

CHAPTER 237

THE INDUSTRIAL TRAINING ACT

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The Industrial Training Act

CHAPTER 237

CHAPTER 237

THE INDUSTRIAL TRAINING ACT

Commencement: 16th May, 1960
 An Act of Parliament to make provision for the regulation of the training of persons engaged in industry

48 of 1959
 L.N. 462/1963,
 L.N. 256/1964,
 3 of 1966,
 3 of 1971,
 11 of 1975,
 6 of 1976,
 13 of 1978,
 13 of 1980,
 L.N. 214/1980,
 10 of 1981.
 Short title.

1. This Act may be cited as the Industrial Training Act.

Interpretation.
 3 of 1971,
 ss. 2, 10.

2. In this Act, except where the context otherwise requires—

"apprentice" means a person who is bound by a written contract to serve an employer for a determined period of not less than four years, or such lesser period as the Council shall determine under subsection (2) of section 20, with a view to acquiring knowledge, including theory and practice, of a trade in which the employer is reciprocally bound to instruct that person;

"Committee" means a Training Committee established under section 4a;

"Council" means the National Industrial Training Council established under section 4;

"Director" means the Director of Industrial Training appointed under section 3;

"indentured learner" means a person, other than an apprentice, who is bound by a written contract to serve an employer for a determined period of less than four years with a view to acquiring knowledge of a trade in which the employer is reciprocally bound to instruct that person;

"inspector" means an inspector appointed by the Minister under the provisions of section 23;

"labour office" means any person appointed to the public service as the Labour Commissioner, a Deputy Labour Commissioner, an Assistant Labour Commissioner, a Senior Labour Officer or a Labour Officer;

"minor" means a person under the age of fifteen years;

"scheme" means a scheme made under section 21;

"trade" means a skilled occupation;

"training levy order" means an order made under subsection (1) of section 5b.

Appointment of Director and Assistants.
 3 of 1971, s. 3,
 11 of 1975, s. 3.

3. (1) There shall be a Director of Industrial Training and such number of Deputy Directors and Assistant Directors of Industrial Training as may be necessary for the purposes of this Act.

(2) Every Deputy Director and Assistant Director of Industrial Training may, subject to the directions of the Director, perform any act or discharge any duty which may lawfully be performed or is required to be discharged by the Director under this Act.

Establishment of National Industrial Training Council.
 3 of 1971, s. 4,
 11 of 1975, s. 4,
 13 of 1980, Sch.,
 L.N. 214/1980,
 10 of 1981, Sch.

4. (1) There shall be a National Industrial Training Council for the purposes of this Act consisting of a chairman and not less than eighteen other members appointed by the Minister, of whom—

- (a) six shall be chosen to represent employers;
- (b) six shall be chosen to represent employees; and
- (c) not less than six shall be chosen to represent other interests.

(2) A vice-chairman shall be appointed by the Minister from among the members.

(3) The Director or his representative shall act as a secretary to the Council.

(4) The chairman, or in his absence the vice-chairman, shall preside at every meeting of the Council and, where he does so thereat, he shall have all the powers of, and be deemed to be, the chairman of the Council under this Act.

(5) A quorum of the Council shall be the chairman or vice-chairman and five other members, and in the case of an equality of votes, the chairman or vice-chairman, as the case may be, shall have a casting vote.

(6) The chairman and members of the Council shall hold office for such period, not exceeding four years, as shall be specified at the time of their appointment, and a retiring member shall be eligible for reappointment.

(7) Every member of the Council shall have the power to appoint one other person approved by the Minister, other than a member of the Council, to act as an alternate member in his absence and may revoke the appointment of that alter-

nate member, but no person shall act as an alternate member in place of more than one member at any one time.

(8) An alternate member as such shall be subject to the provisions of this Act and may exercise all the powers, except the power to appoint an alternate member, and perform all the duties of the member by whom he was appointed.

(9) The appointment of an alternate member shall determine if for any reason the member by whom such appointment was made ceases to be a member of the Council.

(10) No person shall be appointed as a member if he—
(a) is insolvent or has conveyed or assigned his property or has made a composition or arrangement for the benefit of his creditors; or

(b) is of unsound mind; or

(c) has been sentenced by a court to imprisonment for a term of six months or more within the preceding five years.

(11) If the Minister is satisfied that a member—

(a) has become subject to any of the disqualifications specified in subsection (10); or

(b) is incapacitated by reason of physical or mental illness or

(c) has been absent from three consecutive meetings of the Council without the leave of the Council; or

(d) is otherwise unable or unfit to discharge his functions as a member of the Council.

he may revoke the appointment of that member, and give notification thereof in such manner as he thinks fit, whereupon the office of that member shall become vacant.

(12) The Council may co-opt to serve on it for such length of time as it thinks fit any number of persons whose assistance or advice it may require, but a person so co-opted shall neither be entitled to vote at a meeting of the Council nor be counted as a member thereof for the purpose of forming a quorum.

4A. (1) The Council may establish training committees to exercise functions of the Council in relation to training in specified industries.

(2) A Committee shall consist of fifteen persons appointed in writing by the Council of whom—

(a) five shall be chosen to represent employers in the industry concerned;

(b) five shall be chosen to represent employees in the industry concerned; and

(c) five shall be chosen to represent other interest, and the Council shall appoint a chairman and a vice-chairman from among the members of the Committee chosen under paragraphs (c) and (d) respectively.

(3) The chairman and other members of a Committee shall hold office for such period not exceeding three years as may be specified at the time of appointment, and a retiring member shall be eligible for reappointment.

(4) A quorum of a Committee shall be the chairman or vice-chairman and three other members, and in case of an equality of votes the chairman or vice-chairman, as the case may be, shall have a casting vote.

(5) The Director or his representative shall act as the secretary to any Committee.

(6) A Committee shall exercise on behalf of the Council such functions of the Council as may be delegated to it by the Council, and shall exercise these functions in consultation with the Director.

(7) If a member of any Committee has been absent from three consecutive meetings of the Committee in question without the leave of the chairman or vice-chairman his office may be declared by the Council to be vacant, and in that event he shall be notified of the fact by the Council and he shall forthwith relinquish his membership of that Committee whereupon the office shall become vacant.

(8) A Committee may co-opt to serve on it for such length of time as it thinks fit any number of persons whose assistance or advice it may require, but a person so co-opted shall neither be entitled to vote at any meeting of that Committee nor be counted as a member thereof for the purpose of forming a quorum.

5. Without prejudice to the provisions of this Act, the Council shall perform the following duties and functions—

(a) it shall secure the greatest possible improvement in the quality and efficiency of the training of personnel engaged in industry;

(b) it shall ensure an adequate supply of properly trained manpower at all levels in industry;

(c) it shall share the cost of all industrial training undertaken in pursuance of this Act as evenly as possible between employers;

Duties and
functions
of the
Council,
11 of 1975,
s. 6.

Training
Committees,
3 of 1971, s. 4,
11 of 1975, s. 3,
13 of 1980, Sch.,
L.N. 214/1980,
10 of 1981, Sch.

- (d) it shall advise the Minister from time to time concerning the institution, review and maintenance of a system or systems for the holding of tests in respect of trades and occupations generally or any particular trade or occupation, and for the granting of certificates of efficiency to, and the making of reports upon, persons who enter for those tests;
- (e) it shall investigate any dispute or other matter arising out of a contract of apprenticeship or indentured learnership referred to it by the Director, and shall endeavour to settle the dispute amicably;
- (f) it shall perform such duties and functions in regard to any other matter concerning apprenticeship or indentured learnership as may be prescribed;
- (g) it shall, at the request of the Minister, and may of its own motion, investigate and make recommendations to the Minister on any matters connected with this Act.

Duties and
functions of
Committee,
3 of 1971, s. 6.

5A. (1) A Committee shall from time to time and whenever so directed by the Council submit to the Council proposals for the raising and collection of a training levy on employers in the industry in respect of which the Committee is established.

(2) The Minister may by notice in writing require the Council to exercise its power of direction under subsection (1) in respect of any industry specified in the notice within such time as may be so specified.

(3) Where a Committee—

- (a) has failed to comply within a reasonable time with a direction of the Council under subsection (1) to submit proposals for the raising and collection of a levy, or
- (b) has submitted such proposals which appear to it unsatisfactory.

the Council may direct the Committee to submit those proposals or, as the case may be, fresh proposals, within a specified time, and if it directs the Committee to submit fresh proposals it shall specify in the direction in what respects the proposals already submitted appear to it unsatisfactory and if the Committee fails to comply with the direction or the proposals submitted in pursuance of which it appears to the Council unsatisfactory the Council may make an order declaring the Committee to be in default.

(4) On the making of an order under subsection (3) the members of the Committee shall forthwith vacate their office and the order may contain such provisions as seem to the Council expedient for authorizing any person to act in the place of the member of the Committee during such period, not exceeding six months, as may elapse before new members are appointed.

(5) If the proposals of a Committee, or of a person acting under subsection (4), are approved by the Council, the Council shall submit those proposals to the Minister.

5B. (1) The Minister may make a training levy order for the purpose of giving effect to proposals submitted by the Council and approved by him, and the order may provide for the amendment of a previous training levy order and may make different provisions in relation to different classes or descriptions of employer.

(2) A training levy order may contain provisions as to the evidence by which a person's liability to the levy or his discharge of that liability may be established, and as to the time at which any amount payable by any person by way of the levy shall become due and the manner in which it shall be recoverable by the Director.

(3) If any person fails to pay an amount payable by him by way of the training levy within the time prescribed by the training levy order a sum equal to five per cent of that amount shall be added to the amount for each month or part of a month thereafter that the amount due remains unpaid.

(4) A person who fails to comply with any provision of a training levy order shall be guilty of an offence.

5C. (1) All moneys received in respect of a training levy order shall be paid into a Training Levy Fund (in this section referred to as a Fund) established in respect of the industry to which that order relates.

(2) The Director, acting on advice of the Council, may make payments out of a Fund for any of the following purposes—

- (a) the payment of maintenance and travelling allowances to persons attending training courses;
- (b) the making of grants or loans to persons providing courses or training facilities;
- (c) the payment of fees to persons providing further education in respect of persons who receive it in association with their training.

Training levies,
3 of 1971, s. 6,
11 of 1975, s. 7,
6 of 1976, Sch.

Disbursement
powers of
Director,
3 of 1971, s. 6,
11 of 1975, s. 8,
13 of 1976, Sch.

(d) the reimbursement of an employer for all or part of his training costs including fees, instruction costs, materials costs and wages of apprentices or indentured learners while attending training courses;

(e) the payment of sitting allowances and travelling, accommodation and entertainment expenses for members of Committees and any sub-committees set up under them while attending meetings of those Committees and sub-committees;

(f) the payment of examiners' fees for setting, moderating, invigilating and marking proficiency tests for apprentices and indentured learners, and their travelling and accommodation expenses;

(g) the payment of honoraria to instructors for conducting evening courses; and

(h) such other expenditure-related to training as may be approved by the Minister.

(3) In any case where the Council withholds its approval for any payment, or the Director refuses to make a payment approved by the Council, being a payment proposed under the provisions of subsection (2), the matter shall be referred to the Minister whose decision thereon shall be final.

(4) The Director shall cause to be kept all proper books of account and other books and records in relation to a Fund and shall, within such period after the end of each financial year as the Minister shall specify, cause to be prepared a balance sheet showing in detail the assets and liabilities of each Fund as at the end of that year and, in such form as the Minister shall specify, statements of account of each Fund for that year.

(5) The accounts of a Fund shall be examined, audited and reported upon annually by auditors to be appointed in respect of each financial year by the Council in relation to each Fund, and the expenses of and incidental to the examination and audit of and report upon the accounts shall be paid out of the Fund to which they relate.

(6) The Director shall cause to be produced and submitted to the auditors all books and records necessary for and relevant to the performance of their duties under subsection (5) and shall, in addition, cause to be supplied to them such other information and particulars as they may require in that behalf.

(7) The Director shall cause to be submitted to the Minister all such information as the Minister may from time to time require in respect of the financial position of a Fund,

and shall, in addition, submit to the Minister an annual report, including a balance sheet and a statement of income and expenditure audited, in accordance with subsection (5) and such other particulars as the Minister may request, and the report shall be published by the Council, in such manner as it shall specify, as soon as practicable after the end of each financial year.

6. (1) No person shall employ an apprentice without having first obtained the written permission of the Director so to do; and the Director's permission shall specify the maximum number of apprentices who may be employed at any one time by the person to whom the permission is given.

(2) No permission shall be given under this section unless the person applying therefor satisfies the Director that his establishment offers reasonable opportunities for the proper training of the apprentice or the number of apprentices proposed to be employed by him.

(3) A person aggrieved by a decision of the Director under this section may appeal therefrom to the Minister whose decision thereon, after consultation with the Council, shall be final.

(4) A person who—

(a) employs an apprentice without having first obtained the written permission of the Director to employ apprentices; or

(b) having obtained the written permission of the Director to employ apprentices, employs at any one time a number of apprentices in excess of the maximum number specified in that written permission,

shall be guilty of an offence.

7. (1) No person shall employ an indentured learner without having first obtained the written permission of the Director so to do; and the Director's permission shall specify the maximum number of indentured learners who may be employed at any one time by the person to whom the permission is given.

(2) No permission shall be given under this section unless the person applying therefor satisfies the Director that his establishment offers reasonable opportunities for the proper training of the indentured learner or the number of indentured learners proposed to be employed by him.

(3) A person aggrieved by a decision of the Director under this section may appeal therefrom to the Minister

Permission
to employ
apprentices
3 of 1971, s. 10,
11 of 1975, s. 14.

Permission
to employ
indentured
learners
3 of 1971, s. 10,
11 of 1975, s. 14.

whose decision, thereon, after consultation with the Council shall be final.

- (4) A person who—
- (a) employs an indentured learner without having first obtained the written permission of the Director to employ indentured learners; or
- (b) having obtained the written permission of the Director to employ indentured learners, employs at any one time a number of indentured learners in excess of the maximum number specified in such written permission.

shall be guilty of an offence.

8. (1) A person who—

- (a) has attained the apparent age of fifteen years; and
- (b) has completed any period of compulsory education required by law; and
- (c) has, in the case of a trade or occupation in respect of which a scheme has been made, the qualifications prescribed under that scheme; and
- (d) has been certified fit as provided in section 10,
- may, subject to the provisions of subsection (3), bind himself as an apprentice or as an indentured learner in any trade or occupation.

(2) No person who does not qualify therefor under the provisions of subsection (1) shall so bind himself.

(3) A person who is a minor shall not so bind himself except with the consent of his parent or guardian or, if there is no parent or guardian, with the consent of a District Officer or labour officer.

(4) A minor who, with consent under subsection (3), binds himself as an apprentice or indentured learner shall be bound by the contract of apprenticeship or indentured learnership, as the case may be, throughout its currency notwithstanding that he may have in the meantime attained his majority.

9. *(Repealed by 3 of 1971, s. 7.)*

10. Every person before entering into a contract of apprenticeship or indentured learnership shall be medically examined at the expense of the employer by a medical practitioner and a medical certificate to the effect that the person is fit to be employed in the trade concerned shall be obtained by the employer.

Medical examination of apprentices and indentured learners.

Who may bind himself as an apprentice or indentured learner: 3 of 1971, Sch.

Registration of contracts of apprenticeship or indentured learnership: 3 of 1971, s. 10, Sch.

11. (1) Every contract of apprenticeship or indentured learnership made after the commencement of this Act shall be in the prescribed form or, where no form has been prescribed, in a form approved by the Director.

(2) An employer who enters into a contract of apprenticeship or indentured learnership with any person shall, within fourteen days thereafter, lodge, in the prescribed manner, with the Director for registration—

(a) the contract of apprenticeship or indentured learnership;

(b) a duplicate or copy thereof;

(c) a further copy thereof for filing by the Director; and

(d) the medical certificate obtained under section 10.

(3) An employer who fails to comply with the provisions of subsection (2) shall be guilty of an offence.

(4) No contract of apprenticeship or indentured learnership made after the commencement of this Act shall be binding until it has been registered by the Director.

(5) The Director may refuse to register a contract of apprenticeship or indentured learnership if in his opinion it is not in the interests of the person who is the apprentice or indentured learner thereunder, or if it is not made in accordance with the provisions of a scheme; and he may in coming to a decision under this subsection have regard, in addition to any other circumstances, to that person's prospects of obtaining employment at the expiration of the contract in the trade or occupation in which he seeks to bind himself as apprentice or indentured learner.

(6) A party dissatisfied with the refusal of the Director to register a contract may appeal to the Minister within thirty days of the date upon which the decision of the Director is communicated to him and the Minister's decision, after consultation with the Council, shall be final.

(7) In every case where the Director registers a contract under this Act, he shall—

(a) endorse the particulars of registration thereon, and on the duplicate or copy referred to in paragraph (b) of subsection (2) and return the contract and the duplicate or copy thereof to the employer; and

(b) file the copy referred to in paragraph (c) of subsection (2).

(8) The employer shall deliver the duplicate or copy which has been endorsed to the apprentice or indentured learner for him to keep.

