

**LAWS OF KENYA**



**The Industrial Training Act**

**CHAPTER 237**

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## CHAPTER 237

## THE INDUSTRIAL TRAINING ACT

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## 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. 236/1964,  
21 of 1966,  
3 of 1971,  
11 of 1975,  
6 of 1976,  
13 of 1978.

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

Short title.

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

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

“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 officer” 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.

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

- (a) four shall be chosen to represent employers;
- (b) four shall be chosen to represent employees; and
- (c) not less than four 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, at his discretion, revoke the appointment of such alternate member:

Provided that 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 such 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 any 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.

Training  
Committees.  
3 of 1976, s. 4,  
11 of 1975, s. 5.

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

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

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

(c) three shall be chosen to represent other interests, and the Council shall appoint a Chairman and a Vice-Chairman from among the members of the Committee chosen under paragraphs (c) and (a) 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.

- (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 such 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 such 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.

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.

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

(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 such 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 such proposals to the Minister.

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

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 any 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 any 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 such amount shall be added to the amount for each month or part of a month thereafter that the amount due remains unpaid.

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

Disbursement  
powers of  
Director,  
3 of 1971, s. 6,  
11 of 1975, s. 8,  
13 of 1978, Sch.

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;



- (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 such Fund as at the end of that year and, in such form as the Minister shall specify, statements of account of each such 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 such Fund, and the expenses of and incidental to the examination and audit of and report upon such 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 such 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.

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

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) Any person aggrieved by any 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) Any 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 such written permission,

shall be guilty of an offence.

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

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) Any person aggrieved by any 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) Any 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) Any 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 bind himself as aforesaid.

(3) A person who is a minor shall not bind himself as aforesaid 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 such consent as aforesaid, 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 such person is fit to be employed in the trade concerned shall be obtained by the employer.

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

Medical examination of apprentices and indentured learners.

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

11. (1) Every contract of apprenticeship or indentured learnership made after the commencement of this Act shall be in such form as may be prescribed 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 such manner as may be prescribed, 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) Any 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 any 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 such person's prospects of obtaining employment at the expiration of such contract in the trade or occupation in which he seeks to bind himself as apprentice or indentured learner.

(6) Any 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 as aforesaid to the apprentice or indentured learner for him to keep.

12. (1) The rights and obligations of an employer under any 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.

Transfer of contracts of apprenticeship or indentured learnership. s. 10.

(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 any 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 such rights and obligations and the employer to whom such rights and obligations are being transferred and by the apprentice or indentured learner, as the case may be; and where such 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 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 as aforesaid shall, within one month of the date on which the instrument of transfer is signed by him, lodge, in such manner as may be prescribed, such instrument with the Director for registration, and any such employer who fails so to lodge such instrument shall be guilty of an offence.

(5) Where, under any 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 any 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 such contract shall be deemed to be transferred to the person or partners continuing the business; and such person or partnership shall, within one

month of the date of such 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 such contract have been transferred to such person or partnership under this subsection.

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

13. (1) Without prejudice to the provisions of section 15, any 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 any contract under paragraph (a) of subsection (1), and any employer who fails to give such notice within a period of one month after the date of such 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) Any 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.

(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 such termination.

14. Any 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 any other person, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

Enticement of apprentices or indentured learners.

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 any agreement to the contrary, whether expressed or implied, shall be null and void without, however, affecting the validity of any other part of the agreement of which it forms part.

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

(2) The employer shall give notice to the Director of the termination of any contract under subsection (1), and any employer who fails to give such notice within a period of one month after the date of such 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 such contract or of any conditions of apprenticeship or indentured learnership applicable to such apprentice or indentured learner, he may forthwith suspend the apprentice or indentured learner.

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

(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.

(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) Any 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 employers.  
3 of 1971, s. 10.

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

(2) Such records shall be kept in such form and manner as may be prescribed:

Provided that the Director may, after consultation with the Council, in writing signed by him, authorize the keeping of such records in some other form if the records so kept will in his opinion enable him to ascertain therefrom the required particulars.

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

(4) Every employer who fails to keep the required records in the proper form and manner and every employer and former employer who fails to retain any 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 null and void.

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

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



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

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

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

(4) Any 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.

Miscellaneous  
powers of  
Director,  
3 of 1971, ss. 8,  
10, Sch.

(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 such 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:

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

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 such 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.

(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 such 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 such publication, within which any objection to such draft scheme shall be sent to the Director.

Making of schemes—  
procedure  
3 of 1971, Sch.,  
11 of 1975, s. 14.

(2) Every such objection shall be in writing and shall state—

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

and the Director shall consider any such objection made by or on behalf of any person appearing to him to be affected, if such objection has been sent to him within the time specified as aforesaid, 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 as aforesaid, 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 as aforesaid; or
- (c) make the scheme under section 21 subject to such deletions from, or additions or modifications to, the

draft of the scheme published as aforesaid as he thinks necessary;

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

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

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

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 any apprentice or indentured learner master deemed by him not to be competent for the purpose of this Act, and such 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 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 any appointment required by subsection (1), or who fails to ensure that the provisions of subsection (3) are observed shall be guilty of an offence.

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.

Appointment  
of Inspectors.  
11 of 1975, s. 10.

24. (1) An inspector may—

Powers of  
Inspectors.

(a) at any reasonable time enter any 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 any interpreter or other assistant or a police officer;

(b) examine, with respect to matters under this Act, every 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 such premises, and require every such person 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;

(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) Any person who—

(a) refuses or fails to comply to the best of his ability with any 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 any question or to give any information tending to incriminate himself.

(3) Any 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 an offence. 3 of 1977, s. 10.

25. Any member of the Council or any 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, any 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:

Provided that nothing in this section shall apply to the disclosure of information made for the purposes of any 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) It shall be the duty of every employer under a contract of apprenticeship existing at the commencement of this Act to ensure that the requirements of subsection (1) are fulfilled in relation to such contract, and an employer who fails in such duty shall be guilty of an offence but without prejudice to the continuance in force of the contract.

Bankruptcy. 3 of 1971, s. 10. Cap. 53.

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 such 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. Any 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 one thousand shillings or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Penalties

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

Rules.  
3 of 1971, s. 10,  
Sch.,  
11 of 1975, s. 11.

- (a) the form of any contract of apprenticeship or indentured learnership and the matters for which provision shall be made in such 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 such 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 such 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 such rules the Minister may apply any method of differentiation he may deem advisable.

Exemptions.  
3 of 1971, s. 10,  
11 of 1975, s. 14.

**30. (1)** The Director, with the approval of the Council, may, in the case of any particular contract, exempt any person from any provision of this Act or of any rule made thereunder or from any 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.

Institution of  
proceedings  
11 of 1975, s. 12.

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

Application to  
the Government.  
13 of 1978, Sch.

**32.** This Act shall bind the Government.





**SUBSIDIARY LEGISLATION**

Orders under section 5B (1)—

**THE INDUSTRIAL TRAINING (BUILDING AND CIVIL  
ENGINEERING INDUSTRY) (TRAINING LEVY)  
ORDER**

L.N. 237/1971

1. This Order may be cited as the Industrial Training (Building and Civil Engineering Industry) (Training Levy) Order.

2. (1) This Order shall apply to all employers engaged for gain in the industries specified in the Schedule, who shall, on entering into every contract of a kind connected with their particular industry, the contract price of which exceeds the sum of fifty thousand shillings, provide the Director in writing not later than thirty days from the date of signing of such contract with full particulars and details of the contract entered into.

(2) Any person who fails to comply with the provisions of subparagraph (1) shall be guilty of an offence.

3. (1) The Director shall, on receipt of all the relevant information which an employer is required to provide under paragraph 2, inform the employer by notice in writing as to the amount of the training levy payable by him, and the liability of the employer to remit the same in full to the Director within sixty days of the issue of the first certificate of payment.

(2) Any person who fails to pay the amount payable by him by way of training levy within the time prescribed in accordance with subparagraph (1) shall be guilty of an offence.

4. The amount of training levy that shall be payable by an employer under the provisions of subparagraph (1) of paragraph 3 shall be assessed by the Director on the basis of .25, or one-quarter per cent, of the total contract price of any contract for which an employer incurs liability to pay the levy in accordance with the provisions of subparagraph (1) of paragraph 2.

5. All moneys received by the Director, under the provisions of this Order, shall be paid by him into a fund to be known as the Building and Civil Engineering Training Levy Fund.

6. Any person who fails to pay any amount payable by him by way of the training levy within the time prescribed under subparagraph (1) of paragraph 3, a sum equal to five per cent of such amount payable by him shall be added to the amount for each month or part of a month thereafter that the amount due remains unpaid.

7. Any person guilty of an offence under this Order shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

[Subsidiary]

## SCHEDULE

(para. 2 (1))

Works comprising of—

- (a) the construction, structural alteration, maintenance or repair of any building, the demolition of any building and the preparation for, and laying the foundation of any intended building;
- (b) the construction of any railway line or siding, and the construction, structural alteration or repair or the demolition of airfield, dock, harbour, wharf, quay, pier, inland navigation works, road, tunnel, bridge, viaduct, waterways, dam, reservoir, pipeline, aqueduct, sewer, sewage works or lattice-work and structure designed solely for the support of electric lines;
- (c) any activities incidental or ancillary to the principal activities of the building and civil engineering industry consisting of—
  - (i) electrical installation, including lifts;
  - (ii) plumbing and mechanical services, including air conditioning and refrigeration plant;
  - (iii) drainlaying;
  - (iv) roofing;
  - (v) floor and wall decorating;
  - (vi) painting and decorating;
  - (vii) structural steel work erections;
  - (viii) bore-hole drilling and water supply; and
  - (ix) construction of prefabricated buildings.

L.N. 68/1973.

**THE MOTOR ENGINEERING AND TRANSPORT INDUSTRY  
(TRAINING LEVY) ORDER**

1. This Order may be cited as the Motor Engineering and Transport Industry (Training Levy) Order.

2. (1) In this Order—

"employer" means a person who directly employs more than four employees in the maintenance, repair or assembly of motor vehicles as defined in the Traffic Act, or of earthmoving and other civil engineering plant and machinery, or of internal combustion engines used to provide motive power to industrial machinery; and

"employee" means any person in the service of any such employer who is so directly employed;

"levy" means the training levy imposed by paragraph 3.

(2) This Order shall not apply to—

- (a) an employer who employs less than five employees;
- (b) the Government in respect of the armed forces.

3. On or before the last day of July and January in each year every employer shall pay to the Director a training levy of one hundred shillings in respect of each employee employed by him on the last business day of the immediately preceding month.

Cap. 403.

[Subsidiary]

4. (1) Every person who is an employer at the commencement of this Order shall, on or before the 30th June, 1973, register with the Director as an employer by furnishing to the Director a duly completed copy of Form 1 in the Schedule.

(2) Every 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 by furnishing to the Director a duly completed copy of Form 1 in the Schedule.

(3) Any person registered as an employer who ceases to be an employer shall, within twenty-one days of so ceasing, notify the Director accordingly.

5. Every remittance of the levy shall be accompanied by a half-yearly return in Form 2 in the Schedule showing the numbers of employees in the relevant categories employed by the employer concerned on the date in respect of which the remittance is made.

SCHEDULE (Paragraphs 4 and 5)

FORM 1

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

Registration of Employers in the Motor Engineering and Transport Industry as required by paragraph 4 of the Motor Engineering and Transport Industry (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:

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

[Subsidiary]

FORM 2

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Half-yearly return as required by paragraph 5 of the Motor Engineering and Transport Industry (Training Levy) Order.

1. Payment of levy in respect of employees as at ..... June, ...../ December, .....\* in accordance with paragraph 3 of the Order.

2. Name of Employer: .....

3. Address of Employer: .....

4. (a) Total number of employees in the applicable categories— ..... Employees.

(b) Amount of liability to the Training Levy due as at ..... June, ...../..... December, .....\* at one hundred shillings per employee .....

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

Total Remittance ... ..

Date: .....

\* Delete as applicable.

[Subsidiary]

FORM 2—(Contd.)

Job Category and Titles	Numbers in Employment	Changes since last return— Resigned (–) Engaged (+)
(i) <i>Top Management</i> Directors.		
(ii) <i>Middle Management</i> Workshop Managers, Technical Managers, Service Managers, Training Managers, etc.		
(iii) <i>Supervisory Management</i> Workshop Supervisors, Service Supervisors, Forecourt Supervisors, Inspection Supervisors, Testing Supervisors, Foremen and Chargehands, etc.		
(iv) <i>Skilled Workmen</i> Mechanics, Electricians, Panel Beaters, Spray Painters, Assemblers, Welders, Machinists/Fitters/Turners.		
(v) <i>Semi-skilled</i> Pump Attendant, Car Polisher, Engine Cleaner, Engine Oiler, etc.		
(vi) <i>Unskilled and Miscellaneous</i> Grease man, Batterymen, Tyreman, Pump Attendant, Cleaner, etc.		
TOTAL ... ..		

I, ..... hereby  
declare that the above particulars are true.

Signed .....

Position .....

*Note.*—This return must be forwarded to the Director of Industrial Training, P.O. Box 74494, Nairobi, with each remittance of the Training Levy.

[Subsidiary]  
L.N. 4/1974.

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

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

2. (1) In this Order—

“employer” means a person whose principal activity is engagement in one or more of the activities specified in the First Schedule and who directly employs more than four persons in connexion therewith, and “employee” means any person so employed;

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

(2) Notwithstanding anything contained herein, this Order shall not apply to any person whose principal activity falls within the purview of any other training levy order.

