THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING BILL, 2024
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SCHEDULES
A Bill for

An Act of Parliament to provide for a framework for the development and regulation of technical and vocational education and training; to provide for the establishment, governance and management of institutions in technical and vocational education and training sector; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

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<th>PART I—PRELIMINARY</th>
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<td><strong>Interpretation</strong></td>
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<td>Term</td>
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<tr>
<td>“Board of the Trainers Council”</td>
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<td>“Board of the Certification Council”</td>
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<td>“Board of the School”</td>
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<td>“Board of Management”</td>
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<td>“Cabinet Secretary”</td>
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<tr>
<td>“Certification Council”</td>
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<tr>
<td>“County Executive Committee Member”</td>
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<td>“Diploma”</td>
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|                                           | (a) the Certification Council and designated as such showing result...
results and qualification obtained by a particular trainee in an assessment; or
(b) a national polytechnic and designated as such showing results and qualification obtained by a particular trainee in an assessment for a programme developed by the national polytechnic;

<table>
<thead>
<tr>
<th>“Full qualification”</th>
<th>means Full Qualification Certificate shall be awarded;</th>
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<tr>
<td>“Institution”</td>
<td>means a national polytechnic, a technical and vocational college or a vocational training centre;</td>
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<td>“Micro qualification”</td>
<td>means a statement of attainment certificate awarded;</td>
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<tr>
<td>“National polytechnic”</td>
<td>means an institution offering training and categorized as such under section 23 (1) (c);</td>
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<td>“Part qualification”</td>
<td>- means a certificate of competency shall be awarded upon demonstration of competence in a core unit of competency”.</td>
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<td>“School”</td>
<td>means the Kenya School of Technical and Vocational Education and Training established under section 96;</td>
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<td>“Technical and Vocational College”</td>
<td>means an institution offering training and categorized as such under section 24 (1) (b);</td>
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<td>“Trainer”</td>
<td>a person in possession of a minimum of a bachelor’s degree and professional pedagogical qualifications in relevant technical and vocational fields whose function is to impart specific competency to the trainee, to specialize him/her in the specific job or work;</td>
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<td>“Trainee”</td>
<td>means a person undergoing training;</td>
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<td>“Trainers Council”</td>
<td>means the Technical Trainers Service Council;</td>
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<td>“Training”</td>
<td>means technical, industrial and vocational education</td>
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and training leading to an award of a certificate, diploma and higher diploma;

“Verifier” is a person who monitors and confirms the work of assessors involved in a particular qualification to ensure correctness, accuracy and consistency of assessment activities and decisions made; and

“Vocational Training Centre” means an institution offering training and categorized as such under section 24(1)(a).

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<th>Objects of the Act</th>
<th>3. The objects of the Act are to provide for:</th>
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<td></td>
<td>(a) the development and regulation of technical and vocational education training;</td>
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<td>(b) the governance of institutions;</td>
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<td>(c) the framework of employment and management of trainers;</td>
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<td>(d) the framework of provision of quality training;</td>
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<th>Application</th>
<th>4. This Act applies to—</th>
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<td>(a) National and County Governments</td>
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<td>(b) Institutions</td>
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<td>(c) Trainers</td>
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<td>(d) Trainees</td>
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<td>(e) Any person offering a professional development course or capacity building to trainers or managers of institutions.</td>
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**PART II- ROLE OF NATIONAL GOVERNMENT AND COUNTY GOVERNMENTS**

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<tr>
<th>Role of National Government</th>
<th>5. The National Government shall—</th>
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<td>(a) formulate policies, norms and standards for the provision of training;</td>
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<td>(b) develop a national training system;</td>
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<td>(c) register training institutions and trainers;</td>
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<td>(d) develop and implement curriculum in training;</td>
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<td>(e) ensure adequate non-teaching staff in training institutions;</td>
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</table>
| Role of County Governments | 6. The County Governments shall—  
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<tr>
<td></td>
<td>(a) formulate programmes and plans and implement policies for vocational education and training;</td>
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<td>(b) implement curriculum in training in vocational training centers;</td>
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<td></td>
<td>(c) implement quality assurance and standards in training at vocational training centres;</td>
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<td></td>
<td>(d) ensure adequate infrastructure, training and training materials in vocational training centers;</td>
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<td>(e) in collaboration with the national government, ensure access to vocational training centers for trainees with special needs;</td>
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<td>(f) collaborate with National Government in the provision of vocational education and training;</td>
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<td>(g) engage stakeholders in the provision of vocational education and training; and</td>
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<td>(h) enforce compliance of this Act</td>
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| Inter-Governmental Relations | 7. (1) Subject to Article 189 of the Constitution, in the discharge of their respective functions the National and County Government may enter into an intergovernmental framework of cooperation, consultation and coordination in the provision of training.

(2) Subject to Article 186 and 187 of the Constitution, either level of government may, upon request and with agreement of the other level, transfer to the other their respective functions relating to provision of training in accordance with the Intergovernmental Relations Act. |
| PART III – TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING

AUTHORITY |
| Establishment of the Authority | 8. (1) There is hereby established an Authority to be known as Technical and Vocational Education and Training Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name, be capable of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of both movable and immovable property;

(c) borrowing money; and

(d) doing or performing all other acts necessary for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate. |
| Functions of the Authority | 9. (1) The functions of the Authority shall be to—

(a) accredit institutions and programmes;

(b) develop standards and guidelines for regulating training;

(c) undertake quality assurance of institutions and |
(d) set the minimum criteria for admission to training institutions;
(e) recognize foreign technical and vocational education institutions and accreditation of programmes;
(f) undertake research training, publish and disseminate the findings;
(g) collaborate with stakeholders on matters relating to training; and
(h) advise the Cabinet Secretary on matters relating to training.
(i) advise the county governments on matters relating to training in Vocational Training Centers.

10. (1) The Authority shall be governed by a Board which shall consist of —
   (a) a chairperson who shall be appointed by the President;
   (b) the Principal Secretary responsible for technical and vocational education and training or a designated representative;
   (c) the Principal Secretary responsible for finance or a designated representative;
   (d) the Chief Executive Officer of the Tertiary Education Placement and Funding Authority or a designated representative;
   (e) five independent persons appointed by the Cabinet Secretary; and
   (f) the Chief Executive Officer of the Authority who shall be an ex-officio member.

   (2) The appointment of the Chairperson under sub-section (1) (a) and the independent members under sub-section (1) (e) shall be published in the Gazette.
| Qualifications of the Chairperson of the Board | 11. A person shall be qualified for appointment as chairperson of the Board under section 10 (1) (a) if that person—  
(a) is a citizen of Kenya;  
(b) holds a degree from a university recognized in Kenya;  
(c) has at least fifteen years experience in technical and vocational education and training, five of which must have been in senior leadership and management; and  
(d) meets the requirements of Chapter 6 of the Constitution. |
| Qualifications of the members of the Board | 12. A person shall be qualified for appointment as a member of the Board under Section 10 (1) (e), if that person—  
(a) is a citizen of Kenya;  
(b) holds a degree from a university recognized in Kenya;  
(c) has at least ten years experience in technical and vocational education and training, governance, sciences, finance, technology, engineering or other relevant professional experience; and  
(d) meets the requirements of Chapter 6 of the Constitution. |
| Powers of the Board of the Authority | 13. The Board of the Authority shall have powers to -  
(a) administer the property and funds of the Authority;  
(b) open and operate a bank account subject to approval by the National Treasury;  
(c) in consultation with the Cabinet Secretary determine fees payable in the execution of the functions of the Authority;  
(d) receive any gifts, grants or donations or endowments made to the Authority or any other monies in respect of the Authority and make disbursements therefrom;  
(e) enter into association, partnerships or linkages with any person or entity in order to facilitate the conduct of the functions of the Authority; |
| Term limit | 14. The chairperson appointed under section 10 (1) (a) and members of the Board appointed under section 10 (1) (e) shall hold office for a |
| Vacancy of office of Chairperson and Members of the Board of the Authority | 15. (1) A chairperson appointed under section 10 (1) (a) and members of the Board appointed under section 10 (1) (e) may at any time resign from office, in the case of the Chairperson by notice in writing to the President, and in the case of the other members, to the Cabinet Secretary.

