

ACTS SUPPLEMENT

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Act 3 *The Technical and Vocational Education
and Training Act, 2025* **2025**

THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING
ACT, 2025

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**THE TECHNICAL AND VOCATIONAL EDUCATION
AND TRAINING ACT, 2025**

An Act to provide for the institutional framework for the coordination, regulation and promotion of TVET; to provide for the establishment of the TVET Council and Sector Skills Expert Committee; to provide for the establishment and regulation of TVET providers; to provide for management and governance structures of TVET providers; to provide for registration and licensing of TVET trainers; to provide for development of the TVET qualifications framework; to provide for development of TVET curricula; to provide for the establishment of TVET Assessment Boards; to consolidate laws regulating TVET providers by repealing the Business, Technical, Vocational Education and Training Act, Cap. 244, the Management Training and Advisory Centre Act, Cap. 253, the Hotel and Tourism Training Institute Act, Cap. 249 and the Uganda Wildlife Research and Training Institute Act, Cap. 261; and for related matters.

DATE OF ASSENT: 27th January, 2025.

Date of Commencement: See section 1.

BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY

1. Commencement

This Act shall commence on the date appointed by the Minister by statutory instrument.

2. Interpretation

In this Act, unless the context otherwise requires—

“accreditation” means the process of approving the training of a TVET programme or course offered by a TVET provider;

“artisan” means a person who is skilled and formally trained to perform routine tasks supervised by a craftsman under a specific craft or trade;

“assessment” means the process of appraising performance by gathering evidence to determine whether trainees have achieved the required skills and competences based on set standards and includes continuous or summative assessment;

“assessment centre” means a place registered and accredited by the TVET Assessment Board for the assessment of trainees under this Act;

“assessment malpractice” means an act of wrongdoing carried out by a candidate, a group of candidates or any other person with the intention of cheating or aiding the cheating, gaining an unfair advantage or placing a candidate at a disadvantage, in an assessment;

“assessment tool” means a question paper or any other material which is used in an assessment;

- “candidate” means a person registered to be assessed by the TVET Assessment Board;
- “certification” means the formal process of crediting a candidate with a record of his or her achievement;
- “course” means a combination of TVET modules comprising of subjects leading to an award of a certificate;
- “Council” means the Technical and Vocational Education and Training Council established under section 4;
- “craftsman” means a person who is skilled in the practice of a craft or trade and can complete a range of tasks;
- “currency point” has the meaning assigned to it in Schedule 1;
- “employer” means a person who is actively engaged in practice or production in the industry or sector that employs an artisan, a craftsman, a technician, a technologist, a nurse, a midwife or an allied health professional;
- “formal training” means training instructions offered by a TVET provider conducted within a structured programme with defined training objectives;
- “informal training” means training or acquiring of skills from daily activities related to work, family, leisure or any other means other than formal training;
- “medical practitioner” has the meaning assigned to it in the Mental Health Act;
- “Minister” means Minister responsible for TVET;

- “Sector Skills Expert Committee” means the committee formed under section 25;
- “skill set” means the ability to apply knowledge and experience to complete tasks and solve work-related problems;
- “technician” means a person trained in a TVET programme and has competences to work on tasks and develop creative solutions to problems in a field of work as specified in the TVET qualification framework;
- “technologist” means a person trained in a TVET programme and has expertise to develop and manage technology to solve technical problems as specified in the TVET qualification framework;
- “TVET” means Technical and Vocational Education and Training;
- “TVET Assessment Board” means the Uganda Vocational and Technical Assessment Board or the Uganda Health Professions Assessment Board established under section 77;
- “TVET programme” means a combination of TVET modules comprising of the core units and elective units of study leading to an award of a degree, diploma or certificate;
- “TVET provider” means a person offering TVET approved skill sets, or a TVET programme or course accredited by the Council, and includes a public and licensed private TVET provider;
- “TVET trainer” means a person with competences in a TVET trade, occupation or profession and is registered and

licensed by the TVET Council to pass on skills to a person or trainee;

“TVET system” means the regulating, delivering and assessment of TVET; and

“world of work” means a place where an artisan, a craftsman, a technician or a technologist, practices, works or is employed.