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

(2) Every 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 to the Director a duly completed copy of Form 1 in the Second Schedule.

(4) Any person registered under this paragraph who ceases to be an employer shall, within twenty-one days of so ceasing, notify the Director accordingly in writing.

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

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

**FIRST SCHEDULE**

Subject to the provisions of this Schedule, the activities of the printing, publishing, kindred and allied industries are the following activities in so far as they are carried out in Kenya—

(a) printing on paper or other material by any of the processes following—

- (i) letterpress printing by direct or off-set methods or by flexography;
- (ii) lithographic printing by direct or off-set methods;
- (iii) photogravure printing;
- (iv) electrostatic printing;
- (v) collotype printing;
- (vi) screen printing;

[Subsidiary]

- (vii) die-stamping or embossing;
  - (viii) thermographic printing;
  - (ix) ruling;
  - (x) cutting, creasing or scoring by letterpress process;
- (b) the operations or processes following—
- (i) composing by any means or 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 as part of a composing process;
  - (iii) for the purpose of reproducing an image, preparing, engraving, etching, cutting or moulding cylinder liner, cylinders, plates or rollers;
  - (iv) making printers' blocks;
  - (v) electro-typing, stereo-typing, type-setting or 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, retouching, inspection, quality control or finishing process connected with any operation or process above-mentioned in this subparagraph;
  - (ix) proof reading;
- (c) finishing paper or other material by any of the processes following or by any process similar thereto, that is to say—
- (i) assembling, collating, creasing, folding, gathering or insetting;
  - (ii) cutting, eyeletting, perforating, punching, stabbing or trimming;
  - (iii) cording, gumming, mounting, stapling, strutting or tying;
  - (iv) backing, back-lining, binding, case-making, casing-in, covering, end-papering, jacketting, lacing, nipping, pressing, rounding, sewing, skiving, smashing or stitching;
  - (v) blind lettering, blocking, gilding, glazing, gold-tooling, indexing, marbling, numbering, sizing, sprinkling or varnishing;
- where such paper or other material has been printed by a process specified in subparagraph (a) of this paragraph;
- (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;

{Subsidiary}

(f) publishing any of the following publications or any publications similar thereto—

(i) books, booklets, calendars, catalogues, diaries, directories or timetables;

(ii) magazines, newspapers, periodicals or professional, technical or trade journals;

(iii) art reproductions, greeting cards or picture post-cards;

(iv) charts, globes or maps;

(g) manufacturing and or supplying printing paper, products or materials for printing;

(h) any activities of an editorial character undertaken in connexion with the publication in the Republic of Kenya or elsewhere of books, booklets, calendars, catalogues, diaries, directories, timetables, charts, globes, maps or any 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 any similar publications;

(j) taking or processing and selling photographs;

(k) operating a news agency or a 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 above mentioned) being—

(i) related activities incidental or ancillary to principal activities of the printing, publishing, kindred and allied industries; or

(ii) 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 such 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

FORM 1

MINISTRY OF LABOUR  
THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of Employers in the Printing, Publishing, Kindred and Allied Industries Training Committee as required by paragraph 3 of the Industrial Training (Printing, Publishing, Kindred 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 .....
- .....
- .....
- .....
- .....
- .....
- .....

Note.—This registration form shall 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 (Printing, Publishing, Kindred and Allied Industries) (Training Levy) Order.

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

[Subsidiary]

FORM 2--(Contd.)

3. Address of Employer .....

4. (a) Total number of employees—

..... Employees.

Sh.

(b) Amount of liability to the Training Levy due

as at ..... June, ..... / ..... December,

..... at K.Sh. 50 per employee ... ..

Plus penalty of 5 per cent under section

58 (3) of the Act (if applicable) ... ..

Total Remittance ... ..

Date .....

L.N. 60/1974.

**THE INDUSTRIAL TRAINING (GENERAL ENGINEERING  
AND METAL MANUFACTURING INDUSTRIES)  
(TRAINING LEVY) ORDER**

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

2. (1) In this Order—

“employer” means a person engaged for gain in any activity in the general engineering and metal manufacturing industries and who directly employs more than four persons in connexion therewith, and “employee” means any person so employed;

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

(2) Notwithstanding anything contained herein, this Order shall not apply to any person whose principal activity falls within the purview of any other training levy order.

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

(2) Every 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 to the Director a duly completed copy of Form 1 in the Schedule.

(4) Any person registered under this paragraph who ceases to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing.

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

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

SCHEDULE

FORM 1

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of Employers in the General Engineering and Metal Manufacturing Industries as required by paragraph 3 of the Industrial Training (General Engineering and Metal Manufacturing Industries) (Training Levy) Order.

- 1. Name of Employer .....
- 2. Registered Name of Business .....
- 3. Place of Business .....
- Road/Street .....
- Town .....
- 4. Postal Address .....
- 5. Nature of Business .....

Note.--This Registration Form shall 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 (General Engineering and Metal Manufacturing Industries) (Training Levy) Order.

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

2. Name of Employer .....

3. Address of Employer .....

4. (a) Total Number of Employees—  
..... Employees.

Sh.

(b) Amount of liability to the Training Levy due  
as at ..... June, ...../..... December,  
..... at K.Sh. 50 per employee ... ..  
Plus penalty of 5 per cent under section  
5B (3) of the Act (if applicable) ... ..  
Total Remittance ... ..

Date .....

L.N. 112/1975.

THE INDUSTRIAL TRAINING (POWER AND  
TELECOMMUNICATIONS INDUSTRIES)  
(TRAINING LEVY) ORDER

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

2. (1) In this Order—

“employer” means a person whose principal activity is—

(a) the generation or distribution of electrical power, manu-  
facture, assembly, installation, maintenance, or repair, of  
electrical power equipment; or

(b) the manufacture, assembly, installation, maintenance, or  
repair, of telecommunications equipment;

and employs more than four employees in respect thereof;

“employee” means an engineer, technician, skilled and semi-  
skilled artisans employed in that capacity;

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

(2) This Order shall not apply to—

(a) an employer in the airline industry;

(b) an employer whose principal activity falls within the purview of any other Training Levy Order.

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

(2) Every person who becomes an employer on or 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 to the Director a duly completed copy of Form 1 in the Schedule.

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

(2) Every 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 payment is made.

SCHEDULE

FORM 1

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of Employers in the Power and Telecommunications Industries as required by paragraph 3 of the Industrial Training (Power and Telecommunications 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 .....
- .....
- .....
- .....

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

[Subsidiary]

FORM 2

## MINISTRY OF LABOUR

## THE INDUSTRIAL TRAINING ACT

(Cap. 237)

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

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

2. Name of Employer .....

3. Postal Address of Employer .....

Job Category and Titles	Numbers in Employment	Changes since last return Resigned (-) Engaged (+)
Engineers ... ..		
Technicians ... ..		
Artisans (skilled and semi-skilled)		
<b>TOTAL</b> ... ..		

4. (a) Total number of employees—  
..... employees.

(b) Amount of liability to the training levy due  
as at ..... June, 19...../\* .....  
December, 19....., at two 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 .....

Designation .....

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 (SAW MILLING, TIMBER AND FURNITURE INDUSTRIES) (TRAINING LEVY) ORDER**

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

2. (1) In this Order—

“employer” means a person whose principal activity is the production, preparation and utilization of timber products as follows—

(a) timber felling, wood cutting, logging, transportation of timber, saw milling, plywood production, pitting or maintenance of any timber, fibreboard and particle board, selling, storing, processing, reconversion or packing of any timber or any other work associated with the sales of timber;

(b) furniture manufacturing, assembling, maintenance, repair or alteration, of office and domestic furniture (including plastic, steel and wood) and all types of mattress; or

(c) manufacturing, assembling, maintenance, repair or alteration of handcars, wood, boats, door and wood windows;

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

(2) This Order shall not apply to an employer whose principal activity falls within the purview of any other Training Levy Order.

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

(2) Every person who becomes an employer on or 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 to the Director a duly completed copy of Form 1 in the Schedule.

4. (1) On or before the first day of January, April, July and October in each year every employer shall pay to the Director a training levy of 0.25, or quarter, per cent, of the total turnover if such quarterly turnover exceeds twenty-five thousand shillings.

(2) Every payment of the levy shall be accompanied by a quarterly return in Form 2 in the Schedule, showing the total quarterly turnover on the date in respect of which the payment is made.

**SCHEDULE**

FORM 1

**MINISTRY OF LABOUR**

**THE INDUSTRIAL TRAINING ACT**

(Cap. 237)

Registration of Employers in the Saw Milling, Timber and Furniture Industries as required by paragraph 3 of the Industrial Training (Saw Milling, Timber and Furniture Industries) (Training Levy) Order.

1. Name of Employer .....

2. Registered Name of Business .....

[Subsidiary]

## FORM 1—(Contd.)

3. Place of Business .....
- .....
- Road/Street .....
4. Postal 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

## MINISTRY OF LABOUR

## THE INDUSTRIAL TRAINING ACT

(Cap. 237)

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

1. Payment of levy in respect of quarterly turnover as at 31st March, 19.../30th June, 19...../30th September, 19...../31st December, 19.....
2. Name of Employer .....
- .....
3. Postal Address .....
- .....
- .....

Sh. cts.

4. (a) Total turnover during the quarter ... ..
- (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 5a (3) of the Act (if applicable) ... ..
- Total payment ... ..



FORM 2—(Contd.)

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

Signed .....

Designation .....

*Note.*—This return form 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 (TEXTILE INDUSTRIES)  
 (TRAINING LEVY) ORDER**

L.N. 195/1975.

1. This Order may be cited as the Industrial Training (Textile Industries) (Training Levy) Order.

2. (1) In this Order—

“employer” means a person whose principal activity is—

(a) the production of fibre from cotton, jute, sisal, kenaf, wool and silk, staple rayon, staple nylon, polyester, acrylic; and/or

(b) the spinning of yarn from cotton viscose staple or synthetic blended fibres, twines, ropes, cords from jute, sisal or kenaf fibres, synthetic yarns such as nylon, polyester, acrylic; and/or

(c) weaving cotton, terry cotton, rayon, nylon, polyester, acrylic, jute, sisal or kenaf on looms for producing fabrics; and/or

(d) knitting cotton, jute, woollen synthetic or blended yarn on knitting machines for producing fabrics or direct garments, producing bonded fabrics from webs either by adhesive or stitching; and/or

(e) the manufacture of cotton garments, including hosiery type goods, synthetic knit-wears and garments from nylon, polyester or blended fabrics, cardigans, pullovers, socks from acrylic, nylon or polyester yarn; and/or

(f) the manufacture of canvas goods or articles such as tents, tarpaulins, awnings, bags, canopies, conveyor beltings, automobile coverings, jute or sisal bags, carpets, mattings, nylon nettings of various types, surgical cotton, sanitary towels;

and who employs an aggregate of more than four employees in respect thereof and “employee” means any person so employed;

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

(2) This Order shall not apply to an employer whose principal activity falls within the purview of any other Training Levy Order.

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

[Subsidiary]

(2) Every person who becomes an employer on or 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 to the Director a duly completed Form 1 in the Schedule.

4. (1) On or before the last day of January and July in each year every 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) Every 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 payment is made.

## SCHEDULE

## FORM 1

MINISTRY OF LABOUR  
THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of Employers in the Textile Industries as required by paragraph 3 of the Industrial Training (Textile 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 .....
- .....
- .....
- .....
- .....
- .....

*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 (Textile Industries) (Training Levy) Order.

1. Payment of levy in respect of employees as at .....  
June, 19...../\*..... 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—  
..... employees.

Sh. cts.

- (b) Amount of liability to the training levy due  
as at ..... June, 19...../\*..... 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 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 (CHEMICALS, CEMENT AND  
PHARMACEUTICALS INDUSTRIES) (TRAINING LEVY)  
ORDER

L.N. 196/1975,  
L.N. 52/1976.

1. This Order may be cited as the Industrial Training (Chemicals, Cement and Pharmaceuticals Industries) (Training Levy) Order.

2. (1) In this Order—

“employer” means a person whose principal activity is the manufacture or processing of any of the following—

- soaps or detergents,
- cement, lime or asbestos,
- soda ash,
- fluorspar,

[Subsidiary]

rubber,  
 plastics, petroleum or its by-products (solvents, bitumen, etc.),  
 waxes, paints or dyes,  
 gases,  
 pesticides,  
 batteries or accumulators,  
 glass,  
 drugs or other pharmaceutical products,  
 chemicals or chemically based products,

and who employs at least one person in respect thereof;

"employee" means any person so employed;

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

(2) This Order shall not apply to an employer whose principal activity falls within the purview of any other Training Levy Order.

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

(2) Every person who becomes an employer on or 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 to the Director a duly completed copy of Form 1 in the Schedule.

4. (1) On or before the last day of January and July in each year every 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) Every 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 payment is made.

#### SCHEDULE

FORM 1

#### MINISTRY OF LABOUR

#### THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of Employers in the Chemicals, Cement and Pharmaceuticals Industries as required by paragraph 3 of the Industrial Training (Chemicals, Cement and Pharmaceuticals Industries) (Training Levy) Order.

1. Name of Employer .....

2. Registered Name of Business .....

.....

