

Cap 34 - Industrial Training (with 2011 Amendments)

Preamble

An Act of Parliament to amend the Industrial Training Act to provide for the establishment, powers, functions and the management of the National Industrial Training Authority, to provide for the control and regulation of industrial training in Kenya, and for connected purposes

Short title.

1. This Act may be cited as [the Industrial Training Act](#).

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

“apprentice” means a person who is bound by a written contract to serve an employer for such period as the Board shall determine with a view to acquiring knowledge, including theory and practice, of a trade in which the employer is reciprocally bound to instruct that person;

“Authority” means the National Industrial Training Authority established under section 3;

“Board” means The National Industrial Training Board established under section 4;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to labour;

“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;

“Director-General” means the Director-General of the Authority appointed under section 4C;

“employee” means a person employed for wages or salary and includes an apprentice, indentured learner, temporary, seasonal and casual worker;

“employer” means any person, public body, firm, corporation or company who or which has entered into a contract of service to employ any person, and includes—

“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 not more than two years with a view to

acquiring knowledge of a trade in which the employer is reciprocally bound to instruct that person;

“industry” means a trade, occupation, profession or an economic sector for which a training committee has been established for purposes of this Act;

“industrial attachment” means the placement of a person in a workplace for the purpose of gaining knowledge and practical skills;

“industrial training” means training for a specified industry;

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

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

“minor” means a person under the age of eighteen years;

“scheme” means a scheme made under section 21;

“trade” means a skilled occupation;

“trainer” means any person, firm, or institution registered under section 7C;

“training levy order” means an order made under subsection (1) of section 5B.

Establishment of the Authority.

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.

3. (1) There is established an Authority to be known as the National Industrial Training Authority.

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

(a) suing and being sued;

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

(c) borrowing or lending money;

(d) entering into contracts; and,

(e) doing or performing all other things or acts for the proper performance of its functions under this Act, which may be lawfully done or performed by a body corporate.

(3) The common seal of the Authority shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(4) The affixing of the common seal of the Authority shall be authenticated by the signatures of the chairman and the Director-General and in the absence of the chairman or the Director-General, by a member of the Board, authorized by the Board.

(5) The common seal of the Authority when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given

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

4. (1) There shall be a Board to be known as the National Industrial Training Board which shall consist of—

(a) a chairperson appointed by the Cabinet Secretary;

(b) the Principal Secretary of the Ministry for the time being responsible for matters relating to labour or a representative duly appointed in writing;

(c) the Principal Secretary of the Ministry for the time being responsible for matters relating to science and technology or a representative duly appointed in writing;

(d) the Principal Secretary of the Ministry for the time being responsible for matters relating to finance or a representative duly appointed in writing;

(e) members nominated as follows and appointed by the Cabinet Secretary-

(i) three persons nominated by the Federation of Kenya Employers; and

(ii) three persons nominated by the Central Organisation of Trade Unions; and

(f) one other member appointed by the Cabinet Secretary.

(1A) A person shall not be eligible for appointment as the chairperson or member of the Board, other than an ex-officio member unless that person-

(a) has at least five years experience in matters relating to technical education, industrial training, technology, finance, law, human resource management, financial management, public administration, public policy, advocacy or education administration; and

(b) has a proven record of personal integrity, competency and accountability.

(1B) In appointing the members of the Board, the Cabinet Secretary shall ensure that not more than two thirds of the members are of one gender and at least one member represents persons with disabilities.

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

(3) The Director-General shall be the secretary to the Board.

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

(5) A quorum of the Board 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 Board 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 Board shall have the power to appoint one other person approved by the Minister, other than a member of the Board, to act as an alternate member in his absence and may revoke the appointment of that alternate member; but no person shall act as an alternate member in place of more than one member at any one time.

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

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

(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 Board without the leave of the Board;
or

(ca) has ceased to be a representative of employers, employees or other interests as the case may be;

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

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

(12) The Board 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 a meeting of the Board nor be counted as a member thereof for the purpose of forming a quorum.

