



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE INDUSTRIAL TRAINING ACT

CAP. 237

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Kenya

Industrial Training Act

Cap. 237

Legislation as at 20 April 1974

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Industrial Training Act (Cap. 237)

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INDUSTRIAL TRAINING ACT

CAP. 237

Assented to on 3 November 1959

Commenced on 16 May 1960 by [Industrial Training Act Commencement](#)

[Amended by [Kenya Order in Council, 1963 \(Legal Notice 245 of 1963\)](#) on 23 April 1963]

[Amended by [Kenya \(Amendment of Laws\) \(Miscellaneous Amendments\)](#)

[Regulations, 1963 \(Legal Notice 462 of 1963\)](#) on 1 June 1963]

[Amended by [Kenya \(Amendment of Laws\) \(Written Laws\)](#)

[Order, 1963 \(Legal Notice 2 of 1964\)](#) on 12 December 1963]

[Amended by [Kenya \(Amendment of Laws\) \(Miscellaneous Amendments\)](#)

[\(No. 4\) Order, 1964 \(Legal Notice 236 of 1964\)](#) on 12 December 1963]

[Amended by [Statute Law \(Miscellaneous Amendments\) Act, 1966 \(Act No. 21 of 1966\)](#) on 12 July 1966]

[Amended by [Industrial Training \(Amendment\) Act, 1971 \(Act No. 3 of 1971\)](#) on 29 January 1971]

[Amended by [Statute Law \(Miscellaneous Amendments\) Act, 1974 \(Act No. 4 of 1974\)](#) on 20 April 1974]

An Act to make provision for the regulation of the training of apprentices and other persons in industry

1. Short title

This Act may be cited as the Industrial Training Act, 1959.

2. Interpretation

In this Act, unless the context otherwise requires—

"apprentice" means a person who is bound by a written contract to serve an employer for a determined period of not less than four years, or such lesser period as the Council shall determine under subsection (2) of [section 20](#) of this Act, with a view to acquiring knowledge, including theory and practice, of a trade in which the employer is reciprocally bound to instruct that person;

"Board" deleted by Act [No. 3 of 1971](#), s. 2;

"Committee" means a Training Committee established under [section 4A](#) of this Act;

"Controller" deleted by Act [No. 3 of 1971](#), s. 2;

"Council" means the National Industrial Training Council established under [section 4](#) of this Act;

"Director" means the Director of Industrial Training appointed under [section 3](#) of this Act;

"indentured learner" means a person, other than an apprentice, who is bound by a written contract to serve an employer for a determined period of less than four years with a view to acquiring knowledge of a trade in which the employer is reciprocally bound to instruct that person;

"inspector" means an inspector appointed by the Minister under the provisions of [section 23](#) of this Act;

"labour officer" means any person appointed to the public service as the Labour Commissioner, a Deputy Labour Commissioner, an Assistant Labour Commissioner, a Senior Labour Officer or a Labour Officer;

"minor" means a person under the age of fifteen years;

"scheme" means a scheme made under [section 21](#) of this Act;

"the Minister" means the Minister for the time being responsible for matters relating to labour;

"trade" means a skilled occupation;

"training levy order" means an order made under subsection (1) of [section 5B](#) of this Act.

[Act [No. 3 of 1971](#), s. 2.]

3. Appointment of Director and Assistants

- (1) There shall be a Director of Industrial Training and such number of Assistant Directors of Industrial Training as may be necessary for the purposes of this Act.
- (2) Every Assistant Director of Industrial Training may, subject to the directions of the Director, perform any act or discharge any duty which may lawfully be performed or is required to be discharged by the Director under this Act.

[Act [No. 3 of 1971](#), ss. 3, 10(1)(b).]

4. Establishment of National Training Council

- (1) There shall be a National Industrial Training Council for the purposes of this Act consisting of a chairman and not less than twelve other members appointed by the Minister, of whom—
 - (a) four shall be chosen to represent employers;
 - (b) four shall be chosen to represent employees; and
 - (c) not less than four shall be chosen to represent other interests.
- (2) A Vice-Chairman shall be appointed by the Minister from among the members.
- (3) The Director or his representative shall act as a secretary to the Council.
- (4) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Council and where he does so thereat, he shall have all the powers of, and be deemed to be, the Chairman of the Council under this Act.
- (5) A quorum of the Council shall be the Chairman or Vice-Chairman and five other members, and in the case of an equality of votes, the Chairman or Vice-Chairman, as the case may be, shall have a casting vote.
- (6) The Chairman and members of the Council shall hold office for such period, not exceeding four years, as shall be specified at the time of their appointment, and a retiring member shall be eligible for reappointment.

[Act [No. 3 of 1971](#), s. 4.]

