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**THE SIAYA NATIONAL POLYTECHNIC ORDER**

NO. 120 OF 2025

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Kenya

Technical and Vocational Education and Training Act

## The Siaya National Polytechnic Order

Legal Notice 120 of 2025

Legislation as at 10 July 2025

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# TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT

## THE SIAYA NATIONAL POLYTECHNIC ORDER LEGAL NOTICE 120 OF 2025

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### Part I – PRELIMINARY

#### 1. Citation

This Order may be cited as the Siaya National Polytechnic Order, 2025.

#### 2. Interpretation

In this Order, unless the context otherwise requires—

"Act" means the [Technical and Vocational Education and Training Act \(Cap. 210A\)](#);

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for technical and vocational education and training;

"Council" means the Council of Siaya National Polytechnic constituted under paragraph 5 of this Order;

"financial year" means the financial year of the polytechnic as provided under paragraph 19 of this Order;

"member" means a member of the Council of the Polytechnic;

"Polytechnic" means the Siaya National Polytechnic established under paragraph 3 of this Order;

"Principal" means the Principal of the Polytechnic appointed under paragraph 9 of this Order;

"staff" means any staff of the Polytechnic;

"student" means a person registered by the Polytechnic for the purpose of obtaining a qualification of a programme of study approved by a recognized body; and

"trainer" means a person registered under section [25\(1\)\(b\)](#) of the Act.

### Part II – ESTABLISHMENT OF THE POLYTECHNIC

#### 3. Establishment of the Polytechnic

- (1) There is established a Polytechnic to be known as the Siaya National Polytechnic.
- (2) The Polytechnic 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) receiving, investing and borrowing money; and

- (d) doing or performing and such other acts, including entering in such contracts, as may be necessary or expedient for the furtherance of the provisions of this Order, and which may lawfully be done by a body corporate.
- (3) The Polytechnic shall be the successor to the Siaya Institute of Technology existing immediately before the commencement of this Order.

#### **4. The objects and functions of the Polytechnic**

- (1) The objects and functions of the Polytechnic shall be to—
  - (a) provide, directly or in collaboration with other institutions of higher learning, facilities for technical, technological, professional, scientific education and training;
  - (b) participate in technological innovation as well as in the discovery, transmission, and enhancement of knowledge for economic, social cultural, scientific, and technological development;
  - (c) contribute to industrial and technological development of Kenya, in collaboration with industry and other organizations, through transfer of technology;
  - (d) promote and establish a culture of innovation in engineering and technology, and technology transfer amongst staff and students;
  - (e) develop an institution with excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application within and outside Kenya;
  - (f) provide a multi-level system of post-secondary school education and training programmes relevant to the needs of the community, covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between programmes;
  - (g) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting and other facilities;
  - (h) advance knowledge and its practical application by research and other means, the dissemination of outcomes of research by various means, and the commercial exploitation of search results;
  - (i) promote research within the polytechnic and in the general community;
  - (j) participate in commercial ventures and activities;
  - (k) foster the general welfare of all staff and students;
  - (l) provide opportunities for development and further training for staff of the Polytechnic;
  - (m) develop and provide educational, cultural, professional technical and vocational services to the community and in particular, foster corporate social responsibility;
  - (n) provide programmes, products and services in ways that reflect the principles of equity and social justice;
  - (o) facilitate student mobility between different programmes at different technical training institutions and other national polytechnics;
  - (p) conduct examinations for and grant such academic awards as may be provided under this Order; and
  - (q) collaborate with recognized universities for the conduct and award of degree programmes in technology.

- (2) The Polytechnic shall have powers to grant higher diplomas, diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the academic policy of the Polytechnic.
- (3) Subject to this Order, the Polytechnic may award scholarships, bursaries and prizes and any other awards which may be provided for by the academic policy.

### **Part III – MANAGEMENT OF THE POLYTECHNIC**

#### **5. The Council**

- (1) There shall be a Council of the Polytechnic which shall consist of nine persons appointed by the Cabinet Secretary as follows—
  - (a) the Chairperson;
  - (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to technical and vocational education and training;
  - (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance;
  - (d) five members appointed by the Cabinet Secretary by virtue of their knowledge and experience in—
    - (i) leadership and management;
    - (ii) financial management;
    - (iii) industry;
    - (iv) engineering;
    - (v) information communication technology; or
    - (vi) law; and
  - (e) the Principal, who shall be an *ex officio* member of the Council.
- (2) In appointing persons as members of the Council, the Cabinet Secretary shall ensure that—
  - (a) there is gender balance and ethnic diversity;
  - (b) the membership promotes inclusion of persons with disability, minorities and the marginalised; and
  - (c) there is a balanced core skills and competencies amongst members.
- (3) In appointing members of the Council, the Cabinet Secretary shall stagger the appointment of members to ensure continuity in the membership of the Council.

