set out the time within which to comply with the notice; and
- (d) contain information on the consequences of non-compliance.

(3) A county executive committee member may, upon request by the licensee, extend the period for compliance for such period as the county executive committee member may consider necessary to ensure compliance.

18. (1) A person shall not close down a vocational education and training centre unless the person has applied for, and obtained, the approval of the county executive committee member.

Closure of a vocational education and training centre.

(2) A person who intends to close down a vocational education and training centre for any other reason other than the grounds set out under section 16 shall, in the prescribed form, —

- (a) inform the county executive committee member of the intention to close down the vocational education and training centre; and
- (b) submit a report to the county executive committee member setting out —
 - (i) the number of trainees who have not completed training and the level of training of each trainee;
 - (ii) the management and persons employed in the vocational education and training centre;
 - (iii) any investigations or cases that may have been commenced, pending or instituted against the vocational education and training centre; and
 - (iv) such other information as the county executive committee member may require.

(3) The county executive committee member shall, upon receipt of an application to close down a vocational education and training centre under subsection (2), consider the application within thirty days and approve the application except where—

- (a) the manager has failed to comply with subsection (2); or
- (b) the closure will not be in the best interest of the public.

19. A person who contravenes the provisions of sections 10 (3), 12, 15 and 18(1) of this Act, commits an offence and shall be liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years, or to both.

Penalty.

PART III—MANAGEMENT OF VOCATIONAL EDUCATION AND TRAINING

20. (1) Each county government shall be responsible for the overall governance and management of vocational education and training under this Act within the respective county.

Management of vocational education and training within a county.

(2) The county executive committee member in each county shall, in consultation with the Authority, determine the vocational education and training resources and infrastructure requirements within the county.

21. (1) There is established in every county vocational education and training centre, a Board to be known as the Board of Governors.

Management Board of a vocational education and training centre.

(2) The Board shall not be a corporate entity.

(3) The membership and governance procedures of the Board shall, with necessary modifications, be as set out in the Second Schedule of the Technical and Vocational Education and Training Act.

(4) The county executive committee member shall appoint the persons nominated to the Board by a notice in the *county gazette*.

22. The functions of the Board shall, in addition to the functions under section 29 of the Technical and Vocational Education and Training Act, be to —

Functions of the Board.

- (a) oversee the provision of education and training in the vocational education and training centre in accordance with the provisions of this Act or any other law;
- (b) manage the property of the vocational education and training centre;

- (c) manage the vocational education and training programmes in the vocational education and training centre by promoting and maintaining standards, quality and relevance of education and training;
- (d) develop and implement a vocational education and training strategic plan for the centre;
- (e) mobilize resources for the vocational education and training centre;
- (f) regulate the enrolment and exclusion of trainees from the vocational education and training centre;
- (g) prepare annual estimates of revenue and expenditure for the vocational education and training centre;
- (h) incur expenditure on behalf of the vocational education and training centre;
- (i) receive, on behalf of the vocational education and training centre, fees, grants, donations, bequests or other moneys and to make disbursements on behalf of the vocational education and training centre; and
- (j) carry out such other functions as may be necessary for the effective management of the vocational education and training centre.

23. The Board shall conduct its affairs in accordance with the provisions of the Second Schedule of the Technical and Vocational Education and Training Act.

Conduct of business and affairs of the Board.

24. (1) The Board may establish such committees as it may consider appropriate to perform such functions and discharge such responsibilities as it may determine.

Committees of the Board.

(2) The Board may co-opt such persons, not exceeding two in number, to sit in a committee, whose knowledge and skills are found necessary for the performance of the functions of the Board.

25. Members of the Board shall be paid such allowances and disbursements for expenses as may be approved by the County Public Service Board in consultation with the Salaries and Remuneration Commission,

Remuneration of members of the Board.

26. The office of a member of the Board shall become vacant if the member ____

Vacation of office of member of the Board.

- (a) dies;
- (b) resigns by a letter addressed to the county executive committee member;
- (c) is convicted of an offence punishable by imprisonment for at least six months;
- (d) is absent from three consecutive meetings of the Board without the permission of the Chairperson;
- (e) contravenes Chapter Six of the Constitution;
- (f) has a physical or mental incapacity that renders the person unfit to perform the functions of office;
- (g) is incompetent; or
- (h) is adjudged bankrupt.

27. The Board shall submit an annual report on the management of a vocational education and training centre to the county executive committee member as may be prescribed in a county legislation.

Annual report on governance.

28. Every vocational education and training centre shall avail to the county executive committee member and the County Education Board on request, —

Record keeping.

- (a) a register of the trainees who attend or have attended the vocational education and training centre;
- (b) a record of the attendance of trainees at the vocational education and training centre;
- (c) a record of all fees and other charges paid in respect of a trainee's attendance at the vocational education and training centre;
- (d) a register of assets and liabilities of a vocational education and training centre; and
- (e) such other records as the county executive committee member may prescribe.

29. (1) A vocational education and training centre shall not employ a manager or an instructor unless that person —

Vocational education and training instructors.

