

Kilifi Masura, at Kilifi.
 Malindi Masura Station Camp, at Malindi.
 Ngomeni New Masura, at Ngomeni.
 Kinondo Diving Training Area at Mombasa.
 Lamu Amphibious Landing Base, at Lamu.

Dated the 4th November, 2015.

RAYCHELLE OMAMO,
Cabinet Secretary for Defence.

LEGAL NOTICE NO. 241

THE TRAFFIC ACT

(Cap. 403)

EXEMPTION

IN EXERCISE of the powers conferred by section 120 of the Traffic Act, the Cabinet Secretary for Transport and Infrastructure exempts the following vehicles, as described by reference to Chassis Number, make and type as set out Schedule, from the provisions of section 55(2) of the Traffic Act with effect from 21st October, 2015.

SCHEDULE

<i>Chassis No</i>	<i>Make</i>	<i>Type</i>
CME0774-2014	CMC	Low Loader
LA99FRB32FOLHR047	Sinoluck	Low Loader
LA99FRB32FOLHR048	Sinoluck	Low Loader

Dated the 2nd November, 2012.

J. W. MACHARIA,
Ag. Cabinet Secretary.

LEGAL NOTICE NO. 242

THE TECHNICAL AND VOCATIONAL EDUCATION AND
 TRAINING ACT, 2013

(No. 29 of 2013)

THE TECHNICAL AND VOCATIONAL EDUCATION AND
 TRAINING REGULATIONS, 2015

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

1—Citation.

2—Interpretation.

PART II—ESTABLISHMENT OF A TVET INSTITUTION AND ACCREDITATION
 OF PROGRAMMES

3—Eligibility for application.

- 4—Application requirements.
- 5—Minimum requirements for accreditation, registration and licensing management and administration.
- 6—Physical facilities.
- 7—Offices.
- 8—Laboratories and workshops.
- 9—Library.
- 10—Sanitation.
- 11—Recreational facilities.
- 12—Services.
- 13—Staffing.
- 14—Students' welfare.
- 15—Accreditation of local training programs.
- 16—Registration and licensing of trainers of TVET institutions.
- 17—The Board's decision on registration and licensing.

PART III—TVET QUALITY ASSURANCE SYSTEMS

- 18—Authority to be quality assurance agency.
- 19—Industrial interface and student development.
- 20—Monitoring and evaluation.
- 21—Institutionalization of standards and quality assurance.
- 22—Filing of annual reports

PART IV—COLLABORATION BETWEEN FOREIGN INSTITUTIONS AND LOCAL INSTITUTIONS

- 23—Accreditation of foreign institutions and training programmes.
- 24—Collaboration review.
- 25—Grant of license to collaborate.

PART V—RECOGNITION AND EQUATION OF QUALIFICATION AWARDED BY FOREIGN INSTITUTIONS

- 26—Scope.
- 27—Principles of recognition and equation.
- 28—Evaluation of foreign qualifications.
- 29—Criteria for recognition and equation of qualifications.
- 30—Change of ownership of a TVET institution.

PART VI—GENERAL PROVISIONS

- 31—Fees.
- 32—Penalties.
- 33—Appeals.
- 34—Transitional arrangements.
- 35—Revocation of Authority issued licence.
- 36—Notice to revoke Authority to collaborate.
- 37—Authority may issue standards and guidelines.

SCHEDULE

THE TECHNICAL AND VOCATIONAL EDUCATION AND
TRAINING ACT, 2013

(No. 29 of 2013)

IN EXERCISE of the powers conferred by section 57 of the Technical and Vocational Education and Training Act, 2013, the Cabinet Secretary for Education, Science and Technology makes the following regulations—

THE TECHNICAL AND VOCATIONAL EDUCATION AND
TRAINING REGULATIONS, 2015

1. These Regulations may be cited as the Technical and Vocational Education and Training Institutions Regulations, 2015. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“Act” and “the Act” means the Technical and Vocational Education and Training Act, 2013;

“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 the Act;

“Authority” means the Technical and Vocational Educational and Training Authority established under Section 6 of the Act;

“Board” means the Technical and Vocational Education and Training Board established under Section 8 of the Act;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters related to technical and vocational 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 the Act;

“Commission” means the Commission for University Education;

“course” means the programme of instruction comprising a range of syllabus content areas for trainees to acquire knowledge, work attitudes, skills and competences for employment in formal or informal sectors.

“curriculum” means the programme of courses fulfilling the requirements for a certificate or diploma in a particular field of study.

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

“industrial attachment” means a supervised practical experience that is the application of previously studied theory under the supervision of a trainer and a supervisor in the industry.

“Institution” means an institution that promotes or offers technical and vocational education and training;

“manager” means a person engaged with the approval of the Board to manage a TVET institution;

“National Polytechnic” means an institution declared a National Polytechnic in accordance with Section 26 of the Act;

“private institution” means an institution which is not a public institution;

“programme” means a sequential grouping of courses which forms a considerable part, or all, of the requirements for an academic credential or an occupational objective.

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

“quality assurance” means the procedures, processes and systems used to guarantee and continuously improve the training standards of a TVET institution;

“standard” refers to an established norm or requirement;

“trainer” means a person registered under section 25(1)(b) of the Act;

“training” includes technical and vocational education and training leading to acquisition specialized skills and knowledge that can provide the practitioner with livelihood;

“TVET institution” means a Technical and Vocational Education and training institution;

“university” means a university within the meaning of the Universities Act, 2012;

“vocational training centre” means an institution providing training leading to awards below the level of diploma.