(2) A chairperson appointed under section 10 (1) (a) and members of the Board appointed under section 10 (1) (e) may be removed from office, in the case of the Chairperson by the President, and in any other case by the Cabinet Secretary, if the Chairperson or member, as the case may be -

   (a) has been absent from three consecutive meetings of the Board without permission of the Chairperson or in the case of a Chairperson without permission of the President;
   (b) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
   (c) is found to have been in breach of chapter six of the Constitution;
   (d) is adjudged bankrupt or enters into a composition, scheme or arrangement with creditors; or
   (e) is incapacitated by physical or mental illness from discharging their duties. |
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<tr>
<td>Conduct of business and affairs of the Board of the Authority.</td>
<td>16. The provisions of the First Schedule shall apply with respect to conduct of the business and affairs of the Board of the Authority.</td>
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<td>Committees of the Board of the Authority.</td>
<td>17. The Board of the Authority may establish such committees as may be appropriate to perform such functions and discharge such responsibilities as it may determine.</td>
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<td>Chief Executive Officer of the Authority</td>
<td>18. (1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Board of the Authority through an open, transparent and competitive process.</td>
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</tbody>
</table>
(2) A person shall be qualified for appointment as the Chief Executive Officer of the Authority if the person—
   
   (a) holds a degree in education, technology, engineering from a university recognized in Kenya;
   
   (b) holds a masters degree from a university recognized in Kenya;
   
   (c) has at least ten years working experience five of which shall be in senior management in a public or private institution; and
   
   (d) meets the requirements of Chapter Six of the Constitution.

(3) The Chief Executive Officer of the Authority shall hold office for a term of three years on such terms and conditions of employment as the Board of the Authority may determine and shall be eligible for re-appointment for one further term subject to satisfactory performance.

(4) The Chief Executive Officer shall be:
   
   (a) responsible for the day-to-day administration and management of the Authority;
   
   (b) responsible for executing the decisions of the Board;
   
   (c) custodian of all records of the Authority; and
   
   (d) undertaking any other duties, as assigned by the Board of the Authority.

### Vacancy of Office of the Chief Executive Officer of the Authority

19. (1) The Chief Executive Officer of the Authority may at any time resign from office by notice in writing to the Board of the Authority.

(2) The Chief Executive Officer may be removed from office if the person is—
   
   (a) convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
   
   (b) found to have been in breach of Chapter Six of the Constitution;
   
   (c) adjudged bankrupt or enters into a composition, scheme or
| Corporation Secretary of the Authority | 20. (1) There shall be a Corporation Secretary of the Authority who shall be appointed by the Board of the Authority through a competitive process.  
(2) A person qualifies to be appointed as a Corporation Secretary if the person—  
(a) holds a degree from a recognized university;  
(b) has not less than eight years' experience;  
(c) is a registered Certified Public Secretary in good standing with the Institute of Certified Public Secretaries of Kenya; and  
(d) meets the requirements of Chapter Six of the Constitution  
(3) The Corporation Secretary shall—  
(a) provide guidance to the Board of the Authority on its role and responsibilities; and  
(b) assist the Chief Executive Officer in facilitating the Board to carry out its functions. |
| Staff of the Authority | 21. The Board of the Authority may appoint staff as may be necessary for the proper discharge of the functions of the Authority under this Act or any other written law, upon such terms and conditions of service as the Board of the Authority may determine. |
| Delegation | 22. (1) The Board of the Authority may, by resolution generally or in any particular case, delegate in writing, to a committee or any officer, member of staff or agent of the Authority, the exercise of any of the powers or the performance of any of the functions or duties of the Authority under this Act. |
(2) A delegation under subsection (1) shall not prevent the Board of the Authority from exercising the power in question.

(3) A delegation under this section -
   (a) shall be subject to such condition as the Board may impose;
   (b) shall not divest the Board of the Authority of the responsibility concerning the exercise of the powers or the performance of the duty delegated; and
   (c) may be withdrawn, and any decision made by the person to whom the delegation is made may be withdrawn or varied by the Board of the Authority.

**PART IV – ACCREDITATION**

| Authority to offer training | 23. (1) A person shall only offer training in Kenya, upon accreditation under this Act.  
2. The following are eligible to apply for accreditation for an institution:  
   (a) a person or entity intending to sponsor an institution; and  
   (b) a body corporate having as one of its objects the provision of training.  
3. An institution in Kenya shall be accredited by an instrument of accreditation in the form of a Certificate of Accreditation under this Act.  
4. Any person who purports to offer training without accreditation under this Act, commits an offense and shall be liable upon conviction, to a fine of not less than ten million shillings, or to imprisonment for a term of not less than three years, or to both. |
| Categories of institutions | 24. (1) An institution may be categorized as—  
   (a) a vocational training center, which shall award an artisan |
| A category of an institution described under subsection (1) shall not be converted to or offer a programme offered by an institution in a different category without accreditation, under this part. | certificate;  
(b) technical and vocational colleges, which shall award a diploma; and  
(c) national polytechnics, which shall award a higher diploma. |
25. (1) A person or entity or an institution eligible to apply for authority to establish or constitute itself into an institution shall apply to the Authority in the prescribed manner for accreditation, and shall make such payment as may be required.

(2) An application under subsection (1) shall be accompanied by a statement setting out the following particulars—

(a) resolution of Council of a Chartered university consenting to mentor the proposed university;

(b) the name, physical, postal and electronic addresses of the proposed institution;

(c) the governance and management structures of the institution;

(d) membership of the proposed institution;

(e) aims and objectives for which the institution is to be established and the programmes of instruction and courses of study that are to be offered;

(f) the number, qualifications and competence of the manager and trainers;

(g) layout designs and specifications of available infrastructure and equipment;

(h) a statement on the suitability, ownership or lease arrangement for premises to be used as evidence of structural soundness of buildings and their capacity in accordance with the Public Health Act (Cap. 242);

(i) a statement of financial ability and fees to be charged; and

(j) such other matters as may be prescribed in the regulations made under this Act.
### Application for accreditation of programmes

26. (1) An institution intending to offer any programme shall apply to the Authority in a prescribed manner for accreditation, and shall make such payment as may be required.

(2) The following requirements shall be considered in the application:
   - Availability of approved curricula;
   - Adequate training facilities;
   - Availability of qualified trainers;
   - Comprehensive internal quality assurance mechanism;
   - Suitable location for learning.
   - Purpose and objectives;
   - Structure;
   - Delivery mode;
   - Mode of assessment;
   - Learning environment; and
   - Admission criteria.

(3) Subject to subsection (1), an institution that meets the minimum requirements as provided for in the set standards may be granted accreditation to offer programmes applied for.

(4) This provision shall apply *mutatis mutandis* for additional programmes.

(5) No programme of training shall be mounted in an institution without prior approval by the Authority and no academic award or qualification issued by any institution not yet accredited, registered and licensed in accordance with this Act shall be recognized in Kenya.

### Consideration of application for accreditation

27. (1) The Authority shall, within three months of the receipt of an application under section 18—
   - Examine the documents submitted; and
   - Inspect and assess the facilities available for use in respect of the proposed institution.

(2) The Authority shall prepare a detailed accreditation report which
shall be tabled to the Board of the Authority for consideration.

(3) (a) Where the Board of the Authority is of the opinion that the proposed institution has not met all the requirements under this Act, the Authority may:

(i) Issue the applicant with a provisional registration which shall be valid for twelve months; or

(ii) decline the application and shall within seven days of making such decision communicate to the applicant the decision with reasons.

(b) Where the Board of the Authority is satisfied that the proposed institution has met all the requirements under this Act, the Authority shall recommend to the Cabinet Secretary and the County Executive Committee member in the case of a vocational training center for the issuance of the accreditation certificate.

| Powers and authority under provisional registration | 28. An institution operating on provisional registration under section 26 and has not been granted training license for any programme shall:-
| | (a) not offer training; and
| | (b) enter into such mentorship programmes with an accredited institution for purposes of approval of programme to be offered and graduation of trainees admitted in the programmes; |

| Accreditation of programmes offered by foreign institutions | 29. (1) An accredited foreign institution shall not offer training in Kenya unless the programmes have been accredited by the Authority.
(2) A foreign institution which intends to offer training in Kenya, shall apply to the Authority for accreditation in the prescribed form.
(3) A foreign institution may apply to the Authority in the prescribed form for approval, to enter into an arrangement with an institution accredited for the purposes of offering joint training.
(4) Any person or institution who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding |
### Publication of an accredited institution

30. (1) The Cabinet Secretary shall, by notice in the Gazette, publish the accredited institution in case of a Technical and Vocational College or a Legal order in case of a National Polytechnic.

(2) The County Executive Committee member shall, by notice in the Gazette, publish the accredited institution in case of a Vocational Training Centre.

### Variation of an accreditation certificate

31. (1) The Cabinet Secretary may, on the recommendation of the Authority, vary accreditation certificate if in the opinion of the Cabinet Secretary, the variation is in the best interest of the institution;

(2) A variation under subsection (1) may be commenced by the Authority upon request by an institution or on its own motion in consultation with the institution.

(3) A variation under subsection (1) may issue where there is need to—

- (a) align the particulars of the accreditation certificate to the Constitution or any written law;
- (b) to reflect changes in name, governance or location;
- (c) in the case of a private institution, to reflect changes in ownership of the institution;
- (d) reflect changes in programmes;
- (e) align the accreditation certificate to the best interests of technical and vocational education in Kenya.

