



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

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**THE KENYA SCHOOL OF TECHNICAL AND  
VOCATIONAL EDUCATION AND TRAINING ORDER**

NO. 123 OF 2022

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Kenya

Technical and Vocational Education and Training Act

## Kenya School of Technical and Vocational Education and Training Order

Legal Notice 123 of 2022

Legislation as at 31 December 2022

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# TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT

## KENYA SCHOOL OF TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ORDER LEGAL NOTICE 123 OF 2022

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### Part I – PRELIMINARY

#### 1. Citation

This Order may be cited as the Kenya School of Technical and Vocational Education and Training Order.

#### 2. Interpretation

In this Order, unless the context otherwise requires—

"Authority" means the Technical and Vocational Educational and Training Authority established under section 6 of the Act;

"Council" means the council of the Kenya School of Technical and Vocational Education and Training appointed under paragraph (6);

"financial year" means the period of twelve months commencing on the first July and ending on thirtieth June in the following year;

"former institution" means the Kenya Technical Trainers College existing immediately before commencement of this Order;

"member" means a member of the Council of the Kenya School of Technical and Vocational Education and Training;

"recognition of prior learning" means the consideration of knowledge, skills or competencies acquired through formal, non-formal or informal learning;

"student" means a person registered by the Kenya School of Technical and Vocational Education and Training for the purpose of obtaining a qualification of a programme offered by the School;

"the Board" means the board of the Technical and Vocational Education and Training Authority established under section 8 of the Act;

"the Principal" means the Principal of the Kenya School of Technical and Vocational Education and Training appointed under paragraph 9; and

"the School" means the Kenya School of Technical and Vocational Education and Training established under paragraph 3.

## **Part II – ESTABLISHMENT OF THE KENYA SCHOOL OF TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING**

### **3. Establishment of the Kenya School of Technical and Vocational Education and Training**

- (1) There is established a school to be known as 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 or disposing of both movable and immovable property;
  - (c) borrowing money;
  - (d) charging for services offered, with the approval of the Cabinet Secretary;
  - (e) entering into contracts; and
  - (f) 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.
- (3) The School shall be the successor to the Kenya Technical Trainers College existing immediately before commencement of this Order.

### **4. Campuses of the School**

The headquarters of the School shall be in Nairobi but the School may establish campuses at any place in Kenya.

### **5. Functions of the School**

- (1) The functions of the School shall be to—
  - (a) provide, directly or in collaboration with other institutions of higher learning, training for trainers;
  - (b) participate in technological development and innovation in economic, social, cultural, scientific and technological disciplines;
  - (c) contribute to industrial and technological development of Kenya in collaboration with industry and other organizations through transfer of technology;
  - (d) undertake research and community service;
  - (e) provide a multi-level system of post-training programmes relevant to the needs of the Technical and Vocational Education and Training sector covering a wide range of fields with provision for recognition of prior learning and flexibility of transition between programmes;
  - (f) conduct examinations and grant such academic awards as provided for under this Order; and
  - (g) collaborate with recognized universities to offer programmes leading to the award of an undergraduate degree in technical and vocational education and training.
- (2) The School shall have powers to grant certificates or other academic qualifications approved by the Authority.

- (3) Subject to this Order, the School may award scholarships, bursaries and prizes and make other awards which may be provided for by the Council.

## 6. Composition of the Council

- (1) The School shall be governed by a Council which shall consist of persons appointed by the Cabinet Secretary as follows –
- (a) a non-executive chairperson;
  - (b) the Principal Secretary responsible for technical and vocational education and training or his representative;
  - (c) the Principal Secretary responsible for finance or his representative;
  - (d) one person nominated by the Kenya Association of Technical Training Institutes;
  - (e) one person nominated by the Kenya Engineering Technology Registration Board;
  - (f) three independent members appointed by the Cabinet Secretary on the basis of their knowledge and experience in—
    - (i) leadership and management;
    - (ii) financial management; or
    - (iii) industry; and
  - (g) the Principal.
- (2) A person who is appointed as the chairperson or as a member under sub paragraph (1) (d), (e) or (f) shall hold office for a term of three years from the date of appointment and shall be eligible for re-appointment for one further term of a period not exceeding three years.
- (3) In appointing members of the Council, the Cabinet Secretary shall—
- (a) take into account ethnic and gender balance;
  - (b) promote inclusion of persons with disability, minorities and the marginalized;
  - (c) ensure balanced core skills and competencies amongst the members; and
  - (d) stagger the commencement dates of some members to maintain a proportion of new membership that ensures continuity in the services of the Council.

