

BILLS SUPPLEMENT

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Bill No. 1

*Business, Technical, Vocational Education
and Training Bill* **2008**

THE BUSINESS, TECHNICAL, VOCATIONAL EDUCATION
AND TRAINING BILL, 2008.

MEMORANDUM.

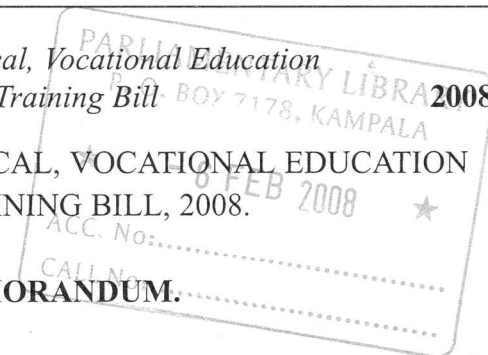
1. Policy and principles

The policy behind this Bill is to give effect to reforms aimed at making Business, Technical, Vocational Education and Training (BTJET) more relevant to the skills requirements of employment, to provide access to a larger number of learners, improve the quality of BTJET needs and to make vocational training affordable by reducing unit costs.

A major principle of the Bill is the introduction of modular training which is flexible to trainees' needs and the introduction of assessment and certification based on a continuous and defined National Qualifications Framework.

2. Shortcomings in the current BTJET system

Currently, BTJET programmes focus mainly on certification and only to a certain extent on self-employability. The programmes do not adequately cater for the social and economic needs of the country. The current BTJET programmes are in-put oriented, of long duration and unaffordable for economically weak target groups. They also do not adequately equip individuals to become productive and self reliant. They are therefore of limited capacity in preparing individuals for the world of work and in meeting global challenges.



3. Remedies proposed to deal with shortcomings in the current BTVET system

The Bill proposes a BTVET system based on principles which include the following—

- (a) promotion of an integrated, demand driven, competency based modular BTVET system where learners enter the system at various points suited to their skills and needs, with their qualifications certified at different levels;
- (b) recognition of skills that are both formally and non formally acquired;
- (c) linking of formal and non formal education and training and their respective curricula;
- (d) establishing a national qualification framework based on defined occupational standards and assessment areas for the different sectors of the economy.

The proposals in the Bill give effect to the mentioned principles. The Bill further gives legal effect to the restructuring of Ministries in 1998, which included the transfer of the Directorate of Industrial Training established under the Industrial Training Act from the Ministry of Gender, Labour and Social Development to the Ministry of Education and Sports.

4.1. Object of the Bill

The object of the Bill is—

- (a) to define the scope and levels of BTVET programmes and the roles of the different stakeholders in the provision of BTVET;
- (b) to separate training and delivery of BTVET from quality assurance functions;

(c) to establish an institutional framework for the promotion and coordination of BTVET;

(d) to specify the providers of BTVET;

(e) to provide for mechanisms and establishment of organs responsible for the regulation of qualifications (standards, assessment and certification) and training delivery in formal and non formal institutions;

(f) to provide for the mandates and functions of the Directorate of Industrial Training, the Industrial Training Council; and

(g) to make consequential amendments to provisions in existing laws that relate to BTVET policy and programmes.

4.2. Part I of the Bill incorporating clauses 1 and 2 provides for preliminary matters such as objects of the Act and, interpretation of words and phrases used in the Bill.

4.3. Part II of the Bill in clauses 3 to 4 provides for general principles of the BTVET system. It also specifies the objectives of the BTVET system, and provides for the principles and scope of BTVET which shall be all business, technical, vocational education training from certificate up to diploma level which levels shall be defined by the qualifications framework.

4.4. Part III of the Bill consisting of clauses 6 to 12 provides for the different providers of BTVET including community polytechnics, vocational schools and training centres, technical institutes, technical colleges, non – public private training, non formal enterprise based training and formal enterprise based training. It also outlines briefly what kind of training each provider will give.