3. Objectives of Act

The objectives of this Act are to—

- (a) establish an institutional framework for promotion, coordination, regulation and delivery of the TVET system;
- (b) provide for the implementation of policies, decisions and directives issued by the Minister or any other person authorised by the Minister;
- (c) develop the TVET qualification framework;
- (d) define the scope of TVET programme or course and the role of the different stakeholders in the provision of skills training;
- (e) regulate and ensure quality assurance of TVET providers;
- (f) regulate TVET trainers;
- (g) provide for the registration and licensing of artisan, craftsman, technician and technologist;
- (h) provide for the establishment of TVET Assessment Boards;

- (i) provide for the establishment and management of a Skills Development Fund; and
- (j) provide for the powers and functions of the Minister.

PART II—ESTABLISHMENT OF COUNCIL

Establishment and functions of Council

4. Establishment of Council

(1) There is established a Council to be known as the Technical and Vocational Education and Training Council.

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

- (a) acquiring and holding property;
- (b) suing and being sued; and
- (c) doing all acts and things that a body corporate may lawfully do or suffer.

(3) The Council shall be under the general supervision of the Minister.

(4) The seal of the Council shall be authenticated in accordance with Schedule 2.

5. Functions of Council

- (1) The Council shall perform the following functions—
 - (a) oversee the implementation of the TVET system;

- (b) advise the Minister on TVET matters;
- (c) implement policies, decisions and directives issued by the Minister or any other person authorised by the Minister;
- (d) appoint the members of Sector Skills Expert Committees with the approval of the Minister;
- (e) develop human resource management standards for the recruitment, selection and appointment of TVET trainers and other staff of a TVET provider;
- (f) appoint and discipline other staff of the secretariat to the Council;
- (g) register, licence, inspect and accredit TVET providers, where applicable;
- (h) accredit international assessment bodies in consultation with a TVET Assessment Board;
- (i) accredit TVET programmes or courses;
- (j) accredit, register and licence TVET trainers;
- (k) prepare budgets and work plans of the Council for approval by the Minister;
- (l) supervise the work of the secretariat of the Council and Sector Skills Expert Committees;
- (m) approve and implement the recommendations of the Sector Skills Expert Committees;

- (n) regulate and set standards for the delivery of TVET;
- (o) mobilise funds from the public and private sectors, donors and any other source to fund the TVET system with the approval of the Minister;
- (p) prescribe fees payable for the services rendered under this Act;
- (q) manage the Skills Development Fund;
- (r) register and regulate artisans, craftsmen, technicians and technologists; and
- (s) perform any other function as the Minister may assign.

(2) The Council shall submit to the Minister quarterly reports on the performance of its functions.

(3) The Minister may, at any time, request the Council for a report of its performance.

(4) The Council shall submit an annual performance report to the Minister within two months after the end of each calendar year.

6. Powers of Minister

(1) The Minister shall, in writing, give policy guidelines to the Council regarding the performance of its functions.

(2) The Council shall comply with the policy guidelines given by the Minister under this section.

7. Independence of Council

Subject to this Act, the Council shall exercise its functions independent of any person or body.

8. Composition of Council

(1) The Council shall consist of a Chairperson and six other members appointed by the Minister.

(2) The Minister shall, while appointing the members under subsection (1), appoint at least two-thirds of the members from employers, including the Chairperson.

(3) The Executive Director of the Council shall be an ex officio member of the Council and secretary to the Council.

(4) A person shall not be appointed a Chairperson or member of the Council unless the person has professional qualifications in the fields referred to under section 30 (2) and experience in the delivery of TVET.

(5) The Minister shall, while appointing members of the Council under subsection (1), appoint at least one person with disability and at least three women.

(6) The Chairperson and the members of the Council shall hold office on the terms and conditions specified in the instrument of appointment issued by the Minister.

9. Term of office of Chairperson or member of Council

A person appointed a Chairperson or member of the Council shall hold office for a term of four years and may be eligible for reappointment for only one more term upon satisfactory performance.

10. Committees of Council

(1) The Council may appoint committees for the better carrying out the functions of the Council.

