

THE REPUBLIC OF KENYA

LAWS OF KENYA

THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT

CAP. 210A

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

Cap. 210A

Legislation as at 31 December 2022

By Kenya Law and Laws.Africa. Share widely and freely.

www.kenyalaw.org | info@kenyalaw.org

FRBR URI: /akn/ke/act/2013/29/eng@2022-12-31

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution NonCommercial ShareAlike 4.0 License (CC BY-NC-SA 4.0). This license enables reusers to distribute, remix, adapt, and build upon the material in any medium or format for noncommercial purposes only, and only so long as attribution is given to the creator. If you remix, adapt, or build upon the material, you must license the modified material under identical terms. CC BY-NC-SA includes the following elements:

- BY: credit must be given to the creator.
- NC: Only noncommercial uses of the work are permitted.
- SA: Adaptations must be shared under the same terms.

Share widely and freely.

Technical and Vocational Education and Training Act (Cap. 210A)
Contents

Part I – PRELIMINARY 1
1. Short title 1
2. Interpretation 1
3. Guiding principles 2
4. Role of the Cabinet Secretary 3
5. Policy guidance by Cabinet Secretary 3
Part II – THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING AUTHORITY 3
6. Establishment of the Technical and Vocational Education and Training Authority 3
7. Functions of the Authority 3
8. The Board of the Authority 4
9. Director-General of the Authority 5
10. Staff of the Authority 6
Part III – FINANCIAL PROVISIONS 6
11. Financial year 6
12. Funds of the Authority 6
13. Annual estimates 6
14. Accounts and audit 7
15. Investment of funds 7
16. Vesting of property 8
Part IV – LICENSING, REGISTRATION AND ACCREDITATION OF INSTITUTIONS AND TRAINERS 8
17. Requirement for registration 8
18. Application for registration 8
19. Consideration of application 9
20. Registration and Licensing of institutions 9
21. Determination of a revised application 9
22. Accreditation of foreign institutions 9
23. Registration and licensing of trainers 9
24. Appeal against refusal 10
25. Registers 10
Part V – ORGANIZATION OF TRAINING INSTITUTIONS 10
26. Categories of institutions 10
27. Governance and management in Training 11
28. Organs of governance 11
29. Functions of the governing bodies of training institutions 11

30. Principal to be chief executive officer 12
Part VI – STANDARDS, QUALITY AND RELEVANCE IN TRAINING 12
31. Standards in training 12
32. Programs of instruction in training institutions 13
33. Monitoring and evaluation of training institutions 13
34. Appointment of monitors and evaluators 13
35. Offence to hinder or obstruct evaluation or monitoring 14
36. Notice to rectify 14
37. Closure of training institutions 14
Part VII – HARMONIZATION OF TRAINING QUALIFICATIONS 14
38. National and international standards and quality assurance 14
39. Integration of internships in training 14
40. Responsibility of institutions and quality assurance agencies in implementing of standards 14
41. Filing of annual report 14
42. Recognition and equation of certificates and diplomas 15
43. Certification of skill and competencies acquired on the job 15
Part VIII – THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING CURRICULUM DEVELOPMENT, ASSESSMENT AND CERTIFICATION COUNCIL 15
44. Establishment of Certification Council 15
45. Functions of certification Council 15
46. Composition of the Certification Council 16
Part IX – THE TECHNICAL AND VOCATIONAL EDUCATION TRAINING FUNDING BOARD 16
47. Establishment of the Fund 16
48. Membership of Funding Board 17
49. Financial year of the Funding Board 17
50. Annual estimates 18
51. Books of accounts and audits 18
Part X – MISCELLANEOUS PROVISIONS 18
52. Placement of students into technical and vocation education institutions 18
53. Common Seal 18
54. Protection from personal liability 18
55. Liability for damages 18
56. Penalties 19
57. Regulations and standards 19
58. Existing Institutions 19

FIRST SCHEDULE [s. 8(13)] 19
SECOND SCHEDULE [s. 28(3)] 20

TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT

CAP. 210A

Published in Kenya Gazette Vol. CXV—No. 46 on 15 March 2013

Assented to on 14 January 2013

Commenced
Note: 24th June 2013—section 1 to 43, 52 to 58; 26th May 2014—section 44 to 51

[Amended by Statute Law (Miscellaneous Amendments) Act, 2014 (Act No. 18 of 2014) on 8 December 2014]
[Revised by 24th Annual Supplement (Legal Notice 221 of 2023) on 31 December 2022]

An Act of Parliament to provide for the establishment of a technical and vocational education and training system; to provide for the governance and management of institutions offering technical and vocational education and training; to provide for coordinated assessment, examination and certification; to institute a mechanism for promoting access and equity in training; to assure standards, quality and relevance; and for connected purposes

Part I – PRELIMINARY

1. Short title

This Act may be cited as the Technical and Vocational Education and Training Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"accreditation" means the process by which the Board formally recognizes and confirms by certification that an institution has met and continues to meet the standards of academic, training and competence excellence set by the Board in accordance with the provisions of this Act;

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

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

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters related to technical and vocation education and training;

"certificate" means the level of qualification below diploma or its equivalent;

"Certification Council" means the technical and Vocational Education and Training Curriculum Development, Assessment and Certification Council established under section 44(1) of this Act;

"Commission" means the Commission for the time being in charge of university education;

"Diploma" means the level of qualification below degree and above a certificate;

"Fund" means the Technical and Vocational Education Fund established under section 47;

"institution" means an institution that promotes or offers technical and vocational education and training;

"National Polytechnic" means an institution declared a National Polytechnic in accordance with this Act;

"private institution" means an institution which is not a public institution;

"public institution" means an institution established or maintained by use of public funds or by the community;

"technical and vocational college" means an institution offering technical and vocational education and training at diploma level;

"technical trainer college" means an institution offering technical teachers training at higher diploma level;

"trainer" means a person registered under section 25(1)(b);

"training" includes technical, industrial and vocational education and training leading to an award of a certificate, diploma;

"university" means a university within the meaning of the Universities Act(Cap. 210);

"vocational training center" means an institution providing training leading to the awards below the level of diploma.

(2) *Spent.*

[Act No. 18 of 2014, Sch.]