**FORM 1—(Contd.)**

- 3. Place of Business .....
- Road/Street .....
- 4. Postal 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**

**MINISTRY OF LABOUR**

**THE INDUSTRIAL TRAINING ACT**

*(Cap. 237)*

Half-yearly return as required by paragraph 4 (2) of the Industrial Training (Chemicals, Cement and Pharmaceuticals Industries) (Training Levy) Order.

- 1. Payment of levy in respect of employees as at .....  
     June, 19...../\*..... December, 19....., in accordance with  
     paragraph 4 (1) of the Order.
- 2. Name of Employer .....
- 3. Postal Address of Employer .....

<i>Numbers in Employment</i>	<i>Changes since last return Resigned (-) Engaged (+)</i>
----------------------------------	---

**TOTAL** .....

\* Delete whichever is not applicable.

4. (a) Total number of employees—  
 ..... employees.

[Subsidiary]

FORM 2—(Contd.)

Sh.

(b) Amount of liability to the training levy due  
 as at ..... June, 19...../\*..... 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 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. 197/1975,  
L.N. 45/1976.

#### THE INDUSTRIAL TRAINING (FOOD PROCESSING INDUSTRIES) (TRAINING LEVY) ORDER

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

2. (1) In this Order—

“employer” means a person whose principal activity is one or  
 more of the following activities—

grain milling,  
 manufacturing of soft drinks,  
 manufacturing of liquor or beer,  
 slaughtering, preparation and preservation of meat,  
 manufacture of dairy products, including canning and preserva-  
 tion of such products,  
 canning and preservation of fruits and vegetables,  
 canning and preservation of fish,  
 manufacture of confectionery,  
 manufacture of bakery products,  
 food manufacture of various kinds,  
 manufacture of vegetable and animal oils and fats,  
 processing of ground nuts and cashew nuts,  
 manufacture of animal feeds,  
 bottling and distribution of liquor or beer,

and who employs an aggregate of more than four employees in  
 respect thereof, and “employee” means any person so employed;

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

[Subsidiary]

(2) This Order shall not apply to an employer whose principal activity falls within the purview of any other Training Levy Order.

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

(2) Every person who becomes an employer on or 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 to the Director a duly completed copy of Form 1 in the Schedule.

4. (1) On or before the last day of January and July in each year every 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) Every 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 payment is made.

SCHEDULE

FORM 1

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT

(Cap. 237)

Registration of Employers in the Food Processing Industries as required by paragraph 3 of the Industrial Training (Food Processing 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 .....

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

[Subsidiary]

FORM 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 Industries) (Training Levy) Order.

1. Payment of levy in respect of employees as at .....  
June, 19...../\*..... December, 19....., in accordance with  
paragraph 4 (1) of the Order.
2. Name of Employer .....
3. Postal Address of Employer .....

	Numbers in Employment	Changes since last return Resigned (-) Engaged (+)
<b>TOTAL</b> ... ..		

4. (a) Total number of employees—  
..... employees.
- (b) Amount of liability to the training levy due  
as at ..... June, 19...../\*..... 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 .....

Designation .....

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]

**THE INDUSTRIAL TRAINING (PLANTATION INDUSTRIES)  
(TRAINING LEVY) ORDER**

L.N. 46/1976,  
L.N. 141/1976.

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

2. (1) In this Order—

“employer” means a person whose principal activity is the processing of sugar, coffee, cotton, sisal, tea, pyrethrum or pineapples.

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

(2) This Order shall not apply to an employer whose principal activity falls within the purview of any other Training Levy Order.

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

(2) Every person who becomes an employer on or 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 to the Director a duly completed copy of Form 1 in the Schedule.

4. (1) On or before the last day of each month every employer shall pay to the Director a training levy at the rate of two shillings for every metric ton of sugar, coffee, cotton, sisal, tea, pyrethrum, pineapples grown, processed or produced by him.

(2) Every payment of the levy shall be accompanied by a monthly return in Form 2 in the Schedule showing the total monthly amount of sugar, coffee, cotton, sisal, tea, pyrethrum, pineapples grown, produced or processed by the employer.

**SCHEDULE**

FORM 1

**MINISTRY OF LABOUR**

**THE INDUSTRIAL TRAINING ACT**

*(Cap. 237)*

Registration of Employers in the Plantation Industries as required by paragraph 3 of the Industrial Training (Plantation Industries) (Training Levy) Order.

1. Name of Employer .....

2. Registered Name of Business .....

3. Place of Business .....

Road/Street .....

[Subsidiary]

## FORM 1—(Contd.)

4. Postal 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

## MINISTRY OF LABOUR

## THE INDUSTRIAL TRAINING ACT

(Cap. 237)

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

1. Payment of levy in respect of monthly return for the month of ....., 19.....

2. Name of Employer .....

3. Address .....

*Metric Tons*

4. (a) Total amount of sugar, coffee, cotton, sisal, tea, pyrethrum, pineapples grown, produced or processed during the month ... ..

(b) Total amount of liability to the training levy at two shillings per metric ton for which remittance is enclosed ... ..

I/We\* .....

declare that the above particulars are true.

Signed .....

Designation .....

*Note.*—This return form 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]

Rules under section 29

**THE INDUSTRIAL TRAINING (TRADE TESTING) RULES**

L.N. 251/1977.

1. These Rules may be cited as the Industrial Training (Trade Testing) Rules.

Citation.

2. In these Rules, unless the context otherwise requires, "trade test" means a test approved by the Minister under rule 3.

Interpretation.

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.

Approval of and conditions for trade tests

(2) Any 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) Any 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:

Application for a trade test.

Provided that the Director may, in his discretion, reject an application by any 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) any person may apply to undergo a trade test in more than one trade or occupation if he has the necessary skills and qualifications; except that the Director may, in his discretion, allow or reject such 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.

Information as to previous trade tests.

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

6. (1) Every 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.

Fees for trade tests.

(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.

## [Subsidiary]

- (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. Any person who applies to undergo a trade test under these Rules shall provide himself with the necessary tools required for such trade test.
- Issue of Certificate.** 8. (1) The Director, on being satisfied that an applicant 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 such 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 in case of male applicants) 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 such 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. Every 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 such notification shall indicate—
- (a) the percentage marks and ratings obtained in the tests;
  - (b) the reasons why a person who was unsuccessful failed his test; and
  - (c) the place and manner of obtaining the certificate to be issued in accordance with the provisions of rule 8 of these Rules.

{Subsidiary}

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 practical test and thirty marks for oral and written test respectively; and the pass mark shall be not less than an aggregate of sixty per cent.

Marks and ratings for trade tests.

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

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

13. Any 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.

Repetition of a trade test.

14. (1) Any person issued with a certificate under these Rules who loses such a certificate shall notify the Director, within two months from the date he first discovered the loss, of the fact that he has lost the certificate.

Loss of certificate.

(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 such 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, any 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 such certificate, a request may be made to the Director that such person be required to undergo a further trade test of the standard applicable to such certificate.

Further trade tests.

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

16. The Director may require any person to whom a certificate has been issued under these Rules to surrender such certificate on the 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 such conduct in connexion with his trade or occupation as renders it undesirable that he should continue to hold such certificate or for any other sufficient reason.

Surrender of certificates.

17. (1) Any person who knowingly and without authority—  
(a) possesses any certificate to which he is not entitled under these Rules; or

Offences and penalties.

[Subsidiary]

- (b) being entitled under these Rules to the possession of a certificate parts with such possession to a person not so entitled; or
- (c) alters or defaces a certificate issued under these Rules or makes a facsimile of such 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 of one thousand shillings or to imprisonment for six months or to both such fine and imprisonment.

Appeals.

18. (1) The Minister shall, by notice 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) Any person who feels aggrieved by an order or decision of the Director made under any of these Rules may, within fourteen days of such 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 such 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) Any 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

To: The Director,

(T.T. 14)

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 Identity Card)
- \*2. Registration Number .....  
(as stated on Identity Card)
- \*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 ..... of last trade test .....  
Certificate No. ....

[Subsidiary]

7. Details of any Apprenticeship Served .....

.....

.....

.....

8. Present Employer--

Name .....

P.O. Box No. ....

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.
  - (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. 20 |
| Artisan Grade II  | ... | ... | Sh. 40 |
| Artisan Grade I   | ... | ... | Sh. 60 |

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

<i>Grade of Trade Test</i>	<i>Fees Payable</i>
	<i>Sh. cts.</i>
(a) Artisan Grade III—on application for Trade Testing and issue of Certificate on passing the Test ...	20 00
(b) Artisan Grade II—on application for Trade Testing and issue of Certificate on passing of Test ...	40 00
(c) Artisan Grade I—on application for Trade Testing and issue of Certificate on passing of Test ...	60 00



**LAWS OF KENYA**

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**The Employment of Women, Young  
Persons and Children Ordinance**

**CHAPTER 227**

**Revised Edition 1962  
Printed and Published by the Government Printer  
Nairobi**

## CHAPTER 227

### THE EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN ORDINANCE

#### ARRANGEMENT OF SECTIONS

- |  |  |
|--|--|
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- 26—Presumption of age.
- 27—Offences by bodies corporate, etc.
- 28—Penalty in case of death or injury.
- 29—Prosecution of offences.
- 30—Rules.
- 31—Saving.

## CHAPTER 227

THE EMPLOYMENT OF WOMEN, YOUNG  
PERSONS AND CHILDREN ORDINANCE

Cap. 111 (1948),  
35 of 1950,  
12 of 1956,  
39 of 1956,  
48 of 1959,  
15 of 1961.

*Commencement: 20th September, 1948*

An Ordinance to regulate the employment of women, young persons and children

## PART I—PRELIMINARY

Short title.

1. This Ordinance may be cited as the Employment of Women, Young Persons and Children Ordinance.

Interpretation.  
35 of 1950, s. 2,  
12 of 1956, s. 2.

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

“age” means the actual or apparent age;

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“authorized officer” means any labour officer, as defined by the Employment Ordinance, and any other person appointed by the Minister to be an authorized officer for the purposes of this Ordinance;

“child” means a person, male or female, who has not attained the age of sixteen years;

“employment” means employment in any labour exercised for the purpose of gain, whether the gain be to the woman or juvenile, as the case may be, or to any other person;

“guardian” in the relation to a juvenile includes any person who, in the opinion of the court having cognizance of any case in relation to a juvenile or in which a juvenile is concerned, has for the time being the charge of or control over the juvenile;

“industrial undertaking” has, with respect to employment, the following meaning—

ap. 514.

(a) mines, quarries and other works for the extraction of minerals from the earth;

(b) any factory within the meaning of the Factories Ordinance;

(c) the construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well,

telegraphic or telephonic installation, electrical undertaking, gas work, water work or other work of construction, as well as the preparation for or laying of the foundations of any such work or structure;

- (d) transport of passengers or goods by road, rail or inland waterway, including the handling of goods at docks, quays, wharves and warehouses, but excluding transport by hand:

Provided that—

- (i) the Minister, if he sees fit so to do, having regard to the nature of the work involved in any employment carried on in any industrial undertaking, may, by order, declare that such employment shall be excluded from the provisions of this Ordinance relating to industrial undertakings, and thereupon such employment shall be deemed not to be employment in an industrial undertaking for the purpose of this Ordinance;

- (ii) any undertaking of which a part only is an industrial undertaking shall not for that reason alone be deemed to be an industrial undertaking;

“juvenile” means a child or young person;

“Labour Advisory Board” means the Labour Advisory Board established under the Employment Ordinance;

“labour officer” has the same meaning as in the Employment Ordinance;

“mine” includes any undertaking, whether public or private, for the extraction of any substance from or from under the surface of the earth;

“native vessel” has the meaning assigned to it in the Native Vessels Ordinance;

“parent” includes a guardian:

Provided that, in relation to a female child who is married and is living with her husband, the expression shall be construed as meaning her husband;

“public authority” does not include any body trading or carrying on business for profit;

“recruit” means engage, or attempt to engage, in employment any person who does not spontaneously offer his services at the place of employment or at the premises of the, or the proposed, employer or his agent or at a public emigration or employment office;

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ship" includes any vessel or boat, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned, but does not include a ship of war:

"woman" means a woman of the age of eighteen years or upwards;

"young person" means a person, male or female, who has attained the age of sixteen years but has not attained the age of eighteen years.

Application.  
12 of 1956, s.3,  
15 of 1961, Sch.

3. Nothing in this Ordinance shall apply to an industrial or other undertaking, or to any ship, in which only members of the same family are employed, unless such employment, by its nature or the circumstances in which it is carried on, is dangerous to the life, health or morals of the persons employed therein, or to any technical school, institution, school-ship or training-ship which is for the time being approved and supervised by a public authority.

#### PART II--EMPLOYMENT IN INDUSTRIAL AND OTHER UNDERTAKINGS

No child to be  
employed in  
industrial  
undertaking.  
12 of 1956, s.4.

4. (1) No person shall employ a child, whether gainfully or otherwise, in any industrial undertaking.

(2) The provisions of this section shall not apply to the employment of a child in an industrial undertaking under a deed of apprenticeship lawfully entered into under the provisions of any law for the time being in force.

Restriction on  
employment of  
children in  
attendance on  
machinery, etc.  
15 of 1959, s.35.  
Cap. 237.

5. (1) No child, other than one serving under a contract of apprenticeship or indentured learnership in accordance with the provisions of the Industrial Training Ordinance, shall be employed in any undertaking in attendance on any machinery.

(2) No child shall be employed in any open-cast workings or sub-surface workings which are entered by means of a shaft or adit.

Power to  
prohibit  
employment of  
children in other  
specified ways.  
15 of 1950, s.4.