4.5. Part IV of the Bill incorporating clauses 13 to 19 provides for the institutional framework which includes the Directorate of Industrial Training, the Industrial Training Council and Committees of the Council. The Directorate shall be under the supervision of the Industrial Training Council and the staff of the Directorate shall be public officers.

4.6. Part IV further provides for the functions of the Directorate and of the Council. It also deals with composition of the Council, tenure of office of members of the Council, filling of vacancies on the Council, and remuneration of Committees of the Council.

4.7. Part V of the Bill in clauses 20 and 21 establishes the Uganda Vocational Qualifications Framework and defines the framework and the principles on which UVQF is based.

4.8. Part V further provides for recognition of certificates issued by the Directorate under the UVQF.

4.9. Part VI of the Bill consisting of clauses 22 to 25 provides for the financing of BTVET which includes the establishment of a training levy and training levy fund, finances of the fund and purposes for which the fund may be applied. It gives the Minister the responsibility to manage the training levy. The training levy shall be used solely for the purposes of BTVET.

4.10. Part VI also requires the Minister responsible for finance on the advice of the Minister by statutory instrument to specify which trades or industries are subject to the payment of the levy, the procedures for collection of the levy, and any matters necessary for the efficient working of the scheme.

4.11. The Bill empowers the Minister responsible for finance, in accordance with the Public Finance and Accountability Act, to establish a Training Levy Fund in which monies received in respect of a training levy instrument shall be paid.

4.12. Part VII of the Bill in clauses 26 to 32 deals with miscellaneous provisions relating to award of certificates under UVQF by the Directorate, making of annual reports by the Council, offences and penalties, making of Regulations, amendment of schedules, effect on existing technical examinations, repeal and savings.

4.13. Effect on existing legislation

Enactment of this Act will call for the repeal of the Industrial Training Act, Cap 130. This is because all provisions of that Act relating to the institutional framework, namely provisions establishing the Directorate of Industrial Training and the Industrial Training Council have been incorporated in this Act. Further apprenticeship schemes provided for under the Act will now be carried out in accordance with the reformed BTVET system provided for in this Act.

4.14. Effect on technical existing examinations

At present the mandate of setting and conducting technical examinations lies with Uganda National Examinations Board. With the establishment of the Uganda Vocational Qualifications Framework by this Bill, the assessment and conduct of vocational examinations shall be under the mandate of the Directorate of Industrial Training. Consequently, Uganda National Examinations Board and any other body setting and conducting technical examinations shall, in a phased manner, cease to conduct such examinations.

4.15. The First Schedule of the Bill gives the value of a currency point. The Second Schedule provides for meetings of the Industrial Training Council.

GABRIEL OPIO,
Minister of State for Education
also holding portfolio for the Minister of Education and Sports.

Bill No. 1 *Business, Technical, Vocational Education
and Training Bill* **2008**
THE BUSINESS, TECHNICAL, VOCATIONAL EDUCATION AND
TRAINING BILL, 2008.

ARRANGEMENT OF CLAUSES.

Clause.

PART I—PRELIMINARY.

1. Objectives of Act
2. Interpretation

PART II—GENERAL PRINCIPLES OF THE BTVET

3. Objective of the BTVET system
4. BTVET principles and concepts
5. Scope and levels of BTVET

PART III—PROVIDERS OF BTVET

Public Providers

6. Community polytechnics
7. Vocational training centres and institutes
8. Technical institutions
9. Technical colleges and specialised training institutions

Private Providers

10. Non - public providers
11. Non - formal providers
12. Formal enterprise based training

PART IV—INSTITUTIONAL FRAMEWORK

13. Continuation of Directorate of Industrial Training
14. Functions of Directorate
15. Industrial Training Council
16. Composition of Council

Clause.