#### **6. Functions of the Council**

The Council shall—

- (a) ensure that a proper management structure is in place and that the structure maintains corporate integrity, reputation and responsibility of the Polytechnic;
- (b) monitor and evaluate the implementation of strategies, policies and management plans of the Polytechnic;
- (c) from time to time, review the financial sustainability of the Polytechnic; and

- (d) ensure that the Polytechnic complies with all the relevant laws, regulations, governance practices and accounting and auditing standards.

## **7. Committees**

- (1) The Council may establish such committees as may be appropriate to perform any of its functions and responsibilities as the Council may determine.
- (2) Notwithstanding the provisions of subparagraph (1), the Council shall not delegate its principal mandate to the committees.

## **8. Vacancy in membership of the Council**

- (1) The office of a member of the Council shall fall vacant if the holder of the office—
  - (a) resigns;
  - (b) dies; or
  - (c) is otherwise removed from office.
- (2) A member of the Council may be removed from office, if the member—
  - (a) is unable to perform the functions of office by reason of prolonged physical or mental incapacity;
  - (b) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition or scheme of arrangement for the benefit of creditors;
  - (c) is guilty of gross misconduct;
  - (d) contravenes Chapter Six or Thirteen of the Constitution; or
  - (e) is convicted of an offence and sentenced to imprisonment for a period of at least six months.
- (3) Where a vacancy occurs in the membership of the Council, the Cabinet Secretary may, subject to the provisions of this Order, appoint another person to fill the vacancy for the unexpired term of such member.
- (4) Notwithstanding the generality of the foregoing, the Cabinet Secretary may suspend any member of the Council suspected of having contravened Chapters Six or Thirteen of the Constitution to pave way for investigations.
- (5) Where a person who has been suspended in accordance with subparagraph (4) is found not culpable after investigations, the Cabinet Secretary shall reinstate the person as a member of the Council.

## **9. The Principal**

- (1) There shall be a Principal of the Polytechnic who shall be competitively recruited and appointed by the Cabinet Secretary on the recommendation of the Council.
- (2) The Principal shall hold office for a term of five years and shall be eligible for reappointment for one further term.
- (3) The Principal shall—
  - (a) be the chief executive officer of the Polytechnic;
  - (b) be the Secretary to the Council;
  - (c) be the academic and administrative head of the Polytechnic;
  - (d) subject to the direction of the Council, have overall responsibility of the direction, organization and administration of the programmes of the Polytechnic; and

- (e) have such powers and duties as may be provided by any written law.

## 10. Deputy Principals

- (1) The Council shall appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the statutes.
- (2) The Deputy Principal shall hold office on such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

## 11. Academic Board

- (1) There shall be an Academic Board of the Polytechnic whose membership shall consist of—
  - (a) the Principal, who shall be the Chairperson;
  - (b) the Deputy Principals;
  - (c) the deans of students;
  - (d) the directors of Institutes and Centres;
  - (e) the heads of the teaching departments of the Polytechnic;
  - (f) the librarian; and
  - (g) two members elected by the student's organization of the Polytechnic who shall not attend deliberations of the Academic Board on matters which are considered by the Chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.
- (2) The following persons may, on invitation by the Chairperson, attend the meetings of the Academic Board—
  - (a) the Registrars;
  - (b) the finance officer;
  - (c) the chief medical officer;
  - (d) the head of legal department;
  - (e) the head of procurement;
  - (f) two persons nominated by the staff association representing academic staff; and
  - (g) two persons nominated by the staff associations representing administrative staff.
- (3) The Academic Board shall—
  - (a) assess the content and academic standard of any course of study in respect of any diploma, certificate or other award of the Polytechnic and to report its findings thereon to the Council;
  - (b) approve and regulate programmes of study, and admission of students;
  - (c) propose for consideration by the Council the standard of proficiency to be gained in each examination for a diploma, certificate or other award of the Polytechnic;
  - (d) determine which students have attained the specified standard of proficiency and are otherwise fit to be granted a diploma, certificate, or other award of the Polytechnic and to report its decision thereon to the Council;
  - (e) approve programmes of study, regulate admission of students to the Polytechnic and determine their continuance or discontinuation in such programmes;