(2) A committee appointed under subsection (1) shall consist of a chairperson of the committee and other members of the Council, as the Council may determine.

(3) A committee may invite any person to attend any of its meetings and may co-opt any person to the committee except that the person invited or co-opted by the committee shall not vote on any matter before the committee.

(4) A member of the committee appointed under this section may, with the written approval of the Minister, be paid allowances as the Council may determine.

(5) Subject to any direction given by the Council, a committee appointed under this section may regulate its own procedure.

11. Disqualification of Chairperson or member of Council

A person is not qualified to be appointed a Chairperson or member of the Council where the person—

- (a) is bankrupt;
- (b) is incapacitated by mental or physical illness as ascertained by a medical practitioner, that renders him or her incapable of performing the functions of the office; or
- (c) is otherwise unable or unfit to discharge the functions of the Chairperson or member of the Council.

12. Vacation of office of Chairperson or member of Council

(1) A Chairperson or member of the Council shall cease to be a member of the Council if he or she—

- (a) resigns; or

- (b) is removed from office by the Minister—
 - (i) for inability to perform the functions of his or her office arising from infirmity of body or mind as ascertained by a medical practitioner;
 - (ii) for misbehavior or misconduct;
 - (iii) for incompetence, in the performance of his or her duties;
 - (iv) for failure to attend more than four consecutive meetings of the Council without permission of the Chairperson or without reasonable cause to the satisfaction of the Minister;
 - (v) where the member is absent from Uganda for twelve consecutive months;
 - (vi) where the member is convicted of an offence involving dishonesty, fraud or moral turpitude; or
 - (vii) where the member ceases to be an employee or a member of the institution or sector that he or she represents.

(2) The Minister may, by regulations, prescribe the manner in which a Chairperson or member of the Council vacates office under subsection (1).

(3) The Chairperson or a member of the Council may, in writing, resign his or her office by giving notice of at least thirty days to the Minister.

(4) Where the Chairperson or member of the Council resigns, dies or is removed from office under this section, the Minister shall, within three months from the date the Chairperson or member resigns, dies or is removed from office and in accordance with section 8, appoint another person to replace the Chairperson or member.

13. Meetings of Council

(1) The Council shall meet for the discharge of its functions at least once in three months.

(2) The Council shall conduct its meetings in accordance with Schedule 3.

14. Remuneration of Chairperson and members of Council

The Chairperson and members of the Council shall be remunerated on such terms and conditions as the Minister may prescribe in the instrument of appointment.

Secretariat of Council

15. Secretariat of Council

(1) The Council shall have a secretariat which shall be responsible for the day-to-day operations of the Council and the implementation of the decisions of the Council.

(2) The secretariat shall be headed by an Executive Director.

16. Executive Director

(1) There shall be an Executive Director appointed by the Minister on the recommendation of the Council.

(2) A person shall not be appointed Executive Director unless the person has knowledge, qualification and experience of at least ten years in the delivery of TVET with an additional qualification in management.

(3) The Executive Director shall hold office for five years, and shall be eligible for reappointment for only one term upon satisfactory performance.

(4) A person shall cease to hold the office of Executive Director if the person—

- (a) resigns;
- (b) is declared bankrupt;
- (c) is convicted of a criminal offence in respect of which a penalty of imprisonment of six months or more is imposed without the option of a fine; or
- (d) is removed from office by the Minister on the recommendation of the Council for—
 - (i) continuously and persistently being unable to discharge the functions of the office of Executive Director;
 - (ii) failing to disclose to the Council any interest in a contract or proposed contract or any other matter connected to the Council; or
 - (iii) misbehavior or abuse of office.

17. Functions of Executive Director

(1) The Executive Director is responsible for the day-to-day operations of the Council and the implementation of the decisions of the Council.

(2) Without prejudice to the generality of subsection (1), the Executive Director shall be responsible for—

- (a) the implementation of the policies and programmes of the Council;
- (b) the proper management of the funds and property of the Council;
- (c) the organisation and control of the staff of the Council;
- (d) the development of an operating plan to guide the Council in achieving its objectives and functions;
- (e) cooperation with other lead departments or agencies and organisations in the TVET sector;
- (f) the development of an economic, efficient and cost-effective internal management structure;
- (g) proposing and implementing the strategic plan, business plan and annual plans of the Council;
- (h) keeping custody of the seal of the Council; and
- (i) performing any other duty necessary for the implementation of this Act as may be assigned to him or her by the Council.

