CHAPTER 130

THE INDUSTRIAL TRAINING ACT.

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CHAPTER 130
THE INDUSTRIAL TRAINING ACT.

Commencement: 1 April, 1972.

An Act to make provision for the training needs of personnel in industry, to provide for a scheme of trade testing, to provide for the imposition of a training levy and for matters connected therewith.

1. Interpretation.

In this Act, except where the context otherwise requires—

(a) “apprentice” means a person employed in a designated trade for whom a contract of apprenticeship has been registered with the superintendent of apprenticeship;

(b) “council” means the Industrial Training Council constituted under section 3;

(c) “designated trade” means any trade specified as a designated trade under section 7;

(d) “director” means the Director of Industrial Training appointed under section 2;

(e) “Minister” means the Minister for the time being responsible for labour matters;

(f) “trade” means a skilled occupation;

(g) “trainee” means a person enrolled in any training programme conducted under this Act;

(h) “training levy order” means an order made under section 6.

2. Establishment of a Directorate of Industrial Training.

(1) There shall be established, under the Minister’s supervision, a Directorate of Industrial Training consisting of the director of industrial training and other officers as the Minister shall determine.

(2) The director and all other officers of the directorate shall be public officers.

(3) Any officer of the Directorate of Industrial Training 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.
3. **Appointment of the Industrial Training Council.**

   (1) There shall be an Industrial Training Council for the purposes of this Act consisting of a chairperson and fourteen other members appointed by the Minister as follows—
   
   (a) the Permanent Secretary of the Ministry responsible for labour matters or his or her representative;
   
   (b) the Permanent Secretary of the Ministry responsible for education or his or her representative;
   
   (c) the Permanent Secretary of the Ministry responsible for planning and economic development or his or her representative;
   
   (d) the Permanent Secretary of the Ministry responsible for works, communications and housing or his or her representative;
   
   (e) four persons chosen to represent employers;
   
   (f) four persons chosen to represent employees; and
   
   (g) two other persons chosen to represent other interests directly related to industrial training.

   (2) The director or his or her representative shall act as secretary to the council.

   (3) The chairperson shall preside at every meeting of the council, and in his or her absence the members present shall choose an acting chairperson from among themselves.

   (4) A quorum of the council shall be seven members including two members one representing employers and the other representing employees.

   (5) The chairperson and members of the council may hold office for such a period not exceeding four years as shall be specified at the time of their appointment and shall be eligible for reappointment.

   (6) The chairperson or any member may resign his or her office by writing under his or her hand to the Minister, which shall take effect from the date of receipt of the letter of resignation, or may be removed from that office by the Minister for inability to perform the functions of his or her office or for any other sufficient reason.
4. Functions of the council.

The council shall—

(a) at the request of the Minister, and may of its own motion, investigate and make recommendations to the Minister on any matter connected with this Act;
(b) investigate any dispute or other matter arising out of a contract of apprenticeship referred to it by the director and shall endeavour to settle the dispute or matter amicably;
(c) secure the greatest possible improvements, quality and efficiency of industrial training; and
(d) perform such other functions in regard to industrial training as may be prescribed.

5. Establishment of advisory training committees.

(1) The council may establish advisory training committees to exercise the functions of the council in relation to training in specified industries.

(2) An advisory training committee shall consist of not less than five and not more than nine persons truly representative of the trade or occupation for which they are established.

(3) The director or his or her representative shall act as secretary to any advisory committee.

(4) An advisory committee shall exercise on behalf of the council such functions of the council as the council delegates to it, and shall exercise these functions in consultation with the director.


(1) The Minister may, by statutory order, establish a training levy which shall be used solely for the purposes of industrial training as provided for under this Act.

(2) A training levy order 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 matters for the efficient working of the scheme.
(3) If any person fails to pay any amount payable by him or her, by way of the training levy, within the time prescribed under the training levy order, a sum equal to 5 percent of that amount shall be added to the amount for each month thereafter that the amount due remains unpaid.

(4) Any person who fails to comply with any provision of a training levy order commits an offence and is liable to a fine not exceeding ten thousand shillings or to twelve months’ imprisonment or to both.

7. Establishment of designated trades.

(1) The trades specified in the Schedule to this Act are established as designated trades to which the apprenticeship and trade testing provisions of this Act shall apply.

(2) The Minister may, by statutory order, amend the Schedule to this Act.


(1) There shall be established a Training Levy Fund which shall be deemed to have been established under section 16 of the Public Finance Act.

(2) All monies received in respect of a training levy order shall be paid into a Training Levy Fund.