4A. Training Committees

- (1) The Council may establish training committees to exercise functions of the Council in relation to training in specified industries.
- (2) A Committee shall consist of nine persons appointed, in writing, by the Council, of whom—
 - (a) three shall be chosen to represent employers in the industry concerned;
 - (b) three shall be chosen to represent employees in the industry concerned; and
 - (c) three shall be chosen to represent other interests, and the Council shall appoint a Chairman and a Vice-Chairman from among the members of the Committee chosen under paragraph (c) and (a) respectively of this subsection.
- (3) The Chairman and other members of a Committee shall hold office for such period not exceeding three years as may be specified at the time of appointment, and a retiring member shall be eligible for reappointment.

- (4) A quorum of a Committee shall be the Chairman or Vice-Chairman and three other members, and in case of an equality of votes, the Chairman or Vice-Chairman, as the case may be, shall have a casting vote.
- (5) The Director or his representative shall act as the secretary to any Committee.
- (6) A Committee shall exercise on behalf of the Council such functions of the Council as the Council delegates to it in writing, and shall exercise these functions in consultation with the Director.

[Act [No. 3 of 1971](#), s. 4.]

5. Duties and functions of Council

Without prejudice to the provisions of this Act, the Council shall perform the following duties and functions—

- (a) it shall at the request of the Labour Commissioner, and may of its own motion, investigate and make recommendations to the Labour Commissioner on any matters connected with this Act;
- (b) it shall investigate any dispute or other matter arising out of a contract of apprenticeship or indentured learnership referred to it by the Director, and shall endeavour to settle such dispute amicably;
- (c) it shall perform such duties and functions in regard to any other matter concerning apprenticeship or indentured learnership as may be prescribed.
- (d) it shall ensure an adequate supply of properly trained manpower at all levels in industry;
- (e) it shall secure the greatest possible improvement in the quality and efficiency of Industrial Training;
- (f) it shall share the cost of training as evenly as possible between employers.

[Act [No. 3 of 1971](#), ss. 5, 10(1)(a).]

5A. Duties and functions of Committees

- (1) A Committee shall, from time to time, and whenever so directed by the Council submit to the Council proposals for the raising and collection of a training levy on employers in the industry in respect of which the Committee is established.
- (2) The Minister may, by notice in writing, require the Council to exercise its power of direction under subsection (1) of this section in respect of any industry specified in the notice within such time as may be so specified.
- (3) Where a Committee—
 - (a) has failed to comply within a reasonable time with a direction of the Council under subsection (1) of this section to submit proposals for the raising and collection of a levy; or
 - (b) has submitted such proposals which appear to it unsatisfactory, the Council may direct the Committee to submit

such proposals or, as the case may be, fresh proposals, within a specified time, and if it directs the Committee to submit fresh proposals it shall specify in the direction in what respects the proposals already submitted appear to it unsatisfactory and if the Committee fails to comply with the direction or the proposals submitted in pursuance of which it appears to the Council unsatisfactory the Council may make an order declaring the Committee to be in default.

- (4) On the making of an order under sub-section (3) of this section the members of the Committee shall forthwith vacate their office and the order may contain such provisions as seem to the Council

expedient for authorizing any person to act in the place of the member of the Committee during such period, not exceeding six months, as may elapse before new members are appointed.

- (5) If the proposals of a Committee, or of a person acting under subsection (4) of this section, are approved by the Council, the Council shall submit such proposals to the Minister.

[Act [No. 3 of 1971](#), s. 6.]

5B. Training levies

- (1) The Minister may make a training levy order for the purpose of giving effect to proposals submitted by the Council and approved by him, and the order may provide for the amendment of any previous training levy order and may make different provisions in relation to different classes or descriptions of employer.
- (2) A training levy order may contain provisions as to the evidence by which a person's liability to the levy or his discharge of that liability may be established, and as to the time at which any amount payable by any person by way of the levy shall become due and the manner in which it shall be recoverable by the Director.
- (3) If any person fails to pay any amount payable by him by way of the training levy within the time prescribed by the training levy order a sum equal to five per cent of such amount shall be added to the amount for each month or part of a month thereafter that the amount due remains unpaid.
- (4) Any person who fails to comply with any provision of a training levy order shall be guilty of an offence.

[Act [No. 3 of 1971](#), s. 6.]