PART II—ESTABLISHMENT OF TVET INSTITUTIONS AND ACCREDITATION OF PROGRAMMES

3. (1) The following shall be eligible to apply to the Authority for authority to establish a TVET institution—

Eligibility for application.

- (a) any person who is or intends to be a sponsor of a TVET institution; or
- (b) a body corporate or institution having as one of its objects the provision of technical and vocational education and training without conflicting with its mandate.

(2) Any person or institution eligible to apply for authority to establish or constitute itself into a TVET institution under these

regulations shall do so by submitting its application to the Authority in the form set out in the Schedule .

4. (1) An applicant under regulation 3(2) shall provide the Authority with the following—

Application requirements.

- (a) a certified copy of the registration certificate, or other document establishing the institution;
- (b) a certified copy of the Public Health Report for the institution for the twelve months immediately preceding the application;
- (c) evidence of ownership of the premises, consent by the owner to use the premises or, in the case of a lease, a certified copy of a renewable lease agreement of at least five years witnessed by a Commissioner for Oaths;
- (d) layout designs of the premises, specifications of available infrastructure and training equipment;
- (e) the name of the Principal and Manager of the institution and the trainers, with their curriculum vitae and certified copies of academic certificates, national identity card or valid passport, certificate of good conduct, and in the case of non-Kenyans, a valid work permit;
- (f) a list of proprietors or sponsors or the Directors of the institution;
- (g) proof of payment of the prerequisite fees to the Authority;
- (h) the proposal for the institution's funding for operational expenses for at least two years immediately following the registration;
- (i) specific information about the tuition and all other fees that students shall be charged for training, including the estimated cost of text books, lesson materials, supplies and equipment;
- (j) the governance and management structure of the institution through which the academic and administrative affairs of the institution shall be conducted;

(2) The Authority may request for any additional information necessary to enable it to review an application, and the applicant shall provide the information requested for.

(3) If before a decision is made on an application there is a change in any of the information provided to the Authority under subregulation (1) the applicant shall immediately notify the Authority accordingly in writing.

5. An institution that is seeking approval for registration shall be required to have the following management and administration structures-

Minimum requirements for accreditation, registration and licensing Management and administration.

- (a) a functional organizational structure clearly stating the roles of the owners, the trustees, the governing body,

- senior management, the principal or director, the administrator and other managers;
- (b) for a public institution, a Board of Governors appointed by the Cabinet Secretary;
 - (c) a manager whose name shall be provided to the Authority, and who shall be responsible for the implementation of the stated mission as determined by the institution's governing body;
 - (d) in the case of a private institution, a qualified principal with supervisory and competency-based training skills in cases where the manager of the institution is not actively involved in the day to day running of the institution, and in the case of a public institution, a principal appointed in accordance with the provisions in section 30 of the Act;
 - (e) a strategic plan for the period of five years immediately following registration setting out the vision, mission, core values and justification for the institution;
 - (f) regulations governing student conduct;
 - (g) human resource and academic policies, including-
 - (i) working professional documents for trainers.
 - (ii) administrative and legal documents related to education and training, and
 - (a) such other information as may be required under the relevant laws or regulations from time to time.

6. (1) The management of an institution shall ensure that the physical facilities in the institution meet the requirements of the Building Code, and the relevant health and safety laws and that they have provision for facilities for the physically disabled persons.

Physical facilities.

(2) The location of the institution shall be such as to provide an environment conducive for learning.

7. In order to be eligible for license by the Authority an institution shall be required to establish, at a minimum—

Offices and classrooms.

- (a) an administration office;
- (b) a staffroom;
- (c) a guidance and counseling office; and
- (d) adequate theory rooms for programs.

8. An institution shall provide adequately equipped workshops or laboratories, where these are required by the curriculum offered, and where the institution offers courses regulated by professional bodies, such laboratory or workshop as may be specified by the regulator.

Laboratories and Workshops.

9. (1) Every institution shall have a library facility with adequate space and an environment conducive for study and research for staff and students, including those with disabilities. Library.

(2) A library facility shall be constructed so as to allow adequate natural and artificial lighting and ventilation, and shall contain adequate and relevant textbooks and other resources relevant to the programmes being offered, and may provide e-library services where possible.

10. An Institution shall provide adequate sanitation facilities in accordance with the relevant health laws. Sanitation.

11. The institution shall provide facilities for co-curricular activities in form of indoor games and other sports, and where necessary may facilitate such sports through agreement to use facilities managed by the county in which they are situated or other institutions' facilities. Recreational Facilities.

12. Every institution shall have the following services installed in accordance with the requirements of the Building Code and the health laws— Services.

- (a) an adequate water supply;
- (b) appropriate and adequate waste water and surface water collection and treatment works where applicable;
- (c) a functional sewerage disposal system;
- (d) adequate and reliable electrical power supply, and an emergency power backup system where possible;
- (e) adequate serviceable firefighting equipment; and
- (f) efficient security services.