17. Tenure of office of members of Council
18. Functions of Council
19. Committees of Council

PART V—THE UGANDA VOCATIONAL QUALIFICATIONS
FRAMEWORK (UVQF)

20. Establishment of Uganda Vocational Qualifications Framework
21. Recognition of certificates

PART VI—FINANCING OF BTJET

22. Establishment of a training levy
23. Establishment of a Training Levy Fund
24. Finances of the Fund
25. Purposes for which the Fund may be applied

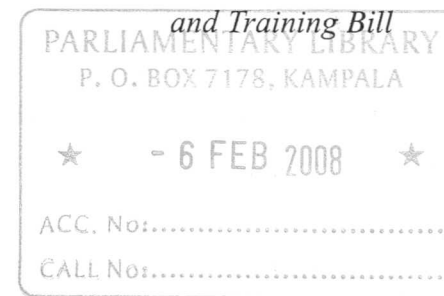
PART VII—MISCELLANEOUS

26. Award of certificates under UVQF
27. Reports
28. Offences and penalties
29. Regulations
30. Amendment of Schedules
31. Effect on existing technical examinations
32. Repeal and savings

SCHEDULES.

SCHEDULE 1 CURRENCY POINT.

SCHEDULE 2 MEETINGS OF THE INDUSTRIAL TRAINING COUNCIL.



A BILL for an Act

ENTITLED

**THE BUSINESS, TECHNICAL, VOCATIONAL EDUCATION
AND TRAINING ACT, 2008.**

An Act to provide for the promotion and coordination of business, technical, vocational, education and training; to provide for the principles governing BTJET; to establish the institutional framework for the promotion and coordination of vocational education and training; to establish the Uganda Vocational Qualifications Framework; to provide for the financing of BTJET and for other related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Objectives of the Act.

The objectives of this Act are—

- (a) to define the scope and levels of BTJET programmes and the roles of the different stakeholders in the provision of BTJET;
- (b) to separate the training and delivery of BTJET from quality assurance functions;

- (c) to establish an institutional framework for the promotion and coordination of BTVET;
- (d) to specify the provider of BTVET;
- (e) to provide for mechanisms and establishment of organs responsible for the regulation of qualifications (standards, assessment and certification) and training delivery in formal and non formal institution.

2. Interpretation.

In this Act, unless the context otherwise requires—

“accreditation” refers to the process and criteria for approving the training programmes and training infrastructure of BTVET institutions;

“assessment” means the process of generating evidence and judging the evidence against previously established standards;

“BTVET” stands for business, technical, vocational education and training;

“BTVET institution” means a school, polytechnic, institute, or college offering approved BTVET courses leading to the award of certificates or diplomas;

“certification” means the formal process of crediting a candidate with a record of his or her achievement;

“Council” means the Industrial Training Council continued in existence by section 15;

“currency point” means the value assigned to a currency point in Schedule 1;

“Directorate” means the Directorate of Industrial Training;

“formal training” refers to instructions given in schools, institutes, colleges or specifically designed training areas, usually conducted within a structured programme with defined training objectives;

“Minister” means the Minister responsible for education;

“modular training” means a system in which the training content is divided into independent units or modules of learning;

“non - formal training” refers to a flexible programme capable of rapid change according to an individual’s needs which takes place in a non formal environment, usually with more emphasis on activities directly related to work;

“qualifications framework” refers to the qualifications framework established by section 20;

“training levy” means the tax imposed under section 22;

“UVQF” stands for Uganda Vocational Qualifications Framework.

PART II—GENERAL PRINCIPLES OF THE BTVET

3. Objective of BTVET.

The objective of BTVET is—

- (a) to provide relevant skills for purposes of employment in the labour market;
- (b) to provide access to BTVET to a larger number of persons;
- (c) to improve the quality of BTVET;
- (d) to make BTVET affordable by reducing costs;
- (e) to enhance the productivity capabilities of the individual for employment and self employment;

- (f) to monitor gaps between supply and demand for skills;
- (g) to facilitate sound and sustainable financing and funding mechanisms for business technical vocational education training.