Transfer of contracts of apprenticeship or indentured learnership, s. 10, 3 of 1971, s. 10.

12. (1) The rights and obligations of an employer under a contract of apprenticeship or indentured learnership may, with the consent of the apprentice or indentured learner thereunder and with the approval of the Director, be transferred to another employer.

(2) The Director may withhold his approval under this section if in his opinion the transfer is not in the interests of the apprentice or indentured learner.

(3) Subject to the provisions of subsection (5), no transfer of the rights and obligations of an employer under a contract of apprenticeship or indentured learnership shall take effect until the instrument of transfer—

(a) has been reduced to writing and has been signed by or on behalf of the employer transferring the rights and obligations and the employer to whom the rights and obligations are being transferred and by the apprentice or indentured learner, as the case may be; and where the apprentice or indentured learner is a minor, has been signed also by his parent or guardian or, if he has no parent or guardian, has been signed by a District Officer or a labour officer; and

(b) has been registered by the Director in the manner prescribed by subsection (4).

(4) The employer to whom the rights and obligations under a contract of apprenticeship or indentured learnership are being transferred shall, within one month of the date on which the instrument of transfer is signed by him, lodge, in the prescribed manner, the instrument with the Director for registration, and an employer who fails so to lodge the instrument shall be guilty of an offence.

(5) Where, under a contract of apprenticeship or indentured learnership, an apprentice or indentured learner is employed by two or more persons in partnership, unless the apprentice or indentured learner otherwise elects his contract of apprenticeship or indentured learnership shall not be terminated by reason only of the death or retirement of a partner; if the business of the partnership is continued by the surviving or continuing partner or partners whether alone or jointly with another person or persons, and the rights and obligations of the employer under the contract shall be deemed to be transferred to the person or partners continuing the business; and that person or partnership shall, within one

month of the date of the death or retirement, lodge the contract, in the same manner as if it were an agreement to transfer, with the Director, who shall certify thereon that the employer's rights and obligations under the contract have been transferred to that person or partnership under this subsection.

13. (1) Without prejudice to the provisions of section 15, a contract of apprenticeship or indentured learnership may be terminated or extended—

(a) by mutual agreement of the parties thereto, with, in the case of an apprentice or indentured learner who is a minor, the same consent as is requisite for binding himself as an apprentice or indentured learner; or

(b) by the Director at the instance of any party thereto if he is satisfied that it is expedient so to do; or

(c) by the Director at the instance of the Council.

(2) The employer shall give notice to the Director of the termination or extension of a contract under paragraph (a) of subsection (1), and an employer who fails to give notice within a period of one month after the date of termination or extension shall be guilty of an offence.

(3) The Director shall not exercise the powers conferred upon him by paragraph (b) of subsection (1) unless he has given both parties to the contract an opportunity to be heard by, or to make representations to, him.

(4) The fact of termination or extension shall be endorsed by the Director upon the registered copy of the contract of apprenticeship or indentured learnership.

(5) A party dissatisfied with the action of the Director in terminating or extending a contract of apprenticeship or indentured learnership may appeal to the Minister within two months of the date upon which the decision of the Director is communicated to him.

(6) The Minister shall consult the Council on the matter of an appeal under subsection (5), and, in the event of his setting aside the decision of the Director to terminate a contract, he may make such direction with regard to the payment of any wages which would have been payable to the apprentice or indentured learner if the contract had not been terminated as he considers just, and any sum so directed to be paid may be recovered by the apprentice or indentured learner from the employer as a civil debt recoverable summarily.

Termination and extension of contracts, s. 10, 3 of 1971, s. 10, 11 of 1975, ss. 9 and 13.

(7) The decision of the Minister under subsection (6) shall be endorsed by the Director upon the registered copy of the contract of apprenticeship or indentured learnership.

(8) A contract terminated under this section shall be terminated for all purposes but without prejudice to any right of action which may have accrued before the date of termination.

14. A person who induces or attempts to induce an apprentice or indentured learner to quit the service of his employer, or who employs a person who he knows is bound by a contract of apprenticeship or indentured learnership to another person, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

15. (1) Without prejudice to the provisions of section 13, the first six months of every contract of apprenticeship or indentured learnership shall be a period of probation during or at the expiration of which the contract may be terminated by either party; and an agreement to the contrary, whether expressed or implied, shall be void, without, however, affecting the validity of any other part of the agreement of which it forms part.

(2) The employer shall give notice to the Director of the termination of a contract under subsection (1), and an employer who fails to give notice within a period of one month after the date of termination shall be guilty of an offence.

16. (1) If an employer is satisfied that an apprentice or indentured learner bound to him by contract under this Act has committed a serious breach of the terms of the contract or of any conditions of apprenticeship or indentured learnership applicable to the apprentice or indentured learner, he may forthwith suspend the apprentice or indentured learner.

(2) An employer who has suspended an apprentice or indentured learner shall report the matter in writing to the Director within three days of the suspension, and the Director shall then investigate the matter and may confirm or set aside the suspension of the apprentice or indentured learner or vary the term thereof.

(3) Whether or not a complaint has been lodged by the employer, the Director may order the suspension of an apprentice or indentured learner pending investigation, and, if he does so, he shall report his action to the Council.

Enactment of apprentices or indentured learners.

Probationary period. 3 of 1971, s. 10, Sch.

Suspension of apprentice or indentured learner. 3 of 1971, s. 10.

(4) Where the Director sets aside the suspension of an apprentice or indentured learner the employer shall pay to the apprentice or indentured learner such wages as may have been withheld from him during the period of suspension.

(5) An employer who fails to report the suspension of an apprentice or indentured learner in accordance with the provisions of this section shall be guilty of an offence.

Records to be kept by employer. 3 of 1971, s. 10.

17. (1) An employer who employs an apprentice or indentured learner shall keep in respect of every apprentice or indentured learner records of the remuneration paid to, and of the time worked by, every apprentice or indentured learner, and such other particulars as may be prescribed.

(2) The records shall be kept in such form and manner as may be prescribed; but the Director may, after consultation with the Council, in writing signed by him, authorize the keeping of records in some other form if the records so kept will in his opinion enable him to ascertain therefrom the required particulars.

(3) A person who employs or has employed an apprentice or indentured learner shall retain a record made in accordance with this section for a period of three years after the date of the last entry in the record.

(4) An employer who fails to keep the required records in the proper form and manner and an employer and former employer who fails to retain a record made in accordance with this section for the required period shall be guilty of an offence.

Limitations in regard to method of payment and overtime. 3 of 1971, Sch.

18. Notwithstanding the provisions of any other law for the time being in force, any term of a contract of apprenticeship or indentured learnership or any condition of apprenticeship or indentured learnership which—

(a) provides that the whole or any part of the wages of an apprentice or indentured learner shall be based upon the quantity of work done; or

(b) requires an apprentice or indentured learner under seventeen years of age to work overtime;

(c) *(Deleted by 3 of 1971, Sch.)* shall be void.

19. (1) The employer of an apprentice or indentured learner shall, at the request of the apprentice or indentured learner, on the satisfactory completion of the contract of apprenticeship or indentured learnership, make out a certificate of apprenticeship or indentured learnership, as the case

Certificate of apprenticeship and indentured learnership. 3 of 1971, s. 10.

may be, in the prescribed form and manner, submit it to the Director for countersignature and, when countersigned, give it to the apprentice or indentured learner.

(2) If an employer fails to give a certificate, then, without prejudice to any penalty to which the employer may be liable in respect of failure so to do, the Director, having first made such inquiries as may be necessary and possible, may give the certificate himself.

(3) A person who contravenes any of the provisions of subsection (1) shall be guilty of an offence.

(4) A person who knowingly gives to an apprentice or indentured learner a certificate under this section which is untrue in any material particular shall be guilty of an offence.

20. (1) If an apprentice or indentured learner is absent from work for a period of thirty days or more, or for a number of periods amounting in the aggregate to thirty days or more, the Director may, if he considers it expedient, order that the term of his contract of apprenticeship or indentured learnership be extended by the number of days on which he is absent, and the contract shall stand extended accordingly.

(2) Where it is proved to the satisfaction of the Council that a person has undergone previous technical training relevant to the trade or occupation in which he desires to be apprenticed, the Council may authorize the Director to reduce the period of apprenticeship to be served by that person to such lesser period as it shall determine.

(3) The Director shall have all the powers of an inspector under this Act.

21. (1) The Director may, after consultation with the Council and subject to the provisions of section 22, make a scheme or schemes for regulating the training of apprentices or indentured learners in any trade or occupation:

Provided that no scheme shall revoke or vary any term of any contract of apprenticeship or indentured learnership registered before the date of making of the scheme.

(2) A scheme may, in respect of any trade or occupation to which it relates, specify—

(a) the qualifications, including age and educational standard, required for apprentices or for indentured learners in that trade or occupation;

(b) without prejudice to the provisions of subsection (2) of section 20, the period of apprenticeship or indentured learnership (which shall not exceed seven years in the case of apprenticeship and shall be less than four years in the case of indentured learnership) applicable to that trade or occupation;

(c) the practical training which employers shall provide for apprentices or indentured learners in their employ in that trade or occupation;

(d) the theoretical training in that trade or occupation which shall be provided by or at the expense of employers for their apprentices or indentured learners or which apprentices or indentured learners shall undergo, and the manner in which such training shall be provided or undergone;

(e) the proficiency tests or examinations which apprentices or indentured learners in that trade or occupation shall be required to undergo from time to time;

(f) the maximum number of ordinary working hours which apprentices or indentured learners in that trade or occupation may be required or permitted to work during any week or on any day, and the days on which, the hours on any day before or after which and the intervals during which no apprentice or indentured learner in that trade or occupation may be required or permitted to work;

(g) the maximum period of overtime which apprentices or indentured learners in that trade or occupation may be required or permitted to work on any day or during any specified period;

(h) the minimum number of paid holidays to be allowed to apprentices or indentured learners in that trade or occupation during any year of their apprenticeship or indentured learnership;

(i) the remuneration and other conditions which shall apply in respect of any period during which an apprentice or indentured learner in that trade or occupation is unable by reason of any condition of apprenticeship or indentured learnership or other specified circumstances to render service to his employer during ordinary working hours;

(j) any other matter which in the opinion of the Director, after consultation with the Council, is necessary for the effective operation of the scheme.

Miscellaneous
Powers of
Director.
3 of 1971, s. 8,
10, Sub.

Training
Schemes,
3 of 1971, s. 10,
Sch.,
11 of 1975, s. 14.

(3) The Director may, in any scheme, provide that the conditions of apprenticeship or indentured learnership specified therein, or any of them, shall apply in respect of apprentices or indentured learners either generally or in any particular area.

(4) Different conditions of apprenticeship or indentured learnership may be specified under this section in respect of different classes of employers or apprentices or indentured learners, and different specified trades or occupations, and in prescribing different conditions the Director may apply any method of differentiation he may deem advisable.

(5) A scheme may be amended by a subsequent scheme or by an order made by the Director on the advice of the Council.

22. (1) Before making a scheme the Director shall publish once in the Gazette, and twice, with an interval of at least seven but not more than fourteen days between each publication, in a newspaper published and circulating in Kenya, a notice of his intention to make a scheme, specifying a place where copies of a draft thereof may be inspected and a time, which shall not be less than thirty days from the first date of publication, within which any objection to the draft scheme shall be sent to the Director.

(2) An objection shall be in writing and shall state—

(a) the specific grounds of objection; and
(b) the deletions from, or additions or modifications to, the scheme requested by the objector.

and the Director shall consider the objection made by or on behalf of a person appearing to him to be affected, if the objection has been sent to him within the time specified, and he may, but shall not be bound to, consider any other objection.

(3) At the expiration of the time specified for the making of objections, the Director may, after consideration in consultation with the Council of all objections which he is required by subsection (2) to consider—

(a) withdraw the draft scheme; or
(b) make the scheme under section 21 in the terms of the draft of the scheme published under subsection (1);
or

(c) make the scheme under section 21 subject to such deletions from, or additions or modifications to, the draft of the scheme published under subsection (1) as he thinks necessary.

Provided that no deletion from, or addition or modification to, any scheme shall be made under paragraph (c) of this subsection if in the opinion of the Director the deletion, addition or modification effects important alterations in the character of the draft of the scheme published under subsection (1).

(4) The Director may amend a draft scheme otherwise than as permitted under paragraph (c) of subsection (3), but in that case all the provisions of this section shall apply to the amended draft scheme as if it were an original draft scheme.

(5) Where the Director makes a scheme, he shall publish notice thereof in the same manner as is provided in subsection (1) for the publication of a notice of intention to make a scheme specifying a place where copies of the scheme may be inspected.

22A. (1) Every employer of apprentices or indentured learners shall appoint by name, from among his employees—

(a) a person responsible for supervising generally the training of apprentices or indentured learners under the provisions of this Act and of any relevant scheme; and

(b) at every premises or worksite where apprentices or indentured learners are regularly employed for a period of not less than three months, an apprentice or indentured learner master, who shall be responsible for day-to-day guidance of the apprentices or indentured learners in matters concerning their trade or occupation.

(2) The Director may, by notice to an employer in writing, disapprove the appointment of an apprentice or indentured learner master deemed by him not to be competent for the purpose of this Act, and that notice may specify the nature of the training which the Director requires the apprentice or indentured learner master to undertake before his appointment may be re-approved.

(3) Where twenty-five or more apprentices and or indentured learners are employed at any one premises or worksite, the apprentice or indentured learner master shall devote the

Supervision of
apprentices or
indentured
learners,
3 of 1971, s. 9.

Making of
schemes—
procedure,
3 of 1971, Sch.
11 of 1971, s. 14.

whole of his time during normal working hours to apprentice or indentured learner guidance, and where the number of apprentices and or indentured learners so employed is less than twenty-five the apprentice or indentured learner master shall devote that proportion of his time to apprentice or indentured learner guidance as the number of apprentices and or indentured learners employed bears to twenty-five.

(4) An employer who fails to make an appointment required by subsection (1), or who fails to ensure that the provisions of subsection (3) are observed, shall be guilty of an offence.

Appointment of inspectors, 11 of 1973, s. 10.

23. The Minister may, by notice in the Gazette, appoint any person appointed to the public service as a senior training officer or levy inspector to be an inspector for all or any of the purposes of this Act.

24. (1) An inspector may—

- (a) at any reasonable time enter premises in which he has reasonable cause to believe that an apprentice or indentured learner is or has within the previous six months been employed and take with him an interpreter or other assistant or a police officer;
- (b) examine, with respect to matters under this Act, any person whom he finds on premises entered under the provisions of paragraph (a) or whom he has reasonable cause to believe to be or to have been within the preceding six months employed on those premises, and require him to be so examined;
- (c) require any apprentice or indentured learner to appear before him at a time and place fixed by the inspector and then and there question that apprentice or indentured learner.

Powers of inspectors.

(d) require the production or delivery up of any of the records required to be kept under this Act or any rules made thereunder, and of any document relating thereto or relating, with respect to matters under this Act, to the business of any person whom the inspector has reasonable cause to believe is or was within the preceding six months the employer of an apprentice or indentured learner;

(e) examine and make extracts from and copies of any such documents produced or delivered up.

(2) A person who—

- (a) refuses or fails to comply to the best of his ability with a requirement made by an inspector under this section; or
- (b) hinders an inspector in the exercise of his powers under this section.

shall be guilty of an offence:

Provided that no one shall be required under this section to answer a question or to give information tending to incriminate himself.

(3) An inspector exercising or seeking to exercise any of the powers specified in subsection (1) shall, on being required to do so, produce written evidence of his appointment.

Disclosure of information in offence, 1 of 1971, s. 10.

25. (1) A member of the Council or a public officer who discloses to any person, except for the purposes of the performance of his duties or the exercise of his powers under this Act, information in relation to the financial affairs or plant or equipment of any person, which information was acquired in the performance of his duties or the exercise of his powers under this Act, shall be guilty of an offence.

(2) Nothing in this section shall apply to the disclosure of information made for the purposes of criminal proceedings which may be taken whether by virtue of this Act or otherwise or for the purposes of a report of any such proceedings.

Existing contracts of apprenticeship.

26. (1) Every contract of apprenticeship existing at the commencement of this Act shall continue in force and be reduced to writing and executed and registered in accordance with the procedure laid down in section 11 within four months of the date of commencement of this Act.

(2) Every employer under a contract of apprenticeship existing at the commencement of this Act shall ensure that the requirements of subsection (1) are fulfilled in relation to the contract, and an employer who fails so to do shall be guilty of an offence, but without prejudice to the continuance in force of the contract.

Bankruptcy, 3 of 1971, s. 10, Cap. 51.

27. Where, under the provisions of subsection (1) of section 39 of the Bankruptcy Act, a contract of apprenticeship or indentured learnership is discharged by the apprentice or indentured learner giving notice in writing to the trustee in bankruptcy to that effect, the trustee shall, within a period of one month of receiving the notice, notify the Director thereof, and failure so to notify the Director shall be an

offence, without prejudice however to the complete discharge of the contract.

28. A person who commits an offence under this Act in respect of which no penalty is specially provided shall be liable to a fine not exceeding six thousand shillings or to imprisonment for a period not exceeding six months, or to both.