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

(a) the payment of tuition costs, maintenance allowance and travelling allowance to persons attending approved training courses;

(b) the making of grants or loans, approved by the Minister, to persons providing courses or training facilities to meet the needs of an industry or trade;

(c) the payment of fees to persons providing further education in respect of persons who receive it in association with their training under this Act; and

(d) the payment of allowances and other incidental expenses to the chairperson and members of the Industrial Training Council and of its advisory committees as the Minister shall prescribe.
(4) 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 (2), the matter shall be referred to the Minister whose decision shall be final.


Any person who—
(a) has attained the apparent age of sixteen years;
(b) has attained a basic standard of education prescribed in the regulations made under this Act;
(c) has, in case of a trade in respect of which a scheme has been made and the qualifications prescribed under that scheme, obtained the qualifications; and
(d) has been certified medically fit,
may bind himself or herself as an apprentice in any designated trade.

10. Medical examination of an apprentice.

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

11. Appointment of superintendent of apprenticeship.

There shall be appointed a superintendent of apprenticeship who shall perform the functions assigned to him or her under this Act.


(1) Every contract of an apprenticeship made under this Act shall be in such a form as the Minister may, by statutory order, prescribe.

(2) An employer who enters into a contract of apprenticeship with any person shall, within thirty days from the time of the contract, lodge in such a manner as may be prescribed, with the superintendent of apprenticeship for registration—
(a) all copies of the contract; and
(b) the medical certificate obtained under section 10.
(3) No contract of apprenticeship made before or after the commencement of this Act shall be binding until it has been registered by the superintendent of apprenticeship.

(4) The superintendent of apprenticeship may refuse to register any contract of apprenticeship if, in his or her opinion, it is not in the interests of the person who is the apprentice under that contract or if it is not in accordance with the provision of a scheme; and he or she may, in coming to a decision, under this subsection, have regard, in addition to other circumstances, to the person’s prospects of obtaining employment at the expiry of that contract in the designated trade in which he or she seeks to bind himself or herself as an apprentice.

(5) Any party dissatisfied with the refusal of the superintendent of apprenticeship to register a contract may appeal to the Minister within thirty days of the date upon which the decision of the superintendent of apprenticeship is communicated to him or her, and the Minister’s decision shall be final.


(1) The rights and obligations of an employer under any contract of apprenticeship may, with the consent of the apprentice under the contract and with the approval of the superintendent of apprenticeship, be transferred to another employer.

(2) The superintendent of apprenticeship may withhold his or her approval under this section if, in his or her opinion, the transfer is not in the interest of the apprentice.


(1) Without prejudice to section 17, any contract of apprenticeship may be terminated—
   (a) by mutual agreement of the parties to the contract with the approval of the superintendent of apprenticeship;
   (b) by the superintendent of apprenticeship at the instance of any party to the contract if he or she is satisfied that it is expedient to do so.
(2) The superintendent of apprenticeship shall not exercise the powers conferred upon him or her by subsection (1)(b) unless he or she has given both parties to the contract an opportunity to be heard or to make representations to him or her.

(3) Any party dissatisfied with the termination of a contract of apprenticeship under subsection (1) may appeal to the Minister within two months from the date on which the decision of the superintendent of apprenticeship is communicated to him or her, and the Minister’s decision shall be final.

(4) 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 the termination.

15. **Probation.**

(1) Without prejudice to section 14, the first three months of every contract of apprenticeship shall be a period of probation during which the contract may be terminated by either party.

(2) Either party shall give notice to the superintendent of apprenticeship of the termination of any contract under subsection (1), and any party who fails to give the notice within fourteen days after the date of the termination commits an offence and is liable to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both.

16. **Offences and penalties.**

(1) Any person who induces or attempts to induce an apprentice to quit the service of his or her employer, or who employs a person who he or she knows is bound by a contract of apprenticeship to any other person, commits an offence and is liable to a fine not exceeding five thousand shillings.

(2) Any apprentice who contravenes his or her contract commits an offence and is liable to a fine not exceeding one hundred shillings.
17. Suspension of an apprentice.

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

(2) An employer who has suspended an apprentice under subsection (1) shall report the matter in writing to the superintendent of apprenticeship within seven days of the suspension, and the superintendent of apprenticeship shall then investigate the matter and may confirm or set aside the suspension of the apprentice or vary the term of the suspension.

(3) Where the superintendent of apprenticeship sets aside the suspension of an apprentice, the employer shall pay such wages as may have been withheld from him or her during the period of suspension.