3. Guiding principles

(1) In the discharge of its functions and exercise of their powers under this Act, the implementing authorities shall be guided by following principles—

(a) training shall be availed to all qualified Kenyans without discrimination;

(b) there shall be instituted appropriate mechanisms to promote access, equity, quality and relevance in training to ensure adequate human capital for economic, social and political development;

(c) training programmes shall take into account—

(i) the educational, cultural and social economic background of the people;

(ii) the technical and professional skills, knowledge and levels of qualification needed in the various sectors of the economy and the technological and structural changes to be expected;

(iii) the trends towards integration of information and communication technologies to multiply access and improve training capacity, delivery modes and life-long employability of graduates;

(iv) the employment opportunities, occupational standards and development prospects at the international, national, regional and local levels; and

(v) the protection of the environment and the common heritage of the country.

(2) There shall be no discrimination on grounds of race, colour, gender, religion, national or social origin, political or other opinions, economic status, or any other ground save as provided under this Act.

4. Role of the Cabinet Secretary

(1) The Cabinet Secretary in consultation with the other Ministries and the private sector involved in training shall develop policies and provide strategies for the development of a national training system.

(2) The Cabinet Secretary shall have the overall responsibility in the provision of training and shall, in collaboration with other Ministries and stakeholders, be responsible for promoting access, equity, quality and relevance in training.

5. Policy guidance by Cabinet Secretary

The Cabinet Secretary shall provide policy guidance on all matters relating to the implementation.

Part II – THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING AUTHORITY

6. Establishment of the Technical and Vocational Education and Training Authority

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

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

(a) suing and being sued;

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

(c) borrowing money;

(d) charging for services offered;

(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.

7. Functions of the Authority

(1) The functions of the Authority shall be to—

(a) regulate and co-ordinate training under this Act;

(b) accredit and inspect programmes and courses;

(c) advise and make recommendations to the Cabinet Secretary on all matters related to training;

(d) determine the national technical and vocational training objectives;

(e) promote access and relevance of training programmes within the framework of the overall national socio-economic development plans and policies;

(f) prescribe the minimum criteria for admission to training institutions and programmes in order to promote access, equity and gender parity;

(g) recognize and equate qualifications awarded by local or foreign technical and vocational education institutions in accordance with the Standards and guidelines set out by the Authority from time to time;

(h) develop plans, and guidelines for the effective implementation of the provisions of this Act;

(i) establish a training system which meets the needs of both the formal and informal sectors as provided under this Act;

(j) collect, examine and publish information relating to training;

(k) inspect, license, register and accredit training institutions;

(l) advise on the development of schemes of service for trainers;

(m) assure quality and relevance in programmes of training;

(n) liaise with the national and county governments and with the public and the private sector on matters relating to training;

(o) undertake, or cause to be undertaken, regular monitoring, evaluation and inspection of training and institutions to ensure compliance with set standards and guidelines;

(p) mobilize resources for development of training;

(q) ensure the maintenance of standards, quality and relevance in all aspects of training, including training by or through open, distance and electronic learning;

(r) approve the process of introduction of new training programmes and review existing programmes in Technical and Vocational Education and Training Board institutions;

(s) perform any other functions necessary for the better implementation of this Act.

(2) The Authority may where appropriate, with approval of the Cabinet Secretary, delegate the performance of any of its functions to a suitably qualified person or body.

(3) For the avoidance of doubt, the Authority shall be the sole body with the powers to perform the functions set out in this section.

[Act No. 18 of 2014, Sch.]

8. The Board of the Authority

(1) The Authority shall be governed by a Board consisting of nine members who shall be appointed by the Cabinet Secretary as follows—

(a) a chairperson;

(b) the Principal Secretary in the Ministry responsible for finance;

(c) the Principal Secretary in the Ministry responsible for technical and vocational education and training;

(d) the chief executive of the Fund;

(e) five persons who have proven knowledge and experience in technical and vocational education and training, legal and financial matters of whom at least two and not more than three shall be of the same gender.

(2) The chairperson and the members of the Board under subsection (1)(a) and (e) shall be appointed by the Cabinet Secretary only from a list of, in the case of the chairperson, three names, and in the case of other members, nine names submitted by a Selection Panel appointed by the Cabinet Secretary in accordance with subsection (3).

(3) The Selection Panel referred to in subsection (2) shall comprise a chairperson and four other persons appointed by the Cabinet Secretary as follows—

(a) a representative of the Public Service Commission;

(b) one person nominated by the body recognized as representing technologists and technicians;

(c) a representative of the Federation of the Kenya Employers; and

(d) one person to represent the body currently recognized as representing the interests of the private sector.

(4) The Selection Panel shall have power to regulate its own procedure.

(5) The Selection Panel shall advertise for the vacancies and publicize the applicants and shortlisted candidates in at least two newspapers with a wide national circulation.

(6) In appointing the members of the Board under this section, the Cabinet Secretary shall have regard to the objectives and needs of development of technical and vocational education and training and shall ensure that there are balanced competencies, gender equity, inclusion of persons with disabilities, the marginalized and other minority groups.

(7) The Selection Panel shall stand dissolved after the appointment of the members of the Board.

(8) The Director-General shall be *ex officio* member and secretary to the Board.

(9) The appointment of a member of the Board shall cease if the member—

(a) resigns by notice in writing addressed to the Cabinet Secretary;

(b) is unable to exercise the functions of office by reason of physical or mental infirmity;

(c) is adjudged bankrupt by a court of competent jurisdiction;

(d) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;

(e) conducts himself in a manner inconsistent with membership of the Board;

(f) contravenes the provisions of Chapter Six of the Constitution; or

(g) is absent from three consecutive meetings of the Board without the permission of the chairman.

(10) Where a vacancy occurs under subsection (9) a replacement shall be appointed in accordance with subsection (2).

(11) Subject to the provisions of this Act, the Chairperson and members of the Board shall hold office for a term not exceeding four and three years respectively and shall be eligible for reappointment for one further term.

(12) The members of the Board shall be appointed at different times so that their terms expire at different times.

(13) All appointments under this section shall be by notice in the *Gazette*.

(14) The First Schedule shall apply with respect to the conduct of business affairs of the Board.

9. Director-General of the Authority

(1) There shall be a Director-General of the Authority who shall be appointed by the Cabinet Secretary on the recommendation of the Authority following a competitive recruitment process and who shall serve for a period of five years, which term may be renewed once.

(2) The Director-General shall be the chief executive officer of the Authority and shall, subject to the directions of the Board, be responsible for the day-to-day management of the affairs of the Authority.