13. The management of every institution shall ensure that— Staffing.

- (a) trainers are qualified in their area of specialization, and registered and licensed in accordance with the Act;
- (b) all trainers have the relevant technical and vocational competencies at least to the level being delivered or assessed;
- (c) the institution maintains adequate trainers for each programme of study;
- (d) persons recruited as technicians possess appropriate qualifications in the specific technical fields;
- (e) persons recruited or hired for all training support services are professionally trained; and
- (f) personnel files with certified copies of academic and professional certificates and letters of appointment of all teaching and non-teaching staff members are maintained.

14. Every institution shall ensure that the following services are provided to the students— Students' Welfare.

- (a) guidance and counselling;
- (b) provision for students living with disabilities;
- (c) clear guidelines for complaints resolution;
- (d) a democratically constituted students' union providing student leadership and appropriately involved in the governance and management of the institution;
- (e) facilities for co-curricular activities.

15. (1) TVET institutions may introduce or review training programmes in reference to existing or developed occupational standards to enhance employability of their graduates through diversified courses to meet the needs of skilled manpower. Accreditation of local training programs.

(2) Every institution shall submit to the Authority the proposed programme for evaluation and approval as specified in section 32 of the Act.

16. (1) Any person who intends to become, a trainer in a TVET institution shall apply to the Authority for a trainers' licence where the trainer has the training qualifications required for competency-based education and training in various trainers levels, with the following minimum competencies— Registration and Licensing of trainers of TVET institutions.

- (a) planning of training session;
- (b) deliver competency based training (CBT);
- (c) conduct competency assessment; and
- (d) maintain training facilities and ensure internal quality assurance.

(2) Trainers shall be required to renew their training licence periodically with evidence of continuous professional development as required by the Authority.

17. (1) The Board may upon evaluation of the application submitted under these regulations— Board to decide on registration and licensing.

- (a) register the institution and license the programs as applied for by the institution if satisfied;
- (b) register the institution without licensing the programs in cases where only the infrastructure of the institution is suitable;
- (c) comment or give recommendations for the action of institution's management; or
- (d) reject the application.

(2) The decision of the Board shall be communicated in writing to the respective applicants.

(3) Where the Board registers an institution and licenses its programmes, the Board shall issue the institution with a certificate of registration and the relevant licences.

(4) An institution issued with a certificate under subregulation (1) shall display such certificate or licences conspicuously on its premises along with licences and other relevant documents issued by the Authority.

(5) An applicant to whom the Board makes recommendations under subregulation (1)(c) may re-submit the application in accordance with section 20 (3) of the Act within a period of six months.

(6) Where the Board rejects an application it shall notify the institution accordingly and require it to comply within a prescribed period and manner, failure to which the Board may close the institution either permanently or until the notice is complied with.

PART III—TVET QUALITY ASSURANCE SYSTEMS

18. (1) The Authority shall be the external quality assurance agency of TVET Institution training, but the institutions shall have the primary responsibility for internal quality assurance of their training programmes, initiation of development and review of curricula.

Authority to be
quality assurance
agency.

(2) Each institution shall establish its own internal quality assurance policy, systems and mechanisms in line with the Authority's prescribed guidelines.

(3) Every institution shall—

- (a) analyze student performance through a variety of methods including formal testing, project or experimental work, or such other means as may be deemed fit, and use the results for improvement of students' performance;
- (b) use the results of student assessment to evaluate and revise the curriculum and methodology of delivery on a continuing basis;
- (c) ensure appropriate confidentiality of various tests and assessments and their results;
- (d) regularly monitor the student assessment procedures so as to ensure their adequacy and accuracy.

19. (1) An institution shall make necessary arrangements for having certain classroom sessions taken up by suitable faculty or experts from the respective industries and may from time to time arrange industrial attachment for the students.

Industrial Interface
and Student
Development.

(2) The institution shall encourage faculty members and students to take up real life problems from the industry for study and application of principles taught as a part of course work and shall encourage students to manufacture under guidance of their faculty members at the workshops certain tools and equipment or other products for sale.

(3) The institution shall put in place programmes to equip their students with other skills to be applied in the workplace.

20. (1) In undertaking evaluation and monitoring of institutions, 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 under the Act, or any other written law.

Monitoring and evaluation.

(2) A monitor and evaluator acting pursuant to subregulation (1) shall be required to have at least ten years' experience in Technical and Vocational Education and Training or industry practice.

21. Every institution shall—

- (a) adopt an International Standard for Training Services providers for non-formal Education and 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.

Institutionalization of standards and quality assurance.

22. All institutions shall submit the following information to the Authority on an annual basis in a prescribed format—

- (a) data on students and staff;
- (b) programmes and time table;
- (c) linkages and collaborations;
- (d) reports that will enable the Authority to determine if students have met admission requirements;
- (e) reports respecting the student graduation rate and the employment placement rate of its graduates, and details of development made in the institution's physical infrastructure and training; and
- (f) any other reports related to compliance with this Regulation on the request of the Authority.

Filing of annual reports.

PART IV—COLLABORATION BETWEEN FOREIGN INSTITUTIONS AND LOCAL INSTITUTIONS

23. (1) Any foreign institution offering or intending to offer training and examinations in Kenya, shall apply for accreditation, licensing and registration in accordance with Section 22 of the Act.

Accreditation of foreign institutions and training programmes.