4. BTVET principles and concepts.

BTVET in Uganda shall be based on the following principles and concepts—

- (a) to promote an integrated, demand driven, competency based modular BTVET system where learners enter the system at various points suited to their skills and needs, with their qualifications certified at different levels;
- (b) to promote the development of formal and non-formal institutions in the public and private sector;
- (c) to incorporate and support training by non public BTVET institutions and non-formal enterprise based training;
- (d) to recognise skills that are both formally and non-formally acquired;
- (e) to link formal and non-formal education and training and their respective curricula;
- (f) to establish a qualifications framework based on defined occupational standards and assessment criteria for the different sectors of the economy;
- (g) to promote types of BTVET qualifications and the number of people to be trained in accordance with the market requirements;
- (h) to increase equitable access to disadvantaged groups such as women and people with disabilities;
- (i) to institutionalise counseling and guidance;

- (j) to provide continuous training to managers and staff of BTVET institutions;
- (k) to promote continuous and lifelong business technical vocational education training;
- (l) to provide adequate financing and funding mechanisms for BTVET; and
- (m) to establish private-public partnerships.

5. Scope and levels of BTVET.

(1) The scope of BTVET shall be all business, technical, and vocational education training from certificate up to diploma level.

(2) The levels of BTVET shall be defined by the qualifications framework.

PART III—PROVIDERS OF BTVET

Public Providers.

6. Community polytechnics.

Community polytechnics shall provide low cost accessible training opportunities for primary leavers and other target groups such as out of school children, unemployed and under employed persons.

7. Vocational training centres and institutes.

Vocational training centres and institutes shall provide training leading to the acquisition of appropriate skills which are easily adaptable to changing economic and technological circumstances.

8. Technical institutions.

Technical institutions shall have an intermediate polytechnic orientation and will provide an integrated business technical vocational education training and business vocational education training multi skills that are needed in industries as well as in other economic and social spheres.

9. Technical colleges and specialised training institutions.

(1) Technical colleges and specialised training institutions shall offer specialised training in specific fields including agriculture, engineering, business, forestry, health, meteorology, fisheries, artisanry, carpentry, art and design, electronics and cooperatives.

(2) Technical colleges and specialised training institutions shall develop and carry out training of trainers' programmes.

(3) A person trained as trainer of trainers may apply to the Council for accreditation as a trainer of trainers.

Private Providers

10. Non -public providers.

Non governmental organisations, religious organisations and associations shall provide BTSET to individuals for gainful employment and self reliance.

11. Non-formal providers.

The non-formal sector shall provide training aimed at upgrading skills and promoting indigenous technology.

12. Formal enterprise based training.

The formal sector shall provide industrial training which shall include apprenticeship training and skills upgrading courses.

PART IV—INSTITUTIONAL FRAMEWORK

13. Continuation of Directorate of Industrial Training.

(1) The Directorate of Industrial Training existing immediately before the coming into force of this Act under the Industrial Training Act shall continue in existence subject to this Act.

(2) The Directorate shall be under the supervision of the Industrial Training Council.

(3) The director, and staff of the Directorate shall be public officers appointed by the Education Service Commission.

(4) An officer of the Directorate may, subject to the directions of the director, perform any act or discharge any duty, which may lawfully be performed or discharged by the director under this Act.

14. Functions of Directorate.

The functions of the Directorate are—

- (a) to identify the needs of the labour market for occupational competencies that fall under the Uganda Vocational Qualifications Framework;
- (b) to regulate apprenticeship schemes;
- (c) to foster and promote entrepreneurial values and skills, as an integral part of the UVQF;
- (d) to secure adequate and sustainable financing for the efficient operations of the Directorate;
- (e) to accredit training institutions or companies as UVQF assessment centres;
- (f) to determine the fees payable under this Act;
- (g) to develop, apply, expand and improve the purposeful application of Uganda Vocational Qualifications defined in the UVQF;
- (h) to assess and award Uganda Vocational Qualifications;
- (i) to promote on-the-job training in industry for apprenticeship, traineeship and indenture training and for other training such as further skills training and upgrading; and

- (j) to prescribe the procedure for the making of training schemes.

15. Industrial Training Council.

(1) The Industrial Training Council existing immediately before the coming into force of this Act under the Industrial Training Act shall continue in existence subject to this Act.

(2) The Industrial Training Council shall be the supervisory body of the Directorate.

