



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE MITUNGUU NATIONAL POLYTECHNIC) ORDER

NO. 33 OF 2025

Revised and published by the National Council for Law Reporting
with the authority of the Attorney-General as gazetted by the Government Printer

www.kenyalaw.org

Kenya

Technical and Vocational Education and Training Act

The Mitunguu National Polytechnic) Order Legal Notice 33 of 2025

Legislation as at 14 February 2025

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FRBR URI: /akn/ke/act/ln/2025/33/eng@2025-02-14

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TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT

THE MITUNGUU NATIONAL POLYTECHNIC) ORDER LEGAL NOTICE 33 OF 2025

Published in Kenya Gazette on 14 February 2025

Commenced on 14 February 2025

Part I – PRELIMINARY

1. Citation

This Order may be cited as the Technical and Vocational Education and Training (Mitunguu National Polytechnic) Order, 2025.

2. Interpretation

In this Order, unless the context otherwise requires—

“Council” means the governing organ of the National Polytechnic constituted under paragraph 5;

“National Polytechnic” means the Mitunguu National Polytechnic established under paragraph 3;

“member” means a member of the Council of the National Polytechnic;

“Principal” means the principal of the National Polytechnic appointed under paragraph 8;

“staff” means the staff of the National Polytechnic appointed under paragraph 14; and

“student” means a person registered by the National Polytechnic for the purpose of obtaining a qualification of a programme of study approved by a recognised body.

Part II – ESTABLISHMENT OF THE NATIONAL POLYTECHNIC

3. Establishment of the National Polytechnic

- (1) There is established a National Polytechnic to be known as Mitunguu National Polytechnic.
- (2) The National 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 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 National Polytechnic shall be the successor to the Mitunguu Technical Training Institute existing immediately before the commencement of this Order.

4. Functions of the National Polytechnic

- (1) The functions of the National 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) promote 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 the transfer of technology;
 - (d) 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;
 - (e) provide high quality facilities to support education, research, residential, commercial, cultural, social, recreational, sporting and other services;
 - (f) collaborate with recognized universities for the conduct and award of degree programmes in technology; and
 - (g) facilitate student mobility between and across different programmes at different technical training institutions and other national polytechnics.
- (2) The National 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 National Polytechnic.
- (3) Subject to this Order, the National Polytechnic may award scholarships, bursaries, prizes and any other awards which may be provided for by the academic policy.

Part III – THE MANAGEMENT OF THE NATIONAL POLYTECHNIC

5. The Council

- (1) There shall be a Council of the National Polytechnic whose membership shall consist of the following persons appointed by the Cabinet Secretary—
 - (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) technology; and
 - (e) the principal, who shall be an *ex officio* member of the Council.
- (2) The appointment of the Council members shall—
- (a) consider ethnic and gender balance;
 - (b) promote inclusion of persons with disability, minorities and the marginalised; and
 - (c) ensure 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. Vacancy in the office of a member of the Council

- (1) Subject to the provisions of this Order, the office of a member of the Council shall become vacant if the 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 guilty of gross misconduct;
 - (e) contravenes Chapter Six or Thirteen of the Constitution;
 - (f) is convicted of an offence and sentenced to imprisonment for a period of at least six months; or
 - (g) dies.
- (2) Where the office of 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 for the unexpired term of such member.
- (3) 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.
- (4) Where a person who has been suspended in accordance with sub-paragraph (3) is found not culpable after investigations, the Cabinet Secretary shall reinstate the person as a member of the Council.

7. 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 National Polytechnic;
- (b) monitor and evaluate the implementation of strategies, policies and management plans of the National Polytechnic;
- (c) on an annual basis, review the financial sustainability of the National Polytechnic; and
- (d) ensure that the National Polytechnic complies with all the relevant laws, regulations, governance practices and accounting and auditing standards.