(4) A decision for the variation by the Cabinet Secretary shall be made without unreasonable delay, but in any case, within three months from the date a recommendation for variation is made by the Authority.

(5) If an accreditation certificate is varied under subsection (1), the Cabinet Secretary shall forthwith cause a notice of variation to be
(6) Notwithstanding subsection (5), the variation of the accreditation certificate shall not affect the validity of any academic award or decisions made by the institution before variation.

| Recognition of foreign institutions | 32. (1) Any foreign institution which intends to offer training in Kenya, shall apply for accreditation in accordance with this Act.  
(2) A foreign institution may apply to the Board of the Authority in the prescribed form for accreditation;  
(3) Any foreign institution approved under subsection (1) must first submit proof of accreditation from its country of origin to undertake training in Kenya; and  
(4) Any person or institution that contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both |
| Revocation of an accreditation certificate | 33. (1) The Cabinet Secretary and the County Executive Committee member may by gazette notice revoke an accreditation certificate issued to an institution on recommendation of the Authority.  
(2) The Authority may recommend revocation the accreditation certificate issued under section 27 (3) (b) where—  
(a) an institution issues an award for a programme for which it is not accredited;  
(b) an institution offers a programme for which it is not accredited; and  
(c) an institution does not make the rectification within the period specified in subsection (2). |
| Closure of an institution | 34. (1) The Authority may close an institution whose accreditation has been revoked under section 33.  
(2) Where the Authority revokes the accreditation of an institution the Authority shall issue a seven (7) day notice of closure |
## PART IV – STANDARDS AND QUALITY ASSURANCE

### Standards.

35. For purposes of assuring standards, quality and relevance in training the Authority shall—

(a) set and publish standards and benchmarks for conduct of training in Kenya;

(b) ensure the maintenance of standards, quality and relevance in all aspects of training;

(c) at the beginning of each year and thereafter each quarter of the year, publish the list of universities accredited to undertake university education in Kenya.

### Internal quality assurance systems and mechanisms

36. Every institution accredited to operate in Kenya shall—

(a) develop quality assurance policy, systems and mechanisms;

(b) develop and implement an internal quality assurance policy;

(c) establish a functional internal quality assurance structure;

(d) provide adequate physical and financial resources to facilitate quality assurance;

(e) appoint qualified and adequate staff in the quality assurance unit; and

(f) develop tools for internal quality assurance.

(2) Every institution shall prepare a detailed self-assessment report and submit to the Authority, in a prescribed format, reporting on the status of implementation of internal quality assurance systems and mechanisms provided for under sub section (1).

### Quality audit, inspection and investigation

37. (1) The Authority may, from time to time, audit, inspect or investigate with or without notice, the conduct of training in an institution.

(2) The audit, inspection, or investigation under subsection (1) shall include an assessment of the following—

(a) Leadership, management and administration
<table>
<thead>
<tr>
<th>Quality assurance reports</th>
<th>38. The Authority shall prepare a quality assurance report after an audit, inspection and investigation as provided for under section 37 and make such recommendation or give such other instructions for action by the institution.</th>
</tr>
</thead>
</table>
| Quality assurance officers | 39. (1) The Authority shall appoint quality assurance and standards officers to undertake quality assurance.  
(2) The officers appointed under sub section (1) shall have power to:  
(a) inspect the infrastructure, equipment, programmes;  
(b) assess the delivery of training by trainers;  
(c) require any person responsible for the management of an institution to produce any documents relating to the management of the institution;  
(d) require any trainer to produce any materials or documents relating to training at the institution;  
(e) take such photographs or video recording of the premises and persons as may be deemed necessary;  
(f) summon a person who the officer reasonably believes to be acquainted with the training offered in the institution to produce documents or avail such information as the officer may deem necessary.  
(3) an officer appointed under subsection (1) shall prepare and share a Quality assurance Report upon conducting quality assurance to the assessed institution.  
(4) Any person who obstructs the Officer appointed under subsection (1) from discharging their functions commits an offence. |
Suspension of an institution

40. (1) The Authority may suspend an institution where:

   (a) an institution offers a programme for which it is not accredited;

   (b) an institution issues an award for a programme for which it is not accredited;

   (c) an institution is operating in a different location from that specified in the license;

   (d) an institution engages the services of trainers that are not licensed by the Technical Trainers Council;

   (e) an institution fails to meet curriculum and assessment standards;

   (f) an institution's physical facilities have been declared unsuitable for training by the relevant bodies; and

   (g) the governance structure of an institution is not in accordance with the provisions of this Act.

(2) Where the Authority suspends an institution, the Authority shall issue a notice of rectification specifying—

   (a) the ground for the suspension;

   (b) the period within which the institution is to make rectification.

(3) Where an institution has been suspended under this section, it shall cease offering training.

(4) An institution which contravenes subsection (3) commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings.

PART V - GOVERNANCE AND MANAGEMENT OF INSTITUTIONS

Boards of Management

41. (1) The Cabinet Secretary shall appoint a Board of Management for institutions established under Section 23 (b) and (c).

(2) The County Executive Committee member shall appoint the Board of Management for vocational training centers established under section 23 (1) (a);

(3) A Board of Management may establish such Committees as the
Board of Management may consider appropriate to perform such functions and discharge such responsibilities as the Board of Management may deem necessary.

(4) Without prejudice to the provisions of sub section (3), the Board of Management of an institution established under section 23 shall establish the following Committees:
   (a) Finance, Procurement and General Purposes;
   (b) Training; and
   (c) Audit

(5) The organs may set up such committees and assign such responsibilities as it may deem fit.

<table>
<thead>
<tr>
<th>Composition of Boards of Management of national polytechnics</th>
<th>42. (1) the Board of Management of a National Polytechnic shall comprise of -</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) a chairperson appointed by the President;</td>
</tr>
<tr>
<td></td>
<td>(b) Principal Secretary responsible for technical and vocational training or a designated representative;</td>
</tr>
<tr>
<td></td>
<td>(c) Principal Secretary responsible for Finance or a designated representative;</td>
</tr>
<tr>
<td></td>
<td>(d) six other persons, appointed by the Cabinet Secretary, with at least six years experience in—</td>
</tr>
<tr>
<td></td>
<td>(i) leadership and management;</td>
</tr>
<tr>
<td></td>
<td>(ii) financial management;</td>
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<tr>
<td></td>
<td>(iii) technology;</td>
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<td></td>
<td>(iv) industry;</td>
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<td></td>
<td>(v) engineering;</td>
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<tr>
<td></td>
<td>(vi) information communication technology; or</td>
</tr>
<tr>
<td></td>
<td>(vii) law;</td>
</tr>
<tr>
<td></td>
<td>(e) the Principal shall be the <em>ex officio</em> member.</td>
</tr>
</tbody>
</table>

(2) The appointment of the Chairperson under sub-section (1), (a) and the independent members appointed under sub-section (1) (d) shall be published in the *Gazette*. |
### Qualification for appointment as chairperson of a Board of Management of a national polytechnic

43. A person shall be qualified for appointment as chairperson of the Board of Management of a national polytechnic if that person—

   (a) is a citizen of Kenya;
   
   (b) holds a degree from a university recognized in Kenya;
   
   (c) has at least fifteen years’ experience in technical and vocational education and training, five of which must have been in senior leadership and management;
   
   (d) meets the requirements of Chapter 6 of the Constitution.

### Qualification for appointment as member of a Board of Management of a national polytechnic

44. A person shall be qualified for appointment as a member of the Board of Management of a national polytechnic if that person—

   (a) is a citizen of Kenya;
   
   (b) holds a degree from a university recognized in Kenya;
   
   (c) has at least ten years’ experience in technical and vocational education and training, human resource, law and finance; and
   
   (d) meets the requirements of Chapter 6 of the Constitution.