5C. Disbursement powers of Director

- (1) All monies received in respect of a training levy order shall be paid into a Training Levy Fund established in respect of the industry to which that order relates.
- (2) The Director, acting on the advice of the Council, may make payments out of a Training Levy Fund to persons in the industry in respect of which that Fund is established for any of the following purposes—
 - (a) the payment of maintenance and travelling allowance to persons attending training courses;
 - (b) the making of grants or loans to persons providing courses or training facilities;
 - (c) the payment of fees to persons providing further education in respect of persons who receive it in association with their training; and
 - (d) the reimbursement of an employer for all or part of his training costs including fees, instruction costs materials costs and wages of apprentices or indentured learners while attending training courses.
- (3) In any case where the Council withholds its approval for any payment, or the Director refuses to make a payment approved by the Council, being a payment proposed under the provisions of subsection (2) of this section, the matter shall be referred to the Minister whose decision thereon shall be final.

[Act [No. 3 of 1971](#), s. 6.]

6. Permission to employ apprenticeship Council

- (1) (a) No person shall employ an apprentice without having first obtained the written permission of the Director so to do.

- (b) The Director's permission as aforesaid shall specify the maximum number of apprentices who may be employed at any one time by the person to whom the permission is given.
- (2) No permission shall be given under this section unless the person applying therefor satisfies the Director that his establishment offers reasonable opportunities for the proper training of the apprentice or the number of apprentices proposed to be employed by him.
- (3) Any person aggrieved by any decision of the Director under this section may appeal therefrom to the Labour Commissioner whose decision thereon, after consultation with the Council, shall be final.
- (4) Any person who—
 - (a) employs an apprentice without having first obtained the written permission of the Director to employ apprentices; or
 - (b) having obtained the written permission of the Director to employ apprentices, employs at any one time a number of apprentices in excess of the maximum number specified in such written permission,

shall be guilty of an offence.

[Act [No. 3 of 1971](#), s. 10(1)(b).]

7. Permission to employ indentured learners

- (1) (a) No person shall employ an indentured learner without having first obtained the written permission of the Director so to do.
- (b) The Director's permission as aforesaid shall specify the maximum number of indentured learners who may be employed at any one time by the person to whom the permission is given.
- (2) No permission shall be given under this section unless the person applying therefor satisfies the Director that his establishment offers reasonable opportunities for the proper training of the indentured learner or the number of indentured learners proposed to be employed by him.
- (3) Any person aggrieved by any decision of the Director under this section may appeal therefrom to the Labour Commissioner whose decision thereon, after consultation with the Council, shall be final.
- (4) Any person who—
 - (a) employs an indentured learner without having first obtained the written permission of the Director to employ indentured learners; or
 - (b) having obtained the written permission of the Director to employ indentured learners, employs at any one time a number of indentured learners in excess of the maximum number specified in such written permission,

shall be guilty of an offence.

[Act [No. 3 of 1971](#), s. 10(1)(b).]

8. Who may bind himself as an apprentice or indentured learner

- (1) Any person who—
 - (a) has attained the apparent age of fifteen years, and
 - (b) has completed any period of compulsory education required by law, and

- (c) has, in the case of a trade or occupation in respect of which a scheme has been made, the qualifications prescribed under that scheme, and
- (d) has been certified fit as provided in [section 10](#) of this Act, may, subject to the provisions of subsection (3) of this section, bind himself as an apprentice or as an indentured learner in any trade or occupation.

(2) No person who does not qualify therefor under the the provisions of subsection (1) of this section shall bind himself as aforesaid.

(3) A person who is a minor shall not bind himself as aforesaid except with the consent of his parent or guardian or, if there is no parent or guardian, with the consent of District Officer or labour officer.

(4) A minor who, with such consent as aforesaid, binds himself as an apprentice or indentured learner shall be bound by the contract of apprenticeship or indentured learnership, as the case may be, throughout its currency notwithstanding that he may have in the meantime attained his majority.

[[LN 236 of 1964](#), Act [No. 236 of 1964](#), Act [No. 3 of 1971](#), Sch.]

9. *Repealed*

Repealed by Act [No. 3 of 1971](#)

10. Medical examination of apprentices and indentured learners

Every person before entering into a contract of apprenticeship or indentured learnership shall be medically examined at the expense of the employer by a medical practitioner; and a medical certificate to the effect that such person is fit to be employed in the trade concerned shall be obtained by the employer.

11. Registration of contracts of apprenticeship or indentured learnership

- (1) Every contract of apprenticeship or indentured learnership made after the commencement of this Act shall be in such form as may be prescribed or, where no form has been prescribed, in a form approved by the Director.
- (2) An employer who enters into a contract of apprenticeship or indentured learnership with any person shall, within fourteen days thereafter, lodge, in such manner as may be prescribed, with the Director for registration
 - (a) the contract of apprenticeship or indentured learnership;
 - (b) a duplicate or copy thereof;
 - (c) a further copy thereof for filing by the Director;
 - (d) the medical certificate obtained under [section 10](#) of this Act.
- (3) Any employer who fails to comply with the provisions of subsection (2) of this section shall be guilty of an offence.
- (4) No contract of apprenticeship or indentured learnership made after the commencement of this Act shall be binding until it has been registered by the Director.
- (5) The Director may refuse to register any contract of apprenticeship or indentured learnership if, in his opinion, it is not in the interests of the person who is the apprentice or indentured learner thereunder, or if it is not made in accordance with the provisions of a scheme; and he may, in coming to a decision under this subsection, have regard, in addition to any other circumstances, to such person's prospects of obtaining employment, at the expiration of such contract, in the trade or occupation in which he seeks to bind himself as apprentice or indentured learner.
- (6) Any party dissatisfied with the refusal of the Director to register a contract may appeal to the Labour Commissioner within thirty days of the date upon which the decision of the Director is