(3) A person shall be qualified for appointment as a Director-General if the person—

(a) holds at least a Master's degree from a university recognized in Kenya;

(b) has at least fifteen years experience in management of public or private institutions; and

(c) meets the requirements of Chapter Six of the Constitution.

[Act No. 18 of 2014, Sch.]

10. Staff of the Authority

The Board may appoint such other officers and staff as may be necessary for the proper discharge of the functions of the Authority under this Act or any other written law, upon such terms and conditions of service as the Board may determine.

Part III – FINANCIAL PROVISIONS

11. Financial year

The financial year of the Authority shall be the period of twelve months ending on the thirtieth of June in every year.

12. Funds of the Authority

The funds of the Authority shall consist of—

(a) such moneys as may be provided by Parliament for the purposes of the Authority;

(b) such sums as may be payable to the Authority pursuant to this Act or any other written law, or pursuant to any gift or trust;

(c) such moneys or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;

(d) all moneys from any other source provided for or donated or lent to the Authority.

13. Annual estimates

(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Board for the financial year concerned, and in particular shall provide for the payment of the salaries, allowances and other charges in respect of the members and staff of the Board—

(a) the payment of the pensions, gratuities and other charges in respect of retirement benefits to members of staff;

(b) payment of rent, utility bills and other services rendered to the Board;

(c) the proper maintenance of the buildings and grounds of the Board;

(d) the proper maintenance, repair and replacement of the equipment and other movable property of the Board; and

(e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment or in respect of such other matters as the Board may deem fit.

(3) The annual estimates shall be submitted to the Cabinet Secretary for approval before the commencement of the financial year to which they relate.

(4) The sum provided in the estimates once approved under subsection (3) shall not be increased without the prior consent of the Board.

(5) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Board.

14. Accounts and audit

(1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General or to an auditor appointed under subsection (3), the accounts of the Board together with—

(a) a statement of income and expenditure during that year; and

(b) a statement of the assets and liabilities of the Board on the last day of the financial year.

(3) The accounts of the Board shall be audited by the Auditor-General or by an auditor appointed by the Board with the written approval of the Auditor-General.

(4) The appointment of an auditor shall not be terminated by the Board without the prior written consent of the Auditor-General.

(5) The Auditor-General may give general or special directions to an auditor appointed under subsection (3) and the auditor shall comply with those directions.

(6) An auditor appointed under subsection (3) shall report directly to the Auditor-General on any matter relating to the directions given under subsection (5) of this section.

(7) Within a period of six months after the end of the financial year the Auditor-General shall report on the examination and audit of the accounts of the Board to the Minister, and in the case of an auditor appointed under subsection (3), the auditor shall transmit a copy of the report to the Auditor-General.

(8) Nothing in this Act shall be construed to prohibit the Auditor-General from carrying out an inspection of the Board's accounts or records whenever it appears to him desirable and the Auditor-General shall carry out such an inspection at least once every six months.

(9) Notwithstanding anything in this Act, the Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Act and the Public Audit Act (Cap. 412B) shall, with necessary modifications, apply to any report made under this section.

(10) The Cabinet Secretary shall lay the Annual Audit Report before the National Assembly as soon as reasonably practicable after the report is submitted to him under this section.

(11) The fee for any auditor, not being a public officer, shall be determined and paid by the Board.

15. Investment of funds

(1) The Board may invest any of its funds in securities in which for the time being trustees may by law invest in trust funds, or in any other securities which the National Treasury may, from time to time, approve for that purpose.

(2) The funds to be invested may, subject to the approval of the National Treasury, be placed on deposit with such bank or banks as Board may determine, including any monies not immediately required for the purposes of the Board.

16. Vesting of property

All such immovable property, shares, funds and securities as may from time to time become the property of the Board shall be dealt with in such manner as the Board may determine, subject to the conditions upon which grants are made from public funds for capital and recurrent purposes and the conditions upon which any endowment, bequest or donation is made for any purpose connected to the Board.

Part IV – LICENSING, REGISTRATION AND ACCREDITATION OF INSTITUTIONS AND TRAINERS

17. Requirement for registration

(1) No person or institution shall offer training in Kenya unless the person or institution has been accredited, licensed and registered under this Act to offer such training.

(2) Notwithstanding the provisions of subsection (1), any person or institution already offering training in Kenya by any mode of delivery or is a trainer at the commencement of this Act, shall, within six months from the date of such commencement submit an application to the Board for accreditation, registration and licensing under this Act.

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

(4) Any person who contravenes the provision of this section commits an offence and is liable on conviction to a fine of a sum not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both.

18. Application for registration

(1) Any person or institution intending to offer training in Kenya shall apply to the Board in the form prescribed by the Board from time to time.

(2) Applications under this section shall be accompanied by a statement setting out the following particulars—

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

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

(iii) membership of the proposed institution;

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

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

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

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

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

(ix) such other matters as may be prescribed in the regulations made under this Act.

19. Consideration of application

(1) The Board shall, within three months of the receipt of an application under section 18—

(a) examine the documents submitted; and

(b) inspect and assess the facilities available for use in respect of the proposed institution.

(2) The Board shall prepare a detailed accreditation report thereon and return it to the applicant.

20. Registration and Licensing of institutions

(1) Where the Board is satisfied that the applicant meets the conditions for establishment of an institution, it shall enter the particulars of the institution in its register and issue the institution with a licence to offer training in the prescribed format as shall be set out by the Board.

(2) Where the Board is of the opinion that the application does not meet the conditions for the establishment of an institution, it may—

(a) reject the application; or

(b) make its comments or recommendations thereon and forward them to the applicant.

(3) An applicant whose application has been commented upon in accordance with subsection (2)(b) may resubmit a revised application within a period of six months.

21. Determination of a revised application

On receipt of a revised application under section 20(3), the Board shall, within three months from the date of receipt, determine the application in accordance with this Act and upon such determination if satisfied, register and license the institution in accordance with this Act.

22. Accreditation of foreign institutions

(1) Notwithstanding the provisions of any other written law for the time being in force, any foreign institution which intends to offer training in Kenya, or which, at the commencement of this Act was already offering training in Kenya shall within a period of six months from the date of such commencement, apply for accreditation, licensing and registration in accordance with this Act.

