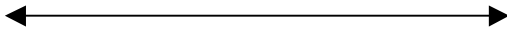


LAWS OF KENYA



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
 13 of 1980
 L.N. 214/1980
 10 of 1981

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

Short Titles

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 or a determined period of less than four years with a view to acquiring knowledge of a trade in which the employee is reciprocally bound to instruct that person;

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

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

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

“scheme” means a scheme made under section 21;

“trade” means a skilled occupation;

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

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

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

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

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

(a) six shall be chosen to represent employers;

(b) six shall be chosen to represent employees; and

(c) not less than six shall be chosen to represent other interests.

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

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

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

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

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

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

(10) No person shall be appointed as a member if he:-

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

- (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) had 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 member:-
- (a) has become subject to any of the disqualifications specified in subsection (10); or
 - (b) is incapacitated by reason of physical or mental illness; or
 - (c) has been absent from three consecutive meetings of the Council without the leave of the Council; or
 - (d) is otherwise unable or unfit to discharge his functions as a member of the Council,
- he may revoke the appointment of that member, and give notification thereof in such manner as he thinks fit, whereupon the office of that member shall become vacant.
- (12) The Council may co-opt to serve on it for such length of time as it thinks fit any number of persons whose assistance or advice it may require, but a person so co-opted shall neither be entitled to vote at a meeting of the Council nor be counted as a member thereof for the purpose of forming a quorum.

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

- 1) A committee shall consist of fifteen persons appointed in writing by the Council of whom-
- (a) five shall be chosen to represent employers in the industry concerned;
 - (b) five shall be chosen to represent employees in the industry concerned; and
 - (c) five shall be chosen to represent other interest, and the Council shall appoint a chairman and a vice-chairman from among the members of the Committee chosen under paragraphs (c) and (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 Director.

Training
Committees
3 of 1971, s. 4,
11 of 1975, s. 5,
13 of 1980, Sch.,
L.N.214/1980,
10 of 1981, Sch.

- 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.

Duties and
Functions of
the Council,
11 of 1995
s. 6

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;
- 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 making of reports upon, persons who enter for those tests;
- e) it shall investigate any dispute or other matter arising out of a contract of apprenticeship or indentured learnership referred to it by the Director and shall endeavour to settle the dispute amicably;
- f) it shall perform such duties and functions in regard to any other matter concerning apprenticeship or indentured learnership as may be prescribed;
- g) it shall, at the request of the Minister, and may of its own motion, investigate and make recommendations to the Minister on any matters connected with this Act.

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

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

(3) Where a Committee-

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

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

The Council may direct the Committee to submit those proposals or as the case may be, fresh proposals, within a specified time, and if it

directs the Committee to submit fresh proposals it shall specify in the direction in what respects the proposal already submitted appear to it unsatisfactory and if the Committee fails to comply with the direction or the proposals submitted in pursuance of which it appears to the Council unsatisfactory the Council may make an order declaring the Committee to be in default.

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

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

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

different provisions in relation to different classes or descriptions of employer.

- (2) A training levy order may contain provisions as to the evidence by which a person's liability to the levy or his discharge of that liability may be established, and as to the time at which any amount payable by any person by way of the levy shall become due and the manner in which it shall be recoverable by the Director.
- (3) If any person fails to pay an amount payable by him by way of the training levy within the time prescribed by the training levy order a sum equal to five per cent of that amount shall be added to the amount for each month or part of a month thereafter that the amount due remains unpaid.
- (4) A person who fails to comply with any provision of a training levy order shall be guilty of an offence.

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

2) The Director, acting on advice of 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

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

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

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 there on shall be final.

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

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

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

(7) The Director shall cause to be submitted to the Minister all such information as the Minister may from time to time require in respect of the financial position of a fund and shall, in addition, submit to the Minister an annual report, including a balance sheet and a statement of income and expenditure audited in accordance with subsection (5) and such other particulars as the Minister may request, and the report shall be published by the council, in such manner as it shall specify, as soon as practicable after the end of each financial year.

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

3) (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 thereof satisfies the Director that his establishment offers reasonable opportunities for the proper training of the apprentices or the number of apprentices proposed to be employed by him.

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

(4) A person who-

- (a) employs an apprentice without having first obtained the written permission of the Director to employ apprentices; or
- (b) having obtained the written permission of the Director to employ apprentices in excess of the maximum number specified in that written permission, shall be guilty of an offence.

6. (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 therefore satisfies the Director that his establishment offers reasonable opportunities for the proper training of the indentured learner or the number of indentured learners proposed to be employed by him.

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

(4) A person who-

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

Shall be guilty of an offence.

8. (1) A person who-

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

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

- (2) No person who does not qualify therefor under the provisions of subsection (1) shall so bind himself.
 - (3) A person who is a minor shall not so bind himself except with the consent of his parent or guardian or, if there is no parent or guardian, with the consent of a District Officer or labour officer.
 - (4) A minor who, with consent under subsection (3), binds himself as an apprentice or indentured learner shall be bound by the contract of apprenticeship or indentured learnership, as the case may be, throughout its currency notwithstanding that he may have in the meantime attained his majority.
9. (Repealed by 3 of 1971, s.7.)