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

(3) A foreign institution shall be allowed to collaborate with local registered institutions if such an institution—

- (a) is accredited or recognized in the country of origin;
- (b) has the programme under collaboration on offer in the country of origin; and

if the program offered is unique and relevant to a specific market niche and reflects the national aspirations of the country.

(4) A collaborating foreign institution shall submit to the Board a duly signed memorandum of agreement between the collaborating Institutions.

(5) A memorandum under sub regulation (1) shall set out details of—

- (a) the nature of the collaboration;
- (b) a statement on the collaborating institutions;
- (c) the approved examining body;
- (d) the rights and obligations of the students;
- (e) the rights and obligations of each of the two institutions;
- (f) the financial arrangements; and
- (g) mechanisms of variation and termination of the agreement.

(6) The admission of students into programmes offered under collaboration shall be governed by the existing admission criteria in the local TVET institution.

24. Upon receipt of the application to collaborate under regulation 23, the Board shall review the application to—

Collaboration
Review.

- (a) assess and ascertain the veracity of the particulars submitted ;
- (b) verify the training resources, and management and administrative and social affairs pertaining to the programme(s) of the institution; and
- (c) make such other follow-up investigations relevant to the collaboration processes it may deem necessary.

25. The Board may upon confirmation that all the requirements have been met grant a license to collaborate, and shall maintain a register of the institutions granted authority to collaborate with other institutions.

Grant of License
to Collaborate.

PART V—RECOGNITION AND EQUATION OF
QUALIFICATIONS AWARDED BY FOREIGN INSTITUTIONS

26. (1) Holders of diplomas and certificates conferred or awarded by foreign institutions may seek recognition or equation of their qualifications from the Authority. Scope.

(2) The Authority may recognize or equate diplomas and certificates conferred or awarded by foreign institutions in accordance with the standards and guidelines set by the Authority from time to time in accordance with the Act.

27. The following principles shall apply to the equation of diplomas and certificates— Principles of recognition and equation.

- (a) holders of foreign qualifications shall have adequate access, upon request, to the results of an assessment of their qualifications;
- (b) the procedures and criteria for the assessment of foreign qualifications shall be transparent, coherent and reliable, and shall be reviewed periodically with a view to increasing transparency, taking account of developments in the education field;
- (c) in the assessment of the foreign qualifications concerning TVET training, the international and national legal frameworks shall be applied in a flexible way with the view of making recognition possible;
- (d) in cases where the decision is different from the recognition requested by the applicant, including cases where no form of recognition is possible, the Board shall inform the applicant of the reasons for the decision reached and his or her possibilities for appealing against it;
- (e) while the aim is to assess the foreign qualifications in qualitative terms, the assessment shall be undertaken relying on both qualitative and quantitative criteria, the use of which shall be limited to cases where quantitative criteria are relevant to quality and may supplement qualitative criteria; and
- (f) recognition of the awards shall be granted wherever possible, unless there is a substantial difference in terms of content, profile, workload, quality and learning outcomes with similar programmes available locally.

28. The Board shall evaluate and equate foreign diplomas and certificates conferred or awarded by foreign institutions upon their presentation to it, and in doing so shall— Evaluation of Foreign Qualifications.

- (a) establish the status of the qualifications presented taking into account the status of the institution or programmes through which the qualifications were awarded;

- (b) establish whether the foreign institution belongs to the countries operating under the auspices of the relevant international and regional conventions;
- (c) take into account the established quality assurance system, including the system of formal evaluation of TVET training institutions and programmes in the originating country;
- (d) take into account past practice in similar cases of recognition, in order to ensure consistency;
- (e) identify the qualification in the Kenyan system which is most comparable to the foreign qualification and where available, the Board shall consult with the National and Regional Qualification Frameworks;
- (f) consider in a flexible way, the differences if any, in the content, profile, workload, quality and learning outcomes, in which case the evaluation shall seek to establish alternative recognition which shall include—
 - (i) recognition of the foreign qualification as comparable to a qualification of Kenya, but not that indicated by the applicant;
 - (ii) partial recognition of the foreign qualifications; and
 - (iii) full or partial recognition of the foreign qualification subject to the applicant successfully taking additional examinations, further study, aptitude tests or other compensatory measures;
- (g) in cases where formal rights are attached to a certain foreign qualifications in the country of origin, the qualification shall be evaluated with a view to giving the holder comparable formal rights in Kenya, insofar as these exist and arise from the learning outcomes certified by the qualifications;
- (h) in cases where qualifications were issued several years before or under previous higher education structures the Board shall consider the following—
 - (i) the extent to which a qualification is outdated will depend on the field concerned as well as activities undertaken by the applicant since the qualification was issued;
 - (ii) the status of the qualification of the issuing country, and if a national qualifications framework exists in the issuing country, it shall be established whether or not previous qualifications are included in it;
 - (iii) older qualifications shall be recognized along the same lines as the more recent and similar qualifications issued in Kenya taking into account the

purpose for which recognition is sought, and relevant work experience shall be considered for dated qualifications;

- (iv) learning outcomes, the quality of the programme and its duration as some of the indicators of the level of achievement reached at the end of the programme;
- (v) prior learning, credit transfer, different forms of access to higher education, joint certificate and diplomas and lifelong learning in recognition of some training qualifications which are awarded in short duration, without diminishing the learning outcomes, and a decision not to grant recognition shall not be motivated by duration alone;
- (j) previous level of education in cases where these levels have a serious bearing on the outcome of the evaluation, and shall as far as possible, be limited to qualifications of a level immediately preceding the qualification for which recognition is sought; and
- (k) best technical and professional skills, and taking account of all relevant information, and where adequate information on the learning outcomes is available, this shall take precedence in the evaluation over consideration of the education programme which has led to the qualification.