(2) A foreign institution may apply to the Board in the prescribed form for accreditation and approval by the Board, to enter into an arrangement with an institution licensed, registered and accredited in Kenya for the purposes of offering joint training of instruction and or courses of study.

(3) A training programme under subsection (2) shall require to first be approved by the Board in accordance with this Act.

(4) Any person or institution who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

23. Registration and licensing of trainers

(1) Any person who intends to become a trainer in an institution shall apply for licensing and registration by the Board in accordance with the provisions of this Act.

(2) Application for licensing shall be in accordance with the prescribed format.

(3) Any person who is not registered at the commencement of this Act shall comply with this Act within six months from the date of such commencement.

24. Appeal against refusal

Any person aggrieved by the decision of the Board under this Part may, within thirty days of being notified of the decision, appeal to the Cabinet Secretary against such decision.

25. Registers

(1) The Board shall maintain registers indicating—

(a) particulars of institutions accredited, registered and licensed under this Act; and

(b) particulars of trainers registered and licensed under this Act.

(2) The registers maintained under subsection (1) shall be open for inspection by members of the public during office hours free of charge.

Part V – ORGANIZATION OF TRAINING INSTITUTIONS

26. Categories of institutions

(1) Institutions shall be organized under the following categories—

(a) vocational training centers, which shall offer courses up to Artisan Certificate;

(b) technical and vocational colleges, which shall offer programmes up to Diploma;

(c) technical trainer colleges, which shall offer up to higher diploma level;

(d) National Polytechnics, which shall offer up to higher Diploma level; and

(e) such other categories as the Cabinet Secretary may specify.

(2) The institutions provided for under subsection (1)(c) and (d) shall be established by the Cabinet secretary by Order published in the *Gazette* and shall be bodies corporate with perpetual succession and a common seal and shall in its corporate name, be capable of—

(a) suing and being sued;

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

(c) borrowing money;

(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 institutions provided for under subsection (1)(c) and (d) may in collaboration with a University offer programmes leading to the award of an undergraduate degree in technical and vocational education and training.

(4) An Order under this section shall provide, with respect to the institution—

(a) the establishment and composition of the council; the functions and organs of governance;

(b) the appointment of the Principal; and

(c) the power of the Cabinet Secretary to make regulations.

(5) Notwithstanding the provisions of this section, and unless otherwise provided, the establishment of a public institution offering training related to a matter placed under a Ministry other than the Ministry for the time being responsible for technical education shall be the responsibility of the Cabinet Secretary in charge of that other Ministry under the provisions of this Act in consultation with the Cabinet Secretary responsible for technical education.

[Act No. 18 of 2014, Sch.]

27. Governance and management in Training

(1) Training in the institutions referred to under section 26(1)(a) and (b) shall be governed and managed in accordance with the provisions of this Act and any instrument of governance approved by the Board.

(2) The governance and management structures of all institutions shall aim at—

(a) encouraging co-operation and collaboration among all stakeholders for effective representation in governance and management of the institution;

(b) decentralizing decision-making authority with regard to financial matters, human resource issues, and other relevant matters;

(c) enhancing the culture of accountability, democracy, and transparency in the governance and management of the institutions;

(d) ensuring effective and efficient education and training;

(e) ensuring the participation of and consultation with the stakeholders at the county, national and international levels.

28. Organs of governance

(1) The Cabinet Secretary shall, in consultation with the Board, establish the following principal organs to govern the respective public institutions registered under this Act—

(a) Boards of Governors for vocational training centers;

(b) Boards of Governors for technical and vocational colleges;

(c) Councils for National Polytechnics; and

(d) Councils for technical trainer colleges.

(2) The institutions may establish such other organs as may be approved by the Board for the better management and governance.

(3) The membership of the organs set out under subsection (1) and governance procedures shall be as set out in the Second Schedule.

(4) The organs of governance set out in subsection (1)(a) and (b) shall be unincorporated bodies.

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

[Act No. 18 of 2014, Sch.]

29. Functions of the governing bodies of training institutions

The functions of the organs set out under section 28(1) shall include—

(a) overseeing the conduct of education and training in the institutions in accordance with the provisions of this Act and any other written law;

(b) promoting and maintaining standards, quality and relevance in education and training in the institutions in accordance with this Act and any other written law;

(c) administering and managing the property of the institutions;

(d) developing and implementing the institutions' strategic plan;

(e) preparing annual estimates of revenue and expenditure for the institution and incurring expenditure on behalf of the institutions;

(f) receiving, on behalf of the institution, fees, grants, subscriptions, donations, bequests or other moneys and to make disbursement to the institution or other bodies or persons;

(g) determining the fees payable and prescribing conditions under which fees may be remitted in part or in whole in accordance with the guidelines developed under the provisions of this Act;

(h) mobilizing resources for the institutions;

(i) developing and reviewing programmes for training and to make representations thereon to the Board;

(j) regulating the admission and exclusion of students from the institutions, subject to a qualifications framework and the provisions of this Act;

(k) approving collaboration or association with other institutions and industries in and outside Kenya subject to prior approval by the Board;

(l) recruiting and appointing trainers from among qualified professionals and practising trades persons in relevant sectors of industry;

(m) determining 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) making regulations governing organization, conduct and discipline of the staff and students;

(o) preparing comprehensive annual reports on all areas of their mandate, including education and training services and submit the same to the Board;

(p) providing for the welfare of the students and staff of the institutions;

(q) encouraging, nurturing and promoting democratic culture, dialogue and tolerance in the institutions; and

(r) discharging all other functions conferred upon it by this Act or any other written law.

30. Principal to be chief executive officer

(1) There shall be a Principal of a public training institution established under section 26(1)(a) or (b) who shall be appointed by the Cabinet Secretary on the recommendation of the Board of Governors following a competitive recruitment process and who shall serve for a period of five years, which term may be renewed once.

(2) The chief executive officer of a private institution shall be appointed in accordance with the provisions of the instrument of governance of the institution.

Part VI – STANDARDS, QUALITY AND RELEVANCE IN TRAINING

31. Standards in training

(1) For purposes of assuring standards, quality and relevance in training, the Board shall—

(a) establish standards and benchmarks for training;

(b) administer policies and guidelines developed under this Act or any other written law to govern the establishment and accreditation of training institutions in accordance with this Act; and

(c) ensure the maintenance of standards, quality and relevance in all aspects of training within the national training system.