29. (1) The Minister may make rules generally for carrying into effect the provisions of this Act and, in particular, may make rules prescribing—

(a) the form of a contract of apprenticeship or indentured learnership and the matters for which provision shall be made in the contract

(b) the manner in which educational standards or birth may be proved;

(c) the nature of returns which employers may from time to time be required to furnish to the Director and the period within which those returns shall be so furnished;

(d) the procedure for the registration and transfer of contracts of apprenticeship or indentured learnership and for the notification of the expiration or termination of those contracts;

(e) the form and manner in which certificates of apprenticeship or indentured learnership are to be issued by employers;

(f) the form and manner in which tests to assess the occupational skills of persons (other than apprentices and indentured learners) in any particular trade or occupation, or trades and occupations generally, shall be conducted;

(g) the form of certificates, reports and other documentary evidence to be granted or issued, after the completion of those tests, in respect thereof;

(h) all or any matters which by this Act are required or permitted to be prescribed.

(2) Different rules may be made under subsection (1) in respect of different classes of employers or apprentices or indentured learners and of different trades or occupations, and in making rules the Minister may apply any method of differentiation he may deem advisable.

Penalties
10 of 1981, Sch.

Rules,
1 of 1971, s. 10,
Sch.,
11 of 1973, s. 11.

30. (1) The Director, with the approval of the Council, may, in the case of a particular contract, exempt any person from any provision of this Act or of any rule made thereunder or from a condition of apprenticeship or indentured learnership contained in any scheme.

(2) Any such exemption may at any time be withdrawn by the Director with the approval of the Council.

Exemption,
5 of 1971, s. 10,
11 of 1973, s. 14.

31. The Director may institute proceedings in respect of an offence under this Act or any rules made thereunder and may appear and prosecute in those proceedings.

32. This Act shall bind the Government.

Institution of
proceedings,
11 of 1973, s. 12.

Application to
the Government,
13 of 1973, Sch.

[Subsidiary]

SUBSIDIARY LEGISLATION

Orders under section 5B (1)—

THE INDUSTRIAL TRAINING (MOTOR ENGINEERING, TRANSPORT AND ALLIED INDUSTRIES) (TRAINING LEVY) ORDER

L.N. 127/1980,
L.N. 9/1981,
L.N. 12/1982.

1. This Order may be cited as the Industrial Training (Motor Engineering, Transport and Allied Industries) (Training Levy) Order.

2. (1) In this Order—

"employee" means a person employed by an employer whether on contract or permanent terms and includes management personnel;
"employer" means a person who engages in any of the following activities and employs more than four employees in connection therewith—

- (a) the maintenance, servicing, repair or assembly of motor vehicles as defined in the Traffic Act, or of earth-moving and other civil engineering plant and machinery, or of internal combustion engines used to provide motive power to industrial or other machinery;
- (b) the manufacture, assembly, maintenance, servicing or repair of tyres or tubes or batteries and accumulators;
- (c) a transport trade or industry of any kind including the business of travel agent, tour operator, cargo handler, photographic safari organizer or professional hunter; or
- (d) a business, trade or industry that combines any two or more of the businesses, trades or industries mentioned in paragraphs (a), (b) and (c) of this definition.

"levy" means the training levy imposed by paragraph 4 (1).

(2) This Order shall apply to the Government in respect of the Armed Forces but shall not apply to an employer whose activity falls within the purview of any other training levy order.

3. (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.

(2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following that in which he becomes an employer, register with the Director as an employer.

(3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Schedule.

(4) A person registered as an employer who ceased either permanently or temporarily to be an employer shall within thirty days of so ceasing notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.

Cap. 403.

[Subsidiary]

4. (1) On or before the last days of July and January in each year an employer shall pay to the Director a training levy of fifty shillings in respect of each employee employed by him on the last working day of the immediately preceding month.

(2) Payment of the levy shall be accompanied by a half-yearly return in Form 2 in the Schedule showing the number of employees employed by the employer concerned on the date in respect of which the remittance is made.

5. Without prejudice to any other remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Motor Engineering, Transport and Allied Industries Training Levy Fund.

SCHEDULE

Form 1

(Paragraph 3)

MINISTRY OF LABOUR
THE INDUSTRIAL TRAINING ACT
(Cap. 237)

Registration of employers in the motor engineering, transport and allied industries as required by paragraph 3 (1) of the Motor Engineering, Transport and Allied Industries (Training Levy) Order.

- 1. Name of employer:
- 2. Registered name of business:
- 3. Place of business:
road/street:
- town:
- 4. Address:
- 5. Nature of business:
- 6. Date

Signed: _____
Note—This registration form must be forwarded to the Director of Industrial Training, P.O. Box 74494, Nairobi.

Form 2

(Paragraph 4)

MINISTRY OF LABOUR
THE INDUSTRIAL TRAINING ACT
(Cap. 237)

Half-yearly return as required by paragraph 4 (2) of the Motor Engineering, Transport and Allied Industries (Training Levy) Order.

- 1. Payment of levy in respect of employees as at June/December
- in accordance with paragraph 4 (1) of the Order.

[Subsidiary]

- 2. Name of employer:
- 3. Address of employer:
- 4. (a) Total number of employees:
- (b) Amount of liability to the training levy due as at June/December* at fifty shillings per employee plus penalty of 5 per cent under section 5B (3) of the Act (if applicable)
- Total Remittance
- Date:
- I/WE*
- above particulars are true.
- Signed 1. Designation 1. declare that the
- 2. Designation 2.

*Delete whichever is not applicable

THE INDUSTRIAL TRAINING BANKS AND OTHER FINANCIAL INSTITUTIONS (TRAINING LEVY) ORDER

L.N. 124/1980, L.N. 8/1981, L.N. 12/1982.

- 1. This Order may be cited as the Industrial Training (Banks and Other Financial Institutions) (Training Levy) Order.
- 2. In this Order--
 - "employee" means a person in the service of an employer whether on permanent or contract terms and includes management personnel;
 - "employer" means any of the following who employs at least one person--
 - (a) a bank as defined in the Banking Act; Cap. 488.
 - (b) a person who engages, whether directly or indirectly, in a banking business as defined in the Banking Act, under a licence issued under that Act;
 - (c) the Central Bank of Kenya established under the Central Bank of Kenya Act; Cap. 491.
 - (d) the Kenya Post Office Savings Bank established under the Kenya Post Office Savings Bank Act; Cap. 493a.
 - (e) the Agricultural Finance Corporation established under the Agricultural Finance Corporation Act; Cap. 323.
 - (f) a society registered as a building society under the Building Societies Act; Cap. 489.
 - (g) the Industrial Development Bank;

[Subsidiary]

- (h) the Development Finance Company of Kenya; and
- (i) the Industrial and Commercial Development Corporation established under the Industrial and Commercial Development Corporation Act
- (j) a person licensed under the Hire-Purchase Act to carry on hire-purchase business other than a bank or other person carrying on banking business together with hire-purchase business;
- (k) a person licensed under the Money-Lenders Act to carry on a money-lenders business;
- "levy" means the training levy imposed by paragraph 4 (1).
- (2) This Order shall not apply to an employer whose activities falls within the purview of any other training levy order.
- 3. (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.
- (2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.
- (3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Schedule.
- (4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing stating the reasons for his ceasing to be an employer.
- 4. (1) On or before the last days of January and July in each year an employer shall pay to the Director a training levy of one hundred and twenty-five shillings in respect of each employee in his employment on the last working day in the immediately preceding month.
- (2) Payment of the levy due shall be accompanied by a half-yearly return in Form 2 in the Schedule showing the number of employees employed by the employer concerned in the month in respect of which the remittance is made.
- 5. Without prejudice to any other remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Banks and Other Financial Institutions Training Levy Fund.

SCHEDULE

Form 1

(Paragraph 3)

MINISTRY OF LABOUR THE INDUSTRIAL TRAINING ACT (Cap. 237)

Registration of employers in banks and other financial institutions as required by paragraph 3 of the Industrial Training (Banks and Other Financial Institutions) (Training Levy) Order.

1. Name of employer:

[Subsidiary]

- 2. Registered name of business:
- 3. Place of business:
- road/street:
- town:
- 4. Address:
- 5. Nature of business:
- 6. Date:
- Signed:

Note.—This registration form must be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

FORM 2

(Paragraph 4 (2))

MINISTRY OF LABOUR
THE INDUSTRIAL TRAINING ACT
(Cap. 237)

Half-yearly return as required by paragraph 4 (2) of the Industrial Training (Banks and Other Financial Institutions) (Training Levy) Order.

- 1. Payment of levy in respect of employees as at June/December*
- 19..... in accordance with paragraph 4 (1) of the Order.
- 2. Name of employer:
- 3. Postal address of employer:
- 4. (a) Total number of employees
- (b) Amount of liability to the training levy due
- as at June/December* 19..... per
- employee
- Plus penalty of 5 per cent under section 5B (2)
- of the Act (if applicable)
- Total payment

Sh.

[Subsidiary]

I/We*, declare that the above particulars are true.

Signed: 1.
2.

Designation:
Note.—This return should be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

*Delete whichever is not applicable.

L.N. 123/1980,
L.N. 9/1981.

THE INDUSTRIAL TRAINING (TEXTILE AND ALLIED INDUSTRIES) (TRAINING LEVY) ORDER

- 1. This Order may be cited as the Industrial Training (Textile and Allied Industries) (Training Levy) Order.
- 2. (1) In this Order—
"employee" means a person employed by an employer on permanent or contract terms and includes management personnel;
"employer" means a person who engages in one or more of the activities specified in the First Schedule and who employs more than four employees in connexion therewith.
"levy" means the training levy imposed by paragraph 4 (1).
(2) This Order shall not apply to an employer whose activity falls within the purview of any other training levy order.

- 3. (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.
(2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.
(3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Second Schedule.
(4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.
- 4. (1) On or before the last days of January and July in each year an employer shall pay to the Director a training levy of one hundred and twenty-five shillings in respect of each employee in his employment on the last working day of the immediately preceding month.

(2) Payment of the levy shall be accompanied by a half-yearly return in Form 2 in the Second Schedule showing the number of employees employed by the employer concerned in the month in respect of which the payment is made.

5. Without prejudice to any other remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Food Processing and Allied Industries Training Levy Fund.

FIRST SCHEDULE (Paragraph 2 (1))

- The activities mentioned in paragraph 2 (1) are the following—
(a) manufacturing, processing and working up of articles of fibre, hair, filament yarn, thread, wire, rope, cloth, ribbon, lace, canvas and any other fabric including leather.
(b) manufacture of screens and rollers used in the printing of textiles or leather.
(c) designing of drawings, patterns and models to be used in the textile and allied industries.

SECOND SCHEDULE (Paragraph 3 (1))

MINISTRY OF LABOUR THE INDUSTRIAL TRAINING ACT (Cap. 237)

Registration of employers in the textile and allied industries as required by paragraph 3 of the Industrial Training (Textile and Allied Industries) (Training Levy) Order.

- 1. Name of employer:
2. Registered name of business:
3. Place of business: road/street: town:
4. Address:
5. Nature of business:
6. Date: Signed:

Note.—This registration form must be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

[Subsidiary]

Form 2

(Paragraph 4 (2))

MINISTRY OF LABOUR THE INDUSTRIAL TRAINING ACT (Cap. 237)

Half-yearly return as required by paragraph 4 (2) of the Industrial Training (Textile and Allied Industries) (Training Levy) Order.

- 1. Payment of levy in respect of employees as at June/December 19.... in accordance with paragraph 4 of the Order.
2. Name of employer
3. Postal address of employer
4. (a) Total number of employees
(b) Amount of liability to the training levy due as at June/December 19.... at one hundred and twenty-five shillings per employee plus penalty of 5 per cent under section 5B (3) of the Act (if applicable)
Total Payment

I/We declare that the above particulars are true.

Signed: Designation:

Note.—This registration form must be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

*Delete whichever is not applicable.

L.N. 126/1980, L.N. 9/1981.

THE INDUSTRIAL TRAINING (SAW MILLING, TIMBER, FURNITURE AND ALLIED INDUSTRIES) (TRAINING LEVY) ORDER

1. This Order may be cited as the Industrial Training (Saw Milling, Timber, Furniture and Allied Industries) (Training Levy) Order.

- 2. In this Order—
"employer" means a person who engages in one or more of the activities in the First Schedule.
"levy" means the training levy imposed by paragraph 4 (1).

[Subsidiary]

3. (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.

(2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.

(3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Second Schedule.

(4) A person registered as an employer who ceased either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.

4. (1) On or before the last days of January, April, July and October in each year an employer shall pay to the Director a training levy of 0.25 per cent of the total quarter turnover for the immediately preceding quarter if that quarter turnover exceeds twenty thousand shillings.

(2) Payment of the levy shall be accompanied by a quarterly return in Form 2 in the Second Schedule showing the total quarterly turnover in the months in respect of which the payment is made.

5. Without prejudice to any other remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Saw Milling, Timber, Furniture and Allied Industries Training Levy Fund.

FIRST SCHEDULE (Paragraph 2 (1))

The activities referred to in paragraph 2 (1) are—

- (a) (i) timber felling, wood cutting, logging, plywood production and pitsawing,
- (ii) maintenance of timber, fibreboard and particle board;
- (iii) selling, storing, processing and reconversion of timber.
- (b) manufacture, assembly, maintenance, repair or alteration of office or domestic furniture whether manufactured from plastic, steel, wood, fibreglass or any other material;
- (c) manufacture of all types of cushions and mattresses;
- (d) manufacture, assembly, maintenance, repair or alteration of handcars and wooden wagons, wooden boats, wooden artifacts, wooden doors and windows and wooden prefabricated houses or buildings.

[Subsidiary]

SECOND SCHEDULE

Form 1

(Paragraph 3 (3))

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of employers in the saw milling, timber, furniture and allied industries as required by paragraph 3 of the Industrial Training (Saw Milling, Timber, Furniture and Allied Industries) (Training Levy) Order.

1. Name of employer:
2. Registered name of business:
3. Place of business:
- road/street:
4. Postal address:
5. Nature of business:
6. Date:

Signed:

Note.—This registration form must be forwarded to the Director of Industrial Training, P.O. Box 74494, Nairobi.

Form 2

(Paragraph 4 (2))

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Quarterly return as required by paragraph 4 (2) of the Industrial Training (Saw Milling, Timber, Furniture and Allied Industries) (Training Levy) Order.

1. Payment of levy in respect of quarterly turnover as at 31st March 19...../30th June 19...../30 September 19...../31st December, 19.....*
 - 2. Name of employer:
 - 3. Postal address:
 - Sh. etc.
 - 4. (a) Total turnover during the quarter

[Subsidiary]

(b) Total amount of liability to the training levy at 0.25 per cent of total turnover for which payment is enclosed
 Plus penalty of 5 per cent under section 5B (3) of the Act (if applicable)
 Total payment

I/We*
 declare that the above particulars are true.

Signed (1) Designation (1)
 (2) (2)

Note.—This return should be forwarded to the Director Industrial Training, P.O. Box 74494, NAIROBI with each payment of training levy.

*Delete whichever is not applicable.

THE INDUSTRIAL TRAINING (FOOD PROCESSING AND ALLIED INDUSTRIES) (TRAINING LEVY) ORDER

L.N. 127/1980.

1. This Order may be cited as the Industrial Training (Food Processing and Allied Industries) (Training Levy) Order.

2. (1) In this Order—
 "employee" means a person employed by an employer whether on contract or permanent terms and includes management personnel;
 "employer" means a person who engages in one or more of the activities in the First Schedule and who employs more than four employees in respect thereof.
 "levy" means the training levy imposed by paragraph 4 (1).

(2) This Order shall not apply to an employer whose activity falls within the purview of any other training levy order.

3. (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.

(2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.

(3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Second Schedule.

(4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.

[Subsidiary]

4. (1) On or before the last days of January and July in each year an employer shall pay to the Director a training levy of one hundred shillings in respect of each employee in his employment on the last working day in the immediately preceding month.

(2) Payment of the levy shall be accompanied by a half-yearly return in Form 2 in the Second Schedule showing the number of employees employed by the employer concerned in the month in respect of which the payment is made.

5. Without prejudice to any other remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Food Processing and Allied Industries Training Levy Fund.

FIRST SCHEDULE

(Paragraph 2 (1))

The activities mentioned in paragraph 2 (1)—

- (a) grain milling,
- (b) manufacture or bottling of soft drinks,
- (c) manufacture or bottling of liquor or beer,
- (d) slaughtering or canning or preparation and preservation of meat,
- (e) manufacture of dairy products, including canning and preservation of those products,
- (f) canning or preparation and preservation of fruits, or vegetables,
- (g) canning and preservation or processing of fish for any purpose,
- (h) manufacture of confectionery,
- (i) manufacture of bakery products,
- (j) manufacture of vegetable or animal oils and fats,
- (k) manufacture of edible oils from groundnuts, corn, sunflower seed or any other seed or nut,
- (l) processing or preparation of groundnuts,
- (m) manufacture, storage, canning, packing or other processing of animal feeds.