- (a) is certified and registered as a vocational education and training instructor;
- (b) meets the requirements set out under Chapter Six of the Constitution;
- (c) has not been adjudged bankrupt;
- (d) has not been convicted of an offence and sentenced to imprisonment for at least twelve months; in case of a manager, has at least three years' experience in management or administration; and
- (e) meets such other requirements as may be prescribed under this Act or by a county legislation.

(2) Each county government shall be responsible for the recruitment and remuneration of managers and instructors of public vocational education and training centres within the county, and the county assembly shall appropriate such funds as may be necessary to ensure the recruitment of adequate vocational education and training instructors in the county.

PART IV— STANDARDS AND QUALITY OF EDUCATION AND TRAINING

30. (1) The Council shall, in consultation with the county executive committee members and recognised curriculum development institutions, be responsible for the development of the vocational education and training curricula for vocational education and training provided under this Act.

Framework of curriculum.

(2) The Council shall, in consultation with the Kenya Institute of Curriculum Development, the Authority and the county executive committee member, review the curriculum framework to be used by all licensed vocational education and training centres within the county to suit the specific or special needs of the county.

(3) In reviewing the curriculum under subsection (2), the Council shall ensure that the curriculum is in compliance with the national policy and guidelines.

(4) A review of the curriculum under subsection (2) shall not be carried out unless the county executive

committee member has consulted all relevant stakeholders likely to be substantially affected by a change in curriculum.

(5) As soon as practicable after reviewing the curriculum framework, the county executive committee member shall publish, by notice in the Gazette, —

- (a) the prescribed or reviewed curriculum framework;
- (b) any amendments to the curriculum framework;
- (c) information regarding the place, time and manner in which a person can obtain information on, or a copy of, the curriculum framework or any amendments to it.

31. (1) A vocational education and training centre registered under this Act shall offer programmes from craft level.

Education and training programmes.

(2) A vocational education and training centre may, where possible, offer county specific technical and vocational education training programmes.

(3) In administering vocational education and training, a vocational education and training centre shall ____

- (a) provide appropriate and adequate training and learning materials;
- (b) carry out activities aimed at enhancing skills development and creativity of the trainee;
- (c) adopt a trainee-centered approach training for the proper skills acquisition and development of the trainee;
- (d) follow the training standards prescribed by the national qualifications framework; and
- (e) integrate industrial attachment for the development of appropriate practical and innovative skills.

(4) A vocational education and training centre may, with the approval of the Cabinet Secretary and on such terms and conditions as the Cabinet Secretary may determine, offer programmes higher than craft certificate level.

32. (1) The Council shall in consultation with the county executive committee member and recognised examination and assessment and certification bodies__

Examination and competency assessment.

- (a) be responsible for administering examination and assessing competencies; and
- (b) issue a certificate to a trainee who satisfies examination and competencies requirement.

(2) The Council shall, if satisfied that skills or competencies acquired by a person on the job are equivalent to qualifications within the training framework, issue corresponding certificates.

33. (1) The Authority shall, in consultation with county executive committee member and relevant quality assurance and standards bodies, put in place structures for purposes of assuring standards, quality and relevance of education and training.

Quality assurance.

(2) The structures put in place for purposes of assuring standards, quality and relevance of education and training under subsection (1) shall take into account—

- (a) adoption of appropriate national and international standards;
- (b) credible quality assurance systems; and
- (c) processes for the continuous review and improvement of standards and quality assurance.

PART V — TRANSITIONAL PROVISIONS

34. (1) Subject to subsections (2), (3) and (4), every institution which, immediately before the commencement of this Act, was registered as an institution offering vocational education and training under —

Existing vocational education and training centres.

- (a) the Basic Education Act;
- (b) the Technical and Vocational Education and Training Act and offering programmes up to artisan certificate level; or
- (c) such other institutions as the Cabinet Secretary may specify,

No. 14 of 2013.

No. 29 of 2013.

shall be considered to be registered as a vocational education and training centre under this Act, and continues to be so registered for the relevant period of registration subject to such conditions of registration as may be imposed under this Act.

(2) Despite subsection (1), the county executive committee member may by a written notice to the

registered owner of an institution that is deemed registered under subsection (1) —

- (a) require the owner to apply for registration under section 13 within three months of the date of the notice; or
- (b) declare that the institution is no longer registered under subsection (1) if the owner of the institution —
- (c) has failed to comply with this Act on the requirements of registration; or
- (d) fails to comply with any conditions for registration.

(3) If a person issued with a notice under subsection (2)—

- (a) fails to make an application within the specified period, the institution shall cease to be registered under subsection (1) at the end of that period; or
- (b) makes such an application within the required period, the institution shall continue to be registered under subsection (1) until that application is determined.

(4) The county executive committee member may, where an institution does not meet the minimum requirements for registration under section 13 or 14, issue to the owner a transitional certificate in such manner as the county executive committee member may prescribe and subject to such conditions as may deem appropriate.

(5) Where the county executive committee member is not satisfied that the conditions specified in a certificate issued under subsection (4) are being complied with, the county executive committee member may, by written notice to the owner, cancel the certificate.