(3) In the performance of his or her duties, the Executive Director is answerable to the Council.

18. Other staff of Council

(1) The Council may, on the advice of the Executive Director, appoint other staff of the Council as may be necessary for the proper and efficient performance of the functions of the Council.

(2) The staff appointed under this section shall hold office on such terms and conditions as may be determined by the Council and specified in their instruments of appointment.

(3) The Council shall regulate the manner of appointment, terms and conditions of service and the discipline of the staff appointed under this section.

PART III—FINANCES OF COUNCIL

19. Funds of Council

The funds of the Council shall consist of—

- (a) money appropriated by Parliament for the purposes of the Council;
- (b) a fee contributed by the trainees as the Minister may determine by statutory instrument;
- (c) grants, gifts or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance;
- (d) revenue received and collected from activities of the Council under this Act; and
- (e) any other funds received by the Council in the performance of its functions under this Act.

20. Power of Council to open and operate bank accounts

(1) The Council shall, with the authorisation of the Accountant General, open and maintain such bank accounts as are necessary for the performance of the functions of the Council.

(2) The Executive Director shall ensure that all money received by or on behalf of the Council is banked as soon as practicable after the money is received.

(3) The Executive Director shall ensure that no money is withdrawn from or paid out of any of the bank accounts of the Council without the authority of the Council.

21. Estimates of income and expenditure

(1) The Executive Director shall, within three months before the end of each financial year, cause to be prepared and submitted to the Council for its approval, estimates of the income and expenditure of the Council for the next financial year.

(2) The Council shall, within two months after receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Council.

22. Financial year of Council

The financial year of the Council shall be the same as the financial year of the Government.

23. Audit of accounts of Council

(1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Council in accordance with the National Audit Act.

(2) The Council shall, within two months after the end of each financial year, submit a statement of accounts to the Auditor General or to an auditor appointed by the Auditor General, for auditing.

24. Compliance of Council with Public Finance Management Act

The Council shall, at all times in performance of its functions, comply with the Public Finance Management Act.

PART IV—SECTOR SKILLS EXPERT COMMITTEE AND TVET
QUALIFICATION FRAMEWORK

Sector Skills Expert Committee

25. Sector Skills Expert Committee

(1) The Council shall form such number of Sector Skills Expert Committees as may be necessary to provide information on the labour market that may inform the development of training packages and curricula.

(2) The Council shall, with the approval of the Minister, appoint members of Sector Skills Expert Committees formed under subsection (1).

(3) A Sector Skills Expert Committee formed under subsection (1) shall be in force for a period not exceeding four years as the Council may determine.

26. Composition of Sector Skills Expert Committee

(1) A Sector Skills Expert Committee formed under section 25 shall be comprised of a Chairperson and four other members.

(2) The Council shall appoint the Chairperson and other members of the Sector Skills Expert Committee from the practitioners in the relevant industry or sector.

(3) Subject to section 25 (3), the Chairperson and a member of the Sector Skills Expert Committee shall hold office on such terms and conditions as specified in the instrument of appointment.

(4) For the purposes of this section, “practitioner” means a person who has knowledge, qualification and experience, and is actively engaged in practice or production in the industry or sector which the person represents on the Sector Skills Expert Committee.

27. Functions of Sector Skills Expert Committee

(1) The Sector Skills Expert Committee shall perform the following functions—

- (a) identify the gaps in the skills required in the world of work;
- (b) recommend to the Council any areas of improvement in the TVET system;
- (c) advise the Council on the funding priorities in the TVET system;
- (d) provide labour market intelligence information to the Council and TVET Assessment Board necessary for developing training packages and curricula;
- (e) advise the Council on the establishment of new TVET programmes or course that is relevant to the needs of the world of work; and
- (f) advise the Council on the abolition of TVET programme or course that does not match the needs of the world of work.

(2) The Sector Skills Expert Committee shall, in the performance of its functions, be answerable to the Council.