## 7. Vacation of office

- (1) Subject to the provisions of this Order, the office of the chairperson or a member of the Council shall become vacant if the chairperson or member—
- (a) resigns by notice in writing addressed to the Cabinet Secretary;
  - (b) is unable to perform the functions of office by reason of prolonged physical or mental incapacity;
  - (c) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition or scheme of arrangement for the benefit of creditors;
  - (d) is convicted of an offence and sentenced to imprisonment for a period of six months or more;
  - (e) has been absent from three consecutive meetings of the Council without leave; or
  - (f) where the member is a representative, has his appointment revoked by the nominating body.

- (2) Where the office of the chairperson or a member of the Council becomes vacant, the Cabinet Secretary may, subject to the provisions of this Order, appoint another person to fill the vacancy.

## 8. Functions of the Council

The Council shall—

- (a) oversee the conduct of education and training in the School;
- (b) promote and maintain standards, quality and relevance in education and training in the School;
- (c) administer and manage the property of the School;
- (d) develop and implement the strategic plan of the School;
- (e) prepare annual estimates of revenue and expenditure for the School and incur expenditure on behalf of the School;
- (f) receive, on behalf of the School, fees, grants, subscriptions, donations, bequests or other moneys and to make disbursement to the School or other bodies or persons;
- (g) determine the fees payable and prescribe conditions under which fees may be remitted in part or in whole;
- (h) mobilize resources for the School;
- (i) develop and review programmes for training;
- (j) regulate the admission and exclusion of students from the School, subject to a qualifications framework and the provisions of the Act;
- (k) approve collaboration or association with other institutions and industries in and outside Kenya subject to prior approval by the Board;
- (l) recruit and appoint trainers from among qualified professionals and practising trades persons in relevant sectors of industry;
- (m) determine suitable terms and conditions of service for support staff, trainers and instructors and remunerating the staff of the institutions, in consultation with the Authority;
- (n) make regulations governing organization, conduct and discipline of the staff and students;
- (o) prepare comprehensive annual reports on all areas of its mandate, including education and training services and submit the same to the Board;
- (p) provide for the welfare of the students and staff of the School; and Functions of the Council.
- (q) encourage, nurture and promote democratic culture, dialogue and tolerance in the School.

## 9. The Principal

- (1) There shall be a Principal of the School who shall be appointed by the Cabinet Secretary on the recommendation of the Council following a competitive recruitment process.
- (2) The Principal shall hold office for a term of five years and shall be eligible for re-appointment for one further term of a period not exceeding five years.
- (3) The Principal shall be the chief executive officer of the School and shall—
  - (a) be the Secretary to the Council and an *ex-officio* member of the Council;
  - (b) be the academic and administrative head of the School;
  - (c) have overall responsibility of the direction, organization, administration and programmes of the School; and

- (d) perform any other duties as may be assigned by the Council.

## 10. Committees

The Council may set up such committees as may be appropriate to perform such functions and discharge such responsibilities as it may determine, provided that the Council shall not delegate their principal mandate to the committees.

## 11. Council meetings

- (1) The Council shall meet as often as necessary for the transaction of business, but not more than four months shall lapse between the date of one meeting and that of the next meeting.
- (2) The chairperson may, on his own motion or upon requisition in writing by at least five members of the Council, convene a special meeting of the Council at any time for the transaction of specific business.
- (3) The chairperson shall preside at every meeting of the Council at which he is present, but in the absence of the chairperson the members present may elect one from among their number to preside a meeting.
- (4) The quorum for the conduct of business at a meeting of the Council shall be two-thirds of the total number of members of the Council.
- (5) Unless a unanimous decision is reached, a decision on any matter before the Council shall be made on the basis of a simple 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 Council shall, as soon as the relevant facts regarding the matter come to knowledge of the member, disclose the nature of such interest, and shall not be present during any deliberations on the matter.
- (7) The Council shall cause the minutes of all proceedings of its meetings to be recorded and kept, which shall be signed by the chairperson or the person presiding at the meeting.
- (8) Save as provided for in this Order, the Council may regulate its own procedure.