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

Medical examination of apprentices and indentured learners.

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

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

- (a) the contract of apprenticeship or indentured learnership;
- (b) duplicate or copy thereof;
- (c) a further copy thereof for filing by the Director; and
- (d) the medical certificate obtained under section 10.

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

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

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

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

(7) In every case where the Director registers a contract under this Act. He shall-

- (a) endorse the particulars of registration thereon and on the duplicate or copy referred to in paragraph (b) of subsection (2) and return the contract and the duplicate or copy thereof to the employer; and
 - (b) file the copy referred to in paragraph (c) of subsection (2).
- (8) The employer shall deliver the duplicate or copy which has been endorsed to the apprentice or indentured learner for him to keep.

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

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

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

- (a) Has been reduced to writing and has been signed by or on behalf of he employer transferring the rights and obligations and the employer to whom the rights and obligations are being transferred and by the apprentice or indentured learner, as the case may be; and where he 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; and
- (b) Has been registered by the Director in the manner prescribed by subsection (4).

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

(5) Where, under a contract of apprenticeship or indentured learnership, an apprentice or indentured learner is employed by two or more persons in partnership, unless the apprentice or indentured learner otherwise elects his contract of apprenticeship or indentured learnership shall not be terminated by reason only of the death or retirement of a partner if the business of he partnership is continued by the surviving or continuing partner or partners whether alone or jointly with another person or persons, and the rights and obligations of the employer under the contract shall be deemed to be transferred to the person or partners continuing the business; and that person or partnership shall, within one month of the date of the death or retirement, lodge the contract, in the same manner as if it were an agreement to transfer, with the Director, who shall certify thereon that the employer's rights and obligations under he contract have been transferred to that person or partnership under this subsection.

Transfer of contracts of apprenticeship of indentured learners. 3 of 1971, s. 10.

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 thereof, with, in the case of an apprentice or indentured learner who is a minor, the same consent as is requisite for binding himself as an apprentice or indentured learner; or
- (b) by the Director at the instance of any party thereto if he is satisfied that it is expedient so to do; or
- (c) by the Director at the instance of the Council

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

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

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

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

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

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

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

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

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 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.

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

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

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

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) 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.

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

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

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

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

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) (Delete by 3 of 1971, Sch.), shall be void.

19. (1) The employer of an apprentice or indentured learner shall, at the request of the apprentice or indentured learner, on the satisfactory completion of the contract of apprenticeship or indentured learnership, make out a certificate of apprenticeship or indentured learnership, as the case may be, in the prescribed form and manner, submit to the Director for countersignature and, when countersigned, give it to the apprentice or indentured learner.

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

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

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

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

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

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

Miscellaneous powers of Director. 3 of 1971, 15.s 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 saved by that person to such lesser period as it shall determine.

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

21. (1) The Director may, after consultation with the Council and subject to the provisions of section 22 make a scheme or schemes for regulating the training of apprentices or indentured learners in any trade or occupation; Provided that no scheme shall revoke or vary any term of any contract of apprenticeship or indentured learnership registered before the date of making of the scheme.

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

- (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 matter 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 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 the Director, after consultation with the Council, is necessary for the effective operation of the scheme.
- (3) Director may, in any scheme, provide that the conditions of apprenticeship or indentured learnership specified therein, or any of them, shall apply in respect of apprentices or indentured learners either generally or in any particular area.
- (4) Different conditions of apprenticeship or indentured learnership may be specified under this section in respect of different classes of employers or apprentices or indentured learners, and different specified trades or occupations; and in prescribing different conditions the Director may apply any method of differentiation he may deem advisable.
- (5) A scheme may be amended by a subsequent scheme or by an order made by the Director on the advice of the Council.
22. (1) Before making a scheme the Director shall publish once in the Gazette and twice, with an interval of at least seven but not more than fourteen days between each publication, in a newspaper published and circulating in Kenya, a notice of his intention to make a scheme, specifying a place where copies of a draft thereof may be inspected and a time which shall not be less than thirty days from the first date

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

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

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

and the Director shall consider he objection made by or on behalf of a person appearing to him to e affected, if the objection has been sent to him within the time specified, and he may, but shall no be bound to, consider any other objection.

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

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

Provided that no deletion from, or addition or modification to, any scheme shall be made under paragraph (c) of addition or modification effects important alterations in the character of the draft of the scheme published under subsection (1 to 126).

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

(5) Where the Director makes a scheme, he shall publish notice thereof in the same manner as is provided in subsection (1 to 126) for the publication of a notice of intention to make a scheme specifying a place where copies of the scheme may be inspected.

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

- (a) a person responsible for supervising generally the training of apprentices or indentured learners under the provisions of this Act and of any relevant scheme; and
- (b) at every premises or worksite where apprentices or indentured learners are regularly employed for a period of not less than three months, an apprentice or indentured learner master, who shall be responsible for day-to-day guidance of the apprentices or indentured learners in matters concerning their trade or occupation.