*TVET qualifications framework***28. Development of TVET qualifications framework**

(1) The Council shall, with the approval of the Minister, develop the TVET qualifications framework.

(2) The Council shall harmonise the TVET qualifications framework with the national, regional, continental and global TVET qualifications frameworks.

(3) The TVET qualifications framework developed under subsection (1) shall provide for—

- (a) TVET programmes and courses;
- (b) admission into TVET;
- (c) assessment of TVET;
- (d) level of qualification or competences attained at every level;
- (e) equating of TVET qualification with the qualifications obtained under basic or conventional education;
- (f) career growth and pathways from the lowest level or basic level up to the highest level; and
- (g) any other information as the Council may determine.

(4) The Council shall, at least every after five years, review the TVET qualifications framework developed under subsection (1).

(5) The Minister may, by regulations, prescribe the procedure and additional requirements for developing the TVET qualification framework.

PART V— STRUCTURE OF TVET

29. Delivery of TVET

(1) Technical and Vocational Education and Training may be delivered formally or informally.

(2) A person who acquires skills or competences through informal delivery setting may apply to the TVET Assessment Board through an assessment centre for assessment and certification.

(3) An assessment centre shall undertake preliminary assessment for prior learning of a person referred to under subsection (2), before submitting the person for assessment and certification to the TVET Assessment Board.

(4) A person who obtains TVET training through informal delivery setting shall not be employed in the world of work unless the person has been assessed and certified by the TVET Assessment Board in accordance with the provisions of this Act.

(5) A person who contravenes subsection (2), (3) or (4) commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty currency points or to imprisonment for a term not exceeding five years, or both.

30. Categorisation of formal TVET providers

(1) A formal TVET provider shall be categorised as—

- (a) Skills Development Centre;
- (b) Vocational Training Institute;
- (c) Technical College;
- (d) National Polytechnic;
- (e) National Technical University; or
- (f) any other category as may be prescribed by the Minister in consultation with the Council.

(2) The formal TVET provider categorised under subsection (1) may be established to offer TVET in any of the following fields—

- (a) technology education and training;
- (b) business education and training;
- (c) health science education and training;
- (d) agriculture education and training;
- (e) home science education and training;
- (f) sports education and training; or
- (g) any other field as may be prescribed by the Minister.

(3) Subject to this Act, a formal TVET provider shall be licensed and accredited by the Council to offer a TVET programme or course developed by the TVET Assessment Board with the approval of the Council.

(4) A formal TVET provider may be a private TVET provider or public TVET provider.

(5) Subject to section 31 (4) and notwithstanding subsection (1), a university, other degree awarding institution or tertiary institution established under the Universities and Other Tertiary Institutions Act may apply to the Council to be accredited to offer a TVET programme or course in accordance with the provisions of this Act.

(6) A formal TVET provider, or a university, other degree awarding institution or tertiary institution accredited under subsection (5) shall submit its trainees to the TVET Assessment Board for assessment and certification in accordance with the provisions of this Act.

(7) A formal TVET provider, or a university, other degree awarding institution or tertiary institution accredited which contravenes subsection (6) commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty currency points or to imprisonment for a term not exceeding five years, or both.

31. Levels of TVET

(1) There shall be two levels of TVET as follows—

- (a) lower TVET known as Vocational Education and Training;
and
- (b) upper TVET known as Technical Education and Training.

(2) The Vocational Education and Training shall be offered through a Skills Development Centre or Vocational Training Institute accredited by the Council to offer a TVET programme leading to an award of a National Craftsperson Certificate and below.

(3) The Technical Education and Training shall be offered through a—

- (a) Technical College accredited by the Council to offer a TVET programme leading to an award of a National Technician Diploma and below;
- (b) National Polytechnic accredited by the Council to offer a TVET programme leading to an award of a National Higher Diploma and below; and
- (c) National Technical University accredited by the Council to offer a TVET programme leading to an award of a Degree, postgraduate and below.

(4) A university, other degree awarding institution or tertiary institution established under the Universities and Other Tertiary Institutions Act, shall not offer a TVET programme leading to an award of a National Higher Diploma, Degree or postgraduate.