SECOND SCHEDULE

(Paragraph 3 (3))

Form: 1

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of employers in the food processing and allied industries as required by paragraph 3 of the Industrial Training (Food Processing and Allied Industries) (Training Levy) Order.

1. Name of employer:

[Subsidiary]
L.N. 128/1980,
L.N. 9/1981.

**THE INDUSTRIAL TRAINING (PRINTING, PUBLISHING,
PAPER MANUFACTURING AND ALLIED INDUSTRIES)
(TRAINING LEVY) ORDER**

1. This Order may be cited as the Industrial Training (Printing, Paper Manufacturing and Allied Industries) (Training Levy) Order.

2. (1) In this Order—

"employee" means a person employed by an employer whether on contract or permanent terms and includes management personnel;

"employer" means a person who engages in one or more of the activities in the First Schedule and who employs more than four employees in connection therewith;

"levy" means the training levy imposed by paragraph 4 (1);

"paper" includes printing paper, typing paper, carbon paper, tissue paper, toilet paper, duplicating paper, wrapping paper, cardboard, paper bags, cartons and other containers made out of paper.

(2) This Order shall not apply to a employer whose activity falls within the purview of any other training levy order.

3. (1) A person who is an employer at the commencement of this Order shall, on or before the expiration of thirty days after commencement register with the Director as an employer.

(2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.

(3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Schedule.

(4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.

4. (1) On or before the last days of January and July in each year an employer shall pay to the Director a training levy of fifty shillings in respect of each employee in his employment on the last working day of the immediately preceding month.

(2) Payment of the levy shall be accompanied by a half-yearly return in Form 2 in the Second Schedule showing the number of employees employed by the employer concerned in the month in respect of which the remittance is made.

5. Without prejudice to any other form of remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Printing, Paper Manufacturing and Allied Industries Training Levy Fund.

2. Registered name of business: [Subsidiary]

3. Place of business:

4. Road/street:

5. Postal address:

6. Nature of business:

7. Date:

Signed:

Note—This registration form must be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

FORM 2 (Paragraph 4 (2))

**MINISTRY OF LABOUR
THE INDUSTRIAL TRAINING ACT**

(Cap. 237)

Half-yearly return as required by paragraph 4 (2) of the Industrial Training (Food Processing and Allied Industries) (Training Levy) Order.

1. Payment of levy in respect of employees as at June/December in accordance with paragraph 4 (1) of the Order.

2. Name of employer

3. Postal address of employer

4. (a) Total number of employees
Sh. etc.

(b) Amount of training levy due at June/December
..... 19..... at one hundred shillings
per employee

Plus penalty of 5 per cent under section 5B (3)
of the Act (if applicable)

Total remittance

I/We*

declare that the above particulars are true

Signed 1. Designation 1.
2. Designation 2.

Note—This return should be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI with each payment of the training levy.
*Delete whichever is not applicable.

[Subsidiary]

FIRST SCHEDULE (Paragraph 2 (1))

The activities mentioned in paragraph 2 (1) are—
(a) printing on paper or other material by any of the following processes—

- (i) letterpress printing by direct or off-set methods or by photography;
 - (ii) lithographic printing by direct or off-set methods;
 - (iii) photogravure printing;
 - (iv) electrostatic printing;
 - (v) colotype printing;
 - (vi) screen printing;
 - (vii) die-stamping or embossing;
 - (viii) thermographic printing;
 - (ix) ruling;
 - (x) cutting, creasing or scoring by letterpress process;
- (b) the following operations or processes—
- (i) composing by any means of making up either from type, metal or blocks or from positive or negative images on paper or film or on other opaque, translucent or transparent material;
 - (ii) producing tapes or spools of any kind whether as part of a composing process or not;
 - (iii) for the purpose of reproducing an image, preparing, engraving, etching, cutting or moulding cylinder liners, cylinders, plates or rollers;
 - (iv) making printers' blocks;
 - (v) electro-typing, stereo-typing, type-casting;
 - (vi) cutting stencils or preparing screens for the purpose of screen printing;
 - (vii) for the purpose of printing music, engraving or punching plates or drawing black and white originals for photographic reproduction;
 - (viii) any chemical, electrical, electronic, photographic, re-touching, inspection, quality control or finishing process connected with any operation or process mentioned in this paragraph;
 - (ix) proof reading;
 - (x) xeroxing.

(c) finishing paper or other material by any of the following processes or by any process similar thereto—

- (i) assembling, collating, creasing, folding, gathering or inseting;
- (ii) cutting, eyeletting, perforating, punching, stabbing or trimming;
- (iii) cording, gumming, mauling, stapling, strutting or tying;

[Subsidiary]

- (iv) backing, back-lining, binding, case-making, casing-in, covering, end-papering, jacketing, lacing, slipping, pressing, rounding, sewing, skiving, smashing or stitching;
 - (v) blind lettering, blocking, sliding, glazing, gold-leafing, indexing, marbling, numbering, sizing, sprinkling or varnishing;
- where the paper or other material has been printed by a process specified in paragraph (a);
- (d) any process of copying by stencil, silver photographic, electro-photographic, thermographic, diazo, true-to-scale or any other reprographic means;
 - (e) the repairing of books;
 - (f) publishing any of the following publications or any publications similar thereto—
 - (i) books, booklets, calendars, catalogues, directories or time-tables;
 - (ii) magazines, newspapers, periodicals or professional technical or trade journals;
 - (iii) art reproductions, greeting cards or picture postcards;
 - (iv) chart, globes or maps;
 - (g) manufacturing or supplying printing paper, products or materials for printing;
 - (h) any activities of an editorial character undertaken in connexion with the publication in Kenya or elsewhere of books, booklets, calendars, catalogues, diaries, directories, timetables, charts, globes, maps or similar publications;
 - (i) any activities of an editorial, journalistic or similar character or press photography, being activities undertaken in connexion with the publication of magazines, newspapers, periodicals or professional, technical or trade journals or similar publications;
 - (j) *(deleted by L.N. 9/1981)*
 - (k) operating a news agency, photographic news agency, other photographic agency or advertising agency;
 - (l) display writing, commercial art;
 - (m) the assembly of creasing, cutting or scoring frames or of forming-tools for use in the manufacture from paper of either folding cartons or (for use in connexion with the display of goods of any kind) showcards or other printed products;
 - (n) any activities (other than those mentioned in the preceding paragraph) being—
 - (i) related activities incidental or ancillary to principal activities of the printing, publishing, and allied industries; or

[Subsidiary]

(i) activities undertaken in the administration, control or direction of one or more establishments, being establishments engaged wholly or mainly in principal activities of that industry, in related activities incidental or ancillary thereto, or in the administration, control or direction of one or more other establishments engaged in those principal or related activities; and carried out in either case, by the employer engaged in those principal activities or, where that employer is a company, by the company or by an associated company of the company.

SECOND SCHEDULE

(Paragraph 3 (3))

MINISTRY OF LABOUR THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of employers in the printing, publishing, paper manufacturing and allied industries as required by paragraph 3 of the Industrial Training (Printing, Publishing, Paper Manufacturing and Allied Industries) (Training Levy) Order.

- 1. Name of employer
2. Registered name of business
3. Place of business
4. Address
5. Nature of business

Note.—This registration form should be forwarded to the Director of Industrial Training, P.O. Box 74494, Nairobi.

Form 2

(Paragraph 4 (2))

MINISTRY OF LABOUR THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Half-yearly return as required by paragraph 4 (2) of the Industrial Training (Printing, Publishing, Paper Manufacturing and Allied Industries) (Training Levy) Order.

- 1. Payment of levy in respect of employees at June/December
19... in accordance with paragraph 4 (1) of the Order.

[Subsidiary]

- 2. Name of employer
3. Address of employer
4. (c) Total number of employees

Sh. 618.

(b) Amount of liability of the training levy due as at June/December 19... at K.S.S. 50 plus penalty of 5 per cent under section 5B (3) of the Act (if applicable)

Total remittance

I/We* declare that the above particulars are true.

- Signed 1. Designation 1.
2. Designation 2.

Note.—This return should be forwarded to the Director of Industrial Training, P.O. Box 74494, Nairobi with each payment of the training levy.

*Delete whichever is not applicable.

THE INDUSTRIAL TRAINING (ENGINEERING AND ALLIED INDUSTRIES) (TRAINING LEVY) ORDER

1. This Order may be cited as the Industrial Training (Engineering and Allied Industries) (Training Levy) Order.

2. (1) In this Order—

"employee" means a person employed by an employer whether on contract or permanent terms and includes management personnel;
"employer" means a person who engages in one or more of the activities in the First Schedule and who employs more than four employees in connexion therewith;

"levy" means the training levy imposed by paragraph 4 (1).

(2) This Order shall not apply to an employer whose activity falls within the purview of any other training levy order, but applies to the Government in respect of the armed forces.

(3) (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.

[Subsidiary]

(2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.

(3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1, in the Second Schedule.

(4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.

4. (1) On or before the last days of January and July in each year, an employer shall pay to the Director a training levy of one hundred shillings in respect of each employee in his employment on the last working day of the immediately preceding month.

(2) Payment of the levy shall be accompanied by a half-yearly return in Form 2 in the Second Schedule showing the number of employees employed by the employer concerned in the month in respect of which payment is made.

5. Without prejudice to any other form of remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Engineering and Allied Industries Training Levy Fund.

FIRST SCHEDULE

(Paragraph 2 (1))

The activities referred to in paragraph 2 (1) are—

- (a) metal works or engineering works involving the manufacture of metals or metal products including bending, shaping, cutting, fabricating and joining of metals or metal products;
- (b) making or repairing of structural steel works or spares for machinery used in factories;
- (c) mining works or related operations, and any form of metallurgy;
- (d) building or manufacture of transport systems, carriages, motor vehicle bodies, motor vehicles and railway coaches and wagons;
- (e) the generation or distribution of electrical power, the manufacture, assembly, installation, maintenance and repair of electric power appliances and equipment;
- (f) the manufacture, assembly, installation, maintenance and repair of telecommunications or broadcasting equipment and appliances.

[Subsidiary]

SECOND SCHEDULE

Form 1

(Paragraph 3 (3))

MINISTRY OF LABOUR
THE INDUSTRIAL TRAINING ACT
(Cap. 237)

Registration of employers in the engineering and allied industries as required by paragraph 3 of the Industrial Training (Engineering and Allied Industries) (Training Levy) Order.

- 1. Name of employer:
 - 2. Registered name of business:
 - 3. Place of business:
 - 4. Postal address:
 - 5. Nature of business:
- Signed

Note.—This registration form should be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

Form 2

(Paragraph 4 (2))

MINISTRY OF LABOUR
THE INDUSTRIAL TRAINING ACT
(Cap. 237)

Half-yearly return as required by paragraph 4 (2) of the Industrial Training (Engineering and Allied Industries) (Training Levy) Order.

- 1. Payment of levy in respect of employees as at June/December*
..... 19..... in accordance with paragraph 4 (1) of the Order.
 - 2. Name of employer
 - 3. Postal address of employer
 - 4. (a) Total number of employees
 - (b) Amount of liability to the training levy due as at June/December* 19..... at one hundred shillings per employee
 - Plus penalty of 5 per cent under section 5B (3) of the Act (if applicable)
 - Total payment
- Sh. cts.

I/We
 declare that the above particulars are true.

Signed 1. Designation 1.
 2.

Note.—This return should be forwarded to the Director of Industrial Training, P.O. Box 74494, Nairobi with each payment of the training levy.

*Delete whichever is not applicable.

L.N. 130/1980,
 L.N. 12/1982.

THE INDUSTRIAL TRAINING (CHEMICAL MANUFACTURING, GENERAL PROCESSING AND ALLIED INDUSTRIES) (TRAINING LEVY) ORDER

1. This Order may be cited as the Industrial Training (Chemical Manufacturing, General Processing and Allied Industries) (Training Levy) Order.

2. (1) In this Order—
 "employee" means a person employed by an employer on permanent or contract terms and includes management personnel;
 "employer" means a person who engages in one or more of the activities in the First Schedule and who employs more than four employees in connection therewith;
 "levy" means the training levy imposed by paragraph 4 (1).
 (2) This Order shall not apply to an employer whose activity falls within the purview of any other training levy order.

3. (1) A person who is an employer at the commencement of this Order shall, on or before the expiration of thirty days after commencement register with the Director as an employer.
 (2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.
 (3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Second Schedule.
 (4) A person registered as an employer who ceases either permanently or temporarily to be employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.
 4. (1) On or before the last days of January and July in each year, an employer shall pay to the Director a training levy of one hundred and twenty-five shillings in respect of each employee in his employment on the last working day of the immediately preceding month.

(2) Payment of the levy shall be accompanied by a half-yearly return in Form 2 in the Second Schedule showing the number of employees employed by the employer concerned in the month in respect of which payment is made.

5. Without prejudice to any other form of remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Chemical Manufacturing, General Processing and Allied Industries Training Levy Fund.

FIRST SCHEDULE (Paragraph 2 (1))

The activities referred to in paragraph 2 (1) are—
 (a) manufacture or preparation of—
 soap or detergents, cement, lime, asbestos, soda ash, fluorapatite, rubber, rubber bands and other rubber products, plastics, petroleum or its solvents and other by-products including bitumen, bitumen solutions, turpentine, wood preservatives, concrete mould oil, paints, waxes for any use, dyes or colouring materials, gasses, pesticides, any type of glass, drugs or other pharmaceutical products, chemicals or chemically based products;

(b) manufacture of tobacco or cigarettes, processing or drying of green tobacco leaves and any other activity in the tobacco industry excluding the growing of tobacco;

(c) processing, packing, repacking, distributing or redistributing, by any means, of petroleum or petroleum products or by-products;

(d) dispensing or supplying of drugs, chemicals or pharmaceutical products;

(e) tanning or other processing of leather;

(f) retreading of tyres;

(g) laboratory work, including the processing of films or photographs.

SECOND SCHEDULE (Paragraph 3 (2))

Form 1 (Paragraph 3 (2))

MINISTRY OF LABOUR THE INDUSTRIAL TRAINING ACT (Cap. 237)

Registration of employers in the chemical manufacturing, general processing and allied industries as required by paragraph 3 of the Industrial Training (Chemical Manufacturing, General Processing and Allied Industries) (Training Levy) Order.

1. Name of employer:

2. Registered name of business:

[Subsidiary]

- 3. Place of business:
- road/street:
- 4. Postal address:
- 5. Name of business:
- 6. Signature:
- 7. Date:

Note—This registration form should be forwarded to the Director of Industrial Training, P.O. Box 74494, Nairobi.

Form 2

(Paragraph 4 (2))

MINISTRY OF LABOUR
 THE INDUSTRIAL TRAINING ACT
 (Cap. 237)

Half-yearly return as required by paragraph 4 (3) of the Industrial Training (Chemical, Manufacturing, General Processing and Allied Industries) (Training Levy) Order.

- 1. Payment of levy in respect of employees as at June/December*
 19.... in accordance with paragraph 4 (1)
 of the Order.
- 2. Name of employer
- 3. Postal address of employer
- 4. (a) Total number of employees

Sh. etc.

(b) Amount of liability to the training levy due as at
 June/December* 19....
 at one hundred and twenty-five shillings per
 employee
 Plus penalty of 5 per cent under section 5B (3)
 of the Act (if applicable)
 Total payment

I/We*

declare that the above particulars are true.

- Signed 1. Designation 1.
- 2. Designation 2.

Note—This return should be forwarded to the Director of Industrial Training, P.O. Box 74494, Nairobi with each payment of the training levy.

*Delete whichever is not applicable.

[Subsidiary]
L.N. 131/1980.

THE INDUSTRIAL TRAINING (COMMERCIAL,
 DISTRIBUTIVE AND ALLIED TRADES AND
 INDUSTRIES) (TRAINING LEVY) ORDER

1. This Order may be cited as the Industrial Training (Commercial, Distributive and Allied Trades and Industries) (Training Levy) Order.

2. (1) In this Order—

"employee" means a person employed by an employer on permanent or contract terms and includes management personnel;

"employer" means a person who engages in one or more of the activities in the First Schedule and employs four or more employees in connection therewith;

"levy" means the training levy imposed by paragraph 4 (1).

(2) This Order shall not apply to—

- (a) an employer whose activity falls within the purview of any other training levy order;
- (b) a charitable organization;
- (c) a non profit-making organization;
- (d) a person operating a business under a lawyer's licence.

3. (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.

(2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.

(3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Second Schedule.

(4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.

4. (1) On or before the last days of January and July in each year an employer shall pay to the Director a training levy of fifty shillings in respect of each employee in his employment on the last working day of the immediately preceding month.

Provided that when an employer has in his employment more than five hundred employees on the last day in that immediately preceding month he shall pay to the Director a training levy of ten shillings in respect of each employee in excess of five hundred.

(2) Payment of the levy due shall be accompanied by a half-yearly return in Form 2 in the Second Schedule showing the number of employees employed by the employer concerned in the month in respect of which payment is made.

[Subsidiary]

5. Without prejudice to any other form of remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Commercial, Distributive and Allied Trades and Industries Training Levy Fund.