(13) Subject to the provisions of this Act, the Board may regulate its own procedure.

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

5. Without prejudice to the provisions of this Act, the Board 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;

(d) it shall review and maintain a system or systems for the holding of tests in respect of trades and occupations generally or any particular trade or occupation, and grant certificates

of proficiency and competency to, and keep a record in respect of each person who enrolls for the 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-General, and shall endeavour to settle the dispute amicably;

(f) it shall perform such duties and functions in regard to any other matter concerning apprenticeship or indentured learnership as may be prescribed;

(g) it shall investigate any matters connected with this Act and take the necessary action.

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-General so to do; and the Director-General 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-General that his establishment offers reasonable opportunities for the proper training of the apprentice or the number of apprentices proposed to be employed by him.

(4) A person who—

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

or

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

shall be guilty of an offence.

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-General so to do; and the Director-General 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-General 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.

(4) A person who—

(a) employs an indentured learner without having first obtained the written permission of the Director-General to employ indentured learners; or

(b) having obtained the written permission of the Director-General 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.

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

8. (1) A person who—

(a) has attained the apparent age of eighteen years; and

(b) has completed any period of compulsory education required by law; and

(c) has, in the case of a trade or occupation in respect of which a scheme has been made, the qualifications prescribed under that scheme; and

(d) has been certified fit as provided in section 10,

may, subject to the provisions of subsection (3), bind himself as an apprentice or as an indentured learner in any trade or occupation.

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

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

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

(5) A person who purports to be—

(a) an apprentice or indentured learner; or

(b) an employer of an apprentice or indentured learner; otherwise than as provided for under this section shall be guilty of an offence and shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or to both.

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

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

Medical examination of apprentices and indentured learners.

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

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

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

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

(a) the contract of apprenticeship or indentured learnership;

(b) a duplicate or copy thereof;

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

(d) the medical certificate obtained under section 10.

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

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

(5) The Director may refuse to register a contract of apprenticeship or indentured learnership if in his opinion it is not in the interests of the person who is the apprentice or indentured learner thereunder, or if it is not made in accordance with the provisions of a scheme; and he may in

coming to a decision under this subsection have regard, in addition to any other circumstances, to that person's prospects of obtaining employment at the expiration of the contract in the trade or occupation in which he seeks to bind himself as apprentice or indentured learner.

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

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

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

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

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

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

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

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, a contract of apprenticeship or indentured learnership may be terminated or extended—

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

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

(c) by the Director-General at the instance of the Board.

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

(3) The Director-General 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-General upon the registered copy of the contract of apprenticeship or indentured learnership.

(5) A contract terminated under this section shall be terminated for all purposes but without prejudice to any right of action which may have accrued before the date of termination.
Enticement of apprentices or indentured learners. (Repealed)

(Repealed)

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

Probationary period. 3 of 1971, s. 10, Sch. (Repealed)
(Repealed)

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

(2) The employer shall give notice to the Director of the termination of a contract under subsection (1), and an employer who fails to give notice within a period of one month after the date of termination shall be guilty of an offence.
Suspension of apprentice or indentured learner. 3 of 1971, s. 10. (Repealed)

(Repealed)

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

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

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

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

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

Records to be kept by employers. 3 of 1971, s. 10. (Repealed)

(Repealed)

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

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

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

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

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

18. (1) 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 eighteen years of age to work overtime;

(c) (Deleted by 3 of 1971, Sch.),

shall be void.

(2) Any term of a contract of industrial attachment, or any condition which requires a person under eighteen years of age who is on industrial attachment to work overtime shall be void.

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

19. (1) An employer of an apprentice or an indentured learner or an employer who has accepted a person on industrial attachment shall, on the satisfactory completion of the contract of apprenticeship, indentured learnership or industrial attachment, submit a certificate of completion in the prescribed form, to the Director-General and issue a copy of the certificate to the apprentice, indentured learner or person on industrial attachment.