16. Composition of Council.

(1) The Council shall consist of a chairperson and other members appointed by the Minister as follows—

- (a) one member nominated by private vocational training providers;
- (b) one member nominated by the formal industrial sector;
- (c) one member nominated by the Uganda National Farmers Federation;
- (d) one member nominated by the Federation of Uganda Employers;
- (e) one member from a workers' body that is most representative;
- (f) the Permanent Secretary of the Ministry responsible for education or his or her representative;
- (g) the Permanent Secretary of the Ministry responsible for labour or his or her representative;
- (h) a representative of the National Planning Authority;

- (i) two other persons nominated by the Minister to represent interests related to business technical vocational education training.

(2) The Second Schedule to this Act shall have effect with regard to meetings of the Council.

(3) The chairperson and members of the Council shall be paid remuneration as the Minister may, in consultation with the Minister responsible for finance, determine.

17. Tenure of office of members of Council.

(1) A member of the Council, other than the members of the Council representing Government Ministries shall hold office for a term of three years from the date of appointment and is eligible for re-appointment.

(2) A member of the Council may, at any time, resign his or her office by letter addressed to the Minister.

(3) The Minister may, at any time, remove a member of the Council from office—

- (a) for inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) for misbehavior or misconduct;
- (c) for incompetence;
- (d) if the member is absent without the prior permission of the chairperson, or without reasonable cause to the satisfaction of the Minister for more than four consecutive meetings of the Council, or is absent from Uganda for twelve consecutive months;
- (e) if a member is convicted of an offence involving dishonesty, fraud or moral turpitude.

(4) Whenever there is a vacancy in the office of a member, other than a member representing a Government Ministry, the Minister shall, appoint another person nominated by the institution, which nominated the original member to fill the vacancy, and that person shall hold office only for the unexpired term of the original member.

18. Functions of Council.

The functions of the Council are—

- (a) to develop and recommend policies in respect of business technical vocational education training to the Minister;
- (b) to approve fees determined by the Directorate under this Act;
- (c) to approve and monitor budgetary performance in the Directorate;
- (d) to prescribe rules for the following matters—
 - (i) assessment and certification systems;
 - (ii) accreditation and inspection of assessment centres;
 - (iii) promotion of competence based business technical vocational education training; and
 - (iv) apprenticeship training.
- (e) to carry out any other matter related to business technical vocational education training.

19. Committees of Council.

(1) The Council may, for the better carrying out of its functions, establish committees as it may deem fit.

(2) The Council shall prescribe the functions and guidelines for the operation of the committees.

(3) Committees of the Council shall be paid such remuneration as the Minister may, in consultation with the Minister responsible for finance determine.

**PART V—THE UGANDA VOCATIONAL QUALIFICATIONS FRAMEWORK
(UVQF)**

20. Establishment of Uganda Vocational Qualifications Framework.

(1) There is established a Uganda Vocational Qualifications Framework (UVQF).

(2) The purpose of UVQF is to—

- (a) to define the occupational skills requirements in a world of work;
- (b) to assess learners according to defined standards; and
- (c) to award vocational qualifications to learners who prove that they meet the standards.

(3) The UVQF shall follow principles of competence based education and training which include—

- (a) flexible training or learning modules;
- (b) assessment and certification;
- (c) assessment of prior learning;
- (d) recognition of formal and non – formal training;
- (e) self paced or individual learning; and
- (f) work place learning.

(4) The Council shall supervise and monitor the implementation of the Uganda Vocational Qualifications Framework.

(5) The Uganda Vocational Qualifications Framework shall offer opportunities for students who excel at community polytechnics, vocational schools and training centres to proceed to the next level of learning.

21. Recognition of certificates.

The certificates awarded by the Directorate under the UVQF shall be recognised by the Uganda labour market.

PART VI—FINANCING OF BTVET.

22. Establishment of a training levy.

(1) The Minister responsible for finance may, on the advice of the Minister, by statutory instrument, establish a training levy for the purposes of this Act.

(2) The Minister responsible for education shall be responsible for the management of the training levy.

(3) The training levy shall be used solely for the purposes of BTVET as provided for by this Act.