communicated to him and the Labour Commissioner's decision, after consultation with the Council, shall be final.

- (7) In every case where the Director registers a contract under this Act, he shall—
 - (a) endorse the particulars of registration thereon and on the duplicate or copy referred to in paragraph (b) of subsection (2) of this section and return the contract and the duplicate or copy thereof to the employer; and
 - (b) file the copy referred to in paragraph (c) of subsection (2) of this section.
- (8) The employer shall deliver the duplicate or copy which has been endorsed as aforesaid to the apprentice or indentured learner for him to keep.

[Act [No. 3 of 1971](#), s. 10(1)(b) & Sch.]

12. Transfer of contracts of apprenticeship or indentured learnership

- (1) The rights and obligations of an employer under any contract of apprenticeship or indentured learnership may, with the consent of the apprentice or indentured learner there under and with the approval of the Director, be transferred to another employer.
- (2) The Director may withhold his approval under this section if, in his opinion, the transfer is not in the interests of the apprentice or indentured learner.
- (3) Subject to the provisions of subsection (5) of this section, no transfer of the rights and obligations of an employer under any contract of apprenticeship or indentured learnership shall take effect until the instrument of transfer—
 - (a) has been reduced to writing and has been signed by or on behalf of the employer transferring such rights and obligations and the employer to whom such rights and obligations are being transferred and by the apprentice or indentured learner, as the case may be; and where such apprentice or indentured learner is a minor, has been signed also by his parent or guardian or, if he has no parent or guardian, has been signed by a Assistant Regional Government Agent or a labour officer; and
 - (b) has been registered by the Director in manner prescribed by subsection (4) of this section.
- (4) The employer to whom the rights and obligations under a contract of apprenticeship or indentured learnership are being transferred as aforesaid shall, within one month of the date on which the instrument of transfer is signed by him, lodge, in such manner as may be prescribed, such instrument with the Director for registration, and any such employer who fails so to lodge such instrument shall be guilty of an offence.
- (5) (a) Where, under any contract of apprenticeship or indentured learnership, an apprentice or indentured learner is employed by two or more persons in partnership, unless the apprentice or indentured learner shall otherwise elect his contract of apprenticeship or indentured learnership shall not be terminated by reason only of the death or retirement of any partner if the business of the partnership is continued by the surviving or continuing partner or partners whether alone or jointly with another person or persons and the rights and obligations of the employer under such contract shall be deemed to be transferred to the person or partners continuing the business.
- (b) Such person or partnership shall, within one month of the date of such death or retirement, lodge the contract, in the same manner as if it were an agreement to transfer, with the Director, who shall certify thereon that the employer's rights and obligations under such contract have been transferred to such person or partnership under the provisions of this subsection.

[[LN 245 of 1963](#), [LN 462 of 1963](#), Act [No. 3 of 1971](#), s. 10(1)(b).]

13. Termination of contracts

- (1) Without prejudice to the provisions of [section 15](#) of this Act, any contract of apprenticeship or indentured learnership may be terminated—
 - (a) by mutual agreement of the parties thereto, with, in the case of an apprentice or indentured learner who is a minor, the same consent as is requisite for binding himself as an apprentice or indentured learner; or
 - (b) by the Director at the instance of any party thereto if he is satisfied that it is expedient so to do; or
 - (c) by the Director at the instance of the Council.
- (2) The employer shall give notice to the Director of the termination of any contract under paragraph (a) of subsection (1) of this section and any employer who fails to give such notice within a period of one month after the date of such termination shall be guilty of an offence.
- (3) The Director shall not exercise the powers conferred upon him by paragraph (b) of subsection (1) of this section unless he has given both parties to the contract an opportunity to be heard by, or to make representations to, him.
- (4) The fact of termination shall be endorsed by the Director upon the registered copy of the contract of apprenticeship or indentured learnership.
- (5)
 - (a) Any party dissatisfied with the action of the Director in terminating a contract of apprenticeship or indentured learnership may appeal to the Labour Commissioner within two months of the date upon which the decision of the Director is communicated to him.
 - (b) The Labour Commissioner shall consult the Council on the matter of the appeal and, in the event of his setting aside the decision of the Director, he may make such direction with regard to the payment of any wages which would have been payable to the apprentice or indentured learner if the contract had not been terminated as he considers just and any sum so directed to be paid may be recovered by the apprentice or indentured learner from the employer as a civil debt recoverable summarily.
- (6) The decision of the Labour Commissioner under subsection (5) of this section shall be endorsed by the Director upon the registered copy of the contract of apprenticeship or indentured learnership.
- (7) A contract terminated under this section shall be terminated for all purposes but without prejudice to any right of action which may have accrued before the date of such termination.