29. (1) For a qualification to be recognized or equated under this Part the applicant shall be required to have attained the equivalent of the minimum requirements for a course leading to a similar award in Kenya, including, for a diploma—

- (a) the Kenya Certificate of Secondary Education certificate with a minimum aggregate performance of C- or above, or equivalent qualifications; or
- (b) “O” level Division II;
- (c) “A” Level Certificate with at least one principal pass;
- (d) a Kenya Certificate of Secondary Education certificate with a minimum D+ or above with a Post-Secondary School certificate with credit from a recognized institution in the area of study; and
- (e) skills competence that have been assessed by the Board to be equivalent to diploma as per section 43 of the Act.

(2) The equation of qualifications shall take into account the criteria for comparability as follows—

- (a) previous background or achievement before enrolling for the qualification;
- (b) the minimum core competencies and core programme learning outcomes in the programme of study;

Criteria for
Recognition and
equation of
Qualifications.

- (c) the number of course units permissible to be given credit transfer as a percentage of the total required course units for the whole programme;
- (d) the stage reached in a given programme of study which may be considered against the national qualifications framework which shall be stipulated by the government from time to time; and
- (e) in case of professional courses, whether the candidate is registered to practise in the country of origin.

30. (1) The sponsor of a private TVET institution operating in Kenya who intends to change the ownership of the institution shall—

Change of ownership of a TVET institution.

- (a) submit to the Board an application which shall be accompanied by—
 - (i) a status report on the institution summarizing the various facets of institution enrolment, staffing, programmes, facilities and finances; and
 - (ii) a draft amended Trust Deed in respect of the institution;
- (b) by providing a brief on the new sponsor;
- (c) by providing transition brief highlighting—
 - (i) the measures to be put in place to ensure continuity for students;
 - (ii) the transitional arrangements for the staff of the TVET institution;
 - (iii) any anticipated changes in the governance of the institution; and
 - (iv) the management of the assets of the TVET institution.

(2) The sponsor shall before making the application under subregulation (1) ensure the following—

- (a) that the change of ownership safeguards the objects and purpose of the TVET institution;
- (b) that the interests of the students and staff are safeguarded; and
- (c) that the change shall conform to the Constitution and the Act.

PART VI—GENERAL PROVISIONS

31. The fees chargeable for services rendered under these regulations shall be as may be gazetted by the Authority from time to time.

Fees.

32. (1) A person who commits an offence under any provision of these Regulations shall be liable to penalties as set out in the Act. Penalties.

(2) A person who, without the written consent of the Authority, uses the name of the Authority in furtherance of or in connection with any advertisement for any trade, business, calling or profession, commits an offence and shall be liable to the penalties set out in the Act.

33. (1) Any person or institution who or which is aggrieved by an act or decision of the Board taken in accordance with any of the provisions of these Regulations and who desires to question that act or decision, or any part of it may, within thirty days of the date of such act or decision, appeal to the Board for a review of its decision, and thereafter to the Cabinet Secretary if not satisfied with the decision of the Board for such orders or instructions as may be deemed necessary. Appeals.

(2) Any person dissatisfied with the decision of the Cabinet Secretary may appeal to the High Court.

34 (1) Any local TVET Institution which at the commencement of these Regulations is providing Diploma or Certificate programmes in collaboration with a local University or TVET institution shall forthwith cease such collaborations and shall provide a transition system for the benefit of the institution studying under the collaboration. Transitional Arrangements.

(2) All the trainers are required to meet the competency-based education and training trainer requirements within two years from the coming into operation of these Regulations.

35. The Authority may, where a local institution is licensed to collaborate with a foreign institution, revoke the licence to collaborate issued before the expiry thereof if— Revocation of Authority issued Licence.

- (a) it is of the opinion that such revocation is in the interest of education in Kenya;
- (b) the licensee is in breach of the terms and conditions upon which the licence was issued;
- (c) the licensee is no longer offering the services that require the licence; or
- (d) such changes have occurred which, if they were in existence at the time of application for the license, the licence would not have been granted.

36. (1) The Authority may when it deems it necessary issue a notice in writing to the licensee requiring to be addressed by the licensee on any relevant issue, including non-compliance within a specified period. Notice to Revoke licence to Collaborate.

(2) If within the notice period the licensee does not address the issues highlighted in subregulation (1), the Authority fails to comply with the notice issued under (1) may revoke the licence (3) Where a licence is revoked—

- (a) such revocation shall not affect the awards granted by the licensee before the date of revocation, and
- (b) the local TVET institution shall make necessary arrangements for the ongoing students complete their programme where applicable.

37. The Authority may from time to time issue standards and guidelines for the implementation of these Regulations. Standards and guidelines.