(2) The Board shall, in consultation with stakeholders establish guidelines regarding the nature and quality of facilities that may be used for purposes of conducting technical and vocational education and training.

32. Programs of instruction in training institutions

(1) An institution offering technical and vocational education and training may with the approval of the Board, introduce, review or alter programmes of instruction or courses of study.

(2) The training programmes shall be designed so as to operate within a framework which leads to lifelong education and training, and which facilitates—

(i) innovativeness and creativity;

(ii) continuation of training for improvement of professional qualifications and updating of knowledge, skills and understanding;

(iii) complementary education for those receiving technical, vocational and education training in the form of on-the-job training or other training in institutions or other facilities;

(iv) the special needs of persons with disability, minorities and marginalized groups.

33. Monitoring and evaluation of training institutions

(1) Training shall be of quality and relevance and in accordance with the standards set out by the Board, and shall implement the objectives stated under this Act.

(2) Every institution shall put in place internal systems to ensure the maintenance of standards, quality and relevance of training programmes.

(3) The Board shall establish mechanisms for monitoring and evaluating services and programmes in accordance with this Act to ensure and assure standards, quality and relevance in the provision of programmes and management of institutions on a continuous basis.

(4) Pursuant to subsection (3) the Board shall conduct periodic evaluation of each institution for purposes of assessing and evaluating on a regular basis the quality of training offered at or by each particular institution.

34. Appointment of monitors and evaluators

(1) For purposes of section 33(3) and (4), the Board shall appoint evaluators and monitors for purposes of conducting evaluation and monitoring.

(2) In undertaking evaluation and monitoring under section 33, the evaluators and monitors shall have the power to inquire into infrastructure, equipment, programs, the trainers, students, or any other relevant matter concerning the institution, and shall utilize such methods or modalities of evaluation as may be prescribed in the statutes under this Act or any other written law.

(3) After completion of evaluation and monitoring as provided for under this section, the evaluators and monitors shall prepare a report in the prescribed form and submit the same to the Board.

35. Offence to hinder or obstruct evaluation or monitoring

Any person who refuses, hinders or obstructs evaluators or monitors from carrying out the evaluation commits an offence.

36. Notice to rectify

The Board may by notice in writing, require an institution in default of any set standard to comply therewith within a prescribed time and in a prescribed manner.

37. Closure of training institutions

(1) If any institution served with the notice under section 36 fails to comply with the notice, the Board may close the institution either permanently or until the notice is complied with.

(2) Any person aggrieved by the decision of the Board under subsection (1) may appeal to the Cabinet Secretary within thirty days of the decision.

Part VII – HARMONIZATION OF TRAINING QUALIFICATIONS

38. National and international standards and quality assurance

Every institution shall in accordance with the provisions of this Act—

(a) adopt appropriate national and international standards in training;

(b) establish, implement and manage credible quality assurance systems;

(c) establish and promote appropriate collaborative arrangements with national and international agencies on standards and quality assurance; and

(d) establish systems and processes for the continuous review and improvement of standards and quality assurance.

39. Integration of internships in training

The training systems shall integrate on-the-job attachment and internships at all levels in order to provide relevant training for the development of appropriate practical and innovative skills.

40. Responsibility of institutions and quality assurance agencies in implementing of standards

The guidelines on standards, quality and relevance established under this Act shall be implemented by the institutions, regulatory and quality assurance agencies in training and any other person directly or indirectly engaged in training in the country.

41. Filing of annual report

(1) Every institution accredited under this Act shall file its annual self-evaluation report in the prescribed manner with the Board.

(2) The annual self-evaluation report shall give details of development made in the institution's physical infrastructure and training.

(3) Any institution that fails to comply with the provisions of this section commits an offence under this Act.

42. Recognition and equation of certificates and diplomas

The Board shall assess examinations, certificate or diploma qualifications acquired from any institution, whether local or foreign, or any skills, knowledge and qualifications evidenced by the extent to which the qualifications so awarded conform to the established standards and guidelines and are of an equivalent standard.

43. Certification of skill and competencies acquired on the job

The Authority may, in accordance with the standards and guidelines set out under this Act, assess the skills or competencies acquired by a person on the job, equate such competencies to qualifications within the training framework and recommend to the appropriate competent authorities to issue corresponding certificates and diplomas.

Part VIII – THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING CURRICULUM DEVELOPMENT, ASSESSMENT AND CERTIFICATION COUNCIL

44. Establishment of Certification Council

(1) There is established a body to be known as the TVET Curriculum Development, Assessment and Certification Council.

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

(a) suing and being sued;

(b) purchasing, holding and disposing of movable and immovable property; and

(c) doing all such other acts or things as may be done by a body corporate.

(3) All courts, judges and other persons acting judicially shall take judicial notice of the seal of the Council and shall presume that it was duly affixed.

45. Functions of certification Council

The functions of the Certification Council shall be to—

(a) undertake design and development of curricula for the training institutions' examination, assessment and competence certification;

(b) make rules with respect to such examinations and competence assessments;

(c) issue certificates to candidates who satisfy national TVET examination and competence assessment requirements;

(d) promote recognition of its qualifications in foreign systems;

(e) investigate and determine cases involving indiscipline by candidates registered with it;

(f) promote and carry out research relating to its examinations;

(g) promote the publication of books and other materials relevant to its examinations; and

(h) do anything incidental or conducive to the performance of any of the preceding functions.

46. Composition of the Certification Council

(1) The Certification Council shall consist of—

(a) a chairman appointed by the Cabinet Secretary;

(b) the Principal Secretary of the Ministry for the time being responsible for TVET;

(c) the Director-General of the Authority;

(d) six members appointed by the Cabinet Secretary as follows—

(i) one member from the Senate of a technical university;

(ii) one member from among the principals of Technical Colleges;

(iii) one member from the national polytechnics;

(iv) not more than three members from industry with complementary competencies;

(e) the Council Secretary who shall be the secretary to the Council.

(2) The chairman shall hold office for a period not exceeding three years but shall be eligible for reappointment.

(3) The members appointed under subsection (1)(d) shall, hold office for a period of three years and shall be eligible for reappointment.

(4) Where any member of the Council other than an *ex officio* member is unable to attend any meetings of the Council by reason of physical or mental incapacity, the Cabinet Secretary shall appoint his place at that meeting.