## 12. Staff of the School

- (1) The Council may, subject to the Public Service Act, employ the Principal and such staff as it considers necessary for the efficient discharge of the functions of the School.
- (2) The academic staff of the School shall consist of the Principal, the directors of institutes and campuses, the librarian and all members of staff who are engaged in teaching and research.
- (3) The senior management staff of the School shall consist of the Principal, the directors of departments, the Dean of students and directors of institutes and campuses and such other members of staff as the Council may from time to time determine.
- (4) The administrative staff of the School shall consist of the registrars, the finance officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.
- (5) The technical staff of the School shall consist of those staff engaged in laboratory and field instruction in the teaching departments under the general direction of the heads of the training departments, as the Council may from time to time determine.
- (6) The support staff of the School shall consist of those staff engaged in general duties as the Council may from time to time determine.

- (7) All members of the staff of the School shall, subject to this Order, be appointed either—
- (a) in the manner and upon the terms and conditions of service determined by the Council; or
  - (b) in the case of a person seconded to the service of the School from the service of another government institution, on terms and conditions agreed upon between the Council and the seconding body.
- (8) The Council may, subject to such restrictions as it may impose, delegate, either generally or specifically, to any person, committee, or body, the power to appoint any member of the staff of the School.
- (9) All members of staff of the School shall be—
- (a) subject to the general authority of the Council and of the Principal; and
  - (b) deemed to be employed in accordance with the human resource instruments approved by the Council.

### **13. The Academic Board**

- (1) There shall be the Academic Board of the School which shall consist of—
- (a) the Principal, who shall be the chairperson;
  - (b) the directors in charge of—
    - (i) finance and administration;
    - (ii) academic affairs;
  - (c) the directors of institutes and campuses;
  - (d) the heads of the teaching departments of the School; and
  - (e) the Librarian.
- (2) The director in charge of academic affairs shall be the secretary to the Academic Board.
- (3) The functions of the Academic Board shall be to—
- (a) assess and develop the content and academic standard of any course of study in respect of any diploma, certificate or other award of the School and make recommendations thereon to the Council;
  - (b) make proposals for consideration by the Council regarding the eligibility of persons for admission to any course of study;
  - (c) determine the persons who have attained the prescribed standard of proficiency and are fit to be granted a diploma, certificate or other award of the School and report its decision thereon to the Council;
  - (d) recommend to the Council the academic policy of the School;
  - (e) direct and regulate teaching and instruction within the School and the examinations held by the School, subject to the functions of the Council set out in paragraph 8;
  - (f) recommend to the Council for approval of diplomas and certificates to be conferred by the School; and
  - (g) consider and approve appointment of internal and external examiners.

**14. Performance of functions in the absence of the office holder**

- (1) In the event of the incapacity of the Principal, the Council may appoint one of the directors to carry out the functions of the Principal during the period of incapacity.
- (2) In the event of the simultaneous incapacity of the Principal and the directors, the Council may appoint any member of the academic staff of the School to perform the functions of the Principal during the incapacity.
- (3) In the event of the incapacity of a member of staff of the School other than the Principal and directors, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

**15. Common seal and signification of documents**

- (1) The common seal of the School shall be kept in such custody as the Council directs and shall not be used except upon the order of the Council.
- (2) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the School—
  - (a) where they are required to be under seal, if sealed with the common seal of the institution and authenticated by the chairperson and the Principal; or
  - (b) where they are not required to be under seal, if executed in that behalf by a member authorized by the Council for that purpose.
- (3) The common seal of the School when affixed to any document and duly authenticated under this paragraph shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

**16. Determination of fees**

The Council shall determine the fee to be charged for any service or for the use of any facility provided by the School.

**17. Protection of name**

- (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes together with the word "Kenya" together with either or all the words "School of Technical and Vocational Education and Training" unless the application for the registration is accompanied by the written consent of the Council.
- (2) Any person who except with the written consent of the Council, uses the word "Kenya" together with either or all the words "School of Technical and Vocational Education and Training" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or both to such fine and imprisonment.
- (3) Nothing in this paragraph shall be construed as preventing the bonafide use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the School.