PART VI—ESTABLISHMENT AND REGULATION OF TVET PROVIDERS

32. Establishment of public TVET provider

(1) The Minister may, on the advice of the Council, by statutory instrument, establish a public TVET provider in any place in Uganda.

(2) A person shall not establish or operate as a TVET provider at a level of National Polytechnic or National Technical University unless the TVET provider is established as a public TVET provider by the Minister.

(3) The statutory instrument under subsection (1) shall specify the objectives, functions and the location of the public TVET provider.

(4) A TVET provider established under subsection (1) shall be a body corporate with perpetual succession and common seal and may sue or be sued in its name.

33. Training of TVET trainers

The Council shall accredit public TVET providers at a level of Technical College and above to offer training of TVET trainers for health science and other TVET fields.

34. Establishment of private TVET provider

(1) A person who intends to establish and operate a private TVET provider other than a National Polytechnic or National Technical University shall make an application to the Council for a licence to establish and operate a private TVET provider.

(2) An application made under subsection (1) shall be accompanied by a proposal to establish a TVET provider containing the following—

- (a) the name of the private TVET provider and the physical location;
- (b) proof of ownership of land sufficient to serve the needs of the private TVET provider as the Council may determine;
- (c) the aims and objectives for which the private TVET provider is to be established;
- (d) the management and governance structure of the private TVET provider;
- (e) sources of funding;
- (f) the list and qualifications of the TVET trainers;
- (g) the financial control, expenditure and administrative control of the property of the private TVET provider;
- (h) an outline of the TVET programme or course to be offered; and
- (i) the accessible physical training facilities available including a workshop, laboratory, library services and equipment.

(3) The Minister may, by regulations, prescribe the procedure and additional requirements for licensing a private TVET provider.

35. Grant of licence

(1) Where the Council is satisfied that a person is qualified and suitable to establish and operate as a private TVET provider, the Council shall issue a licence to the private TVET provider.

(2) A private TVET provider licenced under subsection (1), shall not offer a TVET programme or course unless the private TVET provider has been accredited to offer the TVET programme or course in accordance with this Act.

(3) The Council shall, after issuing a licence and within the time prescribed by regulations, publish, in the Gazette and newspaper of wide circulation or any other media as the Council may determine, the details of the licensed private TVET provider.

(4) The licence granted under this section shall be valid until it is revoked in accordance with this Act.

(5) A private TVET provider licensed under this section shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its name.

36. Revocation of licence

(1) The Council may revoke a licence of a private TVET provider where the Council is satisfied that the private TVET provider—

- (a) is not carrying out its functions in a proper manner;
- (b) is only offering a TVET programme or course which has been abolished;
- (c) does not meet the minimum standards necessary for carrying out instructions in the programme including inadequate infrastructure and staffing;

- (d) is conducted or managed in contravention of this Act;
- (e) has ceased to operate as a TVET provider; or
- (f) has ceased to have management and governance that is satisfactory.

(2) The Council shall give the private TVET provider six months' notice of the intention to revoke a licence of the private TVET provider, with reasons for the intention to revoke the licence.

(3) Where the private TVET provider has not addressed the reasons for the intention to revoke the licence, the Council shall, upon the expiry of the six months in subsection (2), revoke the licence.

(4) The Minister may, by regulations, prescribe the procedure and additional grounds for revocation of a licence.

37. Prohibition to operate without licence

(1) A person shall not operate as a private TVET provider without a licence issued by the Council in accordance with this Act.

(2) A person who contravenes subsection (1) commits an offence and where the person is—

- (a) an individual, is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding ten years, or both; or
- (b) a body corporate, is liable, on conviction, to a fine not exceeding ten thousand currency points.

(3) A person convicted of an offence under subsection (2) shall cease to operate as a private TVET provider and shall be disqualified from acquiring a licence under this Act.

38. Government grant aided TVET provider

(1) A foundation body of a private TVET provider licensed under this Act may apply to the Minister for approval of the private TVET provider to be grant aided by Government.

(2) The Minister shall, by regulations, prescribe the procedure for approving a private TVET provider to be grant aided by Government and the rights and responsibilities of the foundation body and Government towards a grant aided TVET provider.