(5) Member of the Council shall vacate office if the member—

(a) is convicted of an offence and sentenced to imprisonment for a term of six months or more;

(b) is adjudicated bankrupt; or

(c) unable to perform the functions of office by a reason of physical or mental incapacity.

(6) The provisions relating to the appointment of the Director-General and staff members of the Authority as set out in sections 9 and 10 shall apply, *mutatis mutandis*, to the appointment of the Director and staff of the Council.

(7) The provisions relating to the financial provisions of the Authority as set out in sections 11, 12, 13, 14, 15 and 16 shall apply, *mutatis mutandis*, to the Council.

(8) Subject to this Act, the Council shall have power to regulate its own procedure.

[Act No. 18 of 2014, Sch.]

Part IX – THE TECHNICAL AND VOCATIONAL EDUCATION TRAINING FUNDING BOARD

47. Establishment of the Fund

(1) There shall be established a Fund to be known as the Technical and Vocation Education Fund.

(2) The object and purpose of the Fund shall be to provide funds to be used for financing technical and vocation education institutions.

(3) There shall be paid into the Fund—

(a) monies provided by Parliament;

(b) such sums of money as may be received by the Funding Board in the form of donations;

(c) such sums of money as may be specifically designated for the Fund by the Authority out of its own Funds; and

(d) income generated by investments made by the trustees; and

(e) endowments, grants and gifts from whatever source designated for the Fund.

(4) There shall be paid out of the Fund any expenditure approved by the Funding Board and incurred in connection with the administration of the Fund.

48. Membership of Funding Board

(1) The Fund shall be managed by a Board which shall consist of—

(a) a chairperson;

(b) the Principal Secretary in the Ministry responsible for technical and vocational education;

(c) the Principal Secretary in the Ministry responsible for finance;

(d) six members appointed by the Cabinet Secretary in accordance with subsection (2).

(2) In appointing the members referred to in subsection (1)(d) the Cabinet Secretary shall have regard to—

(a) the objects of the Fund;

(b) the need for balanced competencies within the Funding Board;

(c) gender equity; and

(d) the inclusion of persons with disabilities, the minorities and other marginalized groups.

(3) The provisions relating to the appointment of the members of the Board as set out in section 8 shall apply, *mutatis mutandis*, to the Funding Board.

(4) The main function of the Board shall be to manage the Fund established under section 47, and for that purpose to—

(a) disburse funds to institutions in accordance with criteria prescribed by the Cabinet Secretary, taking into account the respective institution's output, efficiency and role in areas priotised by the Government;

(b) in consultation with the institutions, establish the maximum differentiated unit cost for the programmes offered and discipline differentiated remuneration for academic staff and advise the Government accordingly; and

(c) receive funds for purposes of the Fund from the Government, donors, and from any other source;

(d) provide advice on disbursement criteria for the Fund utilization.

(5) The Funding Board may invest any unutilized balances in the Fund in such manner as trustees may lawfully invest public funds.

49. Financial year of the Funding Board

The financial year of the Funding Board shall be the period of twelve months commencing on the 1st July and ending on the thirtieth day of June of the following year.

50. Annual estimates

(1) The Funding Board shall submit to the Cabinet Secretary an estimate of its income and expenditure during the succeeding financial year six months before the commencement of the financial year.

(2) The Cabinet Secretary shall communicate to the Funding Board his approval of the annual estimates at least one calendar month before the commencement of the financial year.

51. Books of accounts and audits

(1) The Funding Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Fund.

(2) The Funding Board shall, not more than four months after the end of each financial year, cause to be prepared and submitted to the Auditor-General—

(a) a balance sheet showing in detail the assets and liabilities of the Board at the end of the financial year;

(b) a statement of financial activities, income and expenditure during the financial year; and

(c) other statements of accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions of the Board.

(3) The accounts of the Funding Board shall be audited in accordance with the Public Audit Act (Cap. 412B) and any other law relating to the management of public funds.

Part X – MISCELLANEOUS PROVISIONS

52. Placement of students into technical and vocation education institutions

Admission of students into technical and vocation education institutions shall be conducted by the Service established under the law relating to universities.

53. Common Seal

Subject to this Act the common seal of the Board shall be kept in such custody as the Board may direct and shall not be used except in the manner authorized by the Board.

54. Protection from personal liability

(1) No matter or thing done by a member of the Board or any officer, employee or agent thereof shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Board, render the member, officer, employee or agent or any person acting on his or her directions personally liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to the person, the person's property or any of the person's interests caused by the exercise of any power conferred by this act or any other written law, or by the failure, whether wholly or partially, of any works.

55. Liability for damages

The provisions of section 54 shall not relieve the Board of the liability to pay compensation or damages to any person for an injury to the person or property or any of persons interests negatively affected by the exercise of the powers conferred on the Board by this Act or by any other written law or by the failure, whether wholly or partially, of any works.

56. Penalties

Any person who commits an offence under this Act in respect of which no penalty has been specifically provided is liable on conviction to a fine not exceeding one million Kenya shillings or to imprisonment for a term not exceeding two years or to both.

57. Regulations and standards

(1) Unless otherwise provided in the Act, the Board, with the approval of the Cabinet Secretary, may set standards and criteria or make regulations generally for the better carrying out of the provisions of this Act, which may without prejudice to the generality of the foregoing, provide for the form and method of keeping the registers and other records under this Act—

(a) the conditions under which training instructions under this Act may be approved;

(b) guidelines for the determination of course content and examination and assessment of training for purposes of registration under this Act;

(c) the forms and fees to be prescribed for purpose of this Act;

(d) the inspection and registration of training institutions and programs; and

(e) anything required to be prescribed by this Act.

(2) Any standards, criteria, regulations made under this Act shall be published in the *Gazette*.

58. Existing Institutions

(1) Notwithstanding the provisions of the Education Act (Repealed) or regulations made thereunder, all technical or vocational training institutions established by Orders made under that Act shall within a period of two years from the date of the commencement of this Act, seek accreditation from the Authority in accordance with the provisions of this Act.

(2) Notwithstanding the provisions of subsection (1) all acts, directions, orders, appointments, requirements, authorizations, other things given, taken or done under, and all funds, assets and other property acquired by virtue of those Orders shall, so far as not inconsistent with this Act, be deemed to have been given, taken, done or acquired under this Act.

(3) All statutes or regulations made under the orders referred to in subsection (1) which are in force immediately before the commencement of this Act shall continue in force but may be amended or revoked by a statute or regulations made under this Act.