6. The Governor in Council may, by notice in the Gazette, specify any trade or undertaking, or any occupation which forms part of any trade or undertaking, in which a child shall not be employed.

Restriction on  
employment of  
women and  
young persons.  
12 of 1956, s.5,  
15 of 1961, Sch.

7. (1) Subject to the provisions of section 8 of this Ordinance, no woman or juvenile shall be employed between the hours of 6.30 p.m. and 6.30 a.m. in any industrial undertaking:

Provided that

- (i) women or male young persons may be so employed in cases of emergencies which could not have been controlled or foreseen, which interfere with the normal working of the industrial undertaking and which are not of a periodical nature;
- (ii) women may be so employed in cases where their work is connected with raw materials or materials in the course of treatment, being in either case materials which are subject to rapid deterioration, and their work during such hours is necessary to preserve any such materials from certain loss; and
- (iii) women, holding responsible positions of a managerial or technical nature, or employed in health and welfare services, and not normally engaged in manual work, may be so employed.

(2) Notwithstanding the provisions of subsection (1) of this section, the Minister may, after consultation with the Labour Advisory Board, authorize an employer in writing to employ women or young persons up to the hour of midnight or from the hour of 5 a.m., subject to such conditions as the Minister may determine, but so, however, that—

- (a) in the case of women, they shall not be employed during a night break of at least eleven consecutive hours, of which at least seven consecutive hours shall be between the hours of 10 p.m. and 7 a.m.:

Provided that such night break may be reduced to ten consecutive hours on not more than 60 days in any year in respect of industrial undertakings influenced by the seasons, and in all cases where exceptional circumstances demand it; and

- (b) in the case of young persons, they shall not be employed during a night break of at least twelve consecutive hours, of which at least seven consecutive hours shall be between the hours of 10 p.m. and 7 a.m.

8. In case of any serious emergency, when the public interest demands it, the Minister may, by notice in the Gazette, suspend the operation of section 7 of this Ordinance in so far as it affects women and male young persons.

Emergencies.  
12 of 1956, s.6.

Registers of young persons employed in industrial undertakings. 12 of 1956, c. 7.

9. (1) Where one or more young persons are employed in any industrial undertaking, their employer shall keep and maintain a register of the young persons so employed containing particulars of their ages and of the dates on which they enter or leave such employment and such other particulars as may be prescribed.

(2) An authorized officer may require any such employer as aforesaid to produce for inspection any register maintained by him under subsection (1) of this section which relates, wholly or in part, to the period of twelve months immediately preceding such requirement.

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(3) In the case of an employer who maintains a written record in accordance with subsection (4) of section 20 of the Employment Ordinance, it shall be a sufficient compliance with subsection (1) of this section if such record contains, in respect of every young person employed by such employer, the particulars required to be registered under subsection (1) of this section.

Restriction on employment of women in mines.

10. No female shall be employed on underground work in any mine except in the following circumstances—

- (a) a woman holding a position of management who does not perform manual work;
- (b) a woman engaged in health or welfare services;
- (c) a woman who in the course of her studies spends a period of training in the underground parts of a mine; or
- (d) a woman who may for any other reason have to enter the underground parts of a mine for the purpose of non-manual occupation.

#### PART III—EMPLOYMENT IN SHIPS

Restriction on employment of children in ships. 12 of 1956, s. 8, 15 of 1961, Sch

11. No child under the age of fifteen years shall be employed in any ship except a ship approved by the Minister as a school or training ship:

Provided that—

- (i) the Minister may, subject to such conditions as he may think fit to impose, give written approval to the employment of a child over the age of fourteen years in any other ship, if satisfied, having regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child;



(ii) the provisions of this section shall not apply in the case of a child who is employed in a native vessel and is under the care of a relative who is a member of the crew of such vessel, if such relative is, in the opinion of an authorized officer, a fit and proper person to have charge of such child.

12. No juvenile shall be employed on work as a trimmer or stoker in any ship:

Restriction on employment of juveniles in ships. 33 of 1950, s. 5, 12 of 1956, s. 9.

Provided that a juvenile may, with the approval of the Minister, be employed on such work on a school-ship or training-ship if such work is supervised by such authority as the Minister may approve.

13. (1) Every master of a ship shall, if one or more juveniles are employed therein, keep and maintain a register of the juveniles so employed containing particulars of their ages and of the dates on which they enter or leave such employment and such other particulars as may be prescribed:

Registers of juveniles employed in ships. 12 of 1956, s. 10.

Provided that this subsection shall not apply to the master of a native vessel.

(2) An authorized officer may require the master of a ship who employs one or more juveniles as aforesaid to produce for inspection any register maintained by him under subsection (1) of this section which relates, wholly or in part, to the period of twelve months immediately preceding such requirement.

(3) In the case of a master of a ship who maintains a written record in accordance with the provisions of subsection (4) of section 20 of the Employment Ordinance, it shall be a sufficient compliance with subsection (1) of this section if such a record contains, in respect of every juvenile employed by such master, the particulars required to be registered under subsection (1) of this section.

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**PART IV—PENALTIES IN RESPECT OF PARTS I, II AND III**

14. If any person knowingly employs a juvenile in any industrial or other undertaking or in any trade or in any ship in contravention of the provisions of this Ordinance, he shall be guilty of an offence and liable to a fine not exceeding five hundred shillings, or, in the case of a second or subsequent offence, of one thousand shillings; and, where a juvenile is taken into employment in any industrial or other undertaking or in any trade or in any ship in contravention of the

Penalty for unlawful employment of juveniles.

provisions of this Ordinance on the production by the parent or with the privity of such parent of a false or forged certificate, or on the false representation of the parent, that such juvenile is of an age at which such employment is not in contravention of the provisions of this Ordinance, such parent shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

Penalty for unlawful employment of women. 12 of 1956, s. 11 (b).

15. Any person who employs a woman in contravention of the provisions of this Ordinance shall be guilty of an offence and liable to a fine not exceeding five hundred shillings, or, in the case of a second or subsequent offence, not exceeding one thousand shillings.

Penalty for failing to keep or produce register. 12 of 1956, s. 11 (c).

16. Any person who fails to keep or maintain a register in accordance with the requirements of section 9 or section 13 of this Ordinance, or refuses or neglects, when so required, to produce his register for inspection by an authorized officer, shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

#### PART V—EMPLOYMENT OF JUVENILES—GENERAL

Employment of children away from home. 12 of 1956, s. 13.

17. (1) No person shall employ, or cause to be employed, any child below the age of thirteen years in circumstances which are calculated or are likely to cause, or do cause, such child to reside away from his parent.

(2) No person shall employ, or cause to be employed, any child of or above the age of thirteen years in circumstances which are calculated or are likely to cause, or do cause, such child to reside away from his parent, except under, and in accordance with the terms of, a permit in that behalf granted by a labour officer.

(3) No person shall employ, or cause to be employed, any male child of or above the age of thirteen years in circumstances which are calculated or are likely to cause, or do cause, such child to reside away from his parent, unless an authorized officer has consented in the prescribed form to the employment of such child and such child is in possession of such consent; and, in any such case, such child shall only be employed in accordance with the conditions (if any) endorsed upon the consent.

(4) No person shall employ, or cause to be employed, any female child of or above the age of thirteen years, in

circumstances which are calculated or are likely to cause, or do cause, such child to reside away from her parent unless—

(a) the parent of such child has given approval to an authorized officer to the employment of such child; and

(b) the authorized officer has consented in the prescribed form to the employment of such child and such child is in possession of such consent,

and in any such case such child shall only be employed in accordance with the conditions (if any) endorsed upon the consent.

(5) An authorized officer shall not give his consent to the employment of a child if his or her parent expressly objects to the giving of such consent; and any such consent which has been given shall be rescinded if his or her parent informs the authorized officer that the parent desires the return of such child, and in any such case the authorized officer shall inform the child and his or her employer accordingly:

Provided that any such consent shall only be rescinded within one month of the giving thereof upon the order of a subordinate court, and such order shall only be made upon good cause being shown by such parent.

(6) An authorized officer shall not give his consent to the employment of any child who is, in any particular, below such physical standards as may be prescribed in respect of the employment of children.

(7) Any permit granted under subsection (2) of this section shall be valid for one year from the date thereof; but any such permit may at any time be cancelled by a labour officer if he is satisfied that such cancellation is desirable.

(8) Any person aggrieved by the refusal of a labour officer to grant a permit under subsection (2) of this section, or by the cancellation of any permit so granted, may appeal to the Minister, whose decision shall be final.

(9) Any person who employs or causes to be employed any child, and the parent of any child who allows such child to be employed, in contravention of the provisions of this section shall be guilty of an offence.

18. Subject to the provisions of the Industrial Training Ordinance relating to contracts of apprenticeship or indentured learnership, any person who employs, or causes to be employed, or being his parent allows to be employed, any child, otherwise than under a verbal contract of service shall be guilty of an offence.

Children not to be employed otherwise than under verbal contracts.  
12 of 1956, s. 13.  
48 of 1959, s. 35.  
Cap. 237.

Restriction on  
certain  
employment of  
children.  
12 of 1956, s. 13.

19. Any person who employs a child, or causes a child to be employed, or being his parent allows a child to be employed—

- (a) as a porter, fuel cutter or trolley- or rickshaw-boy; or
- (b) in any employment which is prescribed as one in which children may not be employed; or
- (c) in any employment for which, in the opinion of a medical officer or of an authorized officer, he is physically unsuitable.

shall be guilty of an offence:

Provided that no proceedings shall be instituted against any person in respect of an offence under paragraph (c) of this section unless such person continues to employ the child after having been notified in writing by a medical officer or an authorized officer that the child is, in the opinion of such officer, physically unsuitable for that class of labour.

Children not to  
be recruited.  
12 of 1956, s. 13.

20. (1) Notwithstanding anything to the contrary contained in this or any other Ordinance, no child shall be recruited.

(2) Any person who recruits a child shall be guilty of an offence.

Registers of  
children in  
employment.  
12 of 1956, s. 13.

21. (1) Every person who employs one or more children shall keep and maintain a register of the children so employed containing particulars of their ages and of the dates on which they enter or leave such employment and such other particulars as may be prescribed.

(2) An authorized officer may require any such employer as aforesaid to produce for inspection any register maintained by him under subsection (1) of this section which relates, wholly or in part, to the period of twelve months immediately preceding such requirement.

(3) In the case of an employer who maintains a written record in accordance with subsection (4) of section 20 of the Employment Ordinance, it shall be a sufficient compliance with subsection (1) of this section if such record contains, in respect of every child employed by such employer, the particulars required to be registered under subsection (1) of this section.

Cap. 226.

(4) Any person who fails to comply with the provisions of this section or any requirement made thereunder shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

22. (1) An authorized officer may, by notice in writing served upon the employer, terminate or cancel any contract of service (other than a deed of apprenticeship lawfully entered into under the provisions of any law for the time being in force) which has been entered into by any juvenile with such employer, on the grounds that, in the opinion of such officer, the employer is an undesirable person, or that the nature of the employment is dangerous or immoral, or is likely to be injurious to the health of such juvenile, or for any other cause which may be prescribed.

Powers of authorized officer to cancel and to prohibit contracts. 12 of 1956, s. 13.

(2) An authorized officer may, by notice in writing served upon any person, prohibit such person from employing a juvenile, or employing a juvenile in any class or description of employment specified in the notice, on the grounds that, in the opinion of such officer, such person is an undesirable person, or that the nature of the employment is dangerous or immoral, or is likely to be injurious to the health of the employee, or for any other cause which may be prescribed.

(3) A notice given under subsection (1) or subsection (2) of this section shall be personally served upon the employer or person to whom it is addressed.

(4) Any employer, employee or person who is aggrieved by a notice given under subsection (1) or subsection (2) of this section may, within thirty days after the date of service thereof, appeal in writing against such notice to a subordinate court of the first class, which may confirm or set aside the notice; the decision of such court thereon shall be final.

(5) Any employer or person who, having been served with a notice given under subsection (1) or subsection (2) of this section which has not been set aside on appeal, employs or continues to employ the juvenile to whom the notice refers in or about the employment to which the notice relates, or any similar employment, or, as the case may be, employs any juvenile, shall be guilty of an offence:

Provided that it shall not be an offence for an employer served with a notice given under subsection (1) of this section to continue to employ the juvenile to whom the notice refers during the period of thirty days limited for appeal or, if an appeal is lodged within that period, pending the outcome of that appeal.

23. An authorized officer may require any juvenile in employment to be medically examined at any time during the period of his employment.

Medical examination of juvenile employees. 12 of 1956, s. 13.

Penalties in  
respect of  
Part V,  
12 of 1956, s. 13.

24. Any person guilty of an offence under this Part for which no express penalty is herein provided shall be liable to a fine not exceeding five hundred shillings or, in the case of a second or subsequent offence, to a fine not exceeding one thousand shillings.

PART VI—GENERAL

Powers of entry,  
12 of 1956, s. 13.

25. (1) If it appears to an authorized officer that there is reasonable cause to believe that any person is employed in any place in contravention of the provisions of this Ordinance, whether in a building or not, or in a ship, such officer may, on production of his credentials, enter into such place or ship at any reasonable time and examine such place or ship or any person therein in regard to such employment.

(2) Without prejudice to the taking of proceedings in respect of any offence, an authorized officer or an administrative officer may take into custody and return to his parent any child who he reasonably suspects is employed in contravention of the provisions of this Ordinance, and any expenses so incurred shall be a civil debt recoverable summarily from the child's employer.