[Act [No. 3 of 1971](#), s. 10(1)(b).]

14. Enticement of apprentices or indentured learners

Any person who induces or attempts to induce an apprentice or indentured learner to quit the service of his employer, or who employs a person who he knows is bound by a contract of apprenticeship or indentured learnership to any other person shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

15. Probationary period

- (1) Without prejudice to the provisions of [section 13](#) of this Act, the first six months of every contract of apprenticeship or indentured learnership shall be a period of probation during or at the expiration of which the contract may be terminated by either party; and any agreement to the contrary, whether expressed or implied, shall be null and void without, however, affecting the validity of any other part of the agreement of which it forms part.

(2) The employer shall give notice to the Director of the termination of any contract under the provisions of subsection (1) of this section, and any employer who fails to give such notice within a period of one month after the date of such termination shall be guilty of an offence.

[Act [No. 3 of 1971](#), s. 10(1)(b) & Sch.]

16. Suspension of apprentice or indentured learner

- (1) If an employer is satisfied that an apprentice or indentured learner bound to him by contract under this Act has committed a serious breach of the terms of such contract or of any conditions of apprenticeship or indentured learnership applicable to such apprentice or indentured learner he may forthwith suspend the apprentice or indentured learner.
- (2) An employer who has suspended an apprentice or indentured learner shall report the matter in writing to the Director within three days of the suspension and the Director shall then investigate the matter and may confirm or set aside the suspension of the apprentice or indentured learner or vary the term thereof.
- (3) Whether or not a complaint has been lodged by the employer, the Director may order the suspension of an apprentice or indentured learner pending investigation and, if he does so, he shall report his action to the Council.
- (4) Where the Director sets aside the suspension of an apprentice or indentured learner the employer shall pay to the apprentice or indentured learner such wages as may have been withheld from him during the period of suspension.
- (5) Any employer who fails to report the suspension of an apprentice or indentured learner in accordance with the provisions of this section shall be guilty of an offence.

[Act [No. 3 of 1971](#), s. 10(1)(b).]

17. Records to be kept by employers

- (1) Every employer who employs an apprentice or indentured learner shall keep in respect of every such apprentice or indentured learner records of the remuneration paid to, and of the time worked by, every such apprentice or indentured learner, and such other particulars as may be prescribed.
- (2) Such records shall be kept in such form and manner as may be prescribed:
Provided that the Director may, after consultation with the Council, in writing signed by him, authorize the keeping of such records in some other form if the records so kept will in his opinion enable him to ascertain therefrom the required particulars.
- (3) Every person who employs or has employed an apprentice or indentured learner shall retain any record made in accordance with this section for a period of three years after the date of the last entry in the record.
- (4) Every employer who fails to keep the required records in the proper form and manner and every employer and former employer who fails to retain any record made in accordance with this section for the required period shall be guilty of an offence.

[Act [No. 3 of 1971](#), s. 10(1)(b).]

18. Limitations in regard to method of payment, overtime

Notwithstanding the provisions of any other law for the time being in force in the Colony, any term of a contract of apprenticeship or indentured learnership or any condition of apprenticeship or indentured learnership which-

- (a) provides that the whole or any part of the wages of an apprentice or indentured learner shall be based upon the quantity of work done, or

(b) requires an apprentice or indentured learner under seventeen years of age to work overtime, shall be null and void.

[Act [No. 3 of 1971](#), Sch.]

19. Certificate of apprenticeship and indentured learnership

- (1) The employer of an apprentice or indentured learner shall, at the request of the apprentice or indentured learner, on the satisfactory completion of the contract of apprenticeship or indentured learnership, make out a certificate of apprenticeship or indentured learnership, as the case may be, in such form and manner as may be prescribed, submit the same to the Director for countersignature and, when countersigned, give it to the apprentice or indentured learner.
- (2) If any employer fails to give such a certificate then, without prejudice to any penalty to which the employer may be liable in respect of such failure, it shall be lawful for the Director, having first made such enquiries as may be necessary and possible, to give such a certificate himself.
- (3) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence.
- (4) Any person who knowingly gives to an apprentice or indentured learner a certificate under this section which is untrue in any material particular shall be guilty of an offence.