### **Part III – FINANCIAL PROVISIONS**

#### **18. Funds of the School**

The funds of the School shall consist of—

- (a) funds allocated to the School by Parliament;
- (b) such sums as may be granted to the School by the Higher Education Loans Board pursuant to the provisions of any other written law;
- (c) such monies or assets as may accrue to or vest in the School in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law; and
- (d) all monies from any other source provided for, donated or lent to the School.

#### **19. Investment of funds**

- (1) The Council may invest any of the funds of the School in securities in which for the time being trustees may, by law, invest trust funds or in any other securities which the treasury may, from time to time, approve for the purpose.
- (2) The Council may, subject to the guidelines and regulations issued by the National Treasury, place on deposit with such bank or banks as the Council may determine, any monies not immediately required for the purposes of the School.

#### **20. Annual estimates**

- (1) Before the commencement of the financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of School for that year.
- (2) The annual estimates shall make provisions for all the estimated expenditure of the School for the financial year concerned, and in particular shall provide—
  - (a) for the payment of the salaries, allowances and other charges in respect of the staff of the School;
  - (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the School;
  - (c) for the proper maintenance of the buildings and grounds of the School;
  - (d) for the proper maintenance, repair and replacement of equipment and other movable property of the School;
  - (e) for the funding of the cost of teaching, research and outreach activities of the School; and
  - (f) for the creation of such funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.
- (3) In drawing its annual estimates and development plans, the School shall consult with the Ministry and other Government agencies responsible for grants given to technical institutions.
- (4) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

- (5) No expenditure shall be incurred for the purpose of the School except in accordance with the annual estimates approved under subparagraph (4) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

## **21. Accounts and audit**

- (1) The Council shall cause to be kept proper books of accounts of the income, expenditure and assets and of the School.
- (2) Within a period of four months from the end of each financial year, the Council shall submit to the Auditor-General, the accounts of the School together with—
  - (a) a statement of income and expenditure during that year; and
  - (b) a statement of the assets and liabilities of the School on the last day of that year.
- (3) The accounts of the School shall be audited in accordance with the Public Audit Act (Cap. 412B).
- (4) The Council shall furnish the Cabinet Secretary with a certified copy of the audited annual statement of accounts and such other information about the revenue, expenditure, assets and liabilities of the School as he may require.

## **22. Administrative instruments**

- (1) The Council shall, in the performance of its functions under this Order, develop administrative instruments generally for the governance, control and administration of the School and for the better carrying into effect of the purposes of this Order, and in particular for the—
  - (a) establishment of centres of excellence and institutes of the School;
  - (b) description of diplomas, certificates, and other academic qualifications;
  - (c) requirement for award of diplomas, certificates and other academic qualifications;
  - (d) conduct of examinations;
  - (e) fees and other charges;
  - (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the School; and
  - (g) the establishment, composition and terms of reference of committees of the Council.

## **Part IV – TRANSITIONAL PROVISIONS**

### **23. Revocation of L.N 115 of 2014.**

- (1) The Kenya Technical Trainers College Order, 2014 is revoked.
- (2) Notwithstanding subparagraph (1), the provisions of paragraph 24 shall apply with respect to the School.

### **24. Transitional provisions**

Upon the commencement of this Order—

- (a) any order or notice made or issued by the former institution shall be deemed to have been made or issued under this Order;
- (b) any function carried out by the former institution shall be deemed to have been carried out under this Order;

- (c) all assets and liabilities which immediately before the commencement of this Order were vested in the former institution and all rights, powers and duties, whether arising under any written law or otherwise which immediately before the coming into operation of this Order were vested in the former institution shall be transferred to, vested, imposed on, or be enforceable by or against the School; and
- (d) all actions, suits or legal proceedings by or against the former institution shall be carried out on, prosecuted by or against the School and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act;
- (e) all persons who were members of the staff of the former institution shall be members of staff of the School and shall be deemed to have been appointed under this Order on the terms and conditions of service applicable to them immediately before the commencement of this Order; and
- (f) any reference in any written law or in any document or instrument to the former institution shall be construed to be a reference to the School.