- (2) The Director may, by notice to an employer in writing, disapprove the appointment of an apprentice or indentured learner master deemed by him not to be competent for the purpose of this Act, and his 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 master shall devote that proportion of his time to apprentices or indentured learner guidance as the number of apprentices and or indentured learners employed bears to twenty-five.
- (4) An employer who fails to make an appointment required by subsection (1), or who fails to ensure that the provisions of subsection (3) are observed, shall be guilty of an offence.

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 or all or any of the purposes of this Act.

Appointment of
inspectors
11 of 1975, s. 10

24. (1) An inspector may –

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

Powers of
inspectors.

- (d) require the production or delivery up of any of the records required to be kept under this Act or any rules made thereunder, and of any document relating there to relating, with respect to matters under this Act, to the business of any person whom the inspector has reasonable cause to believe is or was within the preceding six months the employer of an apprentice or indentured learner;
- (e) examine and make extracts from and copies of any such documents produced or delivered up.
 - (2) A person who -
 - (a) refuses or fails to comply to the best of his ability with a requirement made by an inspector under this section; or
 - (b) hinders an inspector in the exercise of his powers under this section.

Shall be guilty of an offence:

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

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

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

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

26. (1) Every contract of apprenticeship existing at the commencement 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 (10) 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 the force of the contract.

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

Existing
contracts of
apprenticeship

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 learner ship is discharged by the apprentice or indentured learner giving notice in writing to the trustee in bankruptcy to that effect, the trustee shall, within a period of one month of receiving the notice, notify the Director thereof, and failure so to notify the Director shall be an offence, without prejudice however to the complete discharge of the contract.

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

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

- (a) the form of a contract of apprenticeship or indentured learnership and the matters for which provision shall be made in the contract;
- (b) the manner in which educational standards or birth may be proved;
- (c) the nature of returns which employers may from time to time be required to furnish to the Director and the period within which those returns shall be so furnished;
- (d) the procedure for the registration and transfer of contracts of apprenticeship or indentured learner ship and for the notification of the expiration or termination of those contracts;
- (e) the form and manner in which certificates of apprenticeship or indentured learner ship 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 employer or apprentices or indentured learners and of different trades or occupations, and in making rules the Minister may apply any method of differentiation he may deem advisable.

Penalties
10 of 981, Sch.

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

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 particular contract, exempt any person from any provision of this Act or of any rule made hereunder or from a condition of apprenticeship or indentured learner ship contained in any scheme.

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

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

32. This shall bind the Government.

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

Application to
the Government.
13 of 1978, Sch

Orders under section 5B (1)

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

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

2. (1) In this Order-

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

“employer” means a person who engages in any of the following activities and employs more than four employees in connexion therewith-

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

L.N.1234/1980
L.N.9/1981
L.N.12/1982

Cap. 403

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

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

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

(2) A person who becomes an employer after the commencement of this Order shall, on or before the

last day of the month immediately following that in which he becomes an employer, register with Director as an employer.

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

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

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

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

SCHEDULE

FORM 1

(Paragraph 3)

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

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

1. Name of employer:.....
2. Registered name of business.....
3. Place of business:.....
Road/street:.....
Town:
4. Address:.....
5. Nature of business:-----

6. Date: Signed:

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

FORM 2 (Paragraph 4 (2))

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

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

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

Total RemittanceDate:.....

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

Signed 1.Designation
1.....

2.....

*Delete whichever is not applicable

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

- 1. his Order may be cited as the Industrial Training (Banks and Other Financial Institutions) (Training Levy) Order. L.N.124/1980
I L.N.8/1981
L.N.12/1982
- 2. In this Order – I
 - “employee” means a person in the service of an employer whether on permanent or contract terms and includes management personnel;
 - “employer” means any of the following who employs at least one person-
 - (a) a bank as defined in the Banking Act; Cap. 488.
 - (b) a person who engages, whether directly or indirectly, in a banking business as defined in the Banking Act, under a licence issued under the act;
 - (c) the Central Bank of Kenya established under the Central Bank of Kenya Act; Cap. 491
 - (d) the Kenya Post Office Savings Bank established under the Kenya Post Office Savings Bank Act; Cap.493B
 - (e) the Agricultural Finance Corporation established under the Agricultural Finance Corporation Act; Cap.323
 - (f) a society registered as a building society under the Building societies Act; Cap.489
 - (g) the Industrial Development Bank;
 - (h) the Development finance Company of Kenya; and
 - (i) the Industrial and Commercial Development Corporation
 - (j) a person licensed under the Hire-Purchase Act to carry on hire-purchase business other than a bank

Cap. 517
Cap. 507
Act

or other person carrying on banking business together with hire-purchase business;

- (k) a person licensed under the Money-Lenders Act to carry on a money-lenders business;
 “levy” means the training levy imposed by

paragraph

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

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

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

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

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

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

(2) Payment of the levy due shall be accompanied by a half-yearly return in Form 2 in the Schedule

showing the number of employees employed by the employer concerned in the month in respect of which the remittance is made.