[Act [No. 3 of 1971](#), s. 10(1)(b).]

20. Miscellaneous powers of Director

- (1) If an apprentice or indentured learner is absent from work for a period of thirty days or more, or for a number of periods amounting in the aggregate to thirty days or more, the Director may, if he considers it expedient, order that the term of his contract of apprenticeship or indentured learnership be extended by the number of days on which he is absent, and the contract shall stand extended accordingly.
- (2) Where it is proved to the satisfaction of the Council that a person has undergone previous technical training relevant to the trade or occupation in which he desires to be apprenticed, the Council may authorize the Director to reduce the period of apprenticeship to be served by such person to such lesser period as it shall determine.
- (3) The Director shall have all the powers of an inspector under this Act.

[Act [No. 3 of 1971](#), ss. 8, 10(1)(b) & Sch.]

21. Training schemes

- (1) The Labour Commissioner may, after consultation with the Council and subject to the provisions of [section 22](#) of this Act, make a scheme or schemes for regulating the training of apprentices or indentured learners in any trade or occupation:
Provided that no scheme shall revoke or vary any term of any contract of apprenticeship or indentured learnership registered before the date of making of such scheme.
- (2) A scheme may, in respect of any trade or occupation to which it relates, specify—
 - (a) the qualifications, including age and educational standard, required for apprentices or for indentured learners in that trade or occupation;
 - (b) without prejudice to the provisions of subsection (2) of [section 20](#) of this Act, the period of apprenticeship or indentured learnership (which shall not exceed seven years in the case of apprenticeship and shall be less than four years in the case of indentured learnership) applicable to that trade or occupation;

- (c) the practical training which employers shall provide for apprentices or indentured learners in their employ in that trade or occupation;
- (d) the theoretical training in that trade or occupation which shall be provided by or at the expense of employers for their apprentices or indentured learners or which apprentices or indentured learners shall undergo, and the manner in which such training shall be provided or undergone;
- (e) the proficiency tests or examinations which apprentices or indentured learners in that trade or occupation shall be required to undergo from time to time;
- (f) the maximum number of ordinary working hours which apprentices or indentured learners in that trade or occupation may be required or permitted to work during any week or on any day, and the days on which, the hours on any day before or after which, and the intervals during which no apprentice or indentured learner in that trade or occupation may be required or permitted to work;
- (g) the maximum period of overtime which apprentices or indentured learners in that trade or occupation may be required or permitted to work on any day or during any specified period;
- (h) the minimum number of paid holidays to be allowed to apprentices or indentured learners in that trade or occupation during any year of their apprenticeship or indentured learnership;
- (i) the remuneration and other conditions which shall apply in respect of any period during which an apprentice or indentured learner in that trade or occupation is unable by reason of any condition of apprenticeship or indentured learnership or other specified circumstances to render service to his employer during ordinary working hours;
- (j) any other matter which in the opinion of the Labour Commissioner, after consultation with the Council, is necessary for the effective operation of the scheme.

- (3) The Labour Commissioner may, in any scheme, provide that the conditions of apprenticeship or indentured learnership specified therein, or any of them, shall apply in respect of apprentices or indentured learners either generally or in any area of the Colony.
- (4) Different conditions of apprenticeship or indentured learnership may be specified under this section in respect of different classes of employers or apprentices or indentured learners, and different specified trades or occupations; and in prescribing such different conditions the Labour Commissioner may apply any method of differentiation he may deem advisable.
- (5) A scheme may be amended by a subsequent scheme or by an order made by the Labour Commissioner on the advice of the Council.

[Act [No. 3 of 1971](#), Sch.]

22. Making of schemes—procedure

- (1) Before making a scheme, the Labour Commissioner shall publish once in the *Gazette* and twice, with an interval of at least seven but not more than fourteen days between each publication, in a newspaper published and circulating in the Colony, a notice of his intention to make a scheme specifying a place where copies of a draft thereof may be inspected and a time, which shall not be less than thirty days from the first date of such publication, within which any objection to such draft scheme shall be sent to the Labour Commissioner.
- (2) Every such objection shall be in writing and shall state—
 - (a) the specific grounds of objection, and
 - (b) the deletions (if any) from, or additions or modifications (if any) to, the scheme requested by the objector, and the Labour Commissioner shall consider any such objection made by or on behalf of any person appearing to him to be affected, if such objection has been sent to him

within the time specified as aforesaid, and he may, but shall not be bound to, consider any other objection.