(3) Any person who refuses admission to an authorized officer who has shown his credentials and is acting under this section, and any person who obstructs an authorized officer or administrative officer in the discharge of his duty under this Ordinance or a medical officer carrying out or proposing to carry out a medical examination for the purposes of this Ordinance, shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

Presumption  
of age,  
12 of 1956, s. 13.

26. If, during the hearing of a charge for an offence under this Ordinance, it is alleged that any person was at the date of the offence of, over or under a particular age, the court hearing the charge shall, after such inquiry as it considers necessary and after hearing any evidence which may be tendered by any party to the proceedings, determine the age of such person for the purposes of the proceedings, and such determination shall be final; and no conviction or order or judgment of a court under this Ordinance shall be invalidated by any subsequent proof that the age of any person has not been correctly stated to or determined by the court.

Offences by  
bodies corporate,  
etc.,  
12 of 1956, s. 13.

27. Where an offence under this Ordinance committed by a company, co-operative society or other body of persons is proved to have been committed with the consent or connivance, or to have been facilitated by any neglect on the part

of any director, chairman, manager, secretary or other officer of the company, co-operative society or other body of persons, he, as well as the company, co-operative society or other body of persons, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

28. If any juvenile or woman is killed or dies or suffers any bodily injury in consequence of his or her employer having contravened any provision of this Ordinance, such employer shall, in addition to any other penalty, be liable to a fine not exceeding two thousand shillings, or, in default of payment, to imprisonment for a term not exceeding six months; and the whole or any part of the fine may be applied for the benefit of the injured person or his or her family or otherwise as the Minister may direct:

Penalty in case  
of death or  
injury.  
12 of 1956, s. 13.

Provided that—

- (i) in the case of injury to health, the employer shall not be liable to a penalty under this section unless the injury was caused directly by the contravention; and
- (ii) the employer shall not be liable to a penalty under this section if a charge against him under this Ordinance in respect of the act or default by which the death or injury was caused has been heard and dismissed before the death or injury occurred.

29. (1) All offences under this Ordinance may be prosecuted, and all fines under this Ordinance may be recovered, in a subordinate court of the first or second class.

Prosecution of  
offences.  
12 of 1956, s. 13.

(2) In any proceedings under this Ordinance, it shall be sufficient in the charge or information to allege that the employment to which the charge relates is employment in an industrial undertaking, or is employment in any undertaking in attendance on any machinery or in any open-cast workings or sub-surface workings which are entered by means of a shaft or adit, or is employment on underground work in any mine, or is employment in any specified trade, business or occupation, as the case may be, and to state the name of the ostensible employer; and the burden of proving that the employment is not such an employment as aforesaid or that the employer specified in the charge or information is not the actual employer, shall lie upon the person alleging such fact.

(3) If a woman or juvenile is found in any industrial undertaking, or workings as aforesaid, or in any mine as aforesaid at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he or she shall, until the contrary is proved, be deemed for the purposes of this Ordinance to have been then employed therein.

(4) Where any entry is required by this Ordinance to be made in any register, the entry made by an employer or on his behalf shall, as against him, be admissible as evidence of the facts therein stated.

Rules,  
12 of 1956, s. 13,  
39 of 1956, Sch.

30. (1) The Minister may, after consultation with the Labour Advisory Board, make rules for the administration of this Ordinance or for carrying out the objects or purposes of this Ordinance and, without prejudice to the generality of the foregoing, for all or any of the following purposes—

- (a) prescribing anything which under this Ordinance is to be or may be prescribed;
- (b) prohibiting absolutely or subject to conditions the employment of women, young persons or children in any specified occupation;
- (c) prescribing the age below which children are not to be employed;
- (d) prescribing—
  - (i) the number of hours on each day, or in each week, for which, and the times of day at which, women, young persons or children may be employed;
  - (ii) the intervals to be allowed to them for meals and rest;
  - (iii) the holidays or half holidays (with or without pay and travelling expenses) to be allowed to them;
  - (iv) any other conditions to be observed in relation to their employment; and any such conditions may relate to feeding, housing, medical attendance, education, recreation, discipline or otherwise;
- (e) requiring employers of children to furnish information and returns to any specified officer in respect of such children or their employment or the conditions of their employment.



(2) Any such rules may distinguish between juveniles of different ages and sexes and, in relation to women or juveniles, between different localities, occupations and circumstances, and may impose conditions, require acts or things to be performed or done to the satisfaction of an administrative officer, a medical officer or an authorized officer, or empower any such officer to issue orders either verbally or in writing requiring acts or things to be performed or done or prohibiting acts or things from being performed or done, and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled.

31. Except where otherwise expressly provided, the provisions of this Ordinance shall be in addition to, and not in substitution for or in derogation of, the provisions of any other Ordinance.

Saving.  
12 of 1956, s. 13.

SUBSIDIARY LEGISLATION

Rules under section 30

THE EMPLOYMENT OF CHILDREN RULES

L.N. 473/1956

1. These Rules may be cited as the Employment of Children Rules.

2. In these Rules, except where the context otherwise requires—

"township" includes an urban district established under the Local Government (County Councils) Ordinance, 1952.

30 of 1952.

3. (1) Every person employing more than fifty children shall appoint a suitable person as a labour supervisor.

(2) Every labour supervisor so appointed shall, under the direction of the person by whom he is appointed, have charge of the general welfare of such children both during and, in the case of children resident at the place of employment, out of working hours.

(3) Every person required under this rule to appoint a labour supervisor shall, before appointing him, obtain the written approval thereto of the Labour Commissioner, who may in his absolute discretion grant or refuse the same:

Provided that the Labour Commissioner may delegate his power of approval under this rule to any person appointed by notice in the Gazette to be a senior labour officer.

4. (1) No person shall employ in any municipality or township, or in the Nairobi Extra-Provincial District, any child except with the written permission of a labour officer or of any other person authorized in writing in that behalf by the Labour Commissioner.

(2) Every permit issued under this rule shall be in Form L.D. 52 in the Schedule to these Rules.

5. (1) Every permit to employ a child given by a labour officer under subsection (2) of section 17 of the Ordinance shall be in Form L.D. 51 in the Schedule to these Rules.

(2) Every consent to employ a child, given by an authorized officer under subsection (3) or subsection (4) of section 17 of the Ordinance shall be in Form L.D. 50 in the Schedule to these Rules.

6. Any person who fails to comply with paragraph (1) or paragraph (3) of rule 3 of these Rules, or rule 4 of these Rules, shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

2  
[Subsidiary]

SCHEDULE

Form L.D. 52 (r. 4 (2))

PERMIT TO EMPLOY A CHILD IN A MUNICIPALITY, TOWNSHIP,  
URBAN DISTRICT OR THE NAIROBI EXTRA-PROVINCIAL DISTRICT  
*Issued under the Employment of Children Rules*

To: .....  
[Name of employer]

.....  
[Address]

PERMISSION is hereby granted to you to employ the child named hereunder, subject to the conditions specified.

Name of child ..... Sex .....  
Actual or apparent age ..... Tribe .....  
Parent's name .....  
Parent's place of residence .....  
(i) District .....  
(ii) Location .....  
(iii) Sub-Location .....  
(iv) Name of chief .....

CONDITIONS

Place of employment .....  
Occupation .....  
Other conditions (if any) .....  
.....  
.....

This Permit is valid until ..... 19.....

Date ..... 19.....  
[Signature of Labour Officer]

[District]

Notes:

- (a) A child may not be employed in a municipality, township, urban district or the Nairobi Extra-Provincial District, unless—
  - (i) the prospective employer is in possession of a Permit issued by a labour officer or any other person authorized in writing in that behalf by the Labour Commissioner; and
  - (ii) in the case of employment necessitating the child residing away from its parent, the child is in possession of a Certificate consenting to such employment issued by an authorized officer.
- (b) This Permit may be cancelled at any time by a labour officer.

Form L.D. 51 (r. 5 (1)) [Subsidiary]  
PERMIT TO EMPLOY CHILDREN RESIDING AWAY FROM THEIR PARENTS  
Issued under section 17 (2) of the *Employment of Women, Young Persons and Children Ordinance*

To: .....  
[Name of employer]  
.....  
[Address]

PERMISSION is hereby granted to you to employ children of or above the age of 13 years in circumstances causing them to reside away from their parents, subject to the conditions set out hereunder.

CONDITIONS

The children shall only be employed at .....  
.....  
[Place of employment]

and the employment shall be subject to the following conditions:—  
.....  
.....  
.....  
.....  
.....

This Permit is valid until ....., 19....  
Date ....., 19....  
[Signature of Labour Officer]  
.....  
[District]

- Notes:
- (a) No child may be employed under this Permit unless—
    - (i) the child first produces to the employer a Certificate issued by an authorized officer, consenting to its employment in circumstances causing it to reside away from its parent;
    - (ii) the conditions specified in both the child's own Certificate and this Permit are fully observed.
  - (b) No child may be employed in a factory or other industrial undertaking.
  - (c) This Permit may be cancelled at any time by a labour officer.
  - (d) A permit is *not* needed for the employment of a child outside a municipality, township, urban district or the Nairobi Extra-Provincial District, where the child is able to, and does, reside with at least one of its parents.

[Subsidiary]

Form L.D. 50 (r. 5 (2))

CONSENT TO EMPLOY A CHILD WHILE RESIDING AWAY FROM ITS PARENT  
*Issued under section 17 (3) and (4) of the Employment of Women,  
Young Persons and Children Ordinance*

Name of child ..... Sex .....  
Actual or apparent age ..... Tribe .....  
Parent's name .....  
Parent's place of residence .....  
    (i) District .....  
    (ii) Location .....  
    (iii) Sub-Location .....  
    (iv) Name of chief .....

In the case of a female child, confirm (by entering "yes" in the space provided) that the parent's approval has been obtained to the child entering employment in circumstances causing it to reside away from home .....

I hereby consent to the employment of the above-named child in circumstances causing it to reside away from its parent, subject to the conditions set out hereunder—

Permitted area of employment .....  
.....  
Other conditions (if any) .....  
.....  
.....

Date ....., 19.... {Authorized Officer}

[Designation]

Notes:

- (a) This consent must be retained in the possession of the child to whom it relates.
- (b) No person may employ a child in circumstances causing it to reside away from its parent unless—
  - (i) the prospective employer is in possession of a separate Permit issued by a labour officer, allowing him to employ such children, and
  - (ii) the child itself is in possession of a Certificate in the above form.
- (c) No child may be employed in a factory or other industrial undertaking.

LAWS OF KENYA



The National Youth Service Act

CHAPTER 208

Revised Edition 1967  
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## CHAPTER 208

## THE NATIONAL YOUTH SERVICE ACT

## ARRANGEMENT OF SECTIONS

## PRELIMINARY

## Section

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- 2—Interpretation.
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- 4—Appointment of National Youth Leader.

## ORGANIZATION AND MEMBERSHIP OF THE SERVICE

- 5—Members of Service.
- 6—Secondment to Service.
- 7—Appointment to, or enlistment in, Service.
- 8—Termination of service.
- 9—Resignation from Service.
- 10—Extension of service during times of emergency.
- 11—Return of service property.
- 12—Members not to engage in trade, etc.
- 13—Service may be divided into branches, etc.
- 14—Responsibilities of Director and officers in charge.

## DUTIES AND EMPLOYMENT OF THE SERVICE

- 15—Duties of members.
- 16—Functions of Service.
- 17—Employment of Service in times of emergency.

## DISCIPLINE

- 18—Disciplinary Code and Regulations.
- 19—Mutiny.
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- 23—Minister may make regulations.

## MISCELLANEOUS

- 24—Causing disaffection, etc.
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- 28—Finance.
- 29—Member declared to be workman.
- 30—Prohibition against members being members of trade union.

## SCHEDULE



## CHAPTER 208

## THE NATIONAL YOUTH SERVICE ACT

3 of 1965,  
21 of 1966.*Commencement: 1st September 1964*

**An Act of Parliament to provide for the establishment of a National Youth Service and for matters connected therewith and incidental thereto**

## PRELIMINARY

1...This Act may be cited as the National Youth Service Act. Short title.

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

“Director” means the Director of the National Youth Service appointed under this Act;

“gazetted officer” means a member of the Service of one of the ranks of gazetted officer specified in the First Schedule to this Act;

“member” in relation to the Service includes a gazetted officer, a subordinate officer, an under officer, and a serviceman, and includes any person for the time being seconded for service in the Service;

“Minister” means the Minister for the time being responsible for the Service;

“the Service” means the National Youth Service established by section 3 of this Act;

“serviceman” means a member of the Service other than a gazetted officer, a subordinate officer, an under officer or any person seconded for service in the Service;

“subordinate officer” means a member of the Service of one of the ranks of subordinate officer specified in the First Schedule to this Act;

“under officer” means a member of the Service of one of the ranks of under officer specified in the First Schedule to this Act.

3. There shall be established and maintained the National Youth Service. Establishment  
of National  
Youth Service.

Appointment  
of National  
Youth Leader.  
21 of 1966, Sch.

4. (1) There shall be a National Youth Leader appointed by the President, acting on the advice of the Minister,\* and for the avoidance of doubt it is hereby declared that, for the purposes of section 41 (1) (f) of the Constitution, the office of National Youth Leader is not a public office.

(2) The duties of the National Youth Leader shall be to advise the Minister\* on the exercise of his powers under this Act and his general responsibilities for the Service.

(3) The National Youth Leader shall be appointed from amongst the members of the National Assembly.