(4) Any employer who fails to report the suspension of an apprentice in accordance with this section commits an offence and is liable to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both.

18. Trade tests.

A trade test standard and the procedure for qualifying to such standard shall be prescribed by the Minister in the regulations made under this Act on the recommendations of the Industrial Training Council, an advisory committee and the superintendent of trade testing for each designated trade.

19. Establishment of schemes.

The director may, in consultation with the council, make training schemes in respect of industrial training, trade testing, apprenticeship, vocational training and supervisory training; but no scheme shall revoke or vary any terms of any contract of apprenticeship registered before the date of the making of the scheme.

20. Appointment of inspectors.

The Minister may, by statutory order, appoint any public officer to be an inspector for the purposes of this Act.
21. **Regulations.**

The Minister may make regulations generally for carrying into effect the provisions of this Act and, in particular, may make regulations—

(a) prescribing the qualifications necessary to become a trainee or an apprentice in any specified trade and the manner of establishing the qualifications;

(b) prescribing the form of any contract of apprenticeship and the matters for which provision shall be made in the contract;

(c) prescribing the nature of returns which employers may from time to time be required to furnish to the director and the period within which these returns shall be so furnished;

(d) prescribing the procedure for the registration and transfer of contracts of apprenticeship and for the notification of the expiration or termination of those contracts;

(e) prescribing the form and manner in which contracts of apprenticeship are to be issued;

(f) prescribing the nature and form of records to be kept by employers in respect of apprentices;

(g) prescribing the procedures for the making of training schemes;

(h) providing for vocational training schemes at vocational training centres approved by the Industrial Training Council;

(i) providing for training courses for foremen, supervisors and trade instructors and prescribing the duration, nature and scope of the training;

(j) providing for the appointment of advisory committees and trade examining boards and prescribing the duties of those committees and boards;

(k) providing for the examination and testing of trainees, apprentices and prospective apprentices;

(l) prescribing working conditions, hours of work and rates of pay of apprentices;

(m) providing for the inspection of apprentices and prescribing the powers and duties of inspectors;

(n) providing for a system of recording the progress of the apprentices and trainees covered by this Act;

(o) providing for the payment of the training levy and the procedures for the payment; and

(p) providing for the expenditures of the levy and prescribing the manner for making the expenditures.
**Schedule.**

s. 7.

**Designated trades.**

<table>
<thead>
<tr>
<th>Agricultural mechanic</th>
<th>Motor vehicle mechanic</th>
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<tbody>
<tr>
<td>Auto electrician</td>
<td>Moulder</td>
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<tr>
<td>Auto panel beater</td>
<td>Offset machine operator</td>
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<tr>
<td>Auto spray painter</td>
<td>Painter and decorator</td>
</tr>
<tr>
<td>Blacksmith</td>
<td>Patternmaker</td>
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<tr>
<td>Boatbuilder (wood)</td>
<td>Photographer</td>
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<tr>
<td>Boiler attendant</td>
<td>Plumber and drain layer</td>
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<tr>
<td>Bricklayer/blocklayer</td>
<td>Printing machine mechanic</td>
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<tr>
<td>Cabinetmaker</td>
<td>Process engraver</td>
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<tr>
<td>Carpenter and joiner</td>
<td>Radio and television mechanic</td>
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<tr>
<td>Diesel pump fitter</td>
<td>Refrigeration and air conditioning mechanic</td>
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<tr>
<td>Electrical fitter</td>
<td>Saw doctor</td>
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<tr>
<td>Electrical linesman</td>
<td>Sheet metal worker/tinsmith</td>
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<tr>
<td>Electrical wireman</td>
<td>Spinner and winder</td>
</tr>
<tr>
<td>Electronic cable joiner</td>
<td>Steam pipe fitter</td>
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<tr>
<td>Fitter (general)</td>
<td>Structural fitter</td>
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<tr>
<td>Glazier</td>
<td>Tailor and dressmaker</td>
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<td>Hand compositor</td>
<td>Textile machinery mechanic</td>
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<td>Instrument fitter</td>
<td>Tool and die maker</td>
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<td>Letterpress machine operator</td>
<td>Turner</td>
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<td>Lift mechanic</td>
<td>Typewriter mechanic</td>
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<td>Welder, gas and electric</td>
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<td>Machinist (general)</td>
<td>Woodworking machinist</td>
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<td>Millwright</td>
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<tr>
<td>Monotype caster operator</td>
<td></td>
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<tr>
<td>Monotype keyboard operator</td>
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**Cross Reference**

Public Finance Act, Cap. 193.