(3) A TVET provider that is grant aided by Government immediately before the commencement of this Act shall, at the commencement of this Act, cease to be a grant aided TVET provider.

(4) A TVET provider that ceases to be grant aided by Government under subsection (3), may apply to the Minister for the approval to be grant aided by Government and shall comply with the regulations made under subsection (2).

39. Development of TVET programme or course

(1) Subject to subsection (4), the TVET Assessment Board shall, in consultation with the Sector Skills Expert Committee and TVET providers and with the approval of the Council, develop TVET programmes or courses to be offered by TVET providers.

(2) A TVET provider shall not offer a TVET programme or course developed under subsection (1) unless the TVET provider is accredited to offer a TVET programme or course.

(3) The Minister may, on the advice of the Council, by regulations, prescribe the procedure for developing a TVET programme or course.

(4) Notwithstanding subsection (1), a public TVET provider shall, in consultation with the Sector Skills Expert Committee and with the approval of the Council, develop a TVET programme leading to an award of a National Higher Diploma, Degree or postgraduate.

Accreditation of TVET programmes or courses

40. Application for accreditation to offer TVET programme or course

(1) A TVET provider who intends to offer a TVET programme or course shall apply to the Council for accreditation to offer the TVET programme or course.

(2) The Council shall, before accrediting a TVET provider to offer a TVET programme or course, ascertain that the TVET provider meets the following requirements—

- (a) has competent, qualified and experienced staff on full-time employment of the TVET provider to deliver the TVET programme or course;
- (b) has facilities including a workshop, laboratory and relevant equipment to offer the TVET programme or course;
- (c) abides by the standards for the training of the TVET programme or course; and
- (d) has the financial capacity to deliver a TVET programme or course.

(3) An application under this section shall be accompanied by the following information—

- (a) a list of the TVET trainers on full-time employment of the TVET provider and competences and technical qualifications of the TVET trainers;

- (b) a list of training equipment and materials to be used for the training of TVET programme or course;
- (c) the estimated number of trainees to be enrolled for the TVET programme or course;
- (d) evidence of financial viability, where necessary;
- (e) policies or procedure manuals to govern the training of a TVET programme or course;
- (f) proof of payment of the prescribed fees; and
- (g) any other information as the Minister may prescribe by regulations.

41. Grant or refusal of accreditation

(1) The Council shall, within the time prescribed by regulations, after the receipt of an application under section 40, accredit or refuse to accredit a TVET provider to offer a TVET programme or course.

(2) Where the Council accredits a TVET provider to offer a TVET programme or course, the Council shall grant the TVET provider, a certificate of accreditation in a form to be prescribed by regulations made by the Minister.

(3) Where the Council refuses to grant a certificate of accreditation, the Council shall, within the time prescribed by regulations made by the Minister, notify the applicant of the reasons for the refusal.

42. Suspension or revocation of certificate of accreditation

(1) The Council may suspend or revoke a certificate of accreditation of a TVET provider where the Council is satisfied that—

- (a) the TVET provider is training a TVET programme or course in contravention of this Act;
- (b) the TVET provider is in contravention of any of the terms and conditions specified in the certificate of accreditation; or
- (c) the capacity of the TVET provider to provide a TVET programme or course has diminished in a manner that affects the delivery of the TVET programme or course.

(2) The Council shall, before suspending or revoking a certificate of accreditation of a TVET programme or course under this Act, give notice to the TVET provider to show cause why the certificate of accreditation should not be suspended or revoked.

(3) Where the Council suspends or revokes a certificate of accreditation, the Council shall give reasons for the suspension or revocation.

(4) Where the certificate of accreditation is—

- (a) suspended, the Council shall make an entry in the register to indicate that the TVET provider has been suspended from offering a TVET programme or course; or
- (b) revoked, the Council shall remove the TVET provider from the register of TVET providers accredited to offer a TVET programme or course.

(5) Where the Council revokes a certificate of accreditation, the Council shall transfer the trainees undertaking a TVET programme or course to another TVET provider accredited to offer the TVET programme or course.