(4) A statutory instrument made under subsection (1) may contain provisions as to which trades or industries are subject to the payment of the levy, the procedures for collection of the levy and any other matter necessary for the efficient working of the scheme.

(5) If any person fails to pay any amount payable by him or her, by way of the training levy, within the time prescribed by a statutory instrument made under subsection (1), a sum equal to five percent of that amount shall be added to the amount for each month thereafter that the amount due remains unpaid.

(6) Any person who fails to comply with any provision of a statutory instrument made under subsection (1) commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

23. Establishment of a Training Levy Fund.

There is established a training levy Fund into which the training levy established under section 22, shall be paid.

24. Finances of the Fund.

(1) The monies of the Fund shall consist of—

- (a) monies appropriated by Parliament for the purposes of the Fund;
- (b) revenue or assets received by the Fund in the performance of its functions under this Act;
- (c) grants, monies or assets donated to the fund by Government with the approval of the Minister or assets donated to the Fund by any foreign government, international agency or other external body of persons, corporate or unincorporated;
- (d) any revenue derived from the sale of any property, movable or immovable, by or on behalf of the Fund;
- (e) money received by the Fund by way of voluntary contributions.

(2) For the purposes of this section an external body of persons referred to in subsection (1)(c) means any body of persons, corporate or unincorporated, formed under or by virtue of the laws of a country other than Uganda.

25. Purposes for which the Fund may be applied.

(1) The director with approval of the council, may make payments out of the Fund for any of the following purposes—

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- (a) to finance approved business technical vocational education training programmes;
- (b) to finance special programmes to support the business technical vocational education training programmes;
- (c) the payment of tuition costs, maintenance allowance and traveling allowance to persons attending approved training courses;
- (d) the making of user-fee subsidization through scholarships, grants or loans, approved by the Minister, to persons providing courses or training facilities to meet the needs of an industry or trade;
- (e) incentives to employers to directly invest in business technical vocational education training;
- (f) an endowment fund to support business technical vocational education training;
- (g) to finance governance and management structures of business technical vocational education training;
- (h) the payment of fees to persons providing further education in respect of persons who receive it in association with their training under this Act;
- (i) operational expenses of the Directorate;
- (j) administrative expenses of the fund; and
- (k) the payment of allowances and other incidental expenses to the chairperson and members of the council as the Minister shall prescribe.

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(2) 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 payment proposed under subsection (1), the matter shall be referred to the Minister whose decision shall be final.

PART VI—MISCELLANEOUS

26. Award of certificates under UVQF.

(1) The Directorate shall award certificates for business technical vocational education training under the Uganda Vocational Qualifications Framework.

(2) The certificates to be awarded shall be in a form prescribed by the Council.

27. Reports.

The Council shall prepare an annual report for submission to the Minister by 30th July of each year showing the performance of the business technical vocational education training sub sector in the preceding fiscal year.

28. Offences and penalties.

Any person who—

- (a) offers or conducts assessments unless accredited under this Act;
- (b) makes use of any certificate to which he or she is not entitled;
- (c) alters or defaces a certificate issued under this Act, or makes a copy with intent to deceive or defraud;
- (d) reveals or discloses test paper information to an unauthorized person; or

- (e) sells, buys, or steals a certificate issued under this Act with intent to impersonate,

commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

29. Regulations.

(1) The Minister may make regulations generally for carrying into effect the provisions and principles of this Act and, in particular, may make regulations in respect of the following—

- (a) the criteria and the process of admission of students and trainees to BTVET institutions;
- (b) establishment of Committees under this Act;
- (c) form of certificates issued under this Act;
- (d) governance and management structures for all BTVET institutions;
- (e) prescribing the community polytechnics, vocational training centres and institutions, technical institutions, technical colleges and specialized training institutions which shall provide BTVET;
- (f) prescribing the non-public, non-formal and formal enterprises which shall provide BTVET;
- (g) prescribing the procedures for the making of training schemes;
- (h) providing for BTVET schemes at BTVET centres approved by the council;
- (i) providing for the payment of the training levy and the procedures for the payment;

- (j) providing for the expenditures of the levy and prescribing the manner for making the expenditures;
- (k) register of BTVET institutions and providers;
- (l) registration and accreditation of BTVET providers;
- (m) assessment mechanisms and procedures;
- (n) fees payable under this Act;
- (o) providing for any matter necessary for giving full effect to the provisions of this Act.