FIRST SCHEDULE [s. 8(13)]

PROVISIONS AS TO THE CONDUCT OF THE BUSINESS AFFAIRS OF THE BOARD

1. The Board 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, and shall upon written request by a majority of the members, call a special meeting of the Board.
3. The Chairperson shall preside at every meeting of the Board at which he is present, but in the absence of the Chairperson the members present may elect one from among their number to preside.
4. The quorum for a meeting of the Board shall be seven members, who shall include five appointed members.

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

6. A member who has a direct or indirect interest in a matter being considered or to be considered by the Board shall, 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 Board 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.

8. Save as provided in this Schedule the Board may regulate its own procedure.

SECOND SCHEDULE [s. 28(3)]

MEMBERSHIP AND GOVERNANCE PROCEDURES FOR BOARDS OF GOVERNORS FOR TRAINING INSTITUTIONS

[Act No. 18 of 2014, Sch.]

1. Composition of Board of Governor for Technical Colleges

(1) The Board of Governors of a public institution shall consist of not less than seven and not more than nine members appointed by the Cabinet Secretary.

(2) The membership of the Board of Governors shall comprise—

(a) a Chairperson;

(b) a representative of the Principal Secretary in the Ministry responsible for technical and vocational training;

(c) a representative of the county Governor of the county within which the institution is located; and

(d) six other persons appointed on the basis of their knowledge and experience in—

(i) leadership and management;

(ii) financial management;

(iii) technology;

(iv) industry;

(v) engineering;

(vi) information communication technology.

(3) The Board of Directors for private institutions shall be composed of such number of members as may be determined and appointed by the sponsor or proprietor as indicated in the certificate of registration of that institution.

(4) The Principal of the institution shall be the Secretary to the Board of Governors.

2. Appointments under paragraph 1(2) shall take into account ethnic and gender balance, and promote inclusion of persons with disabilities, minorities and the marginalized, and ensure balanced competencies among the members.

3. Notwithstanding the provisions of paragraph 1(1) and unless otherwise provided for, the members of a Board of Governors of a public institution placed under another Ministry other than the Ministry for the time being responsible for Technical Education shall be appointed by the Cabinet Secretary within the Ministry that the institution lies.

4. Prohibition from management

No person shall engage or be engaged in the promotion, provision or management of Training institutions and training in Kenya whether as a trainer, lecturer, manager or sponsor if that person has been convicted of any offence and imprisoned for a term exceeding six months.

5. Guiding principles for Board of Governors

(1) In carrying out its functions as provided for under this Act, a Board of Governors shall—

(a) uphold the provisions of this Act;

(b) ensure—

(i) consultation with the Cabinet Secretary or the responsible Cabinet Secretary and appropriate regulatory bodies; and

(ii) effective participation of stakeholders in matters relating to the governance and promotion of training by the institution.

(2) No person shall serve as a chairperson or member in more than one Board.

(3) No person shall participate in any proceedings or otherwise conduct the business of the Committee of Board without first being appointed.

6. Establishment of Committees of Boards of Governors

(1) A Board of Governors may establish such committees as it may deem appropriate to perform such functions and discharge such duties as it may determine.

(2) The Boards of Governors shall appoint the chairperson of a committee established under this section from amongst its own members.

(3) The Boards of Governors may co-opt persons with special knowledge, experience and skill in training into any of its committees established under subsection (1) for a period not exceeding two months.

(4) The composition and membership of the committees of the Boards of Governors shall as much as possible reflect the composition and representation in the Boards.

7. Term of office

(1) Unless the appointment of the chairperson or a member of a Board of Governors is earlier terminated under this Act, a person appointed as chairperson or as a member 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.

(2) In appointing and reappointing members of Boards of Governors, the Cabinet Secretary shall stagger the commencement dates of some members to maintain a proportion of new membership that ensures continuity in the affairs of the Boards of Governors.

(3) Notwithstanding the foregoing, a person who has served as a member of a Board of Governors for one term at the date of the commencement of this Act may be re-appointed for a second and final term of three years.

8. Resignation from the Board of Governors

(1) A member of a Board of Governors may at any time resign by giving notice in writing to the Cabinet Secretary.

(2) A person giving notice under subparagraph (1) shall cease to be a member of the Board from the date specified in the notice or, if no date is specified, from the date of the receipt by the Cabinet Secretary or the Secretary to the relevant Board, as the case may be, of the notice.

9. Revocation of appointment and vacation of office

(1) The appointment of a member to a Board of Governors or to its committees shall be revoked and the member shall vacate office if the member—

(a) resigns in accordance with paragraph 13 of this Schedule;

(b) becomes insolvent or has conveyed or assigned his property or has made a proposition or arrangement for the benefit of his creditors;

(c) is sentenced by a court of law to imprisonment for a term of six months or more;

(d) is incapacitated by physical or mental illness;

(e) has been absent from three consecutive meetings of the Board of Governors without leave;

(f) where the member is a representative, has his appointment revoked by the nominating body; or

(g) is otherwise unable or unfit to discharge his functions as a member of the Board of Governors on account of any matter in this Act.

(2) Where the office of a member of a Board of Governor becomes vacant by reason other than the expiry of the period of that office, the Cabinet Secretary, or the proprietor or sponsor may, in accordance with the provisions of this Act appoint another person to replace the member.

10. Secondment of officers to the Board of Governors

(1) Any person seconded to a training institution by a Ministry or government department shall work under the Board of Governors of the institution.

(2) Notwithstanding the provisions of subparagraph (1), the Board of Governors to whom a person has been seconded may, by a resolution passed by two thirds of the members present and voting, at a special meeting convened for the purpose request the Cabinet Secretary, or such other person or authority to terminate the secondment of such person.

11. Frequency of meetings of the Board

(1) A Board of Governors shall meet at least once every four months.

(2) Every meeting of the Board of Governors shall be convened by giving at least fourteen days' notice in writing to every member unless three quarters of the total members of a Board of Governors otherwise agree.

(3) Notwithstanding the provisions of subparagraph (1), the chairperson of a Board of Governors may, on his own motion or upon requisition in writing by at least five members of the Board, convene a special meeting of the Board of Governors at any time for the transaction of specific business.

12. Quorum of the Board of Governors

(1) The quorum for the conduct of business at a meeting of a Board of Governors shall be two-thirds of the total number of members of the Board of Governors.