FIRST SCHEDULE (Paragraph 2 (1))

The activities mentioned in paragraph 2 (1) are the commercial, distributive and allied trades, industries or businesses and include the businesses of—

- (a) estate agents,
- (b) advertising agents,
- (c) wholesale, retail and hire-purchase traders,
- (d) stockists and warehousing,
- (e) cleaning, forwarding or shipping agents,
- (f) insurance—
 - (i) companies,
 - (ii) brokers,
 - (iii) consultants,
 - (iv) investigators,
 - (v) agents and advisers,
 - (vi) surveyors,
 - (vii) adjusters,
 - (viii) assessors,
- (g) professional persons practising as—
 - (i) accountants,
 - (ii) engineers,
 - (iii) lawyers,
 - (iv) doctors,
 - (v) secretarial managements,
 - (vi) consultants,
 - (vii) architects,
 - (viii) chartered surveyors,
- (h) stock-brokers,
- (i) running betting or gambling institutions including the running of any lottery,
- (j) auctioneers,
- (k) security services.

[Subsidiary]

SECOND SCHEDULE

FORM 1

(Paragraph 3 (3))

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of employers in the commercial, distributive and allied trades and industries as required by paragraph 3 of the Industrial Training (Commercial, Distributive and Allied Trades and Industries (Training Levy) Order.

- 1. Name of employer:
 - 2. Registered name of business:
 - 3. Place of business:
 - road/street:
 - 4. Postal address:
 - 5. Nature of business:
- Date Signed
- Designation

Note.—This registration form should be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

FORM 2

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Half-yearly return as required by paragraph 4 (2) of the Industrial Training (Commercial Distributive and Allied Trades and Industries (Training Levy) Order.

- 1. Payment of levy in respect of employees as at June/December*
 - 19..... in accordance with paragraph 4 (2) of the Order.
- 2. Name of employer
- 3. Postal address of employer
- 4. (a) Total number of employees

{Subsidiary}

(b) Amount of liability to the training levy due as at June/December at:

(i) K.Ss. 50 per employee

(ii) K.Ss. 10 per employee

Plus penalty of 5 per cent under section 5B (3) of the Act (if applicable)

Total payment

I/We*

declare that the above particulars are true.

Signed 1. Designation 1.

2.

Note.—This return should be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI with each payment of the training levy.

*Delete whichever is not applicable.

THE INDUSTRIAL TRAINING (PLANTATION, AGRICULTURAL AND ALLIED INDUSTRIES) (TRAINING LEVY) ORDER

L.N. 132/1980
L.N. 130/1982.

1. This Order may be cited as the Industrial Training (Plantation, Agricultural and Allied Industries) (Training Levy) Order.

2. (1) In this Order—

"employer" means a person who engages in the processing of sugar, coffee, cotton, sisal, tea, pyrethrum, cashew nuts or pineapples; "levy" means the training levy imposed by paragraph 4 (1).

(2) This Order shall not apply to an employer whose activity falls within the purview of any other training levy order.

3. (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.

(2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.

(3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Schedule.

(4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.

{Subsidiary}

4. (1) On or before the 21st day of each succeeding month an employer shall pay to the Director a training levy at the rate of four shillings for every metric tonne of sugar, coffee, cotton, sisal, tea, pyrethrum, cashew nuts or pineapples processed by the employer in a month.

(2) Payment of the levy shall be accompanied by a monthly return in Form 2 in the Schedule showing the monthly total amount in metric tonnes of the products.

5. Without prejudice to any other form of remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Plantation, Agricultural and Allied Industries Training Levy Fund.

SCHEDULE

FORM 1

MINISTRY OF LABOUR

(Paragraph 3 (3))

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of employers in the plantation, agricultural and allied industries as required by paragraph 3 of the Industrial Training (Plantation and Agricultural Industries) (Training Levy) Order.

1. Name of employer:
2. Registered name of business:
3. Place of business:
- road/street:
4. Postal address:
5. Nature of business:
6. Signature:
- Date:

Note.—This registration form should be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

FORM 2

MINISTRY OF LABOUR

(Paragraph 4 (2))

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Monthly return as required by paragraph 4 (2) of the Industrial Training (Plantation and Agricultural Industries) (Training Levy) (Amendment) Order.

1. Payment of levy for the month of 19.....
 2. Name of employer
 3. Address
 4. Payments--

Product	Weight
(a) Total amount of processed product during the month	Sh. cis.
(b) Total amount of liability to the training levy at 4 shillings per metric tonne for which remittance is enclosed	Sh. cis.

I/We*
 declare that the above particulars are true.
 Signed Designation

Note.—This return should be forwarded to the Director of Industrial Training, P.O. Box 74494, Nairobi with each payment of Training Levy.
 *Delete whichever is not applicable.

THE INDUSTRIAL TRAINING (BUILDING, CONSTRUCTION, CIVIL ENGINEERING AND ALLIED INDUSTRIES (TRAINING LEVY) ORDER

L.N. 123/1980.
 L.N. 9/1981.

1. This Order may be cited as the Industrial Training (Building, Construction, Civil Engineering and Allied Industries) (Training Levy) Order.

2. (1) In this Order--
 "employer" means a person who engages for gain in any of the activities in the First Schedule;
 "levy" means the training levy imposed by paragraph 4 (1).

(2) This Order shall not apply to an employer whose activity falls within the purview of any other training levy order.

3.(1) A person who becomes an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register within the Director as an employer.

(2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.

(3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Second Schedule.

(4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.

4. (1) An employer shall within thirty days of entering into a contract in respect of the activities specified in paragraphs (a) to (g) of the First Schedule or within thirty days of commencing any such activity furnish the Director, in writing, with full particulars and details of the contract including the contract price or the estimated cost of the activity at the commencement of the activity.
 (2) The Director shall, upon receipt of the information required under subparagraph (1), assess the amount of levy that shall be payable by the employer on the basis of 0.25 per cent of the total contract price or the estimated cost where it exceeds fifty thousand shillings in respect of an activity specified in paragraphs (a) to (g) in the First Schedule.
 (3) The Director shall, by notice in writing, inform the employer liable to pay the training levy assessed under subparagraph (2) of the training levy payable by the employer and the employer shall pay the training levy in full to the Director within sixty days of the issue of the first certificate of payment.
 Provided that, where a first certificate of payment is not issuable, the training levy shall be paid in full to the Director within sixty days of the commencement date specified in the particulars and details supplied under subparagraph (1).
 (4) Employers engaged in an activity specified in paragraph (h) of the First Schedule shall assess the amount of levy that shall be payable by them on the basis of 0.25 per cent of the total quarterly turnover where it exceeds twenty thousand shillings in respect of the activity and a training levy so payable shall be paid to the Director on or before the last working days of January, April, July, and October in each year.
 (5) Payment of the training levy due under subparagraph (3) shall be accompanied by a completed return in Form 2 in the Second Schedule.
 (6) Payment of the training levy due under subparagraph (4) shall be accompanied by a completed quarterly return in Form 3 in the Second Schedule.

5. Without prejudice to any other form of remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Building, Construction, Civil Engineering and Allied Industries Training Levy Fund.

FIRST SCHEDULE

The activities mentioned in paragraph 2 (1) are--

- (a) construction or structural alteration or maintenance works or repairs of or to buildings or structures;
- (b) demolition of buildings or structures, or preparation for or the laying of the foundation of any intended building or structure;
- (c) construction of railway lines or sidings;

[Subsidiary]

- (d) construction, structural alteration or repairs, or the demolition of or to any airfield, dock, harbour, wharf, quay, pier, inland navigation works, road, tunnel, bridge, viaduct, water-way, dam, reservoir, pipeline aqueduct, sewage works, lairice work, structural works designed to support electrical lines or structural steel works.
- (e) drain-laying, roofing works, floor and wall decorating, painting and decorating.
- (f) bore-hole drilling or water supply works.
- (g) any other activity involving building or civil engineering works or any other activity incidental or ancillary to or connected with activities mentioned in paragraphs (e) to (f).
- (h) quarry operations, manufacturing of concrete blocks or concrete pipes, bricks or tiles, or the manufacturing of similar or related materials used in the course of carrying out any of the activities listed in this paragraph.

SECOND SCHEDULE

Form 1

(Paragraph 3 (3))

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of employers in the building, construction, civil engineering and allied industries as required by paragraph 3 of the Industrial Training (Building, Construction, Civil Engineering and Allied Trades and Industries) (Training Levy) Order.

- 1. Name of employer:
- 2. Registered name of business:
- 3. Place of business:
- road/street:
- 4. Postal address:
- 5. Nature of business:
- 6. Date:

Signature

Note—This registration form should be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

Form 2

(Paragraph 4 (3))

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Return with training levy payment as required by paragraph 4 (3) of the Industrial Training (Building, Construction, Civil Engineering and Allied Industries) (Training Levy) Order.

[Subsidiary]

- 1. Name and address of employer
- 2. (a) Project or work description
- (b) Location of project or work
- 3. Total contract price
- 4. Date of commencement
- 5. Date of first certificate of payment (if applicable)
- 6. Training levy payment due at 0.25, or one-quarter, per cent of the total contract price
- 7. Penalty due under section 5B (3) of the Act (if any)
- 8. Date

Signature

Note.—Original of this form together with payment should be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

Form 3

(Paragraph 4 (4))

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Quarterly return as required by paragraph 4 (4) of the Industrial Training (Building, Construction, Civil Engineering and Allied Industries) (Training Levy) Order.

- 1. Name and address of employer
- 2. Total quarterly turnover
- 3. Payment of levy at 0.25, or one-quarter, per cent of total quarterly turnover as at—

	Sh. cis.	Sh. cis.
(a) 31st March, 19.....
(b) 30th June, 19.....
(c) 30th September, 19.....
(d) 31st December, 19.....
Total

I/We*

declare that the above particulars are true.

[Subsidiary]

- Signed 1. Designation 1.
- 2.

Notes—The original of this return together with the payment of the training levy should be forwarded to the Director of Industrial Training, P.O. Box 74494, NAIROBI.

Rules under section 29

THE INDUSTRIAL TRAINING (TRADE TESTING) RULES

- 1. These Rules may be cited as the Industrial Training (Trade Testing) Rules.
- 2. In these Rules "trade test" means a test approved by the Minister under rule 3.

3. (1) The Minister may, by notice in the Gazette, approve such tests as he may, with the advice of the Council, deem necessary for the purpose of assessing the occupational skills of persons (other than apprentices and indentured learners) in any particular trade or occupation, or trades and occupations generally.

(2) Tests approved by the Minister under paragraph (1) shall be in the form and subject to the conditions prescribed by the Director and approved by the Minister.

4. (1) A person wishing to undergo a trade test shall submit his name for that purpose, together with his Identity Card number or registration number and two recent passport size photographs, through his employer or association of employers, or if self-employed or unemployed direct to the Director not less than four months before the date, which shall be notified, on which the trade test is due to take place.

Provided that the Director may reject an application by a person who has failed to complete the period of service specified in a contract of apprenticeship or indentured learnership by which he was bound.

(2) Notwithstanding the provisions of paragraph (1), a person may apply to undergo a trade test in more than one trade or occupation if he has the necessary skills and qualifications; and the Director may allow or reject such an application.

(3) An application for a trade test under paragraph (1) shall be in the form set out in the First Schedule.

5. (1) In forwarding an application for a trade test, the employer or association of employers, or if self-employed or unemployed, the applicant, shall specify any previous trade test or tests passed by the employee or by him declaring the date or dates of passing and the qualifications obtained.

(2) The employee or other applicant shall, if required to do so, furnish proof that he has passed the test or tests referred to in paragraph (1).

L.N. 251/1977,
L.N. 74/1982.
Citation.

Interpretation.

Approval of and conditions for trade tests.

Application for a trade test.

Information as to previous trade tests.

[Subsidiary]

Fees for trade tests.

6. (1) A person who applies to undergo a trade test in a grade specified in the first column of the Second Schedule shall pay the fees prescribed in respect thereof in the second column of that Schedule.

(2) On a request for a further trade test under rule 15, the Director may direct that the fee payable on application shall be paid by the person or association making the request.

(3) Where the application for a trade test is sent by post, the fees shall be remitted by a crossed postal order or money order drawn in favour of the Ministry of Labour.

Tools for trade test.

7. A person who applies to undergo a trade test under these Rules shall provide himself with the necessary tools required for the test.

Issue of Certificates.

8. (1) The Director, on being satisfied that an applicant has reached the standard required to qualify in a trade test and that he has paid the necessary fees as specified in the Second Schedule, shall issue to that applicant the National Trade Certificate of Proficiency.

(2) The certificate issued under this rule shall be in the form approved by the Director, and shall show the name and registration number (or Identity Card number) of the applicant, together with a photograph of the applicant furnished by him under rule 4, and particulars of the tests undertaken and the standard achieved.

(3) A certificate issued under this rule shall be signed by the Director and by the officer appointed by him to examine the applicant in the trade test in respect of which it is issued.

(4) The Director shall cause to be kept together with the registers kept under rule 9 a copy of the certificate issued under this rule.

Register of Certificates.

9. The certificates issued under rule 8 shall be numbered serially, and the Director shall cause a register to be kept, in which shall be entered the number of the certificates, the names of the persons to whom they have been issued and any other particulars he may deem necessary.

Evaluation of trade tests.

10. (1) A person's degree of proficiency shall be determined with due regard to the following—

- (a) the kind of safety required in carrying out the trade or occupation;
 - (b) operational procedures;
 - (c) dimensional control and accuracy;
 - (d) quality, finish and assembly;
 - (e) skill in handling and selecting tools;
 - (f) speed and time taken to complete the test.
- (2) Evaluation of the test piece shall be carried out during and on completion of the trade test.

Notification of trade test results.

11. A person who undergoes a trade test under these Rules shall be notified as soon as reasonably practicable, and by registered post, the results of his trade test, and the notification shall indicate—

[Subsidiary]

- (d) the percentage marks and ratings obtained in the tests;
- (e) the reasons why a person who was unsuccessful failed his test; and
- (f) the place and manner of obtaining the certificate to be issued in accordance with the provisions of rule 8.

12. (1) There shall be a total of one hundred total marks for each trade test held under these Rules, which shall consist of seventy marks for the practical test and thirty marks for the oral and written test respectively; and the pass mark shall be not less than an aggregate of sixty per cent.

(2) The following marks and rating shall be awarded to the person undergoing a trade test under these Rules according to the degree of proficiency achieved by him—

PERCENTAGE	RATING
(a) First Class Pass	(Aggregate Marks) 86 - 100 per cent
(b) Ordinary Pass	60 - 85 per cent
(c) Fail	59 per cent and below

13. A person who fails a trade test shall not undergo a second trade test until after six months from the date he underwent the first trade test.

14. (1) A person issued with a certificate under these Rules who loses it shall so notify the Director within two months from the date he first discovered the loss.

(2) A notification under paragraph (1) shall state the date on which the trade test in respect of which the lost certificate was issued was held, the date of its issue and the serial number of the certificate.

(3) The Director may, on receipt of a notification under this rule and after making such inquiry as he deems necessary, issue or refuse to issue a certified copy of the original certificate to the person making the notification.

15. (1) If, in the opinion of an employer or association of employers or employees recognized for the purpose by the Director, a person to whom a certificate has been granted under these Rules no longer possesses the standard of ability, skill or competence required for the grant of the certificate, a request may be made to the Director that the person be required to undergo a further trade test of the standard applicable to that certificate.

(2) The Director may, after making such inquiry as he considers necessary, require the person to whom this rule applies to undergo a trade test, which shall take place not later than three months after the request was originally made.

16. The Director may require a person to whom a certificate has been issued under these Rules to surrender the certificate on the

Surrender of Certificates.

[Subsidiary]

grounds that the holder has failed to qualify in a trade test held in accordance with the provisions of rule 15, or that the holder has been guilty of conduct in connexion with his trade or occupation which renders it undesirable that he should continue to hold the certificate, or for any other sufficient reason.

Offences and Penalties.

- 17. (1) A person who knowingly and without authority—
- (a) possesses a certificate to which he is not entitled under these Rules; or
- (b) being entitled under these Rules to the possession of a certificate parts with possession of it to a person not so entitled; or
- (c) alters or defaces a certificate issued under these Rules or makes a facsimile of the certificate with intent to deceive or defraud; or
- (d) fails to produce or surrender a certificate issued under these Rules without good and sufficient cause,

shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for six months or to both.

Appeals.

18. (1) The Minister shall, by notices in the Gazette, appoint a tribunal consisting of five members for the purposes of deciding an appeal made under paragraph (3).

(2) Three members of the tribunal shall form a quorum.

(3) A person who feels aggrieved by an order or decision of the Director made under any of these Rules may, within fourteen days of that order or decision, appeal in writing to the Minister who shall as soon as reasonably practicable convene the tribunal appointed under paragraph (1) for the purpose of hearing and determining the appeal.

(4) The appeal shall be in the form of a memorandum and shall set out the decision of the Director appealed against, the date of the decision, and the grounds of appeal.

(5) A decision of the tribunal under this rule shall be final and conclusive and no appeal shall lie therefrom to any court.