### Composition of Boards of Management of technical and vocational colleges

45. (1) The Board of Management of Technical and Vocational College shall comprise:

   (a) a chairperson appointed by the Cabinet Secretary;
   
   (b) six persons appointed by the Cabinet Secretary, with at least six years experience in --
   
      (i) leadership and management;
   
      (ii) financial management;
   
      (iii) technology;
   
      (iv) industry;
   
      (v) engineering;
   
      (vi) information communication technology; or
   
      (vii) law;
   
   (c) three *ex officio* members

      (i) County Commissioner
   
      (ii) The County Director of TVET
| Qualification for appointment as chairperson of a Board of Management of a technical and vocational college | 46. A person shall be qualified for appointment as chairperson of the Board of Management of a Technical and Vocational College, if that person—

(a) is a citizen of Kenya;

(b) holds a diploma from a recognized institution in Kenya;

(c) has at least ten years’ experience in technical and vocational education and training, five of which must have been in senior leadership and management;

(d) meets the requirements of Chapter 6 of the Constitution. |
| Qualification for appointment as member of a Board of Management of a technical and vocational college | 47. A person shall be qualified for appointment as a member of the Board of Management of a Technical and Vocational College if that person—

(a) is a citizen of Kenya;

(b) holds a diploma from a recognized institution in Kenya;

(c) has at least six years’ experience in technical and vocational education and training, human resource, law and finance; and

(d) meets the requirements of Chapter 6 of the Constitution. |
| Composition of Boards of vocational training centres | 48. The Board of Management of Vocational Training Centres shall comprise—

(a) a chairperson appointed by the Governor;

(b) County chief officer responsible for vocational training centres or a designated representative;

(c) six persons, appointed by the County Executive Committee member with at least six years experience in -

(i) leadership and management;

(ii) financial management;

(iii) technology;

(iv) industry; |
| Qualification for appointment as chairperson of the Board of Management of a vocational training centre | 49. A person shall be qualified for appointment as chairperson of the Board of Management of a Vocational Training Centre, if that person—
(a) is a citizen of Kenya;
(b) holds a certificate from a recognized institution in Kenya;
(c) has at least six years’ experience in technical and vocational education and training, three of which must have been in senior leadership and management;
(d) meets the requirements of Chapter 6 of the Constitution. |
| Qualification for appointment as member of the Board of Management of a vocational training centre | 50. A person shall be qualified for appointment as a member of the Board of Management of a Vocational Training Centre if that person—
(a) is a citizen of Kenya;
(b) holds at least KCSE certificate from a recognized institution in Kenya; or
(c) has at least three years’ working experience in the field of technical and vocational education and training; and
(d) meets the requirements of Chapter 6 of the Constitution. |
<p>| Term limit | 51. The chairperson and members of the Boards of Management of a National Polytechnic, Technical and Vocational College and Vocational Training Centre shall hold office for a term of three years and shall be eligible for re-appointment for one further term subject to satisfactory performance. |
| Conduct of business of Boards | 52. The conduct of business of Boards of Management of a National |</p>
<table>
<thead>
<tr>
<th>of Management</th>
<th>Polytechnic, Technical and Vocational College and Vocational Training Centre shall be set out in the First Schedule.</th>
</tr>
</thead>
</table>
| **Functions of the Boards of Management** | 53. (1) The functions of the Boards of Management of a National Polytechnic, Technical and Vocational College and Vocational Training Centre shall include—  
(a) develop and implement the institution’s strategic plan;  
(b) administer and manage the resources of the institutions;  
(c) preparing annual estimates of revenue and expenditure for the institution and incurring expenditure on behalf of the institutions  
(d) implement and maintain the standards, quality and relevance in education and training in the institutions as set out under this Act;  
(e) mobilize resources for the institutions;  
(f) collaborate with other relevant stakeholders.  
(g) overseeing the conduct of education and training in the institutions in accordance with the provisions of this Act and any other written law;  
(h) determining the fees payable and prescribing conditions under which fees may be remitted in part or in whole in accordance with the guidelines developed under the provisions of this Act;  
(i) approving collaboration or association with other institutions and industries in and outside Kenya subject to prior approval by the Board; and  
(j) recruitment of non-training staff. |
| **Principal** | 54. (1) The Principal of an institution shall be the academic and administrative head of the institution.  
(2) The Principal shall be:  
(a) responsible for the day-to-day administration and management of the institution; |
(b) responsible for executing the decisions of the institution;
(c) custodian of all records of the institution; and
(d) undertaking any other duties, as assigned by the Board of Management.

Open, Distance and E-Learning

55. (1) Every institution may institutionalize, with the approval of the Authority, Open, Distance and E-Learning to facilitate access to training in accordance with the standards prescribed under this Act.
(2) Notwithstanding the generality of subsection (1), a institution shall—

(a) put in place a robust information, communication and technology infrastructure:
(b) Digitize learning support materials to facilitate eLearning;
(c) employ such Qualified Staff to support ODeL learning
(d) put in place a Student Support Systems; and
(e) formulate Policies to guide in the delivery of ODeL learning
(3) The Cabinet Secretary shall prescribe the manner of conduct of Open, Distance and e-learning.

Collaboration and linkages

56. An institution shall consider and approve collaborations, partnerships, networks and linkages with other bodies or organizations in furtherance of the purpose for which the institution is established.

Continuity and transition

57. (1) A national polytechnic may enter into association, collaboration or linkages with a local or foreign university for purposes of facilitating transition learning to university education and vice versa.
(2) The Certification Council shall provide for a credit accumulation and transfer aligned to the framework developed by the National Qualification.
(3) The national polytechnic and certification council shall put in place such measure as may be necessary to implement National
recognition of prior learning policy.

<table>
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<tr>
<th>PART VII - TRAINERS</th>
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</table>
| Registration of trainers | 58. (1) Persons shall not offer training without being registered by the Authority.  
(2) A person who intends to offer training shall apply to the Authority for registration in the prescribed form.  
(3) A person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both. |
| Qualification of a trainer | 59. A trainer shall: -  
(a) possess a higher qualification other than that of the curriculum being implemented;  
(b) possess pedagogical training from a recognized institution;  
and  
(c) be licensed by the Authority. |
| Deregistration of Trainers | 60. The Authority may, after an inquiry, deregister a Trainer —  
(a) who has obtained registration through fraudulent means;  
(b) who has been convicted of a criminal offence; or  
(c) as a result of disciplinary proceedings instituted under this Act. |
| Reinstatement to the Register | 61. Where a trainer has been deregistered under section 44 the Authority may re-register the trainer on the direction of the Tribunal or Court. |
### Training License

| 62. | (1) A trainer shall not offer training without a license issued by the Authority.  
(2) A registered Trainer who intends to offer training shall apply to the Authority for a license in the prescribed form.  
(3) A person who contravenes subsection (1) commits an offense and is liable upon conviction for a fine not exceeding one hundred thousand or imprisonment for a term not exceeding one year or to both |

### Validity of a License

| 63. | (1) A license issued under section 46 shall be valid for a period of two (2) years.  
(2) A Trainer who intends to renew the license issued under section 46 shall have undertaken the prescribed continuous professional development programmes as set out in the regulations. |

### Establishment of the Trainers Council

| 64. | There shall be established a Technical Trainers Service Council which shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name, be capable of:  
(a) suing and being sued;  
(b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;  
(c) receiving, investing, borrowing and lending money; and  
(d) doing or performing any such things or acts which may lawfully be done by a body corporate with the approval of the Cabinet Secretary. |

### Functions of the Trainers Council

| 65. | (1) The Trainers Council shall be responsible for employment and human resource management of Trainers offering services at public institutions.  
(2) without prejudice to the generality of sub section (1) the Trainers Council shall: -  
(a) recruit registered trainers;  
(b) assign trainers to serve in any public institution;  
(c) designate trainers as principals; |
(d) promote and transfer trainers;
(e) exercise disciplinary control over trainers;
(f) terminate the employment of trainers;
(g) conduct performance appraisal of trainers;
(h) manage the payroll of trainers;
(i) facilitate the professional development of trainers; and
(j) Advise the Cabinet Secretary and the county governments on matters regarding employment of trainers.

| Composition of the Board of the Trainers Council | 66. (1) There shall be a Board of the Trainers Council, which shall consist of the following members:
|  | (a) a Chairperson, who shall be, appointed by the President;
|  | (b) the Principal Secretary responsible for Vocational and Technical Education and training or a designated representative;
|  | (c) the Principal Secretary responsible for Finance or designated representative;
|  | (d) two representatives nominated by the Council of Governors;
|  | (e) one representative of the Kenya Association of Technical Training Institutions
|  | (f) four independent members appointed by the Cabinet Secretary; and
|  | (g) the Chief Executive Officer of the Trainers Council who shall be an ex-officio member.