(3) At the expiration of the time specified for the making of objections as aforesaid the Labour Commissioner may, after consideration in consultation with the Council of all objections which he is required by subsection (2) of this section to consider—

- (a) withdraw the draft scheme, or
- (b) make the scheme under [section 21](#) of this Act in the terms of the draft of the scheme published as aforesaid, or
- (c) make the scheme under [section 21](#) of this Act subject to such deletions from, or additions or modifications to, the draft of the scheme published as aforesaid as he thinks necessary:

Provided that no deletion from, or addition or modification to, any scheme shall be made under this paragraph if, in the opinion of the Labour Commissioner, such deletion, addition or modification effects important alterations in the character of the draft of such scheme published as aforesaid.

(4) The Labour Commissioner may amend a draft scheme otherwise than as permitted under paragraph (c) of subsection (3) of this section, but in such case all the provisions of this section shall apply to such amended draft scheme as if it were an original draft scheme.

(5) Where the Labour Commissioner makes a scheme, he shall publish notice thereof in the same manner as is provided in subsection (1) of this section for the publication of a notice of intention to make a scheme specifying a place where copies of the scheme may be inspected.

[Act [No. 3 of 1971](#), Sch.]

22A. Supervision of apprentices or indenture learners

- (1) Every employer of apprentices or indentured learners shall appoint by name, from among his employees—
 - (a) a person responsible for supervising generally the training of apprentices or indentured learners under the provisions of this Act and of any relevant scheme; and
 - (b) at every premises or worksite where apprentices or indentured learners are regularly employed for a period of not less than three months, an apprentice or indentured learner master, who shall be responsible for day-to-day guidance of the apprentices or indentured learners in matters concerning their trade or occupation.
- (2) The Director may, by notice to an employer in writing, disapprove the appointment of any apprentice or indentured learner master deemed by him not to be competent for the purpose of this Act, and such notice may specify the nature of the training which the Director requires the apprentice or indentured learner master to undertake before his appointment may be re-approved.
- (3) Where twenty-five or more apprentices and or indentured learners are employed at any one premises or worksite, the apprentice or indentured learner master shall devote the whole of his time during normal working hours to apprentice or indentured learner guidance; and where the number of apprentices and or indentured learners so employed is less than twenty-five the apprentice or indentured learner master shall devote that proportion of his time to apprentice or indentured learner guidance as the number of apprentices and or indentured learners employed bears to twenty-five.
- (4) An employer who fails to make any appointment required by subsection (1) of this section, or who fails to ensure that the provisions of subsection (3) of this section are observed shall be guilty of an offence.

[Act [No. 3 of 1971](#), s. 9.]

23. Appointment of inspectors

The Minister may appoint any labour officer or any person appointed to the public service as an Inspector of Factories, a Trade Testing Officer or a Labour Inspector, to be an inspector for all or any of the purposes of this Act.

24. Powers of inspectors

- (1) An inspector may--
 - (a) at any reasonable time enter any premises in which he has reasonable cause to believe that an apprentice or indentured learner is or has within the previous six months been employed and take with him any interpreter or other assistant or a police officer;
 - (b) examine, with respect to matters under this Act, every person whom he finds on premises entered under the provisions of paragraph (a) of this subsection or whom he has reasonable cause to believe to be or to have been within the preceding six months employed on such premises, and require every such person to be so examined;
 - (c) require any apprentice or indentured learner to appear before him at a time and place fixed by the inspector and then and there question that apprentice or indentured learner;
 - (d) require the production or delivery up of any of the records required to be kept under this Act or any rules made thereunder, and of any document relating thereto or relating, with respect to matters under this Act, to the business of any person whom the inspector has reasonable cause to believe is or was within the preceding six months the employer of an apprentice or indentured learner;
 - (e) examine and make extracts from and copies of any such documents produced or delivered up as afore-said.
- (2) Any person who--
 - (a) refuses or fails to comply to the best of his ability with any requirement made by an inspector under this section; or
 - (b) hinders an inspector in the exercise of his powers under this section, shall be guilty of an offence:

Provided that no one shall be required under this section to answer any question or to give any information tending to in criminate himself.
- (3) Any inspector exercising, or seeking to exercise any of the powers specified in subsection (1) of this section shall, on being required to do so, produce written evidence of his appointment.

25. Disclosure of information an offence

Any member of the Board or any public officer who discloses to any person, except for the purposes of the performance of his duties or the exercise of his powers under this Act, any information in relation to the financial affairs or plant or equipment of any person, which information was acquired in the performance of his duties or the exercise of his powers under this Act, shall be guilty of an offence:

Provided that nothing in this section shall apply to the disclosure of information made for the purposes of any criminal proceedings which may be taken whether by virtue of this Act or otherwise or for the purposes of a report of any such proceedings.

[Act [No. 3 of 1971](#), s. 10(1)(a).]