5. Without prejudice to any other remedy, a training levy due under this Order, plus the five per

cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Banks and Other Financial Institutions Training Levy Fund.

SCHEDULE

FORM 1

(Paragraph 3)

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

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

1.Name of employer:.....

1. Registered name of business:

2. Place of business:

Road/street:

.....

Town:

4.

Address:.....

3. Nature of business..... of

.....

.....

.....

.....

6 Date

Signed:.....

...

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

FORM 2

(Paragraph 4 (2))

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

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

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

- 2. Name of employer:
- 3. Postal address of employer:
- 4. (a) Total number of employees

(b) Amount of liability to the training levy due
Sh.

as at June/December,* 19 ... per
employee
Plus penalty of 5 per cent under section 5B (3)
Of the Act (If applicable)

Total payment

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

Signed: 1.

2.

Designation:

Note. _ this return should be forwarded to the Director of
Industrial Training, P.O. Box 74494, NAIROBI.

*Delete whichever is not applicable.

L.N. 125/1980,
L.N. 9/1981.

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

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

2. (I) In this Order -

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

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

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

- (2) This Order shall not apply to an employer whose activity falls within the purview of any other training levy order.
3. (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.
- (2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.
- (3) Registration under this paragraph shall be affected by furnishing the Director with a complete copy of Form 1 in the Second Schedule.
- (4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.
4. (1) On or before the last days of January and July in each year an employer shall pay to the Director a training levy of one hundred and twenty-five shillings in respect of each employee in his employment on the last working day in the immediately preceding month.
- (2) Payment of the levy due shall be accompanied by a half-yearly return in Form 2 in the Schedule showing the number of employees employed by the employer concerned in the month in respect of which the remittance is made.
5. Without prejudice to any other form of remedy, a training levy due under this Order, plus the five percent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Food Processing and Allied Industries Training Levy Fund..

FIRST SCHEDULE

FORM 1

(Paragraph 3 (3))

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

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

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

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

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

FORM 2

(Paragraph 4

(2)

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

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

- 1. Payment of levy in respect of employees as atJune/December* 19
- In accordance with paragraph 4 of the Order.

- 2. Name of employer:.....
.....
- 3. Postal address of employer:
.....
- 4. (a) Total number of employees:.....

Sh. Cts.

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

Total Payment .

.....

I/We*

.....

Declare that the above particulars are true.

Signed:

.....

Designation:

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

- Delete whichever is not applicable.

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

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

- 1. This Order may be cited as the Industrial Training (Saw Milling, Timber, Furniture and allied Industries) (Training Levy) Order.
- 2. (1) In this Order:-

“employer” means a person who engages in one or more of the activities in the First Schedule;

“levy” means the training levy imposed by paragraph

2. This Order shall not apply to an employer whose activity falls within the purview of any other training levy order.
3.
 - (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.
 - (2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.
 - (3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Second Schedule.
 - (4) A person registered as an employer who ceased either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.
- (4)
 - (1) On or before the last days of January, April,, July and October in each year an employer shall pay to the Director a training levy of 0.25 per cent of the total quarter turnover for the immediately preceding quarter if that quarter turnover exceeds twenty thousand shillings.
 - (2) Payment of the levy shall be accompanied by a quarterly return in Form 2 in the Second Schedule showing the total quarterly turnover in the months in respect of which the payment is made.
5. Without prejudice to any other remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Saw Milling, Timber, Furniture and allied Industries Training Levy Fund.

The activities referred to in paragraph 2 (1) are:-

- (a) (I) timber feeling, wood cutting, logging, plywood production and pit sawing;
- (ii) maintenance of timber, fibreboard and parties board;
- (iii) Selling, storing, processing and reconversion of timber,
- (b) manufacture, assembly, maintenance, repair or alteration of office or domestic furniture whether manufactured from plastics, steel, wood, fibreglass or any other material;
- (c) manufacture of all types of cushions and mattresses,
- (d) manufacture, assembly, maintenance, repair or alteration of handcarts and wooded wagons, wooden boats, wooden artifacts, wooden doors and windows and wooden prefabricated houses or buildings.

SECOND SCHEDULE

(3) FORM 1 (Paragraph 3)

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

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

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

6. Date: Signed:
.....

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

FORM 2 (Paragraph 4)
(2))

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

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

- 1. Payment of levy in respect of quarterly turnover as at 31st March,19...../30th June 19...../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 5B (3) of the Act (if applicable)
Total payment

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

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

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

*Delete whichever is not applicable.

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

L.N.127/1981

1. This Order may be cited as the Industrial Training (Food Processing and allied Industries) (Training Levy) Order.
2. (1) In this Order:-

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

“employer” means a person who engages in one or more of the activities in the First Schedule and who employs more than four employees in respect therefore;

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

- (2) This Order shall not apply to an employer whose activity falls within the purview of any other training levy order.
3. (1) A person who is an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register with the Director as an employer.
- (2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.
- (3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Second Schedule.
- (4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.