(2) Regulations made under subsection (1) may create offences and prescribe a penalty for contravention of the regulations not exceeding twenty four currency points or imprisonment not exceeding one year or both

30. Amendment of Schedules.

(1) The Minister may, by statutory instrument with the approval of Cabinet amend the first schedule.

(2) The Minister may, by statutory instrument amend the second schedule.

31. Effect on existing technical examinations.

(1) On the commencement of this Act, the Uganda National Examinations Board, or any other body that has as its function the conducting of technical examinations shall cease, in a phased manner, to conduct examinations covered by the UVQF.

(2) The Council shall, in collaboration with the Uganda National Examinations Board and other affected institutions with the approval of the Minister, establish a procedure for phasing out of the functions specified in subsection (1) for approval by the Minister.

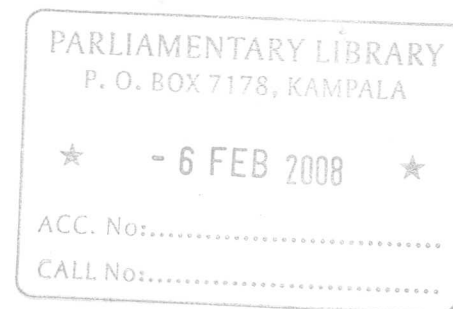
32. Repeal and savings.

- (1) The Industrial Training Act is repealed.
- (2) Notwithstanding the repeal under subsection (1)—
- (a) every contract of apprenticeship and every training scheme undertaken under the repealed Act, existing immediately before the commencement of this Act, shall continue in force and be executed until completion as if this Act had not been passed;
- (b) any statutory instrument made under the repealed Act and in force at the beginning of this act shall continue in force as if made under this act until it is revoked by another statutory instrument made under this Act;
- (c) any appointment or contract made under this Act subsisting at the date of the coming into force of this Act shall continue in force until specifically revoked under this Act.

Section 2, 28, 29

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.



MEETINGS OF THE INDUSTRIAL TRAINING COUNCIL

1. Meetings of the Council.

(1) The Chairperson shall convene every meeting of the Council at times and places as the Council may determine, and the Council shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Council and shall also call a meeting within fourteen days, if requested to do so in writing by at least one third of the members of the Council.

(3) Notice of a Council meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the Council and in the absence of the Chairperson, the members present shall appoint a member from among themselves to preside at that meeting.

2. Quorum.

(1) The quorum for a meeting of the Council is one third of the members.

(2) All decisions at a meeting of the Council shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Minutes of meetings.

(1) The Council shall cause to be recorded and kept, minutes of all meetings of the Council in a form approved by the Council.

(2) The minutes recorded under this paragraph shall be submitted to the Council for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson, in the presence of the members present at the latter meeting.

4. Power to co-opt.

(1) The Council may invite any person who, in the opinion of the Council, has expert knowledge concerning the functions of the Council, to attend and take part in the proceedings of the Council.

(2) A person attending a meeting of the Council under this section may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote at that meeting.

5. Validity of proceedings not affected by vacancy.

The validity of any proceedings of the Council shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. Disclosure of interest of members.

(1) A member of the Council who is in any way directly or indirectly interested in a contract made or proposed to be made by the Council, or in any other matter which falls to be considered by the Council, shall disclose the nature of his or her interest at a meeting of the Council.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

(a) be present during any deliberation of the Council with respect to that matter; or

(b) take part in any decision of the Council with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Council may regulate its procedure.

Subject to this Act, the Council may regulate its own procedure or any other matter relating to its meetings.

Cross References

The Industrial Training Act, Cap. 130

The Public Finance and Accountability Act No 6 of 2003