(2) The appointment of the Chairperson under sub-section (1), (a) representative appointed under subsection (1) (d) and (e) and the independent members appointed under sub-section (1) (f) shall be published in the Gazette.

| Qualifications of the Chairperson of the Board of Trainers Council | 67. A person shall be qualified for appointment as chairperson of the board of the Trainers Council under section 65 (1) (a) if that |
| Trainners Council | person—  
|---|---|
| (a) Is a citizen of Kenya;  
(b) holds a degree from a university recognized in Kenya;  
(c) has at least fifteen years’ experience in technical and vocational education and training, five of which must have been in senior leadership and management;  
(d) meets the requirements of Chapter 6 of the Constitution. |

| Qualifications of members of the Board of the Trainners Council | 68. A person shall be qualified for appointment as a member of the Board of the Trainers Council under Section 65 (1) (f), if that person—  
|---|---|
| (a) is a citizen of Kenya;  
(b) holds a degree from a university recognized in Kenya;  
(c) has at least ten years’ experience in technical and vocational education and training, human resource, law and finance; and  
(d) meets the requirements of Chapter 6 of the Constitution. |

| Powers of the Board of Trainners Council | 69. The Board of the Trainers Council shall have powers to—  
|---|---|
| (a) administer the property and funds of the Technical Trainers Service Council;  
(b) open and operate a bank account subject to approval by the National Treasury;  
(c) in consultation with the Cabinet Secretary determine fees payable in the execution of the functions of the Technical Trainers Service Council;  
(d) receive any gifts, grants or donations or endowments made to the Trainers Council or any other monies in respect of the Technical Trainers Service Council and make disbursements therefrom; and  
(e) enter into association, partnerships or linkages with any person or entity in order to facilitate the conduct of the functions of the Trainners Council. |
| Term limit | 70. The chairperson appointed under section 65 (1) (a) and members of the Trainers Council appointed under section 65(1)(d) (e) and (f) shall hold office for a term of three years and shall be eligible for reappointment for one further term subject to satisfactory performance. |
| Vacancy of office of chairperson and members of the Board of the Trainers Council | 71. (1) A chairperson appointed under section 65 (1) (a) and members of the Trainers Council appointed under section 65 (1) (d), (e) and (f) may at any time resign from office, in the case of the Chairperson by notice in writing to the appointing authority.  
(2) A chairperson appointed under section 65 (1) (a) and members of the Board of the Trainers Council appointed under section 65(1) (d) (e) and (f) may be removed from office, in the case of the by the appointing authority, as the case may be -  
(a) has been absent from three consecutive meetings of the Trainers Council without permission of the appointing authority;  
(b) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;  
(c) is found to have been in breach of chapter six of the Constitution;  
(d) is adjudged bankrupt or enters into a composition scheme or arrangement with creditors; or  
(e) is unable to perform the functions of office by reason of physical or mental incapacity; |
| Chief Executive Officer of the Trainers Council | 72. (1) There shall be a Chief Executive Officer of the Trainers Council who shall be appointed by the Board of the Trainers Council through an open, transparent and competitive process.  
(2) A person shall be qualified for appointment as the Chief Executive Officer of the Trainers Council if the person—  
(a) is a citizen of Kenya;  
(b) holds a masters degree from a university recognized in Kenya; |
(c) has at least ten years’ working experience in management of a public or private institution; and
(d) meets the requirements of Chapter Six of the Constitution.

(3) The Chief Executive Officer of the Trainers Council shall hold office for a term of three years on such terms and conditions of employment as the Board of the Trainers Council may determine and shall be eligible for re-appointment for one further term subject to satisfactory performance.

(4) The Chief Executive Officer of the Trainers Council shall be:
(a) responsible for the day-to-day administration and management of affairs and staff of the Trainers Council;
(b) responsible for executing the decisions of the Board of the Trainers Council;
(c) custodian of all records of the Trainers Council; and
(d) undertaking any other duties, as assigned by the Board of the Trainers Council.

| Vacancy of office of the Chief Executive of the Trainers Council | 73. (1) The Chief Executive Officer of the Trainers Council may at any time resign from office by notice in writing to the Board of the Trainers Council.

(2) A Chief Executive Officer of the Trainers Council may be removed from office if the person is –

(a) convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
(b) found to have been in breach of Chapter Six of the Constitution;
(c) adjudged bankrupt or enters into a composition scheme or arrangement with creditors; or
(d) incapacitated by physical or mental illness from performing their duty.

<p>| Corporation Secretary of the | 74. The provisions relating to the appointment of the Corporation |</p>
<table>
<thead>
<tr>
<th>Trainers Council</th>
<th>Secretary of the Technical Trainers Service Council as set out in section 20 shall apply, <em>mutatis mutandis</em>, to the appointment of the Corporation Secretary of the Authority.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff of Trainers Council</td>
<td>75. The Board of the Trainers Council may appoint staff as may be necessary for the proper discharge of its functions under this Part or any other written law, upon such terms and conditions of service as the Board of the Trainers Council may determine.</td>
</tr>
<tr>
<td>Delegation by the Board of the</td>
<td>76. The provisions relating to the delegation of powers by the Board of the Authority as set out in section 22 shall apply, <em>mutatis mutandis</em>, to the delegation of powers of the Board of the Trainers Council.</td>
</tr>
<tr>
<td>Trainers in private institutions</td>
<td>77. The employment and human resource management of trainers offering training in private institutions shall be undertaken by the respective boards of management.</td>
</tr>
<tr>
<td><strong>PART VIII – CURRICULUM DEVELOPMENT, ASSESSMENT AND CERTIFICATION</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Establishment of the Certification Council | 78. (1) There shall be established a Technical and Vocational Education and Training Curriculum Development, Assessment and Certification Council.  
(2) The Technical and Vocational Education and Training Curriculum Development, Assessment and Certification Council shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name, be capable of:  
(a) suing and being sued;  
(b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;  
(c) receiving, investing, borrowing and lending money; and  
(d) doing or performing any such things or acts which may lawfully be done by a body corporate with the approval of the Cabinet Secretary. |
| Functions of the Certification       | 79. (1) The functions of the Certification Council shall be to—                                                                                                                                 |
(a) undertake the design and development of curriculum for training, assessment and competence certification;

(b) develop and review curricula and curriculum support materials for industrial training;

(c) develop and review curricula and curriculum support materials for special needs technical and vocational education and training;

(d) develop and implement the assessment of trainees;

(e) issue certification to trainees who satisfy assessment requirements;

(f) conduct research in curriculum development, assessment and certification; and

(g) advise the Cabinet Secretary on matters pertaining to curriculum development, assessment and certification.

(1) There shall be a Board of the Certification Council that shall consist of—

(a) a chairperson appointed by the President;

(b) the Principal Secretary responsible for technical and vocational education and training or a designated representative;

(c) the Principal Secretary responsible for Finance or a designated representative;

(d) the Chief Executive Officer of the Authority or a designated representative;

(e) five independent members appointed by the Cabinet Secretary with a background in training and relevant industry experience;

(f) the Chief Executive Officer of the Certification Council who shall be an *ex-officio* member.
(2) The appointment of the Chairperson of the Board of the Certification Council under sub-section (1) (a) and members of the Board of the Certification Council under sub-section (1) (e) shall be published in the *Gazette*.

| Qualifications of the chairperson of the Board of the Certification Council | 81. A person shall be qualified for appointment as chairperson of the Board of the Certification Council under section 79 (1) (a) if that person—  
   (a) is a citizen of Kenyan;  
   (b) holds a degree from a university recognized in Kenya;  
   (c) has at least fifteen years’ experience in technical and vocational education and training, five of which must have been in senior leadership and management; and  
   (d) meets the requirements of Chapter 6 of the Constitution. |
| Qualifications of members of the Board of the Certification Council | 82. A person shall be qualified for appointment as a member of the Board of the Trainers Council under Section 79 (1) (e), if that person—  
   (a) is a citizen of Kenya;  
   (b) holds a degree from a university recognized in Kenya;  
   (c) has at least ten years’ experience in technical and vocational education and training, human resource, law and finance; and  
   (d) meets the requirements of Chapter 6 of the Constitution |
| Powers of the Board of the Certification Council | 83. The Board of the Certification Council shall have powers to -  
   (a) administer the property and funds of the Certification Council;  
   (b) open and operate a bank account subject to approval by the National Treasury;  
   (c) in consultation with the Cabinet Secretary determine fees payable in the execution of the functions of the Certification Council;  
   (d) receive any gifts, grants or donations, endowments or any other monies in respect of the Certification Council and |
(e) enter into association, partnerships or linkages with any person or entity in order to facilitate the conduct of the functions of the Certification Council.