SCHEDULE (R 3 (2))

APPLICATION FORMS

CHECKLIST OF REQUIREMENTS FOR APPLICATION FOR REGISTRATION OF TVET INSTITUTIONS

The following documents are required for the application of Licensing, Registration and Accreditation of a TVET institution and trainers:

<i>No.</i>	<i>Requirement</i>	<i>Mark here</i>
1	Certified copy of registration of business name, certificate of incorporation or Trustee	
2	Gazette notice for the establishment of the (For those offering up to Higher Diploma level)	
3	Certified Copy of Public Health Report statement (not more than twelve (12) months old) on the suitability of premises to be used	
4	Evidence of ownership or lease arrangement: If the applicant owns the structure, the title deed. In the case of lease, a certified copy of a renewable lease agreement of at least 5 years witnessed by an advocate who is a commissioner of oaths.	
5	Certified copy of Manager's (Sponsor) ID/passport and passport size photograph	
6	Certificates of good conduct for Manager, Principal and Trainers	
7	Layout designs of the Institution, specifications of available infrastructure and equipment	
8	Curriculum Vitae and certified copies of certificates for trainers and Manager by an advocate who is a commissioner of oaths and their appointment letters.	
9	Proof of payment of prerequisite fees	
10	Duly completed application forms for registration of TVET institution (TVETA/TVET/REG/1), approval of manager (TVETA/TVET/REG/2) and trainer (TVETA/TVET/REG/3)	
11	List of Directors or Trustees in case of a community or Non Governmental based institution and their appointment letters.	
12	Proposal on Financial ability to establish a TVET institution.	

The duly completed forms and supporting documents should be placed in a well-labeled spring file and submitted to the TVETA Headquarter at Teleposta Towers, 25th Floor.

FORM I:

TVETA/REG/1

**APPLICATION FORM FOR LICENSING, REGISTRATION AND ACCREDITATION
OF TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING (TVET)
INSTITUTION UNDER THE TVET ACT NO. 29 OF 2013**

This form should be completed in duplicate by the applicant and placed in a labelled spring file for onward transmission to the TVETA Headquarters. Ensure that you complete all sections of this form before returning to the Director-General, TVETA

PART 1

To be completed by the applicant.

1. LEGAL NAME OF INSTITUTION
2. CONTACT ADDRESS
 - P.O. Box..... Code Town
 - Tel..... Fax..... E-Mail.....
 - Website.....
3. CATEGORY OF THE INSTITUTION (Based on highest level of Qualifications offered)

Higher Diploma	Diploma	Artisan Certificates
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. PHYSICAL LOCATION
 - (i) County
 - (ii) Sub-County
 - (iii) Division
 - (iv) Location/Town
 - (v) Village/Estate/Street.....
 - (vi) Building Name & Floor
5. LAND PARTICULARS (Attach certified photocopies of title deed or lease agreement)
 - (i) Plot Number
 - (ii) Total acreage
 - (iii) Is the land on leasehold or free hold
 - (iv) Acreage of total built up area
 - (v) Type of building structures on site.....
 - (vi) In case of rented premises:
 - Name of Landlord
 - Address:..... Tel No.:.....
 - (vii) Duration of lease (Specify Commencement Date)

11. TRAINING STAFF DETAILS

<i>S/No.</i>	<i>Name of Trainer</i>	<i>Professional Qualification (e.g. CPA, B.Sc. Mechanical Engineering)</i>	<i>Training Qualification (e.g B.Ed., Tot)</i>	<i>Training Experience (Years)</i>	<i>Full Time or Part Time</i>
1					
2					
3					
4					
5					
6					
7					
8					
9					

NOTE: Extend the rows using the same format, if space provided is inadequate

Attach certified copies of the following documents for Manager, Principal and each trainer:

- (i) Detailed Curriculum Vitae;*
- (ii) Certified copies of Academic and Professional certificates; and*
- (iii) Signed Letter of offer of Appointment.*

14. PHYSICAL FACILITIES

(a) Administrative Offices

<i>S No.</i>	<i>Name Of Office</i>	<i>Dimensions In Meters eg. 4.5m X 5m</i>	<i>Key Facilities In The Room</i>

NOTE: Attach an inventory for each room

(b) Classrooms

- (i) State the total number of classrooms and total space in m²*
- (ii) State the facilities and fixtures in the class rooms*
- (c) Workshops/ Laboratories/Library.*

Specifications of available infrastructure and equipment

<i>S. No.</i>	<i>Name of Workshop/ Laboratories/Library</i>	<i>Dimensions in meters eg. 4.5m X 5m</i>	<i>total no of tools and equipment</i>

NOTE: Attach an inventory for each room as well as a layout design

- (d) Other Facilities (e.g toilets, playgrounds, canteens, firefighting equipment, kitchen, dormitories etc)

<i>S.No.</i>	<i>Name</i>	<i>Purpose of Facility</i>	<i>Dimensions in Meters Eg. 4.5m X 5m</i>	<i>Resources in the Room/Field</i>

NOTE: Attach an inventory for each facility

PART III

15. DECLARATION BY THE MANAGER

I hereby declare that I have read the Technical and Vocational Education and Training Act No. 29 of 2013 and the Sessional Paper No. 14 of 2012 on Reforming Education and Training and hereby confirm that the training activities will be conducted in accordance with the provision of the law and related regulations.

I also understand that it is an offence, punishable by law to establish, manage, maintain, or operate a Technical and Vocational Education and Training (TVET) institution which has not been registered in accordance with PART IV section 17(2) of the TVET Act No. 29 of 2013

I also declare that to the best of my knowledge the information provided in this form is true and correct.