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4. (1) (2) Payment of the levy shall be accompanied by a half-yearly return in Form 2 in the Second Schedule showing the number of employees employed by the employer concerned in the month in respect of which the payment is made.
- (5) Without prejudice to any other remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Food Processing and Allied Industries Training Levy Fund.

FIRST SCHEDULE

(Paragraph 2

(1))

The activities mentioned in paragraph 2 (1) –

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

SECOND SCHEDULE

FORM: 1
(Paragraph 3 (3))

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT
(Cap. 237)

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

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

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

FORM 2 (Paragraph 4
(2))

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

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

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

..... 19 at one hundred shillings

per employee

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

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

Signed 1. Designation 1.
 2. 2.

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

*Delete whichever is not applicable.

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

L.N. 128/1980
 L.N. 9/1981.

1. This Order may be cited as the Industrial Training (Printing, Paper Manufacturing and Allied Industries) (Training Levy) Order.
2. (1) In this Order:-
 - “employee” means a person employed by an employer whether on contract or permanent terms and included management personnel;
 - “employer” means a person who engages in one or more of the activities in the First Schedule and who employs more than four employees in connexion therewith;
 - “levy” means the training levy imposed by paragraph
 - “paper” includes printing paper, typing paper, carbon paper, tissue paper, toilet paper, duplicating paper, wrapping paper, cardboard, paper bags, cartons and other containers made out of paper.
- (2) This Order shall not apply to a employer whose activity falls within the purview of any other training levy order.
3. (1) A person who is an employer at the commencement of this Order shall on

or before the expiration of thirty days after commencement register with the Director as an employer.

- (2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.
 - (3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Schedule.
 - (4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer.
4. (1) On or before the last days of January and July in each year an employer shall pay to the Director a training levy of fifty shillings in respect of each employee in his employment on the last working day of the immediately preceding month.
- (2) Payment of the levy shall be accompanied by a half-yearly return in Form 2 in the Second Schedule showing the number of employees employed by the employer concerned in the month in respect of which the remittance is made.
5. Without prejudice to any other form of remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt to the Printing, Paper Manufacturing and Allied Industries Training Levy Fund.

FIRST SCHEDULE

(Paragraph 2

(1))

The activities mentioned in paragraph 2 (1) are –

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

- (i) letterpress printing by direct or off-set methods or by flexography;
 - (ii) lithographic printing by direct or off-set methods;
 - (iii) photogravure printing;
 - (iv) electrostatic printing;
 - (v) collotype printing;
 - (vi) screen printing;
 - (vii) die-stamping or embossing;
 - (viii) thermographic printing;
 - (ix) ruling;
 - (x) cutting, creasing or scoring by letterpress process;
- (b) the following operations or processes:-
- (i) composing by any means 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 whether as part of a composing process or not;
 - (iii) for the purpose of reproducing an image, preparing, engraving, etching, cutting or including cylinder liners, cylinders, plates or rollers;
 - (iv) making printers' blocks;
 - (v) electro-typing, stereo-typing, type-casting;
 - (vi) cutting stencils or preparing screens for the purpose of screen printing;
 - (vii) for the purpose of printing music, engraving or punching plates or drawing black and white originals for photo-graphic reproduction;
 - (viii) any chemical, electrical, electronic, photographic, retouching, inspection, quality control or finishing process connected with any operation or process mentioned in this paragraph;
 - (ix) proof reading;
 - (x) xeroxing.
- (c) finishing paper or other material by any of the following processes or by any process similar thereto:-
- (i) assembling, collating, creasing, folding, gathering or inseting;
 - (ii) cutting, eyeleting, perforating, punching, stabbing or trimming;
 - (iii) cording, gumming, mounting, stapling, strutting or typing;
 - (iv) backing, back-lining, binding, case-making, casing-in, covering, end-papering, jacketing, 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 the paper or other material has been printed by a process specified in paragraph (a)
- (d) any process of copying by stencil, silver photographic, electro-photographic, thermographic, thermographic, diazo, true to scale or any other reprographic means;
- (e) the repairing of books;
- (f) publishing any of the following publications or any publications similar thereto:-
 - (i) books, booklets, calendars, catalogues, directories or time-tables;
 - (ii) magazines, newspapers, periodicals or professional technical or trade journals;
 - (iii) art reproductions, greeting cards or picture postcards;
 - (iv) chart, globes or maps;
- (g) manufacturing or supplying printing paper, products or materials for printing;
- (h) any activities of an editorial character undertaken in connexion with the publication in Kenya or elsewhere of books, booklets, calendars, catalogues, diaries, directories, timetables, charts, globes, maps or similar publications;
- (i) any activities of an editorial, journalistic or similar character or press photography, being activities undertaken in connexion with the publication of magazines, newspapers, periodicals or professional, technical or trade journals or similar publications;
- (j) (deleted by L.N. 9/1981)
- (k) operating a news agency, photographic news agency, either 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) show cards or other printed products;
- (n) any activities (other than those mentioned in the proceeding paragraphs) being:-
 - (i) related activities incidental or ancillary to principal activities of the printing, publishing, 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 those principal or related activities, and carried out, in either case, by the employer engaged in those principal activities or, where that employer is a company, by the company or by an associated company of the company.