FIRST SCHEDULE (r. 4)

FORM G.P. 61 REPUBLIC OF KENYA (T.T. 14)
 To: The Director,
 National Industrial Vocational Training Scheme,
 Ministry of Labour,
 P.O. Box 40540, Nairobi.

APPLICATION FOR TRADE TEST

*1. Full name of applicant (in BLOCK LETTERS, as stated on Identify Card)

*2. Registration number (as stated on Identify Card)

[Subsidiary]

- *3. Declared national status
- 4. Nature of test required—
Trade Grade
- 5. Is test required for immigration purposes?
(Answer "Yes" or "No")
- 6. Previous Government trade tests taken (if any)—
Trade If failed state application No.
Grade
- Certificate No. of last trade test
- 7. Details of any apprenticeship served

- 8. Present employer—
Name
P.O. Box
- Situation of premises
- *9. Applicant's address for correspondence (if different from that
of employer)

10. I enclose two photographs (head and shoulders), size 2" X 2",
with my name (in block letters) on reverse.

11. I enclose Sh. in payment of fee.
Signed
Date

Notes:—

- * (a) The particulars given against items 1 to 3 MUST be as they
appear on applicant's identity card.
- (b) Care must be taken to fill in ALL information required;
incomplete forms will not be accepted.
- * (c) Any change of address should be notified to the Director of
Industrial Training without delay.

[Subsidiary]

(d) Any applicant failing to report for a trade test after a reasonable call-up notice will be required to repay the fee payable for the trade test.

(e) The prescribed fees for trade tests are as follows:—

Artisan, Grade III	Sh. 100
Artisan, Grade II	Sh. 200
Artisan, Grade I	Sh. 300

If this application is sent by post the fee must be sent in the form of a crossed postal or money order drawn in favour of the Ministry of Labour.

FOR OFFICIAL USE ONLY

Office of origin

Miscellaneous receipt No. Application No.

Date Entered (date)

SECOND SCHEDULE

(r. 6)

TRADE TEST FEES

Grade of Trade Test	Application Fee
Artisan Grade III	100
Artisan Grade II	200
Artisan Grade I	300

THE NATIONAL INDUSTRIAL TRAINING SCHEME FOR THE TRAINING OF CRAFT APPRENTICES

Introduction

The establishment of a National Industrial Training Scheme for the training of Craft Apprentices under the Industrial Training Act, Cap. 237 is intended for all industries with a view to—

- (a) establishing national training standards and common working conditions for all the craft apprentices employed in the various industries;
- (b) promoting and developing systematic craft apprenticeship training programmes in industry, thereby strengthening the existing apprenticeship system;
- (c) meeting the present and future need for skilled workers in the country;
- (d) creating more opportunities for school-leavers to undertake industrial training in industry.

Productivity, maintenance and the effectiveness of any industry largely depend upon the quality and quantity of its trained technical manpower. There is no better way of producing competent, adaptable, skilled craftsmen than by means of a comprehensive systematic apprenticeship training scheme. The National Industrial Training Scheme for the training of Craft Apprentices is devised to accelerate progress in Kenya in this important field of training.

The main features of the National Industrial Training Scheme are:—

- (1) The Director of Industrial Training shall be responsible for the operation of the scheme.
- (2) The minimum educational qualifications for entry to craft apprenticeship shall be Form II of Secondary Vocational/Technical Schools or equivalent.
- (3) Suitably qualified holders of the National Trade Test Grade II may be considered for entry into a craft apprenticeship at an advanced level.
- (4) The first six months of apprenticeship shall be a probationary period.
- (5) A contract of apprenticeship as prescribed under the scheme shall be entered into by every apprentice and his employer on the satisfactory completion of the six months probationary period.
- (6) The normal period of apprenticeship shall not be less than four years (including probationary period).



REPUBLIC OF KENYA

THE INDUSTRIAL TRAINING ACT

THE NATIONAL INDUSTRIAL TRAINING SCHEME FOR THE TRAINING OF CRAFT APPRENTICES

Sb. 4 - 1973

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

IN EXERCISE of the powers conferred by section 21 (1) of the Industrial Training Act, the Labour Commissioner, after consultation with the National Industrial Training Council, hereby makes a scheme specified in the Schedule hereto, for regulating the recruitment, working conditions and training of craft apprentices.

SCHEDULE

1. TITLE

The Scheme shall be called the National Industrial Training Scheme for the training of skilled craftsmen for industry, hereinafter referred to as the 'Scheme' and shall come into operation on.....

2. APPLICATION

The Scheme shall apply to specific categories of craft apprenticeship and training in industry referred to in this schedule.

3. RESPONSIBILITY FOR THE SCHEME

The Director of Industrial Training, hereinafter referred to as the 'Director', appointed under section 3 of the Industrial Training Act shall be responsible for the operation of the Scheme.

4. QUALIFICATIONS FOR ENTRY INTO APPRENTICESHIP

- (a) The minimum age on enrolment as an apprentice shall be 15 years.
- (b) The minimum educational qualifications for entry to craft apprenticeship shall be Form II. of Secondary Vocational/Technical Schools, or equivalent. All candidates will enter the Scheme as first year apprentices, and on successful completion of the six months probationary period an assessment will be made on the basis of the relevant proficiency test as to the scale of wages which will be applied.

(c) Suitably qualified holders of the National Trade Test Grade II, may be considered for entry into a craft apprenticeship scheme at an advanced level provided that—

- (i) they are recommended and sponsored by their employers and accepted by the Director;
- (ii) the trades in which the Trade Tests were conducted are apprenticeship trades under the Scheme;
- (iii) sponsored candidates shall accept all the conditions pertaining to apprentices as laid down in this section.

(7) The wages paid to the apprentice shall be based on a percentage of the skilled craftsman's wages applicable to each industry.

(8) Standard in-plant training programmes and craft training courses shall be established for each apprenticeship trade.

(9) A proficiency testing system shall be established under the scheme.

(10) Nationally recognized Certificates of Proficiency shall be issued to the apprentice if he is successful in his proficiency tests.

(11) The apprentice shall be issued with a log-book to keep a record of his in-plant training.

(12) The employer shall submit six-monthly reports on the progress, conduct and attendance of the apprentice.

(13) The training institution shall submit to the employer progress reports on the performance of the apprentice on completion of each craft course.

(14) A nationally recognized Certificate of Apprenticeship shall be issued to the apprentice on the successful completion of his apprenticeship.

(d) Every person before entering into a contract of Apprenticeship shall be medically examined by a medical practitioner at the expense of the employer, and a medical certificate to the effect that such a person is fit to be employed in the trade concerned shall be obtained by the employer.

5. RECRUITMENT AND SELECTION OF APPRENTICES

Apprentices shall normally be recruited in accordance with procedures agreed from time to time between the Director and the Federation of Kenya Employers.

6. PROBATIONARY PERIOD

Every apprentice shall undergo a probationary period of six months commencing from the date of his enrolment as an apprentice. The employer as well as the apprentice shall be free to terminate the apprenticeship within this period. The employer shall give notice to the Director within a period of one month after the date of termination.

7. CONTRACT OF APPRENTICESHIP

A contract of apprenticeship in the form set out under Appendix I here to shall be entered into by every apprentice and his employer on the successful completion of the six-month probationary period. The contract shall be prepared in triplicate, one copy each to be retained by the apprentice and the employer and one copy to be retained by the Director for record.

8. WAGES AND CONDITIONS OF EMPLOYMENT

The apprentice shall be granted the conditions of employment as set out in the Contract of Apprenticeship (Appendix I), in accordance with the relevant collective bargaining agreement, or the Wages Council Regulations.

9. APPRENTICESHIP TRADES

The apprenticeship trades under the Scheme shall include the following:

Group A—Metal and Mechanical Trades

Machinist (General)
Fitter (General)
Tool and Die Maker
Maintenance Fitter
Sheetmetal Worker
Turner

Welder (Gas and Electric)

Blacksmith

Moulder/Coremaker

Pattern Maker (Metal, Wood and Plastics)

Diesel Engine Fitter (Stationary)

Instrument Mechanic

Group B—Automotive and Allied Trades

Motor Vehicle Mechanic

Plant Mechanic (Contractor's Equipment)

Auto Electrician

Diesel Engine Fitter

Panel Beater

Fuel Injection Specialist

Hydraulics and Transmission Mechanic

Group C—Electrical and Electronics Trades

Electrician (General)

Domestic Electronic Mechanic

Refrigeration and Air Conditioning Mechanic (General)

Domestic Appliance Mechanic

Power Plant Mechanic

Instrument Mechanic

Armature Winder

Electrical Fitter

Wireman

Linesman

Group D—Woodworking Trades

Carpenter and Joiner

Cabinet Maker

Wood Machinist

Group E—Building Trades

Mason (General)

Plumber/Pipe Fitter

Carpenter (Construction)

Painter and Decorator

Steel Fabricator

Group F—Printing Trades

Compositor
Letterpress Machinist
Process Camera Operator
Lithographic Plate Maker
Lithographer
Linotype Operator

Group G—Agricultural Trades

Agricultural Mechanic (Farm Machinery)

Group H—Textile Trades

Filter Textile (Weaving)
Fitter Textile (Spinning)

Other crafts which may be added to the Scheme shall be determined by the Labour Commissioner on the advice of the Council.

10. PERIOD OF APPRENTICESHIP

The period of apprenticeship shall not be less than four years, or such lesser period as the Council shall determine (under subsection (2) of section 20 of the Industrial Training Act) where it is proved to its satisfaction that a candidate for apprenticeship has undergone previous technical training relevant to the trade in which he desires to be apprenticed.

11. APPRENTICESHIP TRAINING PROGRAMMES

There shall be an apprenticeship training programme for each of the trades listed under paragraph 9 of this section, which shall include in-plant training, and courses conducted at Industrial Training Centres or at any other training establishment approved by the Council. Full details of these training programmes shall be published under the Scheme.

12. CRAFT TRAINING COURSES

During apprenticeship the apprentice shall be required to undergo a craft training course comprising both practical training and related theoretical instruction for each of the trades as listed under paragraph 9 of this section.

13. IN-PLANT TRAINING

The employer shall ensure that the in-plant training provided for the apprentice shall comprise both skills and operations pertaining to the trade, in accordance with the in-plant training programme prescribed by the respective training committees which shall form part of the Scheme.

14. PERSONAL TOOLS

The employer shall provide the apprentice with personal tools for the purpose of carrying out his work, as may be prescribed by the respective Training Committees. The cost of such personal tools shall be recovered from the apprentice by appropriate monthly instalments, the amount of which shall be determined in the Contract of Apprenticeship.

15. PROGRESS REPORTS BY THE TRAINING INSTITUTION

A progress report on the apprentice's performance shall be prepared and submitted to the employer on completion of each craft training course at the Industrial Training Centres.

The prescribed Progress Report Form as shown in Appendix II hereto shall be used for this purpose.

16. PROGRESS REPORTS BY THE EMPLOYER

The employer shall submit six-monthly reports on the progress, conduct and attendance of the apprentice on the prescribed Progress Report Form as shown in Appendix III hereto.

He shall also keep records of every apprentice in his employment in such a form and manner as may be prescribed under the Scheme.

17. RECORDING OF IN-PLANT TRAINING BY THE APPRENTICE

The apprentice shall be issued with a Log-Book in the form prescribed for recording the in-plant training undertaken throughout the period of his apprenticeship.

The employer shall ensure that the Log-Book is kept up-to-date by the apprentice and is made available for inspection as may be required.

18. SUPERVISION AND CONTROL OF APPRENTICES IN INDUSTRY

Proper and efficient supervision, direction and control of apprentices and their training shall be the responsibility of the employer. For this purpose the employer shall appoint a full-time apprentice master where the number of apprentices is twenty-five or more, and a part-time apprentice master where the number of apprentices is less than twenty-five. This is in accordance with section 22A of the Industrial Training Act.

19. PROFICIENCY TESTS AND CERTIFICATES OF PROFICIENCY

During apprenticeship the apprentice shall undergo three proficiency tests at the preliminary, intermediate and final levels, which shall include practical tests and written examinations in related theory. These proficiency tests shall be carried out under the direction of the Director.

The "Certificate of Proficiency" shall be issued by the Director in the form prescribed in Appendix IV hereto.

REPUBLIC OF KENYA
INDUSTRIAL TRAINING ACT
(Cap. 237)

CONTRACT
OF
APPRENTICESHIP

The degree of proficiency attained by the apprentice on completion of his full apprenticeship shall be endorsed on the "Certificate of Apprenticeship".

The conditions governing the proficiency testing of Apprentices shall be issued by the Director.

20. EXTENSION OF CONTRACT OF APPRENTICESHIP

If an apprentice fails to qualify in his final proficiency test on completion of his apprenticeship, the Council may authorize the Director to extend the period of his apprenticeship by six months in order to enable him to retake the test at the end of this period.

In the event of failure to pass the final proficiency test the wage payable to the apprentice will remain fixed at the level he was receiving prior to the test. However, should an apprentice fail the proficiency test for the second time, at the instance of the Council the Director may terminate his apprenticeship.

21. CHANGE OF TRADE

During the currency of the apprenticeship period, no change in the originally allotted trade of an apprentice shall be made except with the prior approval of the Director which shall not be granted unless, in the opinion of the Director in consultation with the employer, the change is necessitated by the apprentice's aptitude, health, progress in training or for other genuine reasons.

22. TRANSFER OF APPRENTICES

No apprentice shall be transferred from one employer to another employer, except with the approval of the Director, in consultation with the employers, who shall not grant approval unless in his opinion the transfer is absolutely necessary for the satisfactory continuity of the apprentice's training.

23. TERMINATION OF CONTRACT AFTER COMPLETION OF PROBATIONARY PERIOD

After completion of the probationary period, no apprenticeship shall be terminated before its normal completion date except with the prior approval of the Director, which shall not be granted unless, in the opinion of the Director, the employer or the apprentice is, for valid reasons, unable to fulfil his respective obligations as laid down in the Contract of Apprenticeship.

24. CERTIFICATION

The employer shall issue a Certificate of Apprenticeship to the apprentice on the satisfactory completion of the Contract of Apprenticeship.

The Certificate which shall be in the prescribed form given in Appendix V, shall be countersigned by the Director.

This Contract to be submitted in triplicate
to the Director of Industrial Training
Ministry of Labour, Nairobi.

Reg. No.

CONTRACT OF APPRENTICESHIP

The Employer

Name

Address

.....

.....

The Apprentice

Name

I.D. No.

Address

.....

.....

.....

Date of Birth

Apprentice age years.

The Trade(s)

Term of Apprenticeship

Computed from

THE APPRENTICE AGREES to serve the employer as an apprentice for the term of the apprenticeship in order to learn the trade(s) and gain experience and the employer agrees to teach the apprentice the trade(s) and to provide facilities for that purpose.

The Apprentice will—

- (1) serve the employer faithfully, honestly and diligently and obey all lawful and reasonable commands and requirements of the employer or of those duly placed in authority over him, and pursue diligently any studies which he is required under this contract to pursue;
- (2) not commit or permit or be accessory to any waste of, or damage or other injury to, the property, goods or reputation of the employer;
- (3) not divulge any of the employer's secrets;
- (4) not absent himself during working hours without the permission of the employer;
- (5) not work for any person other than the employer, nor engage in any trade or business without first receiving the employer's consent in writing;
- (6) attend such classes or take such correspondence courses as the employer may require;
- (7) reach the required standard in practical and technical knowledge of the trade and pass at the appropriate time those proficiency tests and examinations which are relevant to the trade. Failure to pass the tests as laid down under the National Industrial Training Scheme or other relevant examinations may lead to this contract being terminated or extended and the yearly increment withheld.

The Employer will—

- (1) employ the apprentice and pay him for so long as he shall observe and faithfully perform the terms and conditions of this contract, wages to be calculated as follows:—
 - For the first year of apprenticeship at the rate of 40% of a craftsman's wage.
 - For the second year of apprenticeship at the rate of 50% of a craftsman's wage.
 - For the third year of apprenticeship at the rate of 60% of a craftsman's wage.
 - For the fourth year of apprenticeship at the rate of 70% of a craftsman's wage.
 - For the fifth year of apprenticeship at the rate of 80% of a craftsman's wage.

NOTE:

A craftsman's wage in the case of the
.....
.....
.....
.....

Industry is the minimum wage of a Grade I Artisan.

- (2) by the best means in his power teach and instruct the apprentice, or, if the employer shall so desire, cause him to be taught and instructed, in the trade(s);
- (3) provide at his own expense proper tools and materials for the purpose of instruction of the apprentice provided that, in the case of the normal personal tools of a tradesman, he shall be entitled to recover the cost thereof by appropriate instalments from the apprentice at a rate not exceeding KSh. per month for months with effect from the date of this Contract;
- (4) furnish in respect of each year, in such form and within such period as the Director of Industrial Training may require, reports on the progress and conduct of the apprentice;
- (5) release the apprentice from his work when necessary for attending classes, and continue to pay his wages during the period for which he is so released;
- (6) pay all fees for the classes or correspondence courses which the employer may require the apprentice to attend or take for his instruction, provided the apprentice attends such classes regularly and obtains a satisfactory report at the end of the course;
- (7) grant the apprentice conditions of employment as follows:—
 - (a) *Hours of Work, Overtime.*—The normal hours of work shall be those prescribed in the Negotiated Agreement applicable to the Industry. Apprentices in the first 2 years of apprenticeship shall not work overtime. Apprentices in the third year and over may be required to work overtime provided always that this does not interfere with their attendance at technical classes. When overtime is worked they shall be paid extra in accordance with the current negotiated agreement applicable to the Industry.