Members of  
Service.

#### ORGANIZATION AND MEMBERSHIP OF THE SERVICE

5. (1) The Service shall consist of such number of members as may, from time to time, by notice in the Gazette, be prescribed by the Minister.\*

(2) The members of the Service shall be either servicemen or officers, such officers being gazetted officers, subordinate officers or under officers having the ranks and seniorities specified in the First Schedule to this Act.

(3) The Minister\* may, from time to time, by notice in the Gazette, amend the First Schedule to this Act.

Secondment  
to Service.

6. Any person in the civil or military service of Kenya, or any adviser or officer from any other country by arrangement with the Government, may be seconded by the Minister for service with the Service, for such period and at such rank in the Service as the Minister\* may approve:

Provided that where a person is seconded to the Service in any particular rank he shall not thereafter be required to serve in any rank junior thereto without his consent, and if he can no longer be employed in the rank at which he was seconded, or in any rank senior thereto, his secondment shall, if he so wishes, be terminated.

Appointment to,  
or enlistment in,  
Service.

7. (1) Gazetted officers and subordinate officers shall be appointed in the manner applicable to the appointment of other public officers.

(2) (a) Other members of the Service, who must be male or female citizens of Kenya between the ages of sixteen years and thirty years (both ages being inclusive), may be enlisted or re-enlisted by the Director, or by a gazetted officer authorized by him in that behalf, from persons who voluntarily offer themselves for enlistment or re-enlistment.

(b) Every member of the Service enlisted or re-enlisted under paragraph (a) of this subsection shall be enlisted initially to serve in the Service for a period of one year, or for such other period as the Minister\* may, from time to time, by notice in the Gazette prescribe, and on the expiration of such period may, if he so wishes and the Director, or a gazetted officer authorized by him in that behalf so approves, be re-enlisted for a further period:

Provided that a member desiring to re-enlist for a further term of service shall so apply not more than three months, or less than one month, immediately preceding the date of expiration of his current period of service.

(3) Every member of the Service being appointed or seconded or enlisted for the first time shall be required to make the declaration set out in the Second Schedule to this Act, either in English or in some other language that he understands.

8. (1) The Minister\* may at any time during the period of secondment of a member terminate such secondment if, for any reason, the services of such member are no longer required.

Termination  
of service.

(2) The appointment of a gazetted officer or a subordinate officer may be terminated, if his services are no longer required, in the manner applicable to other public officers.

(3) The Director may, at any time during the period of enlistment or re-enlistment of an under officer or serviceman, terminate such enlistment or re-enlistment if for any reason the under officer's or serviceman's services are no longer required.

9. (1) An under officer or a serviceman may, at the discretion of the Director, or a gazetted officer authorized by him in that behalf, be permitted to resign from the Service before the expiration of his period of enlistment or re-enlistment on personal or compassionate grounds.

Resignation from  
Service

(2) A gazetted officer or a subordinate officer may be permitted to resign from the Service in the manner applicable to other public officers.

10. Notwithstanding the foregoing provisions of this Act, any member of the Service whose engagement or secondment expires, or who wishes to resign, during a state of war, insurrection, hostilities or public emergency may be retained in the Service and his period of engagement or secondment prolonged for such further period, not being more than six months after the ending of such date, as the Minister\* directs:

Extension of  
service during  
times of  
emergency.

Provided that this section shall not apply to a member seconded from another country, except with the consent of the government of the other country concerned and of the member concerned.

Return of  
service  
property.

11. (1) Every member on leaving the Service shall forthwith deliver up to such person as may be authorized in that behalf, any uniform, clothing, equipment or accoutrements supplied to him by or on behalf of the Service:

Provided that the Director, at his discretion, may authorize a member to retain items of clothing on leaving the Service.

(2) Any person who fails to comply with subsection (1) of this section, or who returns such property in a damaged condition, the damage not being attributable to the proper discharge of his duties whilst a member of the Service, shall be liable for the cost of replacing or repairing such property, and such cost shall be a debt due from such person to the Government and may be recoverable by deduction from any moneys due from the Government to such person, or by civil suit for the whole amount, or for any balance due after such deduction as aforesaid.

Members not  
to engage in  
trade, etc.

12. During his period of service with the Service no member shall engage himself in any trade, business or employment, or shall take part in any commercial or agricultural undertaking, outside the scope of his duties in the Service, except with the approval of the Minister\* in the case of a gazetted officer, or the Director in the case of any other member.

Service may  
be divided  
into branches,  
etc.

13. (1) The Service shall be divided into such numbers and description of branches, units and sub-units as the Minister\* may, from time to time, by notice in the Gazette direct.

(2) Any member, save an officer specifically seconded for a particular description of branch, unit or sub-unit (who may be posted only to a branch, unit or sub-unit of that description), may at the discretion of the Director be posted to and employed in any branch, unit or sub-unit of the Service.

Responsibilities  
of Director  
and officers  
in charge.

14. (1) The Director shall, subject to this Act and any subsidiary legislation made thereunder, and any directions given by the Minister,\* be responsible for the overall command, superintendence and direction of the Service, and may

for this purpose from time to time issue Service Standing Orders (which shall not be required to be published in the Gazette).

(2) Subject to subsection (1) of this section, the member who is appointed as officer in charge of any description of branch, unit or sub-unit or combination of the same shall be responsible for the command, superintendence and direction of such branch, unit or sub-unit or such combination.

(3) The Director may, subject to this Act and any subsidiary legislation made thereunder, make such appointments or promotions to the ranks of under officer as he deems fit.

#### DUTIES AND EMPLOYMENT OF THE SERVICE

15. Every member of the Service shall—

- (a) perform such duties and carry out such training as he may be directed by the officers senior to him or placed in command over him;
- (b) obey and execute promptly all orders lawfully issued to him by the officers senior to him or placed in command over him.

Duties of members.

16. The functions of the Service shall be the training of young citizens to serve the nation, and the employment of its members in tasks of national importance and otherwise in the service of the nation.

Functions of Service.

17. (1) The President may, during a state of war, insurrection, hostilities or public emergency, order that the Service or any part thereof be employed to serve with the armed forces, or otherwise in the defence of the nation, whether within or outside Kenya.

Employment of Service in times of emergency.

(2) Where any part of the Service is, in pursuance of an order made under subsection (1) of this section, serving with the armed forces, or otherwise in the defence of the nation whether within or outside Kenya, such part of the Service shall for all purposes be deemed to be part of the armed forces, and it shall be governed by and subject to all the laws relating to and governing the armed forces in all respects as if such part of the Service were part of the armed forces.

(3) Where any part of the Service is, in pursuance of an order made under subsection (1) of this section, serving with and as part of the armed forces, the Minister for the time

being responsible for defence shall make rules declaring which ranks of the Service shall correspond to which ranks of the armed forces, and shall make rules relating to the command of such part of the Service by members of the armed forces.

#### DISCIPLINE

Disciplinary  
Code and  
Regulations.

18. (1) The Director may issue a disciplinary code for the Service or any part of the Service, and in respect of under officers and servicemen may make regulations for the following matters—

- (a) to make provision for the investigation of disciplinary offences and the hearing and determination of disciplinary proceedings;
- (b) to make provision for appeals; and
- (c) to prescribe disciplinary penalties and awards.

(2) The following disciplinary penalties and awards, or any combination thereof, may be included in such regulations for infringements of the disciplinary code—

- (a) dismissal from the Service;
- (b) reduction in rank;
- (c) confinement in a guard room, or restriction to the confines of any camp or other area where a part of the Service is stationed, for not more than fourteen days;
- (d) fines;
- (e) stoppages of pay or allowances;
- (f) extra drills or parades or fatigues.

(3) Regulations issued under this section may provide that any member committing a disciplinary offence may be arrested without warrant by or on the order of an officer senior to himself or placed in command over him, and taken without delay before a gazetted officer, who may, if the circumstances so warrant, confine such member or cause such member to be confined in any building suitable for the purpose, pending the determination of disciplinary proceedings.

(4) A person seconded to the Service from another country shall not be subject to the disciplinary code.

Mutiny.

19. (1) Any member who takes part in a mutiny shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding five years.

(2) In subsection (1) of this section, "mutiny" means a combination between two or more members, or between persons, at least two of whom are members—

- (a) to overthrow or resist lawful authority in the Service; or
- (b) to disobey any such authority in such circumstances as to make the disobedience subversive of discipline.

20. Any member who—

- (a) strikes or otherwise uses violence to, or offers violence to or incites any other person to use violence to, an officer senior to or placed in command over him or such other person; or
- (b) uses threatening or insubordinate language to any officer senior to or placed in command over him,

Insubordinate  
behaviour.

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding one year.

21. Nothing in this Act or in the disciplinary code shall exempt any member from being proceeded against for any offence under any other written law.

Liability  
for other  
offences.

22. (1) Any member who absents himself from duty without leave or just cause for a period of twenty-one days shall, unless the contrary be proved, be deemed to have deserted from the Service.

Desertion.

(2) Any member who deserts from the Service shall forfeit any pay or allowances due to him, and all rights in respect of any savings scheme operated by the Service.

(3) No pay or allowances shall be paid to any member in respect of any day during which he is absent from duty without leave, unless the Director otherwise directs.

#### REGULATIONS

23. In addition to the powers to make regulations or orders provided in the foregoing provisions of this Act, the Minister may make regulations generally for the better carrying out of the purposes of this Act.

Minister may  
make  
regulations.

#### MISCELLANEOUS

24. Any person who—

- (a) causes, or utters, prints or publishes any words or does any act calculated to cause, disaffection amongst members; or

Causing  
disaffection,  
etc.

(b) induces, or utters, prints or publishes any words, or does any act calculated to induce, any member to desert or commit any offence under this Act or any subsidiary legislation made thereunder or under the disciplinary code,

shall be guilty of an offence and liable to imprisonment for a term not exceeding two years.

Unlawful possession of articles supplied to members.

25. (1) Any person, not being a member, or who has ceased to be a member, who is found in possession of any article whatsoever which has been supplied to a member, or is intended for supply to a member for use in the execution of his duty, and who fails to account satisfactorily for his lawful possession thereof, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months.

(2) Any person who, without lawful authority—

(a) sells or otherwise disposes of, or purchases or otherwise acquires, any article whatsoever which has been supplied to, or is intended for supply to, a member for use in the execution of his duty; or

(b) aids and abets any person in selling, disposing of, purchasing or acquiring any such article,

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months.

26. [Spent.]

27. [Spent.]

Finance.

28. The expenditure incurred in the establishment, maintenance and operation of the Service, including the payment of such allowances for members as the Minister\* may from time to time direct shall be defrayed out of moneys provided by Parliament.

Member declared to be workman.

Cap. 236.

29. Notwithstanding anything contained in any other written law, a member of the Service shall be deemed to be a workman, and the Government shall be deemed to be his employer, for the purposes of the Workmen's Compensation Act.

Prohibition against members belonging to trade union.

30. (1) It shall not be lawful for any member of the Service to be or to become a member of—

(a) any trade union, or any body or association affiliated to a trade union; or



(b) any body or association the objects, or one of the objects, of which is to control or influence conditions of employment in any trade or profession; or

(c) any body or association the objects, or one of the objects, of which is to control or influence the pay, allowances or conditions of service of the Service.

(2) Any member of the Service who contravenes this section shall be liable to be dismissed from the Service and to forfeit any pay or allowances due to him and all rights in respect of any savings scheme operated by the Service.

(3) If any question arises as to whether any body is a trade union, or body or association to which this section applies, the question shall be referred to the Minister,\* whose decision thereon shall be final and shall not be questioned in any court.

#### FIRST SCHEDULE

(s. 5 (2))

#### RANKS OF OFFICERS OF THE SERVICE IN ORDER OF SENIORITY

##### *Gazetted Officers*

Director.

Deputy Director.

Assistant Director.

Unit Commandant.

Senior Training Officer.

Training Officer.

Assistant Training Officer.

##### *Subordinate Officers*

Section Commander.

Section Officer Grade I.

Section Officer Grade II.

##### *Under Officers*

Sergeant.

Corporal.

Lance-Corporal.

SECOND SCHEDULE

(s. 7 (3))

THE NATIONAL YOUTH SERVICE ACT

DECLARATION

I .....  
do hereby swear by Almighty God [*or do hereby solemnly and sincerely affirm*] that I will give faithful and loyal service during this or any subsequent period of service as a member of the National Youth Service of Kenya, and that I will subject myself to all Acts, Subsidiary Legislation and Standing Orders and the disciplinary code relating to the said Service which may from time to time be in force.

.....  
*Signature or thumb-print of member*

Declared by the said

.....  
after the same had been read over  
and explained to him in the .....  
language, which he appeared to  
understand, at .....  
this ..... day of .....  
19....

Before me,

.....



\*Powers of Minister delegated to the Permanent Secretary of the Ministry by L.N. 290/1965.

**SUBSIDIARY LEGISLATION**

**Units and Sub-units into which the Service has been divided under section 13 (1)**

*Units*

The Nairobi Training Unit.  
The Mombasa Field Unit.  
The Gilgil Field Unit.  
The Yatta Field Unit.

L.N. 317/1965.

*Sub-units*

Tumaini Harambee Farm, Ol Kalou.  
Waterfalls Harambee Farm, Yatta.  
Donyo Sabuk Project Unit, Yatta.  
Shimba Hills Project Unit.  
Tsavo Park East Project Unit, Voi.  
North Kinangop Project Unit.  
Karura Forest Project Unit.  
Gatundu-South Kinangop Project Unit.  
Yala River Project Unit.