(2) Subject to the provisions of subparagraph (1) no proceedings of a Board of Governors shall be invalid by reason only of a vacancy among the members thereof.

13. Chairperson to preside over a meeting of Board of Governors

(1) The chairperson shall preside at every meeting of the Board of Governors at which the chairperson is present and in his absence, the deputy chairperson shall preside.

(2) In the absence of both the chairperson and the deputy chairperson at any meeting, the members present shall elect one of their number to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

14. Decision of the Board of Governors

Unless a unanimous decision is reached, a decision on any matter before a Board of Governors shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairman or the person presiding shall have a casting vote.

15. Disclosure of interest

(1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before a Board of Governors and is present at a meeting of the Board of Governors at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board of Governors who contravenes subparagraph (1) commits an offence and shall be liable to a fine of fifty thousand shillings, or to imprisonment for a term of six months, or to both.

16. Common seal

(1) Subject to this Act, the common seal of a registered institution of education and training for which a Board of Governors or is responsible shall be kept in a safe in the registered office of the institution and shall not be used except in the manner authorized by the Board of Governors.

(2) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the institution—

(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 secretary of the Board of Governors;

(b) where they are not required to be under seal, if executed in that behalf by a member authorized by the Board of Governors for that purpose.

(3) A deed, instrument, contract or other documents executed in accordance with sub-paragraph (2) shall be effective in law to bind the institution and its successors and may be varied or discharged in the same manner as that in which it was executed.

17. Remuneration of the members of the Board of Governors

Members of a Board of Governors shall be paid in respect of their services such remuneration or allowances as the Board of Governors shall, with the approval of the Cabinet Secretary, determine.

18. Appointment of staff of the Board of Governors

A Board of Governors may, upon such terms and conditions of service as the Board of Governors may determine, employ such staff or hire the services of such consultants or experts as may be necessary for the proper performance of its functions.

19. Protection from liability for a member or officer of a Board of Governors

No matter or thing done by a member of a Board of Governors or any officer, employee or agent of the Board of Governors shall, if the matter or thing is done *bona fide* in executing the functions, powers or duties of the Board of Governors, render the member, officer, employee or agent or any person acting on directions personally liable to any action, claim or demand whatsoever.

20. Liability of an institution for damages

The provisions of paragraph 19 shall not relieve an institution of liability to pay compensation or damages to any person for an injury to him, his property or any of his interests caused by the exercise of the powers conferred on the institution or its Board of Governors by this Act or by any other written law or by the failure, whether wholly or partially, of any works.

21. Offences by a TVET institution

Where it is proved that an offence under this Act has been committed by an institution with the consent and or connivance of or is attributable to the Secretary of the Board or other officer of the institution or any other person who was purporting to act in any such capacity, he as well as the institution shall also be guilty of that offence.

22. Annual estimates

(1) A Board of Governors of a public institution shall prepare annual estimates of revenue and expenditure for the institution under its charge, in such form and at such times as the Cabinet Secretary may prescribe.

(2) The Board of Governors may incur expenditure for the purpose of the institution in accordance with estimates approved by the Cabinet Secretary, and any approved expenditure under any head of the estimates may not be exceeded without the prior written approval of the Cabinet Secretary.

(3) A Board of Governors for a public institution shall receive all grants made out of public funds, whether for capital or revenue purposes, and any subscriptions, donations or bequests made to the institution.

(4) Nothing in this Act shall affect the terms and conditions upon which any grant may be made to an institution or a Board of Governors in aid of an institution out of public funds.

(5) A Board of Governors may, with the approval of the Cabinet Secretary and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or bequests to an institution.

(6) The Secretary to a Board of Governors of a public institution shall be responsible for the day-to-day management of the affairs of the institution, and shall present any account of such expenditure to its Finance and Resource Mobilization Committee that shall take necessary action on behalf of the Board of Governors.

(7) A Board of Governors of a public institution may, with the approval of the Cabinet Secretary pay all expenses connected with the institution including the salaries of staff; but the personal emoluments of a person seconded to the service of the Board of Governors shall, in the first instance, be paid by the seconding authority and may be recovered from institution.

23. Unexpended monies

(1) Any unexpended balance of grant may be carried forward in the accounts of a public institution from one year to the next and be committed as the Board of Governors may determine, or be put into the account of the institution.

(2) The Board of Governors shall not authorize any withdrawal from the account without express approval of the Cabinet Secretary or the responsible Accounting Officer.

24. Securing of loans by Board of Governors

The Board of Governors shall be responsible for making arrangements to raise any loan which they may, at the request of the institution, authorize the Board of Governors to secure for the purpose of the institution and shall ensure that proper provision is made for the repayment thereof and payment of all interest and other charges thereon in accordance with any order made by the Cabinet Secretary in the matter, or in accordance with the terms and conditions of the loan.

25. Vesting of property

All such immovable property, shares, funds and securities as may from time to time become the property of a public institution shall be in the name of the institution and shall be dealt with in such manner as the Board of Governors of the institution may from time to time determine, subject to any law relating to the management of public:

Provided that the Board of Governors shall not dispose of any property without the consent of the Cabinet Secretary.

26. Investment of funds

(1) A Board of Governors of a public institution may invest any of the funds of the institution in securities in which for the time being trustees may by law invest in trust funds, or in any other securities which the Treasury may, from time to time, approve for that purpose.

(2) The Board of Governors may, subject to the guidelines and regulations issued by Treasury, place on deposit with such bank or banks as the Board of Governors may determine, any monies not immediately required for the purposes of the institution.

27. Financial year

The financial year of a public institution shall be the period of twelve months ending on the thirtieth day of June in each year.

28. Funds of a public institution

The funds of a public institution of education and training shall comprise of—

(a) monies provided by Parliament for that purpose;

(b) such sums as may be granted to the institution 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 Institution 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 or donated or lent to the institution.

29. Accounts and audit

(1) A Board of Governors of a public institution shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the institution.

(2) Within a period of four months from the end of each financial year, a Board of Governors shall submit to the Auditor-General or to a auditor appointed under this section, the accounts of the institution together with—

(a) a statement of the income and expenditure of the institution during that year; and

(b) a balance sheet of the institution on the last day of that year.

(3) The accounts of the institution shall be audited and Reported upon in accordance with the Public Audit Act (Cap. 412B).

(4) A Board of Governors of a public institution 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 institution as he may require.