Full Name Signature

Date and Stamp

To be completed by the Desk Officer at the TVET Headquarters

16. EVALUATION OF APPLICATION DOCUMENTS BY THE DESK OFFICER-TVET

I hereby declare that I have scrutinized the application form and the supporting documents, and verified that the form is duly completed and the supporting documents

COMPLY with the checklist in the form (TVETA/REG/1).

DO NOT COMPLY with the checklist in the form (TVETA/REG/1).

I hereby

Recommend the institution be included in the schedule of assessment, in partial fulfillment for registration as per the provisions in Article 19(1a) of the TVET Act No. 29 of 2013.

Do not recommend the assessment of the institution because of the following reasons

.....
.....
.....

Name Signature Date

FORM II:

TVETA/REG/2

APPLICATION FORM FOR APPROVAL FOR MANAGER or SPONSOR OF A TVET INSTITUTION UNDER THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING (TVET) ACT, 2013

This form should be filled in duplicate by the applicant and placed in a well labeled spring file for onward transmission to the TVETA Headquarter. Ensure that you complete all sections of this form before returning to the TVETA Headquarter

PART 1

I,

(Give full name in block letter)

ID. No./Passport No.....(attach a certified copy) of

P.O. Box Tel E-Mail

hereby apply on behalf of

(Insert Myself or Title of the Managing Body)

for approval as a Manager of.....

(Insert name of Institution/College)

in accordance with Part IV section 18(v) and Second Schedule section 4 of the TVET Act 2013.

2. PHYSICAL LOCATION OF THE INSTITUTION

(i) County

(ii) District/Municipality.....

- (iii) Division.....
- (iv) Location/Town
- (v) Village/Estate/Street.....
- (vi) Building Name and Floor

3. QUALIFICATIONS AND EXPERIENCE

(i) Qualifications

<i>Year</i>	<i>Institution Name</i>	<i>Course Title</i>	<i>Level</i>	<i>Examining body</i>

NB: If space provided is inadequate, attach a separate list

Attach certified copies of certificates listed

(ii) Relevant Work Experience

<i>Year</i>	<i>Place of Work</i>	<i>Position Held</i>	<i>Achievements</i>

NB: If space provided is inadequate, attach a separate list

4. PERSONAL REFEREES

Give the name, address and status of two persons (not a relative) to whom reference can be made.

Name.....Occupation.....

P.O. Box.....Code.....Town.....

Email.....

Name.....Occupation.....

P.O. Box.....Code.....Town.....

Email.....

5. DECLARATION BY THE MANAGER

I hereby declare that I have read the Technical and Vocational Education and Training Act No. 29 of 2013, the Sessional Paper No. 14 of 2012 on Reforming Education and Training, and hereby confirm that the training activities will be conducted in accordance with the provision of the law and related regulations.

I also understand as per the provisions of PART IV Article 17(2) and 23 that it is an offence, punishable by law to offer training in Kenya unless the Institution and Trainers have been licensed and registered under the TVET Act No. 29 of 2013

I also declare that to the best of my knowledge the information provided in this form is true and correct.

Full Name Signature

Date and Stamp

TO BE COMPLETED BY THE TVETA DESK OFFICER

6. EVALUATION OF APPLICATION DOCUMENTS BY THE DESK OFFICER-TVETA

I hereby declare that I have scrutinized the application form and the supporting documents, and verified that the form is duly completed and the supporting documents provided

COMPLY with the TVET registration checklist.

DO NOT COMPLY with the TVET registration checklist.

I hereby Do not recommend the approval of the Manager because of the following reasons.

.....

Name of Officer

Signature Date and Stamp.....

FORM III:

TVETA/REG/3

APPLICATION FORM FOR APPROVAL AS A TRAINER OF TVET INSTITUTION UNDER THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING (TVET) ACT, 2013

This form should be filled in duplicate by the applicant and placed in a labeled spring file for onward transmission to the TVETA Headquarters. Ensure that you complete all sections of this form before returning to the TVETA Headquarters

PART 1

I,

(Give full names in block letters)

ID. No./Passport No.....(attach a certified copy)

P.O. BoxTelE-Mail

hereby apply on for registration and licensing as a TVET trainer in accordance with Part IV sections 18 (v) , 23 (1) and Second Schedule section 4 of the TVET Act, 2013.

2. QUALIFICATIONS AND EXPERIENCE

(i) Qualifications

<i>Year</i>	<i>Institution Name</i>	<i>Course Title</i>	<i>Level</i>	<i>Examining Body</i>

NB: If space provided is inadequate, attach a separate list

Attach certified copies of certificates listed

(ii) Relevant Work Experience

<i>Year</i>	<i>Place of Work</i>	<i>Position Held</i>	<i>Achievements</i>

NB: If space provided is inadequate, attach a separate list

3. PERSONAL REFEREES

Give the name, address and status of two persons (not a relative) to whom reference can be made.

Name.....

Occupation.....

P.O. Box.....Code.....Town.....

Email.....

Name.....

Occupation.....

P.O. Box.....Code.....Town.....

Email.....

4. DECLARATION BY THE TRAINER

I hereby declare that I have read the Technical and Vocational Education and Training Act No. 29 of 2013, the Sessional Paper No. 14 of 2012 on Reforming Education and Training, and hereby confirm that the I will train in accordance with the provision of the law and related regulations.