**Number of members prescribed under section 5 (1)**

The number of members of the Service shall not exceed seven thousand.

L.N. 319/1965.

**Period of initial enlistment prescribed under section 7 (2) (b)**

Ten years.

L.N. 318/1965.

**Regulations under section 18**

**THE NATIONAL YOUTH SERVICE REGULATIONS**

L.N. 234/1966.

1. These Regulations may be cited as the National Youth Service Regulations.

2. In these Regulations—

"accused person" means an under officer or serviceman accused of an offence against discipline;

"inquiry" means an inquiry into an alleged offence against discipline.

3. Any member, other than a person seconded to the Service from another country, who—

- (1) strikes or otherwise uses violence to, or offers violence to, or incites to violence to, any other member; or
- (2) uses any obscene, abusive or insulting language to any other member; or
- (3) causes a disturbance in any Service barracks, quarters, lines or camp; or
- (4) is guilty of drunkenness; or
- (5) drinks intoxicating liquor when on duty; or

## [Subsidiary]

- (6) is disrespectful in word, act or demeanour to any gazetted officer or subordinate officer who is senior to him in rank; or
- (7) wilfully disobeys any lawful command; or
- (8) absents himself without leave; or
- (9) is found sleeping on duty; or
- (10) leaves his post or place of duty before he is regularly relieved; or
- (11) being under arrest or in confinement, leaves or escapes from such arrest or confinement before he is set at liberty by proper authority; or
- (12) without lawful excuse, breaks out of Service barracks, quarters, lines or camp; or
- (13) neglects or refuses to assist in the arrest of any under officer or serviceman whom he has been lawfully ordered to arrest; or
- (14) resists any member whose duty it is to arrest him or have him in charge; or
- (15) unlawfully strikes any person or otherwise uses violence or offers unlawful violence to any other person; or
- (16) without reasonable cause, fails to attend at any parade, instruction class, working party or any other duty which he is required to attend; or
- (17) commits any plunder or wanton destruction of property; or
- (18) is idle and negligent in the performance of his duty; or
- (19) appears on any duty untidy or dirty in his person, clothing or equipment; or
- (20) is slovenly, inattentive, uncivil or quarrelsome; or
- (21) makes or signs any false statement in any document or official record; or
- (22) makes, or joins in making, any anonymous complaint; or
- (23) without proper authority, discloses or conveys any information concerning Service matters to any person not a member officially entitled to receive such information; or
- (24) malingers, or feigns any disease or infirmity, or wilfully causes to himself any disease or infirmity; or
- (25) is wilfully guilty of misconduct or wilfully disobeys, whether in hospital or elsewhere, any orders and so causes or aggravates any disease or infirmity or delays its cure; or
- (26) contracts any venereal disease and fails to report without delay to a medical officer for treatment; or
- (27) makes a statement which is false in any material particular on joining the Service; or
- (28) refuses or neglects to make or send any report or return which it is his duty to make or send; or
- (29) wilfully makes any false accusation against any other member or other person; or
- (30) in making a complaint against any other member or other person, wilfully makes a false statement affecting the character of such member or other person or wilfully suppresses any material fact; or

[Subsidiary]

- (31) engages without authority in any other employment, office or business undertaking; or
- (32) becomes security for any person, or engages in any loan transaction with any other member, without the authority in writing of the Director; or
- (33) sells, pawns, loses by neglect, makes away with, wilfully or negligently damages or fails to report any loss or damage to any accoutrement, uniform or other article of personal issue or any vehicle or other property committed to his charge belonging to the Government or for which the Government is responsible; or
- (34) permits an unauthorized person to enter any Service barracks, quarters, lines or camp; or
- (35) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline, not hereinbefore specified,

shall be guilty of an offence against discipline.

4. Every member, other than an under officer, a serviceman or a person seconded to the Service from another country, shall be subject to the like regulations as are applicable to public officers, so far as the same are not inconsistent with any regulations made under the Act as far as the same may be applicable.

5. Any member of the Service, other than a person seconded to the Service from another country, who commits one of the offences against discipline specified in regulation 3 of these Regulations may be arrested without warrant by or on the order of an officer senior to himself or placed in command over him and taken without delay before a gazetted officer, who may, if the circumstances so warrant, confine such member or cause such member to be confined in any building suitable for the purpose, pending the determination of disciplinary proceedings.

6. (1) The Director, or any gazetted officer, or the officer in charge of the branch, unit or sub-unit or combination of the same, may inquire into the truth of any charge under regulation 3 of these Regulations brought against an under officer or serviceman, and if he finds the accused person guilty of the charge he shall convict him and may award any one or more of the following punishments—

- (a) warning;
- (b) reprimand;
- (c) extra drills or parades or fatigues;
- (d) confinement in a guard room or restriction to the confines of any camp or other area where a part of the Service is stationed, for not more than fourteen days;
- (e) fine, not exceeding one-half of one month's pay and allowances;
- (f) reduction in rank;
- (g) dismissal from the Service;
- (h) in case of a charge relating to damage or loss of Government property, payment of the value of the property damaged or lost.
- (i) stoppage of pay or allowances.

[Subsidiary]

(2) Any punishment imposed by a gazetted officer or officer in charge under one of the subparagraphs (e), (f), (g) and (h) of paragraph (1) of this regulation shall be subject to confirmation by the Director.

(3) Whether any punishment imposed by a gazetted officer or an officer in charge under this regulation requires the confirmation of the Director or not, the Director may enhance, vary or remit any punishment so imposed:

Provided that—

(i) no punishment shall be enhanced unless the accused person has been given an opportunity of being heard by the Director, or by a gazetted officer or a subordinate officer nominated for that purpose by the Director; and

(ii) no punishment may be awarded beyond that prescribed by this regulation.

(4) (a) Any punishment of a kind described in paragraph (2) of this regulation may be suspended by the Director for such period, not exceeding six months, as the Director may determine.

(b) Where any punishment has been suspended in this way, the Director shall at the expiration of the period of suspension review the case, and may thereupon order the punishment to be remitted or reduced, in which case he shall cause any entry relating to the offence which has been made in the records of the offender to be expunged or altered, as the case may be, or he may order the punishment to be forthwith carried into execution.

(c) If during the period of suspension the offender is convicted of a further offence against discipline, the suspended punishment shall forthwith be carried into execution.

7. (1) Any under officer or serviceman who has been convicted of an offence against discipline by a gazetted officer or an officer in charge may within fourteen days of such conviction appeal to the Director against the conviction or against the punishment or against both the conviction and the punishment.

(2) The Director on receiving any appeal may, after hearing the appellant or without hearing the appellant, dismiss or allow the appeal or vary the conviction or punishment:

Provided that he shall not increase or add to the punishment unless the appellant has been given an opportunity of being heard by the Director, or by an officer nominated for that purpose by the Director.

(3) The Director may dismiss from the Service or reduce in rank any under officer or serviceman who is convicted of any offence by a court.

8. (1) Any member of the Service may be interdicted or suspended from duty by the Director, pending an inquiry into the conduct of the officer.

(2) Such member while under interdiction or suspension shall continue to be subject to the same discipline and penalties and to the same authority as if he had not been interdicted or suspended.

[Subsidiary]

9. (1) All fines or stoppages imposed on an under officer or serviceman in respect of a disciplinary offence under these Regulations or an offence under the Act may be recovered from the offender's pay and allowances due to him at the time of committing such offence or thereafter accruing to him.

(2) The amount recovered in respect of such fines or stoppages shall be in the discretion of the officer by whom the fine or stoppage was imposed, but shall in no case exceed one-half of the monthly pay or allowance of the offender, and whenever more than one order of stoppage is in force against the same person not more than one-half of his monthly pay and allowances shall be stopped.

(3) Where more than one order of recovery of fines or stoppages is made upon the same person, the order or orders later in date shall if necessary be suspended until the earlier order has been discharged.

10. In all inquiries into disciplinary offences, the presiding officer shall satisfy himself that the accused person brought before him is the person named in the charge sheet (which shall be made out in the form in the Schedule to these Regulations), and shall then proceed as follows—

- (a) record that the accused person is before him and that he has been charged with the particulars of the offence as shown in the charge sheet;
- (b) record that the accused admits that he understands the charge and has been required to plead thereto;
- (c) record the plea of the accused, which should be recorded in the language used by the defaulter;
- (d) a plea of "not guilty" shall be recorded as such and an equivocal plea shall be treated and recorded as a plea of "not guilty";
- (e) if the plea is one of "not guilty", the presiding officer shall hear all the prosecution witnesses, and the defaulter shall be given the opportunity to cross-examine them; notes of the salient points made by the prosecution shall be recorded;
- (f) after hearing the prosecution witnesses the presiding officer shall then decide whether a prima facie case has been established against the accused; if the evidence for the prosecution appears to the presiding officer to be unconvincing or conflicting, he shall record dismissal of the charge, but if a prima facie case has been made out the defaulter shall be asked to make his own statement and to call witnesses in support of his defence; the presiding officer shall closely examine the accused and the defence witnesses to see whether he is satisfied beyond reasonable doubt as to the guilt of the accused;
- (g) on reaching the conclusion that the accused is guilty of the charge, the presiding officer shall record a short judgment on the case, giving his reasons for reaching his conclusions; after recording anything the offender has to say in mitigation, sentence shall then be passed and the case record signed and dated; a further signed certificate shall then be added to the case record by the presiding officer that the offender has been informed of his right to appeal to higher authority against the decision and his election in this regard shall be recorded and signed by him.

**[Subsidiary]**

- (h) if a charge is dismissed or the accused person is subsequently found "not guilty", no entry shall be made in the punishment register or on the accused person's record of service; if a punishment is awarded which does not require confirmation, the necessary extracts from the charge sheet and the case-record shall be written in the punishment register and the offender's record of service, but if the defaulter appeals against the decision no entry shall be made in the record of service until the result of the appeal is made known and only the final decision shall be recorded, when both the original award and the final decision shall be recorded in the register;
- (i) the charge sheet and case record shall be filed and carefully preserved.

11. In the exercise of disciplinary powers, presiding officers shall constantly bear in mind the following principles—

- (a) that no punishment shall be awarded unless there has been full and careful inquiry and the presiding officer is satisfied beyond reasonable doubt that the offence has been committed;
- (b) that where there is doubt as to the true facts the accused must be given the benefit of the doubt and the charge dismissed;
- (b) that no person shall be punished until he has had an opportunity of hearing the charge and evidence against him, of making his defence and of calling witnesses in support of his defence;
- (d) that no person may be punished twice for the same offence.

SCHEDULE

(r. 10)

NATIONAL YOUTH SERVICE

*Charge Sheet*

No. .... Rank ..... Name .....

Field Unit ..... Project Camp .....

Date of Offence ..... Date of Proceedings .....

Charge contrary to regulation ..... of the National Youth Service Regulations.

Particulars of offence .....

.....

.....

Witnesses .....

Plea .....

Judgment .....

Sentence .....



[Subsidiary]

The Accused Person wishes/does not wish to exercise his right of appeal against conviction/punishment/conviction and punishment.

Signature of Accused Person .....

Presiding Officer .....

Signature .....

Designation .....

Date .....

Confirmed by .....

Signature .....

Designation .....

Date .....

Accused Person enlisted .....

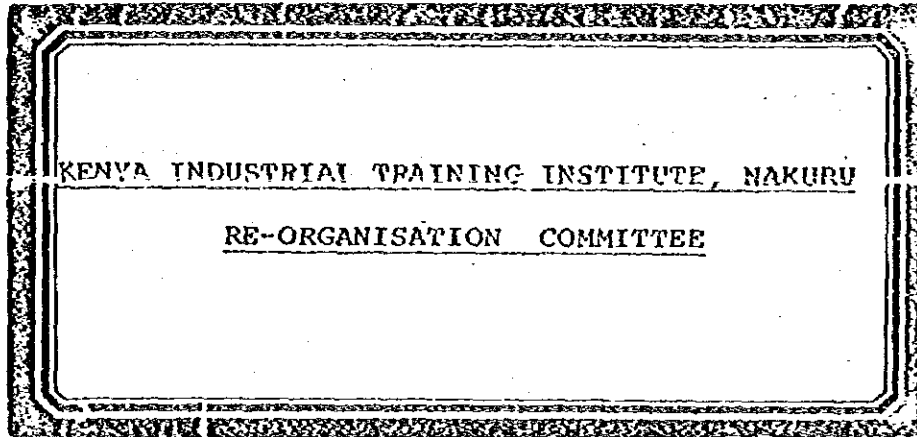
Date of Offence .....

Number of Previous Offences .....

General Character .....

.....

\*Precis of Evidence to be attached.





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KENYA INDUSTRIAL TRAINING INSTITUTE, NAKURU

RE-ORGANISATION COMMITTEE

(REPORT)

MARCH, 1980

Kenya Industrial Training Institute, Nakuru

Report of the Re-Organisation Committee

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KENYA INDUSTRIAL TRAINING INSTITUTE, NAKURU

RE-ORGANISATION COMMITTEE

CHAPTER I

1. TERMS OF REFERENCE

1.1 In pursuance of the new role of Kenya Industrial Training Institute (KITI) in implementing the programme included in the 1979-83 Development Plan for training of technicians to become self-employed entrepreneurs especially in rural areas, the Ministry of Economic Planning set up a Committee with the following terms of reference:

- a) to examine the role of KITI in developing entrepreneurs for establishing industries in the rural areas necessary for implementing the industrial development programmes included in the 1979-83 Development Plan,
- b) to suggest courses and programmes in KITI reflecting the needs of prospective rural entrepreneurs for achievement of the national industrial objectives laid down in the Development Plan,
- c) to evaluate the man-power and material requirements of KITI to implement the suggested programmes, and
- d) to assess the technical assistance requirements of KITI between 1980 and 1985.