- (f) specify the conditions for qualifying for conferment of a diploma, certificate, award of various titles, distinction and other awards offered by the Polytechnic;
- (g) determine the academic policy of the Polytechnic and to advise the Council on the provision of facilities to carry out that policy;
- (h) direct and regulate the teaching and instruction within the Polytechnic and the examinations held by the Polytechnic, subject to the powers of Council;
- (i) make recommendations to the Council regarding the diplomas and certificates to be conferred by the Polytechnic;
- (j) consider and approve the award of scholarships, bursaries, prizes and any other awards which may be provided for by the academic policy of the Polytechnic;
- (k) approve diplomas, certificates, and other academic qualifications to be awarded by the Polytechnic; and
- (l) consider and approve appointment of internal and external examiners.

## **12. Management Board**

- (1) There is established a Management Board of the Polytechnic which shall consist of—
  - (a) the Principal, who shall be the Chairperson;
  - (b) the Deputy Principal for the time being in charge of Finance and Administration, who shall be the Secretary;
  - (c) Deputy Principals;
  - (d) the Registrar in charge of administration;
  - (e) the finance officer;
  - (f) such other member of the senior management as the Council may determine.
- (2) The Management Board shall assist the Principal in the day-to-day management of the Polytechnic and in particular be responsible for—
  - (a) the efficient management of the human, physical and financial resources of the Polytechnic;
  - (b) making proposals to the Council and the Academic Board on policies that apply across the entire institution;
  - (c) coordination of the strategic and development plans of the Polytechnic; and
  - (d) any other matters related to the management of the Polytechnic.

## **13. Performance of the functions in the absence of an office holder**

- (1) In the absence of the Principal, the Council may appoint an acting Principal from among the Deputy Principals as an acting Principal during the period of absence.
- (2) In the absence of the Principal and the Deputy Principals, the Council may appoint an acting Principal from among the senior members of the academic staff of the Polytechnic.
- (3) In the absence of a member of staff of the Polytechnic other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the period of absence.

#### 14. Staff of the Polytechnic

- (1) The staff of the Polytechnic shall consist of—
  - (a) the academic staff;
  - (b) the senior management staff;
  - (c) the administrative staff;
  - (d) the technical staff; and
  - (e) the support staff.
- (2) The academic staff of the Polytechnic shall consist of—
  - (a) the Principal;
  - (b) Deputy Principals;
  - (c) the librarian; and
  - (d) all members of staff who are engaged in teaching and research.
- (3) The senior management staff of the Polytechnic shall consist of—
  - (a) the Principal;
  - (b) the Deputy Principals;
  - (c) the dean of students;
  - (d) the directors of institutes; and
  - (e) such other members of staff as the Council may determine from time to time.
- (4) The administrative staff of the Polytechnic shall consist of—
  - (a) the Registrars;
  - (b) the finance officer; and
  - (c) such other members of staff, not being engaged in teaching or research, as the Council may determine from time to time.
- (5) The technical staff of the Polytechnic shall consist of those staff engaged in laboratory and field instruction in the teaching departments under the general direction of the heads of the teaching departments, as the Council may determine from time to time.
- (6) The support staff of the Polytechnic shall consist of those staff engaged in general duties as the Council may determine from time to time.
- (7) All members of the staff of the Polytechnic shall, subject to this Order, be appointed—
  - (a) in the manner and upon the terms and conditions of service specified by the Council; or
  - (b) in the case of a person seconded to the service of the Polytechnic from the service of another institution, the Government, or any other public body, 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 specially, to any person, committee or body the power to appoint any member of the staff of the Polytechnic.
- (9) Every member of staff of the Polytechnic shall be—
  - (a) subject to the general authority of the Council and of the Principal; and

- (b) employed in accordance with the statutes or as otherwise specifically provided by the statutes or by the terms of a particular appointment.

## **Part IV – CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL**

### **15. Meetings of the Council**

- (1) The Council shall meet as often as necessary for the transaction of business, but not more than four months shall elapse between the date of one meeting and that of the next meeting.
- (2) The Chairperson may at any time, upon written request by a majority of the members, call a special meeting of the Council.
- (3) The Chairperson shall preside at every meeting of the Council at which the Chairperson is present, but in the Chairperson's absence, the members present may elect an acting Chairperson from among their number to preside.
- (4) 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 the knowledge of the member, disclose the nature of such interest, and shall not be present during any deliberations on the matter.
- (5) 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.