SECOND SCHEDULE

FORM 1
(3))

(Paragraph 3

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

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

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

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

FORM 2
(2))

(Paragraph 4

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

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

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

Sh. Cts.

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

Total remittance

I/We*.....

Declare that the above particulars are true.

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

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

*Delete whichever is not applicable.

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

- 1. This Order may be cited as the Industrial Training (Engineering and Allied

Industries) (Training Levy) Order.

2. (1) In this Order:-

“employee” means a person employed by an employer whether on contract or permanent terms and included management personnel;

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

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

(2) This Order shall not apply to an employer whose activity to the Government in respect of the armed forces.

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

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

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

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

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

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

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

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

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

SECOND SCHEDULE

FORM 1

(Paragraph 3 (3))

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

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

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

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

Form 2
(2))

(Paragraph 4

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

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

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

I/We*

.....

Declare that the above particulars are true.

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

.....

Note:- This return should be forward 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 CHEMICAL
MANUFACTURING, GENERAL, PROCESSING
AND ALLIED INDUSTRIES) (TRAINING
LEVY) ORDER**

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

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

2. (1) In this Order:-

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

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

“levy” means the training levy imposed by paragraph

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

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

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

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

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

4 (1) On or before the last days of January and July in each year, an employer shall pay to the Director a training levy of one hundred and twenty-five

shillings in respect of each employee in his employment on the last working day of the immediately preceding month.

- (2) Payment of the levy shall be accompanied by a half-yearly return in Form 2 in the Second Schedule showing the number of employees employed by the employer concerned in the month in respect of which payment is made.
- (3) Without prejudice to any other form of remedy, a training levy due under this Order, plus the five per cent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Chemical Manufacturing, General Processing and allied Industries) (Training Levy) Fund.

FIRST SCHEDULE

(Paragraph 2

(1))

The activities referred to in paragraph 2 (1) are:-

- (a) manufacture or preparation of:-
 - soap or detergents, cement, lime, asbestos, soda ash, fluorspar, rubber, rubber bands and other rubber products, plastics, petroleum or its solvents and other by-products including bitumen, bitumen solutions, turpentine, wood preservatives, concrete mould oil, paints, waxes for any use, dyes or colouring materials, gasses, pesticides, any type of glass, drugs or other pharmaceutical products, chemicals or chemically based products;
- (b) manufacture of tobacco or cigarettes, processing or drying of green tobacco leaves and any other activity in the tobacco industry excluding the growing of tobacco;
- (c) processing, packing, repacking, distributing or redistributing, by any means, of petroleum or petroleum products or by products;
- (d) dispensing or supplying of drugs, chemicals or pharmaceutical products;
- (e) tanning or other processing of leather.
- (f) Retreading of tyres;
- (g) Laboratory work, including the processing of films or photographs.

SECOND SCHEDULE

FORM 1

(Paragraph 3

(3))

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

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

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

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

Form 2
(2))

(Paragraph 4

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

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

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

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

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

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

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

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

- 1. This order may be cited as the Industrial Training (Commercial Distributive and Allied Trades and Industries) (Training Levy) Order.
- 2. (1) In this Order -
“Employee” means a person employed by an employer on permanent or contract terms and includes management personnel;

“Employer” means a person who engages in one or more of the activities in the First Schedule and employs four or more employees in connexion therewith.

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

- (2) This Order shall not apply to –
 - (a) an employer whose activity falls within the purview of any other training levy order;
 - (b) a charitable organisation;

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

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

 - (2) Payment of the levy due shall be accompanied by a half yearly return in Form 2 in the Second Schedule showing the number of employees employed by the employer concerned in the month in respect of which payment is made.
- 5. Without prejudice to any other form of remedy, a training levy due under this Order, plus the five percent penalty imposed by section 5B (3) of the Act, that remains unpaid shall be recoverable summarily by the Director as a civil debt due to the Commercial, Distributive and Allied Trades and Industries Training Levy Fund.

FIRST SCHEDULE

(Paragraph 2 (1))

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

- (a) estate agents,

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

SECOND SCHEDULE

FORM 1
(3))

Paragraph 3

MINISTRY OF LABOUR

THE INDUSTRIAL TRAINING ACT
(Cap. 237)

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

- 1. Named of employer:
.....
 - 2. Registered name of
business:.....
 - 3. Place of
Business:.....
 - 4. Road/street:.....
 - 5. Postal address:
 - 6. Nature of
Business.....
.....
.....
.....
.....
.....
- Date.....Signed.....
..
- Designation.....

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

FORM 2
(2))

(Paragraph 4

MINISTRY OF LABOUR

INDUSTRIAL TRAINING ACT
(CAP. 237)

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

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

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

- (i) Kshs. 50 per
employee.....
- (ii) Ksh. 10 per employee.....

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

Total payment

I/we*

.....
..