26. Existing contracts of apprenticeship

- (1) Every contract of apprenticeship existing at the commencement of this Act shall continue in force and be reduced to writing and executed and registered in accordance with the procedure laid down in section 11 of this Act within four months of the date of commencement of this Act.
- (2) It shall be the duty of every employer under a contract of apprenticeship existing at the commencement of this Act to ensure that the requirements of subsection (1) of this section are duly fulfilled in relation to such contract, and every employer who fails in such duty shall be guilty of an offence but without prejudice to the continuance in force of the contract.

27. Bankruptcy

Where, under the provisions of subsection (1) of section 38 of the Bankruptcy Act, a contract of apprenticeship or indentured learnership is discharged by the apprentice or indentured learner giving notice in writing to the trustee in bankruptcy to that effect, the trustee shall, within a period of one month of receiving such notice, notify the Director thereof, and failure so to notify the Director shall be an offence, without prejudice however to the complete discharge of the contract.

[Act No. 3 of 1971, s. 10(1)(b).]

28. Penalties

Any person who commits an offence under this Act in respect of which no penalty is specially provided shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

29. Rules

- (1) The Minister may make rules generally for carrying into effect the provisions of this Act and, in particular, may make rules prescribing—
 - (a) the form of any contract of apprenticeship or indentured learnership and the matters for which provision shall be made in such contract;
 - (b) the manner in which educational standards or birth may be proved;
 - (c) the nature of returns which employers may from time to time be required to furnish to the Director and the period within which those returns shall be so furnished;
 - (d) the procedure for the registration and transfer of contracts of apprenticeship or indentured learnership and for the notification of the expiration or termination of such contracts;
 - (e) the form and manner in which certificates of apprenticeship or indentured learnership are to be issued by employers;
 - (f) all or any matters which by this Act are required or permitted to be prescribed.
- (2) Different rules may be made under subsection (1) of this section in respect of different classes of employers or apprentices or indentured learners and of different trades or occupation and in making such rules the Minister may apply any method of differentiation he may deem advisable.

[Act No. 3 of 1971, s. 10 (1)(b)& Sch.]

30. Exemptions

- (1) The Labour Commissioner, with the approval of the Council, may, in the case of any particular contract, exempt any person from any provision of this Act or of any rule made thereunder or from any condition of apprenticeship or indentured learnership contained in any scheme.

(2) Any such exemption may at any time be withdrawn by the Labour Commissioner with the approval of the Council.

31. Institution of proceedings

Any labour officer may institute proceedings in respect of any offence under this Act or any rules made thereunder and may appear and prosecute in such proceedings.

32. This Act shall bind the Government

This Act to bind the Government.

Provided that nothing in this Act shall apply in relation to the armed forces

[[LN 236 of 1964](#), Sch., Act [No. 21 of 1966](#), Sch., Act [No. 4 of 1974](#), Sch.]

33. Amendment of Cap. 30

Section 38 of the Bankruptcy Ordinance is amended Amendment by inserting immediately after the word "may," which appears of Cap. 30 in subsection (2) thereof, the words "subject to the provisions of section 12 of the Industrial Training Ordinance, 1959,".

34. Repeal, amendment and application of certain provisions of Cap. 109

- (1) [Sections 22](#) to 31 inclusive (including the heading "Apprenticeship Contracts") and paragraph (q) of subsection (1) of section 87 of the Employment Ordinance are repealed.
- (2) Section 2 of the Employment Ordinance is amended by deleting the definition of "approved employer", which appears therein.
- (3) In proceedings under section 59 of the Employment Ordinance concerning a contract of apprenticeship or indentured learnership, the Director shall be entitled to be heard on the matter before the court.
- (4) The provisions of paragraph (b) of subsection (1) and of subsection (2) of section 68 of the Employment Ordinance shall not apply in relation to contracts of apprenticeship or indentured learnership.

[Act [No. 3 of 1971](#), s. 10(1)(b).]

35. Amendment of Cap. 111

The Employment of Women, Young Persons and Children Ordinance is amended—

- (a) by substituting for section 5 thereof a new section as follows—
 5. Restriction on employment of children in attendance on machinery,etc. (No. 48 of 1959).
 - (1) No child, other than one serving under a contract of apprenticeship or indentured learnership in accordance with the provisions of the Industrial Training Ordinance, 1959, shall be employed in any undertaking in attendance on any machinery.
 - (2) No child shall be employed in any opencast workings or sub-surface workings which are entered by means of a shaft or adit.; and
- (b) by substituting for the words "Subject to the provisions of the Employment Ordinance relating to apprenticeship contracts", which appear in section 18 thereof, the words "Subject to the provisions of the Industrial Training Ordinance, 1959, relating to contracts of apprenticeship or indentured learnership".