| Term limit | 84. The chairperson of the Board of the Certification Council appointed under section 79 (1) (a) and members of the Board of the Certification Council appointed under section 79 (1) (e) shall hold office for a term of three years and shall be eligible for re-appointment for one further term subject to satisfactory performance |
| Vacancy of office of chairperson and members of the Board of the Certification Council | 85. (1) A chairperson of the Board of the Certification Council appointed under section 79 (1) (a) and members of the Board of the Certification Council appointed under section 79 (1) (e) may at any time resign from office, in the case of the Chairperson by notice in writing to the President, and in the case of the other members, to the Cabinet Secretary. (2) A chairperson of the Board of the Certification Council appointed under section 79 (1) (a) and members of the Board of the Certification Council appointed under section 79 (1) (e) may be removed from office, in the case of the Chairperson by the President, and in any other case by the Cabinet Secretary, if the Chairperson or member, as the case may be - (a) has been absent from three consecutive meetings of the Board without permission of the Chairperson or in the case of a Chairperson without permission of the President; (b) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months; (c) is found to have been in breach of chapter six of the Constitution; (d) is adjudged bankrupt or enters into a composition scheme or arrangement with creditors; or (e) is incapacitated by physical or mental illness and is unable
| Chief Executive Officer of the Certification Council | 86. (1) There shall be a Chief Executive Officer of the Certification Council who shall be appointed by the Board of the Certification Council through an open, transparent and competitive process. 
(2) A person shall be qualified for appointment as the Chief Executive Officer of the Certification Council if the person—
   (a) holds a masters degree from a university recognized in Kenya; 
   (b) has at least ten years working experience in management of a public or private institution; and 
   (c) meets the requirements of Chapter Six of the Constitution. 
(3) The Chief Executive Officer of the Certification Council shall hold office for a term of three years on such terms and conditions of employment as the Board of the Certification Council may determine and shall be eligible for re-appointment for one further term subject to satisfactory performance. 
(4) The Chief Executive Officer of the Certification Council shall be:
   (a) responsible for the day-to-day administration and management of affairs and staff of the Certification Council;
   (b) responsible for executing the decisions of the Certification Council;
   (c) custodian of all records of the Certification Council; and
   (d) undertaking any other duties, as assigned by the Board of the Certification Council. |
| Vacancy of office of the Chief Executive Officer of the Certification Council | 87. (1) The Chief Executive Officer of the Certification Council may at any time resign from office by notice in writing to the Board of the Certification Council. 
(2) A Chief Executive Officer of the Certification Council may be removed from office if the person is—
   (a) convicted of a criminal offence and sentenced to |
imprisonment for a term exceeding six months;
(b) found to have been in breach of Chapter Six of the Constitution;
(c) adjudged bankrupt or enters into a composition scheme or arrangement with creditors; or
(d) incapacitated by physical or mental illness.

<table>
<thead>
<tr>
<th>Corporation Secretary of the Certification Council</th>
<th>88. The provisions relating to the appointment of the Corporation Secretary of the Board of the Authority as set out in sections 20 shall apply, <em>mutatis mutandis</em>, to the appointment of the Corporation Secretary of the Certification Council.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff of the Certification Council</td>
<td>89. The Board of the Certification Council may appoint staff as may be necessary for the proper discharge of its functions under this Part or any other written law, upon such terms and conditions of service as the Board of the Certification Council may determine</td>
</tr>
<tr>
<td>Delegation by the Board of the Certification Council</td>
<td>90. The provisions relating to the delegation of powers by the Board of the Authority as set out in sections 22 shall apply, <em>mutatis mutandis</em>, to the delegation of powers by Certification Council.</td>
</tr>
<tr>
<td>Curriculum development</td>
<td>91. (1) The Certification Council shall develop a framework for purposes of curriculum development and implementation.</td>
</tr>
<tr>
<td>Review of curriculum</td>
<td>92. The framework will be reviewed after 5 years taking into account the emerging trends and demands in industry and national policies.</td>
</tr>
</tbody>
</table>
| Certification                                     | 93. (1) The certification council shall award the following qualifications: -
   (a) Micro qualification;
   (b) Part qualification; and
   (c) Full qualification  
(2) The certificates issued by the Certification Council shall comply with the National qualification framework. |
| Assessment                                        | 94. The Certification Council shall develop and implement an assessment framework in accordance with the standards and |
Verifiers

95. (1) A person who intends to offer the services of a verifier shall apply to the Authority for a license in a prescribed form.

(2) The Authority shall license a person to offer the service of a verifier either as an internal or external verifier.

(3) The Authority may license a person as an internal Verifier if the person -

(a) is a qualified trainer and assessor;

(b) hold a verifier course certificate or a recognized equivalent qualification;

(c) have conducted competency-based assessments for at least three (3) years;

(d) have at least three (3) years of conducting Competency-Based training; and

(e) have proven industrial experience gained within the last three (3) years.

(4) The Authority may license a person as an external Verifier if the person -

(a) in the case of a trainer -

(i) has served as an internal verifier for at least five years;

(ii) holds a verifier course certificate or a recognized equivalent qualification;

(iii) have conducted Work-Based Competency training for at least five years.

(iv) have proven industrial experience gained within the last one year.

(b) in the case of an industry expert -

(i) holds a verifier course certificate or a recognized equivalent qualification.

(ii) have conducted Competency-Based
assessments for at least five years.

(iii) have conducted Work - Based Competency training for at least five years.

(iv) have proven industrial experience of at least five years

(5) A license issued under subsection (2) shall be valid for a period of two (2) years.

(6) A person shall not offer the services of a verifier unless licensed by the Authority.

(7) A person who contravenes subsection (1) commits an offence is liable upon conviction for a fine not exceeding one hundred thousand or imprisonment for a term not exceeding one year or to both.

PART IX – THE KENYA SCHOOL OF TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING

Establishment of the School 96. (1) There is established the Kenya School of Technical and Vocational Education and Training.

(2) The School shall be a body corporate with perpetual succession and a common seal and shall in its name be capable of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;

(c) receiving, investing, borrowing and lending money;

and

(d) doing or performing any such things or acts which may lawfully be done by a body corporate with the approval of the Cabinet Secretary.

(3) The headquarters of the School shall be in Nairobi.

(4) The Cabinet Secretary may, from time to time in consultation with the Board of the School and by Order in the Gazette, establish campuses of the School at any place in Kenya.

Functions of the School 97. The functions of the School shall be to—
(a) provide in-service and pre-service training for trainers;
(b) design and develop curriculum, assess and award certificates with provision for recognition of prior learning and flexibility of transition between programmes;
(c) conduct professional development for trainers and offer capacity building to persons engaged in management of institutions;
(d) collaborate with local or foreign universities offering masters and doctorate of philosophy in technical education;
(e) provide research services in education, training and professional development of trainers;
(f) initiate technological development and innovation that supports economic, social, cultural, scientific and technological disciplines;
(g) collaborate with stakeholders in the execution of its functions; and
(h) Advise the Cabinet Secretary and county governments on matters regarding education, training and professional development of trainers.

<table>
<thead>
<tr>
<th>Composition of the Board of the School</th>
<th>98. (1) There shall be a Board of the School, which shall consist of the following members:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) a chairperson who shall be appointed by the President</td>
<td>(a) a chairperson who shall be appointed by the President</td>
</tr>
<tr>
<td>(b) the Principal Secretary responsible for technical and vocational education and training or his representative;</td>
<td>(b) the Principal Secretary responsible for technical and vocational education and training or his representative;</td>
</tr>
<tr>
<td>(c) the Principal Secretary responsible for finance or his designated representative;</td>
<td>(c) the Principal Secretary responsible for finance or his designated representative;</td>
</tr>
<tr>
<td>(d) one person nominated by the Kenya Association of Technical Training Institutions;</td>
<td>(d) one person nominated by the Kenya Association of Technical Training Institutions;</td>
</tr>
<tr>
<td>(e) one person nominated by the Kenya Engineering Technology Registration Board;</td>
<td>(e) one person nominated by the Kenya Engineering Technology Registration Board;</td>
</tr>
<tr>
<td>(f) four independent members appointed by the Cabinet</td>
<td>(f) four independent members appointed by the Cabinet</td>
</tr>
</tbody>
</table>
(g) the Chief Executive Officer of the School who shall be an *ex-officio* member.

(2) The appointment of the Chairperson of the Board of the School under sub-section (1) (a) and the independent members of the Board of the School under sub-section (1) (d), (e) and (f) shall be published in the *Gazette*.

| Qualifications of the Chairperson of the Board of the School | 99. A person shall be qualified for appointment as chairperson of the Board of the School under section 99 (1) (a) if that person—
| | (a) is a citizen of Kenya; |
| | (b) holds a degree from a university recognized in Kenya; |
| | (c) has at least fifteen years’ experience in technical and vocational education and training five of which must have been in senior leadership and management; and |
| | (d) meets the requirements of Chapter 6 of the Constitution. |

| Qualification of members of the Board of the School | 100. A person shall be qualified for appointment as a member of the Board of the School under Section 99 (1) (d) (e) and (f), if that person—
| | (a) is a citizen of Kenya; |
| | (b) holds a degree from a university recognized in Kenya; |
| | (c) has at least ten years’ experience in technical and vocational education and training or legal or financial matters; and |
| | (d) meets the requirements of Chapter 6 of the Constitution. |

| Powers of the Board of the School | 101. The Board of the School shall have powers to -
| | (a) manage, control and administer the assets of the School in such manner and for such purposes as best promotes the purposes for which the School is established; |
(b) open and operate a bank accounts subject to approval by the National Treasury;
(c) receive gifts, grants, donations or endowments made to the School or any other monies in respect of the School and make disbursements therefrom in accordance with the provisions of the law;
(d) in consultation with the Cabinet Secretary, determine the fees payable by trainees and the conditions under which fees is payable;
(e) enter into association, partnerships or linkages with any person or entity in order to facilitate the conduct of the functions of the Board of the School; and
(f) regulate the conduct and discipline of trainees of the School.