Declare that the above particulars are true.

Signed 1 Designation 1.

2. 2.

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

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

1. This order may be cited as the Industrial Training (Plantation, Agricultural and Allied Industries) (Training Levy) Order.
2. (1) In this Order-
“employer” means a person who engages in the processing of sugar, coffee, cotton, sisal, tea, pyrethrum, cashew nuts or pineapples; “levy” means the training levy imposed by paragraph 4 (1).

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

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

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

(3) Registration under this paragraph shall be effect4ed by furnishing the Director with a completed copy of Form 1 in the Schedule.

(4) A person registered as an employer who ceases either permanently or temporarily to be an employer.

(1) On or before the 21st day of each succeeding month an employer shall pay to the Director a training levy at the rate of four shillings for

every metric tonne of sugar, coffee, cotton, sisal, tea, pyrethrum, cashew nuts or pineapples processed by the employer in a month.

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

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

SCHEDULE

FORM 1

(Paragraph 3 (3))

MINISTRY OF LABOUR
THE INDUSTRIAL TRAINING ACT
(CAP 237)

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

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

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

FORM 2

(Paragraph 4(2))

MINISTRY OF LABOUR
THE INDUSTRIAL TRAINING ACT

(CAP. 237)

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

- 1. Payment of levy for the month of19
.....
- 2. Name of employer.....
- 3. Address.....
- 4. Payments –

Product weight

- (a) Total amount of processed product during the month.....
- (b) Total amount of liability to the training sh. Cts.
Levy at 4 shillings per metric tonne for which remittance is enclosed.....
...

I/We*

.....

Declare that the above particulars are true.

Signed.....

Designation.....

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

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

L.N. 133/1980
L.N. 9/1981.

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

“employer” means a person who engages for gain in any of the activities in the First Schedule;

- (2) This Order shall not apply to an employer whose activity falls within the purview of any other training levy order.
3. (1) A person who becomes an employer at the commencement of this Order shall on or before the expiration of thirty days after commencement register within the Director as an employer.
(2) A person who becomes an employer after the commencement of this Order shall, on or before the last day of the month immediately following the month in which he becomes an employer, register with the Director as an employer.
- (3) Registration under this paragraph shall be effected by furnishing the Director with a completed copy of Form 1 in the Second Schedule.
- (4) A person registered as an employer who ceases either permanently or temporarily to be an employer shall, within thirty days of so ceasing, notify the Director accordingly in writing specifying the reasons for his ceasing to be an employer
4. (1) An employer shall within thirty days of entering into a contract in respect of the activities specified in paragraph (a) to (g) of the First Schedule or within thirty days of commencing any such activity furnish the Director, in writing, with full particulars and details of the contract including the contract price or the estimated cost of the activity at the commencement of the activity.
- (2) The Director shall, upon receipt of the information required under subparagraph (1), assess the amount of levy that shall be payable by the employer on the basis of 0.25 per cent of the total contract price or the estimated cost where it exceeds fifty thousand shillings in respect of an activity specified in paragraphs (a) to (g) in the First Schedule.
- (3) The Director shall, by notice in writing, inform the employer liable to pay the training levy assessed under subparagraph (2) of the training levy payable by the employer and the employer shall pay the training levy in full to the Director within sixty days of the issue of the first certificate of payment:

Provided that, where a first certificate of payment is not issueable, the training levy shall be paid in full to the Director within sixty days of the commencement date specified in the particulars and details supplied under subparagraph (1).

(4) Employers engaged in an activity specified in paragraph (h) of the First Schedule shall assess the amount of levy that shall be payable by them on the basis of 0.25 per cent of the total quarterly turnover where it exceeds twenty thousand shillings in respect of the activity and a training levy so payable shall be paid to the Director on or before the last working days of January, April, July and October in each year.

(5) Payment of the training levy due under subparagraph (3) shall be accompanied by a completed return in form 2 in the Second Schedule.

(6) Payment of the training levy due under subparagraph (4) shall be accompanied by a completed quarterly return in Form 3 in the Second Schedule.

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

FIRST SCHEDULE

The activities mentioned in paragraph 2 (1) are –

- (a) construction or structural alteration or maintenance works or repairs of or to be buildings or structures:
- (b) demolition of buildings or structures, or preparation for or the laying of the foundation of any intended building or structure;
- (c) construction of railway lines or sidings;
- (d) construction, structural alteration or repairs, or the demolition of or to any airfield, dock, harbour, wharf, quay, pier, inland navigation works, road, tunnel, bridge, viaduct, waterway, dam, reservoir, pipeline aqueduct, sewage works, lattice work, structural works designed to support electrical lines, or structural steel works.
- (e) Drain-laying, roofing works, floor and wall decorating, and decorating,
- (f) Bore-hole drilling or water supply works;
- (g) Any other activity involving building or civil engineering works or any other activity incidental or ancillary to or connected with activities mentioned in paragraph (a) to (f).
- (h) Quarry operations, manufacturing of concrete blocks or concrete pipes, bricks or tiles, or the manufacturing of similar or related materials used in the course of carrying out any of the activities listed in this paragraph.