- (b) *Housing.*—The wage is a consolidated one and housing is not provided; neither is any housing allowance payable.
- (c) *Sickness.*—In the event of the apprentice being incapacitated by illness certified by an approved doctor he shall be entitled to full wages for a period of one month and half wages for a further month in any one year of the apprenticeship.
- (d) *Leave.*—Leave of absence with pay shall be granted for 21 consecutive days after 12 months employment, in addition he shall be granted leave with pay for all gazetted public holidays.

The following General Conditions shall apply to this Contract:—
(1) This contract shall be read subject to the provisions of the Industrial Training Act, Cap. 237.

(2) The first six months of the term of apprenticeship shall be a period of probation, during which the contract may be terminated by either party giving to the other one week's notice in writing or salary in lieu thereof.

As witness the hands of the parties hereto
this day of 19.....

Signed by the said apprentice
in the presence of

Sealed by the said employer
in the presence of

APPROVED

.....
Director of
Industrial Training

Reg. No.

Dated

MINISTRY OF LABOUR
NATIONAL INDUSTRIAL TRAINING SCHEME
Apprenticeship Training
PROGRESS REPORT

ENDORSEMENTS

Apprentice Trade
On
Organization Year of }
For Training }
..... Craft Training Course

From To
Course included the following:

1. PRACTICAL TRAINING:
.....
.....
.....
.....
.....
.....

2. THEORETICAL TRAINING:
.....
.....
.....
.....
.....

3. PERFORMANCE DURING COURSE

Assessment of Marks
for Performance:

Very Good 10
 Good 8
 Average 5
 Below Average .. 2
 Very Poor 0

	Marks Awarded Max: 10	Remarks (if any)
1. Application		
2. Accuracy		
3. Ability to Learn		
4. Speed		
5. Safety Habits		
6. Interests		
7. Reliability		
8. Confidence		
9. Conduct		
10. Time Keeping		
TOTAL MARKS ..		

Overall Assessment = 5 % (Max: 20%)

Attendance: Possible days
 Actual days

4. PROFICIENCY TEST RESULTS:

	Maximum Possible Marks	Marks Awarded
(a) Practical Test	50%	%
(b) Written Test	30%	%
(c) Performance During Course (as in 3 above)	20%	%
**Total Marks ..		%

- *Obtained a Pass in his Proficiency Test at Level.
- *Failed the Proficiency Test at Level.
- *To Repeat/Recommended for termination.
- *No Proficiency Test was conducted at end of Course.

Instructor/s Director of Industrial Training

- **First Class Pass: .. 80-100%
- **Ordinary Pass: .. 60-79%
- **Failure: .. Below 60%

*Delete as appropriate.
 **Delete as appropriate.

Date:

APPENDIX V

REPUBLIC OF KENYA

MINISTRY OF LABOUR

CERTIFICATE OF APPRENTICESHIP

Issued under the Authority of

The National Industrial Training Council

This is to certify that

.....
has successfully completed an apprenticeship comprising practical training
and related theory in the trade of

.....
from to
and obtained a pass in his

Proficiency Test at Final Level.

His Training included

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

Issued on this day of 19.....

.....
Employer *Director of*
Industrial Training

Reg. No.

3. The National Industrial Training Scheme for the
Training of Technician Apprentices



REPUBLIC OF KENYA

THE INDUSTRIAL TRAINING ACT

THE NATIONAL INDUSTRIAL TRAINING
SCHEME
FOR THE TRAINING OF TECHNICIAN
APPRENTICES

K.Sh. 6 - November, 1974

THE NATIONAL INDUSTRIAL TRAINING SCHEME FOR THE
TRAINING OF TECHNICIAN APPRENTICES

Introduction

The establishment of a National Industrial Training Scheme for the training of Technician Apprentices under the Industrial Training Act (Cap. 237) is intended for all industries with a view to—

- (a) establishing national training standards and common working conditions for all the technician apprentices employed in the various industries;
- (b) promoting and developing systematic technician apprenticeship training programmes in industry, thereby strengthening the existing apprenticeship system;
- (c) meeting the present and future need for qualified technicians in the country;
- (d) creating more opportunities for school-leavers to undertake industrial training in industry.

Technicians may be defined as that group whose education, training and practical experience, enable them to apply in a responsible manner proven techniques and procedures and to carry a measure of technician responsibility under the guidance of professional engineers.

Under general professional engineering direction, or following established engineering techniques, the technician is capable of carrying out duties which may be found among the examples set out below—

- working on design and development of engineering plant and structures;
- engineering drawings;
- estimating, inspecting and testing engineering construction and equipment;
- use of surveying instruments;
- operating, maintaining and repairing engineering machinery;
- plant and engineering services and locating defects therein;
- activities connected with research and development;
- testing of materials and components and sales engineering;
- servicing equipment and advising consumers.

In carrying out many of these duties, competent supervision of the work of skilled craftsmen will be necessary. The techniques employed require knowledge and experience of a particular branch of engineering combined with the ability to work out the details of a task in the light of well-established practice.

The National Industrial Training Scheme for the training of Technician Apprentices is, therefore, devised not only to accelerate progress in Kenya in this important field of training, but also to ensure that the future technician will be required to obtain the necessary practical skills and operations and follow established in-plant training programmes related to his particular branch of engineering, in addition to the passing of his theoretical examinations. In this way it is hoped that the theoretical knowledge combined with the practical experience acquired by the technician apprentice will enable him to carry out his duties in the most economical and efficient manner.

The main features of the National Industrial Training Scheme are:—

1. The Director of Industrial Training shall be responsible for the operation of the Scheme in conjunction with the Principals of approved institutions or establishments concerned, the latter shall be responsible for course training forming part of the Scheme.
2. The minimum educational qualifications for entry to technician apprenticeship shall be E.A.C.E. with credits in Mathematics, English and an appropriate Science subjects or equivalent.
3. Suitably qualified craft apprentices who have made outstanding progress may be considered for transfer to technician apprenticeship on completion of their first year of craft apprenticeship.
4. The first twelve months of apprenticeship training shall have a strong craft bias comprising of in-plant training during the first six months followed by craft orientation course in the occupational area concerned for three months followed by a further in-plant training during the last three months.
5. The first six months of apprenticeship shall be a probationary period.
6. A contract of apprenticeship as prescribed under the scheme shall be entered into by every apprentice and his employer during the probationary period.
7. The normal period of apprenticeship shall be four years.

8. The wages paid to the apprentice shall be based on a minimum fixed rate with appropriate yearly increments.
9. Standard in-plant training programmes shall be established in the various occupational areas of technician apprenticeship.
10. The apprentice shall attend technician courses at an approved training institution.
11. The apprentice shall be issued with a log-book to keep a record of his in-plant training.
12. The employer shall submit reports on the progress, conduct and attendance of the apprentice on completion of every industrial attachment.
13. The training institution shall submit to the employer, progress (examination) reports on the performance of the apprentice on completion of every training course.
14. A nationally recognized Certificate of Apprenticeship shall be issued to the apprentice on the successful completion of apprenticeship.
15. Training Levy and Reimbursement.

4. PROFICIENCY TEST RESULTS:

	Maximum Possible Marks	Marks Awarded
(a) Practical Test	50%%
(b) Written Test	30%%
(c) Performance During Course (as in 3 above)	20%%
	**Total Marks%

*Obtained a Pass in his Proficiency Test at Level.

*Failed the Proficiency Test at Level.

*To Repeat/Recommended for termination.

*No Proficiency Test was conducted at end of Course.

Instructor

Director of Industrial Training

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

IN EXERCISE of the powers conferred by section 21 (1) of the Industrial Training Act, the Labour Commissioner, after consultation with the National Industrial Training Council, hereby makes a scheme specified in the schedule thereto, for regulating the recruitment, training, working conditions and certification of technician apprentices.

SCHEDULE

- **First Class Pass: .. 80-100%
- **Ordinary Pass: .. 60-79%
- **Failure: .. Below 60%
- *Delete as appropriate.
- **Delete as appropriate.

.....Date

**DIAGRAM OUTLINING THE TRAINING SCHEME FOR
TECHNICIAN APPRENTICES**

Entry Qualifications—E.A.C.E. (with credits)

APPRENTICESHIP

1st Year	{ 6 months In-Plant Training 3 months Craft Orientation 3 months In-Plant Training
2nd Year	{ 13 weeks Approved-Institutional Course. 13 weeks In-Plant Training. 13 weeks Approved-Institutional Course. 13 weeks In-Plant Training. Technician Part I Examination.
3rd Year	{ 13 weeks Approved-Institutional Course 13 weeks In-Plant Training. 13 weeks Approved-Institutional Course. 13 weeks In-Plant Training. Technician Part II Examination.
4th Year	{ Supervisory Training (a) with firm; plus (b) Institutional Course. 6 weeks Management Training. Technician Part III Examination. (Full Technological Certificate)

1. TITLE

The Scheme shall be called the National Industrial Training Scheme for the training of qualified technicians for industry, hereinafter referred to as the 'Scheme' and shall come into operation on 1st January, 1974.

2. APPLICATION

The Scheme shall apply to specific categories of technician apprenticeship and training in industry referred to in this schedule.

3. RESPONSIBILITY FOR THE SCHEME

The Director appointed under section 3 of the Industrial Training Act shall be responsible for the operation of the Scheme in conjunction with the respective Principals of approved institutions or establishments, where the apprentice shall attend the courses.

4. QUALIFICATION FOR ENTRY INTO APPRENTICESHIP

- (a) The minimum age on enrolment as an apprentice shall be 15 years.
- (b) The minimum educational qualifications for entry to technician apprenticeship shall be the East African Certificate of Education with credits in Mathematics, English and an appropriate Science subject, or equivalent.
- (c) All candidates will enter the Scheme as first year apprentices and on successful completion of the six months probationary period an initial assessment will be made as to the continuation of training and conditions as a technician apprentice.
- (d) Suitably qualified craft apprentices who have made outstanding progress may be considered for transfer to technician apprenticeship on completion of their first year of craft apprenticeship provided that they are recommended and sponsored by their employers and accepted by the Director.

(e) Every apprentice before entering into a contract of apprenticeship shall be medically examined by a medical practitioner at the expense of the employer, and a medical certificate to the effect that such a person is fit to be employed as an apprentice shall be obtained by the employer and submitted to the Director.

5. RECRUITMENT AND SELECTION OF APPRENTICES

Apprentices shall normally be recruited in accordance with procedures agreed from time to time by the Council.

6. PROBATIONARY PERIOD

Every apprentice shall undergo a probationary period of six months commencing from the date of his enrolment as an apprentice.

7. CONTRACT OF APPRENTICESHIP

A contract of apprenticeship in the form set out under Appendix I hereto shall be entered into by every apprentice and his employer. The contract shall be prepared in triplicate, one copy each to be retained by the apprentice and the employer and one copy to be retained by the Director for record.

8. TERMINATION OF CONTRACT OF APPRENTICESHIP

No contract of apprenticeship shall be terminated before the normal completion date, except with the prior approval of the Director which shall not be granted unless, in the opinion of the Director, the employer or the apprentice is, for valid reasons, unable to fulfil the respective obligations as laid down in the Contract of Apprenticeship.

9. WAGES AND CONDITIONS OF EMPLOYMENT

The apprentice shall be granted the conditions of employment and paid monthly wages as set out in the Contract of Apprenticeship (Appendix D). The wages paid to the apprentice shall be reviewed from time to time by the Labour Commissioner on the advice of the Council.

10. TECHNICIAN COURSES UNDER THE SCHEME

The Scheme shall cover all the technician courses approved by the Council. These may include the following:—

Electrical Engineering.
Mechanical Engineering.
Automotive Engineering.
Aeronautical Engineering.

Marine Engineering.
Telecommunication Engineering.
Radio, Television and Electronic Engineering.
Plant Engineering.
Building and Civil Engineering.
Agricultural Engineering.
Water Engineering.
Land Surveying.
Science Laboratory.
Draughtsmanship.
Refrigeration.
Air Conditioning and Ventilation.

Other courses which may be added to the Scheme shall be determined by the Director on the advice of the Council.

11. PERIOD OF APPRENTICESHIP

The period of technician apprenticeship shall be four years.

12. APPRENTICESHIP TRAINING PROGRAMMES

In-Plant Training Programmes shall be prepared by the Director in consultation with the various industries covering the technician courses listed under paragraph 10 of this section. These programmes shall be published under the Scheme.

13. IN-PLANT TRAINING

The employer shall ensure that the in-plant training provided for the apprentice covers the necessary skills and operations which shall be directly related to the actual work the apprentice will be required to undertake on completion of his apprenticeship.

During the period of training in industry in the final year of apprenticeship, the apprentice shall be encouraged to carry out most of his duties under minimum supervision, prior to becoming a fully qualified technician.

14. COURSE IN SUPERVISORY TRAINING

During the fourth and final year of apprenticeship, following the passing of the Technician Part II Examination, the apprentice shall then attend a part-time (day release) or a block course in the techniques of supervision and management at either the Management Training and Advisory Centre or the Kenya Institute of Administration, or any other approved institution.

number of apprentices and indentured learners is twenty-five or more, and a part-time apprentice master where the number of apprentices is less than twenty-five. This is in accordance with section 22A of the Industrial Training Act.

20. PROFICIENCY TEST AND CERTIFICATE OF PROFICIENCY

During the first year of apprenticeship, the apprentice shall be required to take and pass the Preliminary Proficiency Test, which shall be related to the craft orientation course taken during that year. This test shall be carried out under the same conditions which are now applicable to craft apprentices.

A "Certificate of Proficiency" at Preliminary Level shall be issued by the Director to the successful apprentices, in the form prescribed in Appendix IV hereto.

21. FAILING THE PROFICIENCY TEST

If an apprentice fails for the second time in his preliminary proficiency test, the Director on the advice of the Council shall terminate his Contract.

22. TECHNICIAN EXAMINATIONS

If an apprentice fails in only one subject in any of the Technician Examinations, he may be allowed to repeat.

In the case of an apprentice who fails in one subject for the second time, or an apprentice who fails in more than one subject, the Director on the advice of the Council may either revert the technician to craft apprenticeship or terminate his contract.

If an apprentice fails in only one subject in his final examination, the Director on the advice of the Council may extend his apprenticeship by the required period in order to enable him to retake the examination at the end of this period.

Every case of failure as outlined above shall, however, be considered individually, taking into consideration recommendations made by both the Principal of the institution and the employer.

23. CHANGE OF APPRENTICESHIP

During the currency of the apprenticeship period, no change in the originally allotted technician apprenticeship shall be made except with the prior approval of the Director which shall not be granted unless in the opinion of the Director, in consultation with the employer, the change is necessitated by the apprentice's aptitude, health, progress in training or for other genuine reasons.

15. PERSONAL TOOLS

The employer shall provide the apprentice with personal tools for the purpose of carrying out his work, as may be prescribed by the respective training committees. The cost of personal tools shall be recovered from the apprentice by appropriate monthly instalments, the amount of which shall be determined in the Contract of Apprenticeship.

16. PROGRESS REPORTS BY THE TRAINING INSTITUTIONS

A progress report on the apprentice's performance shall be prepared and submitted to the employer on completion of every block course undertaken during the apprenticeship period. The prescribed Progress Report Form as shown in Appendix I hereto shall be used for this purpose, and copies of the same given to the Director.

17. PROGRESS REPORTS BY THE EMPLOYER

The employer shall submit reports on completion of every industrial attachment, on the progress, conduct and attendance of the apprentice on the prescribed Progress Report Form as shown in Appendix III hereto. These reports shall be forwarded to the Director.

The employer shall also keep proper records of every apprentice in his employment in such a form and manner as may be prescribed under the Scheme.

Where an employer is not satisfied with the practical training progress of the apprentice, he shall submit a detailed report to the Director, outlining all the shortcomings of the apprentice. The report may be attached to the Progress Report Form mentioned under this section.

Such a case shall be investigated by the Director and if proved correct, the apprentice shall either be reprimanded or the Director, on the advice of the Council, may terminate his Contract.

18. RECORDING OF IN-PLANT TRAINING BY THE APPRENTICE

The apprentice shall be issued with log-books in the form prescribed for recording all the in-plant training undertaken throughout the period of his apprenticeship. The employer shall ensure that the log-book is kept up-to-date by the apprentice and is made available for inspection as may be required.