I also understand as per the provisions of PART IV Article 17(2) and 23(1) that it is an offence, punishable by law to offer training in Kenya unless the trainer has been licensed and registered under the TVET Act No. 29 of 2013

I also declare that to the best of my knowledge the information provided in this form is true and correct.

Full Name Signature

TO BE COMPLETED BY THE TVETA DESK OFFICER

6. EVALUATION OF APPLICATION DOCUMENTS BY THE DESK OFFICER-TVETA

I hereby declare that I have scrutinized the application form and the supporting documents, and I am satisfied the applicant:

Has met the conditions to be registered as a TVET trainer

Has NOT met the conditions to be registered as a TVET trainer

I hereby recommend the applicant to be registered as a TVET Trainer in accordance to section 23 (1) of the TVET Act, 2013

Name

SignatureDate and Stamp.....

FORM IV: TVETA/REG/5

APPLICATION FORM FOR ACCREDITATION OF A FOREIGN INSTITUTION UNDER THE TVET ACT NO. 29 OF 2013

This form should be filled in duplicate by the applicant and placed in a labeled spring file for onward transmission to the TVETA Headquarters. Ensure that you complete all sections of this form before returning to the Director General, TVETA

PART I

To be completed by the applicant.

LEGAL NAME INSTITUTION AS REGISTERED IN COUNTRY ORIGIN.....

FOREIGN CONTACT ADDRESS

P.O. Box..... Code Town

Tel.....Fax.....E-Mail.....

Website.....

3. NAME AND ADDRESS OF LOCAL REPRESENTATIVE

Mr./Mrs./Ms./Dr./Prof./Rev.....

P.O. Box..... Code Town

Tel.....Email

Building Name and Floor (Physical location).....

PART II

4. DETAILS OF COURSES APPLIED FOR ACCREDITATION (this must be accredited in country of origin and are currently been offered there.)

NAME OF THE LOCAL ACCREDITED INSTITUTION IN COLLABORATION

<i>Course Name</i>	<i>Course Level</i>	<i>Duration</i>	<i>Examining Body</i>	<i>Status of Course (State Whether Ongoing or New)</i>	<i>Approved Capacity</i>
<i>Total</i>					

NOTE: Attach a separate list if space provided is inadequate

5. FOREIGN PROGRAMS ACCREDITATION REPORT

If collaborating with local accredited institution provide your accreditation report qualifying the Institution)

7. SUPPORTING DOCUMENTS

Link and/or Certified copy of the Accreditation of the Institution in Country of origin

Attach Copies of course program contents and Date of when accredited in Country of origin

Link of institution the program is offered in country of origin

PART III

8. DECLARATION BY THE MANAGER

I hereby declare that I have read the Technical and Vocational Education and Training Act No. 29 of 2013 and the Sessional Paper No. 14 of 2012 on Reforming Education and Training and hereby confirm that the training activities will be conducted in accordance with the provision of the law and related regulations.

I also understand that it is an offence, punishable by law to establish, manage, maintain, operate (OR Collaborate with) a Technical and Vocational Education and Training (TVET) institution which has not been registered in accordance with PART IV sections 17(2) and 22 of the TVET Act No. 29 of 2013 and

I also declare that to the best of my knowledge the information provided in this form is true and correct.

Full Name Signature

Date and Stamp

TO BE COMPLETED BY THE DESK OFFICER AT THE TVETA
HEADQUARTERS

OFFICIAL USE

16. EVALUATION OF APPLICATION DOCUMENTS BY THE DESK OFFICER-TVET
I hereby declare that I have scrutinized the application form and the supporting documents, and verified that the form is duly completed and the supporting documents are provided.

COMPLY with the checklist in the form (TVETA/REG/1).

DO NOT COMPLY with the checklist in the form (TVETA/REG/1).

Checked by: Signature.....

Approved by.....

SignatureDate and Stamp.....

JACOB T. KAIMENYI,

Cabinet Secretary for Education, Science and Technology.

LEGAL NOTICE NO. 243

THE REVISION OF THE LAWS ACT

(Cap. 1)

IN EXERCISE of the powers conferred by section 13 of the Revision of the Laws Act, the Attorney-General makes the following Order –

THE REVISION OF THE LAWS (RECTIFICATION) (No.2)
ORDER, 2015

1. This Order may be cited as the Revision of the Laws (Rectification) (No.2) Order, 2015.

2.

2. The errors specified in the second column of the Schedule, in the parts of Laws of Kenya specified in the first column, are rectified in the manner specified in the third column.

SCHEDULE

<i>Part of the Laws of Kenya</i>	<i>Error</i>	<i>Rectification</i>
Section 2 of the Fertilizers and Animal Foodstuffs Act (Cap.345).	The words “one third of the prisons” appearing in subsection (3).	Delete and insert words “two-thirds of the persons”.

<i>Part of the Laws of Kenya</i>	<i>Error</i>	<i>Rectification</i>
Section 2C of the Fertilizers and Animal Foodstuffs Act (Cap.345).	The words “body responsible for matters relating to remuneration” appearing at the end of the section.	Delete and insert “Salaries and Remuneration Commission”.

Dated the 16th November, 2015.

GITHU MUIGAI,
Attorney-General.