| Term limit | 102. The chairperson of the Board of the School appointed under section 99 (1) (a) and members of the Board of the School appointed under section 99 (1) (d) (e) and (f) shall hold office for a term of three years and shall be eligible for re-appointment for one further term subject to satisfactory performance |
| Vacancy of office of chairperson and members of the Board of the School | 103. (1) A chairperson of the Board of the School appointed under section 99 (1) (a) and members of the Board of the School appointed under section 99 (1) (d) (e) and (f) may at any time resign from office, in the case of the Chairperson by notice in writing to the President, and in the case of the other members, to the Cabinet Secretary.
(2) A chairperson of the Board of the School appointed under section 99 (1) (a) and members of the Board of the School appointed under section 99 (1) (d) (e) and (f) may be removed from office, in the case of the Chairperson by the President, and in any other case by the Cabinet Secretary, if the Chairperson or member, as the case may be, - |
(a) has been absent from three consecutive meetings of the Board of the School without permission of the Chairperson or in the case of a Chairperson without permission of the President;
(b) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
(c) is found to have been in breach of chapter six of the Constitution;
(d) is adjudged bankrupt or enters into a composition scheme or arrangement with creditors; or
(e) is incapacitated by physical or mental illness and is unable to perform their duty.

| Chief Executive Officer of the School | 104. (1) There shall be a Chief Executive Officer of the School who shall be appointed by the Board of the School following an open, transparent and competitive process.  
(2) The Chief Executive Officer of the school shall hold office for a term of three years and shall be eligible for re-appointment for one further term of a period not exceeding three years  
(3) The Chief Executive Officer of the School and shall—  
(a) responsible for the day-to-day administration and management of affairs and staff of the School;  
(b) responsible for executing the decisions of the Board of the School;  
(c) custodian of all records of the School; and  
(d) undertaking any other duties, as assigned by the Board of the School. |
| Vacancy of office of the Chief Executive Officer of the School | 105. (1) The Chief Executive Officer of the School may at any time resign from office by notice in writing to the Board of the School.  
(2) The Chief Executive Officer of the School may be removed from office if the person—  
(a) is convicted of a criminal offence and sentenced to |
imprisonment for a term exceeding six months;
(b) is in breach of chapter six of the Constitution;
(c) is adjudged bankrupt or enters into a composition scheme or arrangement with creditors; and
(d) is incapacitated by physical or mental illness from discharging their duties.

<table>
<thead>
<tr>
<th>Corporation Secretary of the School</th>
<th>106. The provisions relating to the appointment of the Corporation Secretary of the Authority as set out in sections 20 shall apply, mutatis mutandis, to the appointment of the Corporation Secretary of the School.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff of the School</td>
<td>107. The Board of the School may appoint staff as may be necessary for the proper discharge of its functions under this Part or any written law, upon such terms and conditions of the service as the Board of the School may determine.</td>
</tr>
<tr>
<td>Delegation by the Board of the School</td>
<td>108. The provisions relating to the delegation by the Board of the Authority as set out in sections 22 shall apply, mutatis mutandis, to the delegation by the Board of the School.</td>
</tr>
</tbody>
</table>

**PART X – FINANCIAL PROVISIONS**

<table>
<thead>
<tr>
<th>Financial year</th>
<th>109. The financial year of the public institutions, the Authority, the Trainers Council, the Certification Council and the School shall be the period of twelve months ending on the thirtieth June in every year.</th>
</tr>
</thead>
</table>
| Funds of public national polytechnics, public technical and vocational colleges, the Authority, the Trainers Council, the Certification Council and the School | 110. The funds of the Authority, the Trainers Council, the Certification Council, the School, a public National Polytechnic and public Technical Vocational College, shall consist of—

(a) money appropriated by Parliament;
(b) sums payable pursuant to this Act;
(c) sums payable pursuant to any gift;
(d) money vested in the public National Polytechnic, the public Technical Vocational College, the Authority, the Trainers Council, the Certification...
| Funds of public vocational training centres | 111. The funds of the public Vocational Training Centres shall consist of—  
(a) money appropriated by the respective County Assembly;  
(b) sums payable pursuant to this Act;  
(c) sums payable pursuant to any gift;  
(d) money vested in the public Vocational Training Centres; and  
(e) money from any other source provided for under any written law. |
| Annual estimates | 112. (1) Before the commencement of each financial year, the Principals of the public institutions, the Chief Executive Officer of the Authority, the Chief Executive Officer of the Trainers Council, the Chief Executive Officer of the Certification Council and the Chief Executive Officer of the School shall prepare the estimates of the revenue and expenditure of the public institutions, Authority, Trainers Council, Certification Council and School respectively.  
(2) The annual estimates prepared under sub section (1) shall provide for—  
(a) the payment of salaries, allowances and other charges in respect of the staff of public institutions, Authority, Trainers Council, Certification Council and School;  
(b) the payment of pensions, gratuity and other retirement benefits of the staff of the public institutions, Authority, Trainers Council, Certification Council and School;  
(c) the acquisition and maintenance of the assets of the public institutions, the Authority, the Trainers Council, the |
(d) the creation of reserve funds to meet future or contingent liabilities the public institutions, the Authority, the Trainers Council, the Certification Council and the School may deem as appropriate.

(3) The annual estimates shall be approved by Parliament or county assembly as the case may be before the commencement of the financial year to which they relate.

### Books of accounts and audit

113. (1) The Principals of public institutions, the Chief Executive Officer of the Authority, the Chief Executive Officer of the Trainers Council, the Chief Executive Officer of the Certification Council and the Chief Executive Officer of the School shall keep all proper books and records of accounts of the income, expenditure, assets and liabilities of the institutions.

(2) Within a period of three months after the end of each financial year, the Principals of public institutions, the Chief Executive Officer of the Authority, the Chief Executive Officer of the Trainers Council, the Chief Executive Officer of the Certification Council and the Chief Executive Officer of the School shall submit to the Auditor-General the books and records kept under subsection (1) together with –

- (a) a statement of the income and expenditure of the public institutions, the Authority, the Trainers Council, the Certification Council and the School; and
- (b) a statement of the assets and liabilities of the public institutions, the Authority, the Trainers Council, the Certification Council and the School as at the last day of the financial year.

(3) The books and records kept under subsection (1) shall be audited in accordance with the Public Audit Act, 2015.

### Investment of funds

114. (1) The Board of the Authority, the Board of the Trainers Council and the School;
Council, the Board of the Certification Council and the Board of the School and the Boards of Management of public institutions may invest money not immediately required for the operational expenses of the Authority, Trainers Council, Certification Council, the School or the public institutions in any security which the National Treasury approves.

(2) The Board of the Authority, the Board of the Trainers Council, the Board of the Certification Council and the Board of the School and the Boards of Management of public institutions may place on deposit money not immediately required for the operational expenses of the Authority, Trainers Council, Certification Council, the School or the public institutions with such bank or banks as the Boards may determine.

**PART XI- MISCELLANEOUS PROVISIONS**

<table>
<thead>
<tr>
<th>Data Protection</th>
<th>115. Any data under this Act shall be processed in accordance with the provisions of the Data Protection Act, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Penalties</td>
<td>116. A person convicted of an offence under this Act for which no penalty is prescribed shall be liable to a fine not exceeding two million shillings or, in the case of a natural person, to imprisonment for a term not exceeding three years, or to both.</td>
</tr>
</tbody>
</table>
| Regulations     | 117. (1) The Cabinet Secretary may, upon consultation with stakeholders, make regulations for the better carrying out of the provisions of this Act.  
(2) Without prejudice to the generality of sub-section (1) the Cabinet Secretary may make regulations to provide for—  
(a) accreditation of institutions;  
(b) accreditation of programmes offered by foreign institutions;  
(c) suspension, revocation and closure of institutions;  
(d) standards of training;  
(e) procedure of Quality Assurance; |
(f) Registration of Trainers;
(g) Licensing of Assessors and Verifiers
(h) conduct of assessment;
(i) professional development programmes for trainers; and
(j) the fees payable under this Act.
(k) any other matter

(4) For the purposes of Article 94 (6) of the Constitution –

(a) the delegation to Cabinet Secretary and County Executive Committee members under this section shall be limited to making regulations for the better implementation of this Act; and

(b) the authority to make regulations of the Cabinet Secretary and County Executive Committee members under this section shall be limited to the purpose of bringing to effect this Act.

Common Seal

118. (1) The Common Seal of the Authority, the Trainers Council, the Certification Council and the School shall be kept in the custody of the respective Corporation Secretary and shall not be used except on the direction of the Board of the Authority, the Board of the Trainers Council, the Board of the Certification Council and the Board of the School.