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

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

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

(5) The Director-General shall upon receiving a certificate of completion under subsection (1), issue to the apprentice, indentured learner or person on industrial attachment a certificate of apprenticeship, indentured learnership or industrial attachment as the case may be.

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

20. (1) If a person undergoing training 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-General may, if he considers it expedient, order that the term of his contract of training be extended by the number of days on which he is absent, and the contract shall stand extended accordingly.

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

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

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

21. (1) The Director-General may, after consultation with the Board and subject to the provisions of section 22, make a scheme or schemes for regulating the training of persons undergoing training:

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

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

(a) the qualifications, including age and educational standard, required for the scheme;

(b) *(Deleted)*

(c) the practical training which employers shall provide for persons undergoing training;

(d) the theoretical training in that scheme which shall be provided by or at the expense of the employers of persons undergoing training, and the manner in which training shall be provided or undergone;

(e) the proficiency tests or examinations which persons undergoing training in that scheme shall be required to undergo from time to time;

(f) the maximum number of hours which persons undergoing training in that scheme may be required or permitted to work during any week or on any day;

(g) the maximum period of overtime which persons undergoing training 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 a person undergoing training in that scheme during any year of training.

(i) the type and mode of certification to be issued to a person who completes training under the scheme.

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

(3) The Director-General may, in any scheme, provide that the conditions of training specified therein, or any of them, shall apply in respect of persons undergoing training either generally or in any particular area.

(4) Different conditions of training may be specified under this section in respect of different classes of employers or persons undergoing training; and in prescribing different conditions the Director-General 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-General on the advice of the Board.

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

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

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

(a) the specific grounds of objection; and

(b) the deletions from, or additions or modifications to, the scheme requested by the objector, and the Director-General shall consider the objection made by or on behalf of a person appearing to him to be affected, if the objection has been sent to him within the time specified, and he may, but shall not be bound to, consider any other objection.

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

(a) withdraw the draft scheme; or

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

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

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

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

(5) Where the Director-General 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.

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

23. (1) The Minister may on the advice of the Board, by notice in the Gazette appoint an employee of the Authority to be an inspector for the purposes of enforcing this Act.

(2) An inspector appointed under subsection (1) shall be issued with a certificate of appointment signed by the Director- General.

(3) A person who ceases to be an inspector shall surrender the certificate of appointment issued under subsection (2) to the Director -General.

(4) Any person who fails to surrender the certificate of appointment or who uses or purports to use the certificate of appointment after ceasing to be an inspector shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding six months or to both.

(5) A person who, not being an inspector presents himself as such shall be guilty of an offence and liable to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding twelve months or to both.

Powers of inspectors.

24. (1) An inspector may—

(a) at any reasonable time enter premises of an employer—

(i) in which he has reasonable cause to undergone training under this Act;

(ii) to establish whether there is any training in the premises; or

(iii) for purposes of levy collection under this Act;

(b) examine, with respect to matters under this Act, any person whom he finds on premises entered under the provisions of paragraph (a) or whom he has reasonable cause to believe to be or to have been employed or trained on those premises, and require him to be so examined;

(c) require any employer or a person undergoing training 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 an employer;

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

(2) A person who—

(a) refuses or fails to comply to the best of his ability with a requirement made by an inspector under this section; or

(b) hinders an inspector in the exercise of his powers under this section,

shall be guilty of an offence:

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

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

(4) An inspector may prosecute an offence under this Act.

Disclosure of information an offence. 3 of 1971, s. 10.

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

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

Existing contracts of apprenticeship. (Repealed)

(Repealed)

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

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

Bankruptcy. 3 of 1971, s. 10. Cap. 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 the notice, notify the Director-General thereof, and failure so to notify the Director-General shall be an offence, without prejudice however to the complete discharge of the contract.

Penalties. 10 of 1981, Sch.