(6) Every notice issued under subsection (2) shall set out the reasons for the action taken.

35. Any register kept, registration effected, certificate issued, notice or information given, return made, form used or other thing done with respect to institutions set out in section 35(1) on the commencement of this Act, was in force or effect shall continue in force and have effect as if

Preservation of licenses, certificates and registration.

kept, effected, issued, given, made or done under the provision of this Act.

36. (1) All immovable and movable property which immediately before the commencement of this Act were vested in, or possessed by the institutions set out in section 35(1) shall by virtue of this section vest in the respective institutions established under this Act without further conveyance, transfer or assignment.

Transfer of assets, liabilities and staff.

(2) All rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the institutions set out in section 35(1) are deemed to be the rights, obligations and liabilities of the respective institutions established under this Act.

(3) All references to the offices or institutions established under institutions set out in section 35(1) in any agreement or instrument relating to any property, assets, rights, privileges, immunity, obligations or liabilities transferred under subsection (1) and (2) and subsisting immediately before the commencement of this Act, shall, unless the context otherwise requires, be read as references to the respective offices or institutions established under this Act.

(4) All persons who were members of staff of the offices or institutions set out in section 35(1) shall be members of staff of respective offices or institutions established under this Act and shall be deemed to have been appointed under this Act on the terms and conditions of service applicable to them immediately before the commencement of this Act.

PART VI — MISCELLANEOUS PROVISIONS

37. A person convicted of an offence under this Act for which no penalty is provided for shall be liable to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding two years, or to both.

General penalty.

38. (1) The Cabinet Secretary may make regulations generally for the better carrying into effect any of the provisions of this Act.

Regulations.

(2) The county executive committee member may, taking into account any national policies, standards or regulations applying to all vocational education and training centres —

- (a) limit or regulate the number of trainees who may attend a registered vocational education centre;
 - (b) provide for the grant, duration, expiry, renewal, suspension, transfer, and cancellation of registration certificates of a vocational education and training centre;
 - (c) prescribe the conditions subject to which such registration certificates may be granted, renewed or transferred and the fees payable in respect of the grant, renewal, and transfer of such certificates;
 - (d) prescribe conditions governing or that may be imposed in respect of registered vocational education and training centre and the duties of their service providers; and
 - (e) prescribe the records to be kept by a vocational education and training centre in respect of trainees;
- (3) For the purpose of Article 94(6) of the Constitution

-
- (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary and the county executive committee member to make regulations to provide for the better carrying into effect the provisions of this Act;
 - (b) the authority of the Cabinet Secretary and the county executive committee member to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section; and
 - (c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act.

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No. 23 of 2013.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to put in place a legal framework to govern the establishment and management of vocational education and training with the county. One of the functional areas of county governments as provided for under Part 2 of the Fourth Schedule to the Constitution relates to village polytechnics and homecraft centres.

Part I of the Bill provide for preliminary matters and sets out various definitions, the guiding principles in relation to implementation of vocational education and training, as well as the obligations of the National government, county governments and owners of institutions registered under the Act. This Part also makes provision for trainees with special needs and confers an obligation on the county governments to ensure that measures are put in place including facilities and institutions to cater for the needs of trainees with special needs.

Part II sets out the procedure for the establishment and registration of vocational education and training centres. It sets out the criteria for registration and the circumstances under which the registration of avocational education and training centre may be cancelled or revoked.

Part III provides for the management of vocational education centres. It provides that the county governments shall be responsible for the management of vocational education and training within the county. Every public vocational education and training centre shall have a Board of Management responsible for the conduct of education and training. It also provides for managers and instructors of vocational education and training and their qualifications to ensure that the vocational education and training centres are professionally managed and operated in accordance with the provisions of this Act.

Part IV provides for the standards and quality of education and training. It sets out provisions relating to the curriculum, vocational education and training programmes to be implemented, examination and competency assessment as well as quality assurance. The recognised curriculum development bodies shall be responsible for developing the curricula while the recognized examination, assessment and certification bodies shall be responsible for administering assessment and issuance of certifications.

Part V sets out transition provisions in relation to existing institutions offering vocational education and training which are subject to registration under this Act. Once the Act become operational, all institutions offering vocational education and training which are registered under Basic Education Act, the Technical and Vocational Education and

Training Act and offering courses up to artisan certificate level and those institutions as the Cabinet Secretary specifies shall be deemed registered under the Act. This Part also provides for the formulation of regulations by the Cabinet Secretary and the county executive committee member for the better carrying into effect the provisions of the Act.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill confers on the Cabinet Secretary and the county executive committee member the powers to make regulations under the Act for the purposes of carrying into effect the provisions of the Act. The Bill does not limit any fundamental rights or freedoms.

Statement on how the Bill concerns county governments

One of the functional areas of county governments as set out under paragraph 9 of Part 2 of the Fourth Schedule to the Constitution is with respect village polytechnics and homecraft centres. This Bill proposes to put in place a legal framework for the implementation of vocational education and training by county governments. The Bill is therefore one that concerns county governments in terms of Article 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

MILGO ALICE,
Chairperson, Standing Committee on Education.