(2) The affixing of the Common Seal of the Authority, the Trainers Council, the Certification Council and the School shall be authenticated by the signatures of the respective Chairpersons and the Chief Executive Officers of the Authority, the Trainers Council, the Certification Council and the School and any document required by law to be made under seal and all decisions of the Board of the Authority, the Board of the Trainers Council, the Board of the Certification Council and the Board of the School shall be authenticated by the signatures of the respective Chairpersons and the Chief Executive Officers of the Authority, the Trainers Council, the
Certification Council and the School.
(3) The Board of the Authority, the Board of the Trainers Council, the Board of the Certification Council and the Board of the School, in the absence of the respective Chairpersons or the Chief Executive Officers, shall nominate one member of the respective Board to authenticate the Seal of the Authority, the Trainers Council, the Certification Council and the School.

<table>
<thead>
<tr>
<th>Protection from personal liability</th>
<th>119. Any thing done by the Chairpersons or any member of the Board of the Authority, the Board of the Trainers Council, the Board of the Certification Council, the Board of the School or the Board of Management of public institution, any member of staff or agent of the Authority, the Trainers Council, the Certification Council, the School or public institution, if the thing is done in good faith for executing a power or performance of a function under this Act, shall not render the chairperson, member of the Board, staff or agent, personally liable to any action, claim or demand whatsoever.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liability for Damages</td>
<td>120. This Act shall not relieve the Authority, the Trainers Council, the Certification Council, the School or public institution of the liability to pay damages to any person for any injury or loss caused in the exercise of any power or performance of any function under this Act.</td>
</tr>
</tbody>
</table>

**PART XII - DISPUTE RESOLUTION**

<table>
<thead>
<tr>
<th>Review of decisions of the institutions</th>
<th>121. (1) Any person or institution aggrieved by a decision of the public institutions may, within twenty-one (21) days from the date of the communication of the decision, apply for review to the Institutions. (2) The Institutions shall, on receipt of an application under subsection (1), make a determination and communicate its decision to the aggrieved person or institution within thirty days.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of decisions of the Authority</td>
<td>122. (1) Any person or institution aggrieved by a decision of the Authority may, within twenty-one (21) days from the date of the</td>
</tr>
</tbody>
</table>
communication of the decision, apply for review to the Authority. (2) The Authority shall, on receipt of an application under subsection (1), make a determination and communicate its decision to the aggrieved person or institution within thirty days.

<table>
<thead>
<tr>
<th>Review of decisions of the Trainers Council</th>
<th>123. (1) Any person or institution aggrieved by a decision of the Trainers Council may, within twenty-one (21) days from the date of the communication of the decision, apply for review to the Trainers Council. (2) The Trainers Council shall, on receipt of an application under subsection (1), make a determination and communicate its decision to the aggrieved person or institution within thirty days.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of decisions of the Certification Council</td>
<td>124. (1) Any person or institution aggrieved by a decision of the Certification Council may, within twenty-one (21) days from the date of the communication of the decision, apply for review to the Certification Council. (2) The Certification Council shall, on receipt of an application under subsection (1), make a determination and communicate its decision to the aggrieved person or institution within thirty days.</td>
</tr>
<tr>
<td>Review of decisions of the School</td>
<td>125. (1) Any person or institution aggrieved by a decision of the School may, within twenty-one (21) days from the date of the communication of the decision, apply for review to the School. (2) The School shall, on receipt of an application under subsection (1), make a determination and communicate its decision to the aggrieved person or institution within thirty days.</td>
</tr>
<tr>
<td>Appeal to the Tribunal</td>
<td>126. (1) A person or institution aggrieved by the decision of the public institutions, the Authority, the Trainers Council, Certification Council or the School and, an application under sections 88, 89, 90, 91 or 92 has not been invoked within twenty-one (21) days of communication of the decision, may appeal to the Education Appeals Tribunal. (2) A person or institution dissatisfied with the decision upon review</td>
</tr>
</tbody>
</table>
made under sections 88, 89, 90, 91 or 92, within twenty-one (21) days of communication of the decision, may appeal to the Education Appeals Tribunal.

### PART XIII—REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

| Repealed Laws | 127. (1) The Technical and Vocational Education and Training Act, No. 29 of 2013 is repealed.  
(2) The Industrial Training Act, Cap 237 is repealed.  
(3) The Kenya School of Technical and Vocational Education and Training Order, 2022 is revoked. |
| Savings of actions undertaken | 128. Any register kept, registration effected, certificate issued, notice issued, return submitted or other actions undertaken by a former agency under the repealed Acts, immediately before the commencement of this Act, shall be deemed to have been undertaken under this Act. |
| Transfer of asset, liabilities, legal proceedings and staff | 129. (1) Any assets and liabilities of a former agency subsisting immediately before the commencement of this Act shall at the commencement of this Act –  
(a) in the case Technical and Vocational Education and Training Authority established under section 6 of the Technical and Vocational Education and Training Act, 2013 be deemed to be an asset and liability of the Authority.  
(b) in the case of Technical and Vocational Education and Training Curriculum Development, Assessment and Certification Council established under section 44 of the Technical and Vocational Education and Training Act, 2013 be deemed to be an asset and liability of the Certification Council.  
(c) in the case of the National Industrial Training Authority established under section 3 of the Industrial Training Act be deemed to be an asset and liability of the Certification Council. |
(d) in the case of the Kenya School of Technical and Vocational Education and Training established under paragraph 3 of the Kenya School of Technical and Vocational Education and Training Order, 2022 be deemed to be an asset and liability of the School.

(2) Any legal proceedings in which a former agency is a party and are pending determination at the commencement of this Act –

(a)

in the case Technical and Vocational Education and Training Authority established under section 6 of the Technical and Vocational Education and Training Act, 2013 be deemed to be deemed to be legal proceedings to which the Authority is a party.

(b)

in the case of Technical and Vocational Education and Training Curriculum Development, Assessment and Certification Council established under section 44 the Technical and Vocational Education and Training Act, 2013 be deemed to be legal proceedings to which the Certification Council is a party.

(c)

in the case of the National Industrial Training Authority established under section 3 of the Industrial Training Act be deemed to be legal proceedings to which the Certification Council is a party.

(d)

in the case of the Kenya School of Technical and Vocational Education and Training established under paragraph 3 of the Kenya School of Technical and Vocational Education and Training Order, 2022 be deemed to be legal proceedings to which the School is a party.
(3) Any member of staff of a former agency at the commencement of this Act –

(a) in the case Technical and Vocational Education and Training Authority established under section 6 of the Technical and Vocational Education and Training Act, 2013 be deemed to be a member of staff of the Authority.

(b) in the case of Technical and Vocational Education and Training Curriculum Development, Assessment and Certification Council established under section 44 of the Technical and Vocational Education and Training Act, 2013 be deemed to be a member of staff of the Certification Council.

(c) in the case of the National Industrial Training Authority established under section 3 of the Industrial Training Act to be deemed to be a member of staff of the Certification Council.

(d) in the case of the Kenya School of Technical and Vocational Education and Training established under paragraph 3 of the Kenya School of Technical and Vocational Education and Training Order, 2022 be deemed to be a member of staff of the School.

Interpretation of this Part

130. In this Part, “former agency” means -

(a) The Technical and Vocational Education and Training Authority established under section 6 of the Technical and Vocational Education and Training Act, 2013.

(b) The Technical and Vocational Education and Training Curriculum Development, Assessment and Certification
Council established under section 44 of the Technical and Vocational Education and Training Act, 2013.

(c) The National Industrial Training Authority established under section 3 of the Industrial Training Act.

(d) The Kenya School of Technical and Vocational Education and Training established under paragraph 3 of the Kenya School of Technical and Vocational Education and Training Order, 2022

**FIRST SCHEDULE**


1. The Boards or the Council shall meet as often as necessary for the transaction of business, but not more than three months shall elapse between the date of one meeting and that of the next meeting.

2. The Chairperson may at any time, and shall upon written request by a majority of the members, call a special meeting of the Board or the Council.

3. The Chairperson shall preside at every meeting of the Boards or the Council at which he or she is present, but in the absence of the Chairperson the members present may elect one from among their number to preside.

4. The quorum for a meeting of the Boards or the Council shall be five members.

5. Unless a unanimous decision is reached, a decision on any matter before the Boards or the Council shall by a majority of the members present, and in the case of an equality of votes the Chairperson or person presiding shall have a casting vote.

6. A member who has a direct or indirect interest in a matter being considered or to be considered by the Board shall, at the beginning of the meeting where the matter is to be considered disclose the
nature of such interest, and shall not be present during any deliberations on the matter.

7. The Boards or the Council shall cause the minutes of all proceedings of its meetings to be recorded and kept and shall be signed by the Chairperson or the person presiding at the meeting.