SECOND SCHEDULE

FORM
(3))

(Paragraph 3

MINISTRY OF LABOUR
THE INDUSTRIAL TRAINING ACT

(Cap. 237)

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

- 1. Name and address of employer.....
.....
.....
.....
- 2. (a) Project and work description.....

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

Signature.....

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

FORM 3

(Paragraph 4 (4))

(Cap. 237)

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

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

	Turnover Payment	
	Sh. Cts.	Sh. Cts.
(a) 31 st march, 19.....
(b) 30 th June, 19.....
(c) 30 th September, 19.....
(d) 31 st December, 19.....
Total

I/W*

.....
Declare that the above particulars are true.

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

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

Rules under section 29

THE INDUSTRIAL TRAINING (TRADE TESTING) RULES

- 1. These Rules may be cited as the Industrial Training (Trade Testing) Rules.
- 2. In these Rules “trade test” means a test approved by the Minister under rule 3.
- 3. (1) The Minister may, by notice in the Gazette, approve such tests as he may, with the advice of the Council, deem necessary for the purpose of assessing the occupational skills of persons (other than apprentices and indentured learners) in any particular trade or occupation, or trades and occupations generally.

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

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

Citation.

Interpretati

Approval of and conditions for trade tests

Application for a trade test.

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

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

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

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

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

Information as to
previous trade
tests

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

Fees for trade
tests

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

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

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

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

8. (1) The Director, on being satisfied that an application has reached the standard required to qualify in a trade test and that the has paid the necessary fees as specified in the Second

Schedule, shall issue to that applicant the National Trade Certificate of Proficiency.

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

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

Register of
Certificates

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

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.

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

- (a) the percentage marks and ratings obtained in the test;
- (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 for rule 8.

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

Marks and rating
for trade test

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

PERCENTRAGE	RATING
	<i>(Aggregate Marks)</i>
(a) First Class Pass	86 – 100 per cent
(b) Ordinary Pass	60 – 85 per cent
(c) Fail	59 per cent and below

13. A person who fails a trade test shall 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) A person issued with a certificate under these Rules who loses it shall so notify the Director within two months from the date he first discovered the loss. 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 the certificate.
- (3) The Director may, on receipt of a notification under this rule and after making such inquiry as he deems necessary, issue or refuse to issue a certified copy of the original certificate to the person making the notification.
15. (1) If, in the opinion of an employer or association of employers or employees recognized for the purpose by the Director, a person to whom the standard of ability, skill or competence required for the grant of the certificate, a request may be made to the Director that the person be required to undergo a further trade test of the standard applicable to that certificate. Further trade tests
- (2) The Director may, after making such inquiry as he considers necessary, require the person to whom his rule applies to undergo a trade test, which shall take place not later than three months after the request was originally made.
16. The Director may require a person to whom a certificate has been issued under these Rules to surrender the certificate on the grounds that the holder has failed to qualify in a trade test held in accordance with the provisions of rule 15 or that the holder has been guilty of conduct in connexion with his trade or occupation which renders it undesirable that he should continue to hold the certificate or for any other sufficient reason. Surrender of Certificates

Offences and penalties.

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

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

Appeals.

18. (1) The Minister shall, by 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) A person who feels aggrieved by an order or decision of the Director made under any of these Rules may, within fourteen days of that order or decision, appeal in writing to the Minister who shall as soon as reasonably practicable convene the tribunal appointed under paragraph (1) for the purpose of hearing and determining the appeal.
- (4) The appeal shall be in the form of a memorandum and shall set out the decision of the Director appealed against, the date of the decision, and the grounds of appeal.
- (5) A decision of the tribunal under this rule shall be final and conclusive and no appeal shall lie therefrom to any court.

FIRST SCHEDULE

FORM G.P. 61

REPUBLIC OF KENYA

TO: The Director,
National Industrial Training Scheme,
Ministry of Labour,
P.O. Box 40540

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 y ‘YES or NO’)
6. Previous Government trade tests taken (if any)-
Trade If failed state application No.
Grade
Certificate No..... of last trade test.....
7. Details of any apprenticeship served.....
.....
.....
.....
8. Present employer –
Name
P.O. Box
Situation of premises
9. Applicant’s address for correspondence (if different from that of employer).....
.....
.....
10. I enclose two photographs (head and shoulders), size 2’’ x 2’’, with my name (in BLOCK LETTERS) on reverse.
11. I enclose Sh.in payment of fee.

Signed Date.....

NOTES:-

- a The particulars given against item 1 to 3 must be as they appear on applicant's identify 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 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.	500.00
Artisan Grade	II	..	..	Sh.	900.00
Artisan Grade	I	..	..	Sh.	1,200.00

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

Trade Test Fees (r. 6)

Grade of Trade Test				Application Fee	
Artisan Grade	III	..	..	Sh.	500.00
Artisan Grade	II	..	..	Sh.	900.00
Artisan Grade	I	..	..	Sh.	1,200.00