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

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

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

(a) the form of a contract of training under this Act and the matters for which provision shall be made in the contract;

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

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

(d) the procedure for the registration and transfer of contracts under this Act and for the notification of the expiration or termination of those contracts;

(e) the form and manner in which certificates of completion are to be issued by employers;

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

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

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

(2) Different rules may be made under subsection (1) in respect of different classes of employers or persons undergoing training under this Act.

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

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

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

Institution of proceedings. 11 of 1975, s. 12.

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

Application to the Government. 13 of 1978, Sch.

32. This Act shall bind the Government.

Transitional and saving provisions.

33. (1) In this section, “Directorate of Industrial Training” means the Government Department by that name existing immediately before the commencement of this Act.

(2) All property, which immediately before the commencement of this Act was vested in the Directorate of Industrial Training shall on the commencement of this Act, vest in the Authority subject to all interests, liabilities, charges, obligations and trusts affecting such property.

(3) All contracts, debts, obligations and liabilities of the Directorate of Industrial Training before the commencement of this Act shall be vested in the Authority and may be enforced by or against the Authority.

(4) All legal proceedings pending in Kenya by or against the Directorate of Industrial Training in respect of any property, liabilities or contracts of the Directorate of Industrial Training shall be deemed to continue or be continued by or against the Authority.

(5) All directions, orders, rules, authorizations and other things published, made, given or done by the Directorate of Industrial Training, under [the Act](#), subsisting at the commencement of this Act, shall on that day be deemed to have been published, given, made or done by the Authority.

Staff of the Directorate of Industrial Training.

34. Any person who was a member of staff of the Directorate of Industrial Training shall, upon the commencement of this Act, be deemed to be an employee of the Authority in accordance with the Schedule.

Chairman, vice-chairman and members of the Council.

35. Any person who at the commencement of this Act was a chairman, vice-chairman or member of the Council shall, on the commencement date, be deemed to be the chairman, vice-chairman or member of the Board respectively until a new Board is constituted under this Act.

SCHEDULE

(s. 34)

Interpretation.

1. In this schedule “vesting day” means the date of commencement of this Act.

Staff.

2. Any person who, at the commencement of this Act, is a member of staff of the former Directorate of Industrial Training, shall on the vesting day become a member of staff of the Authority on the same or improved terms and conditions of service as may be specified by the Minister:

Provided—

(a) a member of staff of the former Directorate of the Industrial Training may retire on the basis of abolition of office in accordance with the existing regulations; and,

(b) a member of staff of the former Directorate of Industrial Training may remain in the civil service with mutual consent of any such member of staff and the Government.

3. Where on the vesting day—

(a) any disciplinary proceedings against any member of staff of the former Directorate of Industrial Training, are in the course of being heard or instituted, or have been heard or investigated by the former Directorate of Industrial Training but no order or decision has been made thereon; or

(b) any such member of staff is interdicted or suspended, the Authority shall—

(i) in the case of paragraph (a), carry on and complete the hearing or investigation and make an order or render a decision, as the case may be; and

(ii) in the case of paragraph (b), deal with such member of staff in such manner as it deems appropriate having regard to the offence committed by him, including the completion of disciplinary proceedings that have been commenced by the Authority.

4. Where on the vesting day, any penalty, other than dismissal, has been imposed on any member of staff of the former Directorate of Industrial Training pursuant to disciplinary proceedings against him and the penalty has not been, or remains to be, serviced by such member of staff, he shall on his transfer to the Authority, under paragraph (2) serve or continue to serve such penalty to its full as if it had been imposed by the Authority.

Pensions.

5. (1) A member of staff of the Directorate of Industrial Training who becomes a member of staff of the Authority shall continue to be governed by the existing Government pension scheme.

(2) Where any person whose services are transferred to the Authority is on the vesting day a

member of any statutory voluntary pension scheme or provident fund, he by the same regulations under those schemes or funds, as if he had not been so transferred, and for purposes of the regulations governing those schemes or funds service with the Authority shall be deemed to be service in the former Directorate of Industrial Training.