19. SUPERVISION AND CONTROL OF APPRENTICES IN INDUSTRY

Proper and efficient supervision, direction and control of apprentices and their training shall be the responsibility of the employer. For this purpose the employer shall appoint a full-time apprentice master where the total

24. TRANSFER OF APPRENTICES

No apprentice shall be transferred from one employer to another employer, except with the approval of the Director in consultation with the employers concerned, who shall not grant approval unless in the Director's opinion the transfer is absolutely necessary for the satisfactory continuity of the apprentice's training.

25. CERTIFICATION

The employer shall issue a Certificate of Apprenticeship to the apprentice on the satisfactory completion of the Contract of Apprenticeship.

The Certificate which shall be in the prescribed form given in Appendix V, shall be countersigned by the Director.

The Technician Certificate or Diploma awarded to the apprentice on completion of his course at the institution shall be endorsed on the Certificate of Apprenticeship.

26. TRAINING LEVY AND REIMBURSEMENT

The employer shall be reimbursed for certain training expenses in addition to the award of a training grant as may be determined by the Council from time to time, provided that:—

- (i) his training programme has been formally approved by the Council, and his apprentices registered with the Director.
- (ii) the levy system for the particular industry is in operation.

REPUBLIC OF KENYA

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

CONTRACT OF APPRENTICESHIP

FOR

THE TECHNICIAN APPRENTICE

This Contract to be submitted to the
Director of Technical Training
Ministry of Education

Reg. No.

CONTRACT OF APPRENTICESHIP

The Employer

Name
Address

The Apprentice

Name
I.D. No.

Address

Date of Birth
Apprentice age years.

Technician Apprenticeship in

Term of Apprenticeship

Computed from

THE APPRENTICE AGREES to serve the employer as an apprentice for the term of the apprenticeship in order to learn the techniques of his occupation and gain experience and the employer agrees to teach the apprentice these techniques and to provide facilities for that purpose.

The Apprentice will—

- (1) serve the employer faithfully, honestly and diligently and obey all lawful and reasonable commands and requirements of the employer or of those duly placed in authority over him, and pursue diligently any studies which he is required under this contract to pursue;
- (2) not commit or permit or be accessory to any waste of, or damage or other injury to, the property, goods or reputation of the employer;
- (3) not divulge any of the employer's secrets;
- (4) not absent himself during working hours without the permission of the employer;
- (5) not work for any person other than the employer, nor engage in any trade or business without first receiving the employer's consent in writing;
- (6) attend such classes or take such correspondence courses as the employer may require;
- (7) reach the required standard in practical and technical knowledge of his occupation and pass at the appropriate time those proficiency tests and examinations which are relevant. Failure to pass the tests as laid down under the National Industrial Training Scheme or other relevant examinations may lead to this contract being terminated or extended, or reverted to craft apprenticeship.

The Employer will—

- (1) employ the apprentice and pay him for so long as he shall observe and faithfully perform the terms and conditions of this contract, the following *minimum wages:—
 For the first year of apprenticeship : K.Shs. :
 For the second year of apprenticeship : K.Shs. :
 For the third year of apprenticeship : K.Shs. :
 For the fourth year of apprenticeship : K.Shs. :

*Present Minimum Wages in force are:

First Year	:	K.Shs.	600	per month.
Second Year	:	K.Shs.	800	per month.
Third Year	:	K.Shs.	1,000	per month.
Fourth Year	:	K.Shs.	1,200	per month.

(2) by the best means in his power teach and instruct the apprentice, or, if the employer shall so desire, cause him to be taught and instructed as may be required;

(3) provide at his own expense proper tools and materials for the purpose of instruction of the apprentice provided that, in the case of the normal personal tools of a technician, he shall be entitled to recover the cost thereof by appropriate instalments from the apprentice at the rate not exceeding K.Shs. per month for months with effect from the date of this contract;

(4) furnish in respect of each year, in such form and within such period as the Director of Industrial Training may require, reports on the progress and conduct of the apprentice;

(5) release the apprentice from his work when necessary for attending classes, and continue to pay his wages during the period for which he is so released;

(6) pay all fees for the classes or correspondence courses which the employer may require the apprentice to attend or take for his instruction, provided the apprentice attends such classes regularly and obtains a satisfactory report at the end of the course;

(7) grant the apprentice conditions of employment as follows:—

(a) *Hours of Work, Overtime.*—The normal hours of work shall be those prescribed in the negotiated agreement applicable to the Industry. Apprentices in the first two years of apprenticeship shall not work overtime. Apprentices in third year and over may be required to work overtime provided always that this does not interfere with their attendance at technical classes. When overtime is worked they shall be paid extra in accordance with the current negotiated agreement applicable to the Industry.

(b) *Housing.*—The wage is a consolidated one and housing is not provided; neither is any housing allowance payable, unless the employer shall be prepared to provide housing allowance at his own free will, in addition to the payment of the normal wages as laid down in this Contract.

(c) *Sickness.*—In the event of the apprentice being incapacitated by illness certified by an approved Doctor he shall be entitled to full wages for a period of one month and half wages for a further month in any one year of the apprenticeship.

(d) *Leave.*—Leave of absence with pay shall be granted for 21 consecutive days after 12 months employment, in addition he shall be granted leave with pay for all gazetted public holidays.

The following General Conditions shall apply to this Contract:—

(1) This contract shall be read subject to the provisions of the Industrial Training Act, Cap. 237.

(2) The first six months of the term of apprenticeship shall be a period of probation, during which the contract may be entered into between the employer and the apprentice.

As witness the hands of the parties hereto

this day of, 19.....

Signed by the said apprentice

in the presence of

Sealed by the said employer

in the presence of

APPROVED

.....
Director of
Industrial Training

Reg. No: IA/.....

Dated

FOR OFFICIAL USE ONLY

Registration

In accordance with the provisions of section 11 of the Industrial Training Act, Cap. 237, I hereby register this contract.

Date
.....
Director of
Industrial Training

Completion

To: Director of Industrial Training,
Ministry of Labour,
Nairobi.

In accordance with the provisions of section 19 of the Industrial Training Act, I hereby certify that the contract has been completed by the apprentice concerned and I accordingly request that he be granted a Certificate of Apprenticeship.

Date
.....
Signature of Employer

Termination

In accordance with the provisions of section 13 of the Industrial Training Act, Cap. 237, this contract is hereby terminated.

Date
.....
Director of
Industrial Training

TRANSFER

In accordance with the provisions of section 12 of the Industrial Training Act (Cap. 237), it is hereby agreed that the rights and obligations under this contract shall from the date of registration thereof be transferred:

From
(Present Employer)
of (Address)
carrying on business as

To
(New Employer)
of (Address)
carrying on business as

In Witness hereof the contracting parties have hereunder affixed their signatures

this day of, 19.....

(Present Employer) Witnessed by

(New Employer) Witnessed by

Apprentice Witnessed by

I hereby approve this transfer and confirm its registration.

Date
.....
Director of
Industrial Training

MINISTRY OF LABOUR

NATIONAL INDUSTRIAL TRAINING SCHEME

Apprenticeship Training
PROGRESS REPORT

On

Apprentice Occupation

Organization Year of Training

For the week Training Course

From To

Course included the following:—

1. PRACTICAL TRAINING:

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

2. THEORETICAL TRAINING:

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

3. PERFORMANCE DURING COURSE

Assessment of Marks
for Performance

Very Good 10
 Good 8
 Average 5
 Below Average .. 2
 Very Poor 0

	Marks Awarded Max: 10	Remarks (if any)
1. Application ..		
2. Accuracy ..		
3. Ability to Learn ..		
4. Speed		
5. Safety Habits ..		
6. Interest		
7. Reliability ..		
8. Confidence ..		
9. Conduct		
10. Time Keeping ..		
TOTAL MARKS ..		

Workmanship

General Conduct

Overall Assessment = 5 % (Maximum: 20%)

Attendance: Possible days

Actual days

5. TECHNICIAN PART I EXAMINATION RESULTS:

	Details of Subject Covered	Maximum Possible Marks	Marks Awarded
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
	TOTAL MARKS ..		

The apprentice has/has not reached a satisfactory standard in the Part I Examination and is/is not recommended to proceed to third year.

Principal of the Institution

Date:

6. TECHNICIAN PART II/PART III EXAMINATION RESULTS
(A brief statement of the results)

Principal of the Institution

Date:

MINISTRY OF LABOUR
NATIONAL INDUSTRIAL TRAINING SCHEME
 Apprenticeship Training
 IN-PLANT TRAINING PROGRESS REPORT

Apprentice in
 Organization Year of
 Training
 On
 For Period to

Progress	Assessment*	Comments (if any)
Conduct		
Attendance		

Has the apprentice kept a record of his in-plant training in his log-book during this period? Yes/No
 If "No", say why

.....

 Date

.....
 Employer / Apprentice Master

*For Assessment, give one of the following gradings:
 Very Good, Good, Satisfactory, Poor.
 (If "Poor", add Comments).

APPENDIX V

REPUBLIC OF KENYA
MINISTRY OF LABOUR

NATIONAL INDUSTRIAL TRAINING SCHEME
CERTIFICATE OF APPRENTICESHIP

Issued under the Authority of
The National Industrial Training Council

This is to certify that
.....
has successfully completed a Technician Apprenticeship in
.....
comprising practical training and an approved course of instruction
from to

During apprenticeship he attended the
*
.....
and was awarded the

His industrial training included
.....
Issued on this day of 19.....

.....
Employer
Director of Industrial Training
Reg. No.
(*Names of Institutions)

CPC 2497-5m-12/74

APPENDIX IV

REPUBLIC OF KENYA
MINISTRY OF LABOUR

NATIONAL INDUSTRIAL TRAINING SCHEME

Certificate of Proficiency.

This is to certify that
.....
..... Year Apprentice

under a Contract of Apprenticeship with
.....
obtained a pass in his

Proficiency Test at Preliminary Level conducted at the
.....
on 19.....

Apprentice's Signature
Director of Industrial Training

Reg. No.

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

Secretary to the Council.

6. There shall be a secretary to the Council who shall be appointed by the Minister and shall be the chief executive of the Council as well as the secretary to the Finance and General Purposes Committee of the Council.

PART IV—POWERS, PROCEDURE AND DUTIES OF THE COUNCIL.
7. The Council shall have power to do all things and to act in all ways necessary for, or incidental to, the purposes for which it is established, and without prejudice to the generality of the foregoing, may in particular, in furtherance of its purposes—

Powers of the Council.

- (a) acquire, hold, charge, alienate and dispose of property both movable and immovable;
- (b) lease or take on lease land together with any improvements thereon;
- (c) construct any improvements upon land held by it;
- (d) derive capital or income from property held by it;
- (e) raise or borrow money in such manner and upon such security as it may from time to time determine;
- (f) invest any moneys not immediately required in securities in Kenya as a trustee would invest trust funds or place them on deposit at any bank carrying on business in Kenya as it may from time to time determine;

(g) appoint such staff as may from time to time be necessary on such terms and conditions as it may think fit;

- (h) enter into agreements with any person or body;
- (i) delegate to any member, officer or committee of the Council any of its powers or functions other than those required by this Act to be exercised by resolution of the Council.

Committees.

8. (1) The Council shall by resolution appoint a Finance and General Purposes Committee comprising of—
- (a) the chairman;
 - (b) the Permanent Secretary of the Ministry for the time being responsible for higher education;
 - (c) the four members appointed under section 5 (1) (d), (e), (f) and (g); and

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10. The Council shall have, for the furtherance of its objects and purposes, the following powers and duties—

- (a) to conduct such academic, technical and other examinations within Kenya as it may consider desirable in the public interest;
- (b) to award certificates or diplomas to successful candidates in such examinations;
- (c) to invite any body or bodies outside Kenya, as it may think fit, to conduct academic, technical and other examinations within Kenya or to conduct these examinations jointly with the Council and to award certificates or diplomas to successful candidates in these examinations;
- (d) to advise any body or bodies invited under paragraph (c) upon the adaptation of examinations necessary for the requirements of Kenya and to assist any such bodies to conduct such examinations;
- (e) to make rules regulating the conduct of examinations and for all purposes incidental thereto.

Functions of the Council.

(d) three of the members from those appointed under section 5 (1) (h), (i), (ii) and (iii).

(2) The Council shall delegate to the Finance and General Purposes Committee such of its functions under this Act as are necessary for the management of its day-to-day affairs.

(3) The Finance and General Purposes Committee shall meet at least twice in every year.

(4) The Council may by resolution appoint such other committees as it may think fit.

(5) The Council shall prescribe the powers, duties and procedure of all committees appointed by it under this section and the terms of office of persons appointed to those committees.

(6) The Council may, in appointing any committee under this section, appoint any person thereto notwithstanding that he is not a member of the Council.

Procedure of the Council.

9. (1) The Council shall meet at least twice in every year.

(2) Twelve members of the Council, including two of the members from those appointed under paragraphs (b), (d) and (f), and five of the members from those appointed under paragraphs (h) and (i), of section 5 (1) shall form a quorum.

(3) All questions at a meeting of the Council shall be determined by a majority of the votes of the members present.

(4) The chairman shall have, in the case of equality of votes, a casting vote in addition to a deliberative vote.

(5) The chairman may, and upon application in writing by five members shall, convene a special meeting of the Council at any time.

(6) The Council shall cause minutes of all proceedings of meetings of the Council, and of all meetings of the Finance and General Purposes Committee and of any other committee appointed under section 7 (4), to be entered in books kept for that purpose.

(7) Any minutes kept under subsection (6) if approved by and signed by the chairman of the next succeeding meeting of the Council or committee, as the case may be, shall be evidence of those proceedings and, until the contrary is proved, the meeting to which the minutes relate shall be deemed to have been duly held and convened and all proceedings thereof to have been duly transacted, and all appointments of members of committees shall be deemed to be valid.

PART V—MISCELLANEOUS PROVISIONS
Financial Provisions

11. (1) The funds of the Council shall be composed of—

- (a) such moneys as may be granted from time to time by Parliament;
- (b) such donations, grants, bequests and loans as may from time to time be accepted by the Council;
- (c) such fees or other charges paid to the Council by candidates for examinations;
- (d) such other moneys as the Council may from time to time lawfully obtain or receive.

(2) The funds of the Council shall be applied to the purposes for which the Council is established under this Act.

(3) The funds of the Council shall be paid into a bank or banks in Kenya and the banking account or accounts shall be operated in such manner as the Council may determine.

Finance.

12. (1) Upon the coming into operation of this Act, the Council shall cause to be prepared estimates of the expenditure and revenue of the Council, and the estimates shall be approved by the Council before the beginning of each financial year.

Estimates of expenditure and revenue.

(2) Copies of every estimate prepared in accordance with subsection (1) shall be furnished to the Minister for approval.

12. (1) The Council shall cause to be prepared in respect of every financial year—

- (a) a statement of income and expenditure during the financial year;
- (b) a statement of the assets and liabilities of the Council on the last day of the financial year;
- (c) a report upon the progress and work of the Council during the preceding year.

and shall cause such statements and report to be sent to the Minister and to such other persons or bodies as the Council may from time to time determine.

(2) The Council shall cause proper books of accounts to be kept to record its financial transactions in every year.

(3) The statements referred to in paragraphs (a) and (b) of subsection (1) and books of account kept under subsection (2) shall be audited by the Controller and Auditor-General within six months after the termination of the period in respect of which they were prepared; and copies of the report of audit by the Controller and Auditor-General shall be furnished to the Minister together with the statements to which they relate.

(4) The Minister shall lay both the Council's report and auditor's report before the National Assembly as soon as practicable.

Regulations

14. In the performance of its duties and discharge of its powers, the Council may, with the approval of the Minister, make regulations generally for the government, control, administration and management of the Council and for the conduct of its business, including, without limiting the generality of the foregoing, regulations prescribing—

- (a) the terms and conditions of service, pension and other retirement benefits and the like, of staff, other than temporary staff;
- (b) measures for the discipline of staff;
- (c) the financial procedures of the Council;
- (d) examination fees and other charges payable to the Council.

Legal Provisions

15. Any person who—

- (a) gains access to examinations material and knowingly reveals the contents, whether orally or in writing, to an unauthorized party, whether a candidate or not; or
- (b) wilfully and maliciously damages examinations material; or
- (c) is not registered to take a particular council's examination but, with intent to impersonate, presents or attempts to present himself to take the part of an enrolled candidate; or
- (d) presents a forged certificate or diploma to a prospective employer or to an institution of learning with intent to gain employment or admission,

shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both such imprisonment and fine.

Application of Community Laws and Savings

16. (1) This Act shall have effect notwithstanding any Act of the Community.

(2) The East African Examinations Council Act shall, notwithstanding anything contained in the Treaty for East African Co-operation Act, cease to have the force of law in Kenya from the commencement of this Act.

17. Any contract made and any act or thing done or purported to be made or done or any act or thing omitted to be done in Kenya on behalf of or in the name of the Kenya National Examinations Council prior to the incorporation of the Council, under this Act by any person acting in good faith and with due or apparent authority in that behalf shall be deemed to be a contract, act or thing made or done or an act or thing omitted to be done, as the case may be, by the Council under this Act.

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Offences.

Application of Community Laws, I.A. Cap. 39, Cap. 4.

Contracts, etc., on behalf of the Council before commencement of this Act.

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Financial statements and reports.

Regulations.

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