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NATIONAL ASSEMBLY BILLS, 2024

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NATIONAL ASSEMBLY
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**THE INDUSTRIAL TRAINING (AMENDMENT)
BILL, 2024**

A Bill for

**AN ACT of Parliament to amend the Industrial
Training Act and for connected purposes**

ENACTED by the Parliament of Kenya as follows—

1. This Act may be cited as the Industrial Training
(Amendment) Act, 2024.

Short title.

2. The Industrial Training Act, (in this Act referred to
as “the principal Act”), is amended in section 2, by
inserting the following new definition in its proper
alphabetical sequence—

Amendment of
section 2 of Cap.
237.

“prior learning” means knowledge, skill or
competency acquired through informal, non-formal or
experiential training or education outside the traditional
academic environment;

3. The principal Act is amended in section 3A, by
inserting the following new paragraph immediately after
paragraph (i) —

Amendment of
Section 3A of
Cap. 237.

“(ia) establishing a system and a structure that
assesses and certifies a person who has
acquired skills through informal, non-formal
or experiential training or education in any
vocational trade or craft”

4. The principal Act is amended in section 5, by
inserting the following new paragraph immediately after
paragraph (d)—

Amendment of
Section 3A of
Cap. 237.

“(da) it shall establish systems and processes for
the recognition and assessment of prior
learning.”

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend specific provisions of the Industrial Training Act, (Cap.237), in order to recognise prior learning as a framework that acknowledges the skills, knowledge, performance outcomes and learning achieved, through informal and non-formal learning pathways.

Prior learning recognizes the fact that people who work in formal, informal, non-formal and even jua kali sectors gain knowledge, skills, expertise and attributes through practice, and should have the opportunity for the recognition of their acquired knowledge and skills.

The Bill therefore seeks to provide an avenue through which a person who acquires knowledge and skills through learning methods outside the academic environment, can apply for recognition of their skills.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement of on whether the Bill concerns county governments

The Bill does concerns county governments in terms of Article 110 of the Constitution. It will affect the functions and powers of the County Government asset out in the Fourth Schedule and relates to village polytechnics and home craft centres.

Statement the financial implications of the Bill

The enactment of this Bill may occasion public expenditure.

Dated the 23rd September, 2024.

JOSHUA ODONGO ORON.
Member of Parliament.

Section 2, of Cap. 237 which it is proposed to amended —

2. Interpretation

In this Act, unless 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 of this Act;

“**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—

an agent, foreman or manager; and

an heir, successor, assignee or transferee of that person, public body, firm, corporation or company;

“**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 of this Act;

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

“**scheme**” means a scheme made under section 21 of this Act;

“**the Minister**” means the Minister for the time being responsible for matters relating to labour;

“**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 of this Act.

Section 3A, of Cap. 237 which it is proposed to amended —

3A. Powers and functions of the Authority

The Authority shall be responsible for—

- (a) industrial training;
- (b) *deleted by Act No. 13 of 2022, s. 2;*
- (c) regulating trainers registered under section 7C;
- (d) developing industrial training curricula;
- (e) integrating labour market information into skills development;
- (f) harmonizing curricula and certificates of competence;
- (g) assessing industrial training, testing occupational skills and awarding certificates including Government trade test certificates;
- (h) equating certificates;
- (i) accrediting institutions engaged in skills training for industry;
- (j) associating or collaborating with any other body or organization within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Authority is established;
- (k) charging for goods and services offered by the Authority; and
- (l) performing any other duties and functions as may be conferred on it by this Act or by any other written law.

Section 5, of Cap. 237 which it is proposed to amended —

5. Duties and functions of Board

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 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 investigate any matters connected with this Act and take the necessary action.