1.2 Composition

The following were appointed on the Committee:

Prof. A.D. Bohra F.I.E.	-	UNIDO Senior Industrial Engineer/ ISPC - Chairman
Dr. A.D. Monteiro	-	UNIDO Industrial Economist/ ISPC - Member
Mr. N.G. Mwai	-	Principal Economist, Ministry of Industry - Member
Mr. H. Bekker	-	Industrial Adviser Kenya External Trade Authority (KETA) - Member
Mr. D.L.A. Ochieng	-	Principal/KITI - Member

1.3 Under the powers given to the Committee to co-opt other Members as and when required, the Committee at its first meeting unanimously co-opted Mr. S.E. Joseph, Informal Industries Adviser at the Ministry of Industry, as a Member. Besides the above Members, Mr. J.N. Nyutu, Technical Officer of KETA, was also associated throughout with the working of the Committee.

#### 1.4 The Methodology

The Committee at its first meeting decided to follow the following strategy and plan of work for the preparation of the report:

- a) To examine the physical and manpower facilities available at KITI to be able to make a realistic assessment of its capacity to undertake its present and proposed future functions;
- b) To study the relevant parts of the 1979-83 Development Plan in order to assess the extent of entrepreneurial development needs of the country for implementing the industrial development programmes particularly for the small-scale and informal industrial sector;

- c) To make a qualitative assessment of the training imparted to the KITI graduates and the follow-up assistance provided so as to facilitate them in setting up of their own enterprises;
- d) To obtain a feedback from some of the graduates about the problems they faced in becoming self-employed;
- e) To assess the facilities provided for technical and managerial training by some other institutions like the Institutes of Technology, Management Training and Advisory Centre, National Christian Council of Kenya, etc.;
- f) To assess the financial, technical, consultancy and extension facilities provided by the various financial institutions and commercial banks in the country including the Kenya Industrial Estates Ltd.

1.4.1 In pursuance of the above, the Members of the Committee visited KITI's workshops, discussed the various problems pertaining to the theoretical and practical aspects of the current syllabi with the faculty members of the Institute, interviewed several graduates and students to obtain their reactions and suggestions to the training imparted by KITI and the measures needed to assist them in setting up industrial projects after training.

1.4.2 The Committee Members interviewed several old graduates of KITI including some self-employed, others employed as technicians in different workshops and some others trying to establish their own enterprises. Discussions with these graduates provided the Committee with an insight into the various difficulties faced by them in achieving the objective of self-employment. Summary records of these discussions are appended at the end of the report (Appendix D)

1.4.3 A cross-section of different technical training institutions were visited and detailed discussions were held with their representatives and office holders in order to assess their roles in the development of entrepreneurial capability in the country, the problems faced by them in this regard and the scope for new programmes to facilitate the implementation of the relevant objectives envisaged in the 1979-83 Development Plan. Summary records of the discussions with two of these institutions are appended at the end of the Report (Appendix E and F).

1.4.4 The Members of the Committee had also discussions with representatives of some financial and banking institutions in order to ascertain their present role in financing small-scale and informal industries and also to find out the possibilities of their participation in implementing the programme for the development of the informal industrial sector. Discussions with some of these are summarised at the end of the Report (Appendices G, H, I and J).

## 1.5 Acknowledgements

The Committee is grateful to Mr. L.M. Kabetu, the Permanent Secretary to the erstwhile Ministry of Commerce and Industry, for the encouragement and advice given from time to time till the separate Ministry of Commerce and Ministry of Industry were established in December, 1979.

1.5.1 Before finalizing the report, the Committee called on Mr. F.N. Ondieki, the Permanent Secretary to the Ministry of Industry, to obtain his initial reactions to some of the more important conclusions and recommendations of the Committee and also to ascertain his views about the steps to be taken for promotion and development of the informal industrial sector. His considered reactions, valuable advice and suggestions have been extremely helpful to the Committee in finalising the report.

1.5.2 The Committee is thankful also to Dr. H.B.M. Kagunda of the Ministry of Planning and Mr. G.Z. Bekele, Senior Industrial Development Field Advisor, UNIDO, Nairobi, for the active interest taken by them in activities of KITI in general and constitution and working of the Committee in particular. The Committee is also thankful to the senior officers and representatives of several training, financial and other institutions and the graduates of KITI who readily spared their valuable time for discussions.

1.5.3 The Committee acknowledges with thanks the willing and efficient assistance provided by the Secretaries in ISPC.

## CHAPTER II

### 2. MAIN CONCLUSIONS AND RECOMMENDATIONS

2.1 The Committee took note of the fact that the main objective of the 1979-83 Development Plan is the alleviation of poverty and the satisfaction of the basic needs of the people. An important measure to achieve this objective is to initiate action to develop and promote small and informal industrial sector on a decentralized basis, firstly, to generate employment opportunities for the poorer sections of the people and, secondly, to promote industrial units to produce simple articles of mass consumption which account for the bulk of the budgets of the vulnerable sections of the population. The Government has towards these goals decided to "take positive steps to train local entrepreneurs and to promote rural and informal sector units, which are the seed beds for the future industrial development of the country."

2.2 The Plan has estimated that 10,000 fresh job opportunities out of 50,000 in the manufacturing sector, are expected to be created in the informal and small sector. The Committee has assumed that of these, 5,000 new job opportunities in the informal sector are likely to be created through expansion and diversification of the existing units. The remaining 5,000 will be through new industrial units. Assuming that the average employment in a new unit is 5 persons, about 1,000 new units will have to be promoted to reach the Plan target. This implies that about 1,000 new entrepreneurs will have to be trained for the purpose during the Plan period. However, assuming that 40% of the trained persons will become self-employed, it will be necessary to arrange training facilities for 2,500 persons over the next five years (i.e., at the rate of 500 per year) so as to ensure establishment of about 1,000 new units by trained entrepreneurs.

2.3 Against the need for training about 2,500 persons every year, the present training capacity of KITI is proposed to be expanded from 120 to 300 persons a year. Taking into account the need for development of entrepreneurs over the next decade, it is considered necessary that steps should be initiated now for setting up another two or three new KITIs in the Central, Western and Coastal Provinces so that the new institutions could start functioning before the end of the current Plan.

2.4 The small informal industrial sector covers not only manufacturing and service units, but also handicrafts. A very large number of persons is dependent on production of a variety of handicrafts. A few public institutions, co-operative societies and several private voluntary agencies are already engaged in providing training and other facilities in traditional and other crafts, e.g., wood carving, weaving of grass and different fibres, cutting and polishing of gemstones, etc. The working of these institutions may be reviewed so as to assess the follow-up programmes for the trained craftsmen. Prima facie, however, the Committee is of the view that these training facilities should continue to be encouraged and assisted. The Committee further recommends that skilled craftsmen including those trained in KITI through the proposed short-term courses should also be eligible for the financial and other facilities proposed in this report for the KITI graduates.

2.5 Kenya does not have a long tradition of industrial development and, therefore, the need to develop and promote first generation entrepreneurs is imperative. To make such a programme a success, multi-pronged approach involving motivation, skill formation, vocational guidance, credit facilities, techno-managerial extension services, etc., would be needed. Therefore, a systematic and co-ordinated programme of entrepreneurial development has been proposed by the Committee. There had been no such attempt in the past.

2.6 Kenya Industrial Training Institute (KITI) has been functioning as an institution to promote rural industrialization through training artisans in skill formation as well as in management science and practice. It is proposed that the institution may now be geared to make its training oriented more for development of industrial entrepreneurship and to assist the trained persons to become self-employed.

2.7 KITI has eight technical sections with a capacity of 15 students in each and, thus, trains 120 graduates a year. Only a limited number of KITI graduates are self-employed, although most of them are men of self-confidence both in their technical competence and management expertise. Those who are employees, are highly commended by their employers.

2.8 KITI's success in developing a larger number of trained entrepreneurs capable of starting their own small units will depend upon a planned and re-structured programme at KITI at three distinct stages:

- a) at the time of selection;
- b) during the training period, and,
- c) post-training period.

2.9 At the time of selection, KITI should spread its net wider by publicising the programme and its contents through media for mass communications including newspapers and give preference in selection of candidates to those having some business exposure or background, such as, sons of carpenters, tailors, blacksmiths, traders, etc. The Committee has observed that, by and large, trainees from traditional artisan and business families are more self-



employment ventures. Over a period of time, KITI should be able to develop appropriate criteria for selection of trainees.

2.10 During training, the orientation should be towards more practical industrial production. Right from the start, the trainees should be encouraged to produce saleable articles, to estimate material costs, labour charges, overheads, etc. and the total cost of production.

2.11 During the early stages of training period, the trainees should be given vocational guidance to enable them select suitable types and sizes of industries they should concentrate on during and after training. An inventory of industries having scope for development in different rural areas at any given time and a booklet containing the procedures and all other information required for setting up small industries, should be available for guidance of the trainees of KITI and other prospective entrepreneurs.

2.12 The training programme in KITI should cover:-

- a) practical work in KITI's workshops;
- b) theoretical lectures on technology, industrial management concepts and industrial economics;
- c) short-term in-plant training in industrial units;
- d) visits to rural areas to assess industrial potential; and
- e) exercises in preparation of feasibility reports for setting up industrial projects.

2.13 Each workshop in KITI should be organised as an industrial production unit. It should also provide common service facilities like heat treatment, electroplating, etc. to small industrial units at reasonable charges.

2.14 Besides the regular one year courses for prospective entrepreneurs, KITI should organise short-term upgrading courses for ex-KITI students, students from village poly-technics or other technical institutes and technicians or supervisors working in industries or wanting to become self-employed. There should at least be three such courses in a year on technological and managerial subjects of relevance.

2.15 KITI should also develop capabilities in designing and producing prototypes of products, new tools and equipment specially suited to the requirements of small-scale and informal units particularly in the semi-urban and rural areas. Persons engaged in such units should be trained during the process of prototype development so as to facilitate commercial production of these prototypes later on.

2.16 In view of the role assigned to it, the Committee is of the opinion that the functional organisation of KITI should consist of the following three divisions:

- a) Industrial Training Division,
- b) Project Consultancy Division, and
- c) Proto-Type Development Division.

While the three Divisions would not function in isolation, the main focus of the Industrial Training Division would be to organise regular courses, that of the Project Consultancy Division to arrange short-term courses and industrial extension services and that of Prototype Development Division to carry out prototype design and production activities.

2.17 KITI should arrange frequent talks by senior officers of the institutions providing credit and other extension services to small entrepreneurs.

2.18 KITI may be supplied with a few Mobile Vans equipped with machines and equipment for selected rural industries which could go for short visits to places having concentration of rural artisans to demonstrate the use of improved tools and equipment and assist them in dealing with technological problems.

2.19 The Committee recommends that the training intake capacity of KITI may be increased from the current 120 to 300 per year for regular courses, besides facilities for 20 persons in each of the short-term programmes. In addition, as stated earlier, steps may be initiated for setting two or three more institutes like KITI.

2.20 To undertake the type of training and to train 300 candidates as recommended, KITI would need industrial technical staff of 60 people, in addition to 15 in the Prototype Development Division and 10 in Project Consultancy Division. This staff complement should be supervised by a Director, through 3 Deputy Directors.

2.21 The existing staff should be absorbed in the new set-up. The members of the staff, would, however, be required to undergo re-orientation training programmes.

2.22 The proposed Project Consultancy Division established within the enlarged premises of KITI would provide techno-managerial assistance to the KITI graduates and others wishing to start their own industrial and service units. The main function of the Division to be manned by technically qualified persons (like mechanical and electrical engineers, an economist and a business manager) should be to provide "a package of assistance" to prospective entrepreneurs, starting from preparation of project reports to their projects going into production and even thereafter.

The Division should function in close collaboration with the financial and other institutions concerned with the development of small enterprises and industries particularly the Joint Loans Board and Government Departments dealing with allotment of industrial plots/sheds, electricity and water connection, industrial licences, credit facilities, etc.

2.23 The facilities and services recommended for KITI graduates should be applicable for all semi-urban and rural areas having a population of less than 30,000 so that the graduates are able to avail of the investment allowances.

2.24 The total recurrent expenditure of KITI will increase from K£160,000 to an estimated K£330,000 when this programme is implemented (excluding the cost of the Mobile Vans and the staff for these).

2.25 The Committee recommends that KITI graduates wishing to be self-employed may, if necessary, raise 15 percent of the cost of the project not exceeding K.Shs. 20,000 as "risk capital" in the form of long-term loans from the Joint Loans Boards, or obtain equipment and tools (required for the trades in which trained) subject to the same ceilings, on lease terms from KITI. This should enable them to obtain the balance of their credit requirements from the financial and banking institutions for setting up viable industrial units.

2.26 It is further recommended that out of the provision of K.Shs. 50 million made for the promotion and development of the informal sector in the 1979-83 Development Plan, an appropriate amount be set aside for providing "risk capital" or leasing equipment and tools to prospective entrepreneurs graduating from KITI. The fund for the risk capital and leasing of machines may be administered through an appropriate agency of the Government like the KIE.