8. Committees

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

9. The Principal

- (1) There shall be a Principal of the National Polytechnic 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 reappointment for one further term.
- (3) The Principal shall –
 - (a) be the chief executive officer of the National Polytechnic;
 - (b) be the Secretary to the Council;
 - (c) be the academic and administrative head of the National Polytechnic;
 - (d) subject to the direction of the Council, have overall responsibility of the direction, organization and administration of the programmes of the National Polytechnic; and
 - (e) have such powers and duties as may be provided by any written law.
- (4) The office of the Principal shall become vacant if the Principal –
 - (a) resigns from office by notice in writing addressed to the Cabinet Secretary and copied to the Chairperson of the Council;
 - (b) is removed from office by the Cabinet Secretary on the recommendation of the Council, in which case the Principal shall be entitled to three months' notice or three months' pay in lieu of notice; or
 - (c) dies.

10. Deputy Principal

- (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 more term.

11. Academic Board

- (1) There shall be an Academic Board of the National 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 National Polytechnic;
 - (f) the librarian; and

- (g) two members elected by the student's organization of the National Polytechnic who shall however 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 National Polytechnic and to report its findings thereon to the Council;
 - (b) 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 National Polytechnic;
 - (c) 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;
 - (d) approve programmes of study, regulate admission of students to the Polytechnic and determine their continuance or discontinuation in such programmes;
 - (e) specify the conditions for qualifying for conferment of a diploma, certificate, award of various titles, distinction and other awards offered by the National Polytechnic;
 - (f) determine the academic policy of the National Polytechnic and to advise the Council on the provision of facilities to carry out that policy;
 - (g) direct and regulate the teaching and instruction within the National Polytechnic and the examinations held by the National Polytechnic, subject to the powers of Council;
 - (h) make recommendations to the Council for the diplomas and certificates to be conferred by the National Polytechnic;
 - (i) consider and approve the award of scholarships, bursaries, prizes and any other awards which may be provided for by the academic policy of the National Polytechnic;
 - (j) approve diplomas, certificates, and other academic qualifications to be awarded by the National Polytechnic; and
 - (k) consider and approve appointment of internal and external examiners.

12. Management Board

- (1) There shall be established a Management Board of the National Polytechnic whose membership shall consist of—
- (a) the Principal, who shall be the Chairperson;

- (b) the Deputy Principal (Finance and Administration);
 - (c) the Deputy Principals;
 - (d) the Registrar (Administration);
 - (e) the finance officer; and
 - (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 National Polytechnic and in particular be responsible for—
- (a) the efficient management of the human, physical and financial resources of the National 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 National Polytechnic; and
 - (d) any other matters related to the management of the National Polytechnic.

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

- (1) In the absence of the Principal, the Council may appoint 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 National Polytechnic.
- (3) In the absence of a member of staff of the National 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 National Polytechnic

- (1) The staff of the National 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 National Polytechnic shall consist of—
 - (a) the Principal;
 - (b) the 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 National 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 National 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 National 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 National 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 National 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 National 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 National Polytechnic.
- (9) Every member of staff of the National 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 Council, 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 National 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 National 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 National 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 National Polytechnic for that year.
- (2) The annual estimates shall make provisions for all the estimated expenditure of the National 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 National 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 National Polytechnic;
 - (c) the proper maintenance of the buildings and grounds of the National Polytechnic;
 - (d) the proper maintenance, repair and replacement of equipment and other movable property of the National Polytechnic;
 - (e) the funding of the cost of teaching, research and outreach activities of the National 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 National 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 National Polytechnic except in accordance with the annual estimates approved under sub-paragraph (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 National 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 National 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 sub-sections (3) and (4) of section 29 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 National 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 National 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 National 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 sub-paragraph (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 National Polytechnic

- (1) The common seal of the National 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 National 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 National 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 "Mitunguu" 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 "Mitunguu" 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 National Polytechnic.

26. Transition

- (1) All rights, liabilities and assets held by anybody on behalf of the Mitunguu Technical Training, hereinafter referred to as "the former Institute", shall, upon such commencement, be automatically and fully transferred to the National 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 National 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 awards of the National Polytechnic.