### **16. Quorum**

The quorum for a meeting of the Council shall be seven members who shall include the five members appointed under paragraph 5.

### **17. Decisions of the Council**

Unless a unanimous decision is reached, a decision on any matter before the Council shall be made based on 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.

### **18. Rules of procedure**

Subject to this Order, the Council may regulate its own procedure.

## **Part V – FINANCIAL PROVISIONS**

### **19. Financial year**

The financial year of the Polytechnic shall be the period of twelve months commencing on the first of July and ending on thirtieth June in the following year.

### **20. Investment of funds**

- (1) The Council may invest any of the funds of the Polytechnic in securities in which for the time being the Council may, by law, invest trust funds or in any other securities which the Cabinet Secretary responsible for matters relating to finance may, from time to time, approve for that purpose.
- (2) The Council may, subject to the approval of the Cabinet Secretary responsible for matters relating to finance, place on deposit with such banks as it may determine, any monies not immediately required for the purposes of the Polytechnic.

## 21. Annual estimates

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

## 22. Accounts and audit

- (1) The Council shall cause to be kept all proper books of accounts of the income, expenditure, and assets and of the Polytechnic.
- (2) Within three months from the end of each financial year, the Council shall submit to the Auditor-General (State Corporations), the accounts of the Polytechnic together with—
  - (a) a statement of income and expenditure during that year; and
  - (b) a statement of the assets and liabilities of the Polytechnic on the last day of that year.
- (3) The accounts of the Polytechnic shall be audited in accordance with Public Audit Act ([Cap. 412B](#)).
- (4) The Auditor-General may transmit to the Cabinet Secretary a special report on any matter incidental to the Auditor-General's powers under this Order, and section 29 (3) and (4) of the Public Audit Act ([Cap. 412B](#)) shall, with the necessary modifications, apply to any report made under this paragraph.

## Part VI – MISCELLANEOUS PROVISIONS

### 23. Statutes

- (1) The Council shall make Statutes generally for the governance, control and administration of the Polytechnic and for the better carrying into effect of the purposes of this Order, and in particular for —
  - (a) the establishment of centres of excellence and campuses of the Polytechnic;
  - (b) the description of diplomas; certificates and other qualifications;
  - (c) the requirements for award of diplomas, certificates and other qualifications;
  - (d) the conduct of examinations;
  - (e) determining fees and other charges;
  - (f) setting the terms and conditions of service including the appointment, dismissal and recommendations of retirement benefits of members of staff of the Polytechnic;
  - (g) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
  - (h) providing for anything, which, under this Order, may be provided for or specified by the Statutes.
- (2) Notwithstanding subparagraph (1), the Council shall only initiate any action upon receipt of a report or proposal thereunder from the Academic Board, and shall not reject any such report, or amend any regulations as proposed without further reference to the Academic Board.
- (3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three fourths of the members present and voting, being not less than two thirds of the total membership of the Council.

### 24. Common seal of the Polytechnic

- (1) The common seal of the Polytechnic shall be kept in such custody as the Council directs and shall not be used except upon the order of the Council.
- (2) The common seal of the Polytechnic shall be authenticated by the signature of the Principal and other members of the Council duly authorized by the Council on their behalf, and of a Deputy Principal.
- (3) The common seal of the Polytechnic 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.

### 25. Protection of name

- (1) Notwithstanding the provisions of any other written law, a public officer performing functions relating to the registration of companies, business or societies shall not accept for such registration any name which includes the expression "Siaya" together with the words "National Polytechnic" 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 expression "Siaya" together with the words "National Polytechnic" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall, on conviction, be liable to the penalty provided under section 56 of the Act.

- (3) This paragraph shall not be interpreted as preventing the *bona fide* use by any person of any title in pursuance of the grant to the person of a degree, diploma, or certificate by Polytechnic.

## **26. Transition**

- (1) All rights, liabilities and assets held by anybody on behalf of the Siaya Institute of Technology, hereinafter referred to as "the former Institute", shall, upon such commencement, be automatically and fully transferred to the Polytechnic.
- (2) The staff of the former Institute who are in office immediately before the commencement of this Order shall be deemed to be the staff of the Polytechnic.
- (3) All the students of the former Institute who were pursuing courses at the Institute immediately before the commencement of this Order shall, upon such commencement, be allowed to complete such courses and be awarded the respective certificates of the Polytechnic.