(6) The TVET provider whose certificate of accreditation has been revoked under subsection (5) shall transfer the record of the trainees undertaking the programme or course to the Council.

43. Reinstatement of certificate of accreditation

(1) The Council may reinstate the certificate of accreditation of a TVET provider where the Council is satisfied that the TVET provider has addressed the reason for the suspension or revocation.

(2) A TVET provider whose certificate of accreditation is revoked may, two years after the revocation, make an application to the Council to offer TVET programmes or courses.

44. Prohibition to offer TVET programme or course without accreditation

(1) A TVET provider shall not offer a TVET programme or course unless the TVET provider is accredited to offer the TVET programme or course in accordance with this Act.

(2) A TVET provider who contravenes subsection (1) commits an offence and where the TVET provider is—

- (a) an individual, is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding ten years, or both; or
- (b) a body corporate, is liable, on conviction, to a fine not exceeding ten thousand currency points.

45. Appeal

(1) A TVET provider who is dissatisfied with the decision of the Council may, within sixty days from the date of receipt of the decision of the Council, appeal to the Minister

(2) The Minister may, by regulations, prescribe the procedure of appeal.

PART VII—GOVERNANCE AND MANAGEMENT STRUCTURE
FOR TVET PROVIDERS

*Management of Technical College, National Polytechnic or
National Technical University*

46. Technical College

(1) A TVET provider at a level of Technical College shall be headed by a principal and deputised by a deputy principal.

(2) Where the TVET provider under subsection (1) is a public TVET provider, the principal and the deputy principal shall be appointed by the Public Service Commission on terms and conditions determined by the Commission.

(3) Where the TVET provider under subsection (1) is a private TVET provider, the person to be appointed a principal or deputy principal shall have the qualifications and experience equivalent to the qualifications and experience determined by the Public Service Commission.

(4) The principal shall be responsible for the overall training and management of the TVET provider at the level of Technical College.

47. National Polytechnic

(1) A TVET provider at a level of National Polytechnic shall be headed by a chief principal and deputised by a deputy chief principal.

(2) The chief principal and the deputy chief principal shall be appointed by the Public Service Commission on terms and conditions that the Commission may determine.

(3) The chief principal shall be responsible for the overall training and management of the TVET provider at the level of National Polytechnic.

48. National Technical University

(1) A TVET provider at a level of National Technical University shall be headed by a Vice Chancellor and deputised by a deputy Vice Chancellor.

(2) The Vice Chancellor and the deputy Vice Chancellor shall be appointed by the Minister on the recommendation of the Governing Council on terms and conditions that the Minister may determine.

(3) The Vice Chancellor shall be responsible for the overall training and management of the TVET provider at the level of National Technical University.

49. Registrar

(1) A TVET provider at a level of Technical College, National Polytechnic or National Technical University shall have a registrar.

(2) The registrar referred to in subsection (1) shall be appointed by the Public Service Commission on the recommendation of the Governing Council, in the case of a public TVET provider.

(3) Where the TVET provider is a private TVET provider at a level of Technical College, the person to be appointed a registrar shall have the qualifications and experience equivalent to the qualifications and experience set by the Public Service Commission.

(4) The registrar shall assist in the administration and organisation of all training matters including admission, assessment, research and publication.

50. Appointment of trainers and other staff of TVET provider at level of Technical College, National Polytechnic or National Technical University

(1) The trainers and other staff of a TVET provider at a level of Technical College, National Polytechnic or National Technical University shall be appointed by the Governing Council in accordance with the human resource management standards for the recruitment, selection and appointment of TVET trainers and other staff of a TVET provider developed by the Council.

(2) A person who recruits, selects or appoints a TVET trainer or other staff of a TVET provider contrary to the standards for the recruitment, selection and appointment of trainers and other staff of a TVET provider developed by the Council, commits an offence and where the person is—

- (a) an individual, is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding ten years, or both; or
- (b) a body corporate, is liable, on conviction, to a fine not exceeding ten thousand currency points.

*Governance of Technical College, National Polytechnic or
National Technical University*

51. Governing Council

(1) There shall be established a Governing Council for a TVET provider at a level of Technical College, National Polytechnic or National Technical University.

(2) The Governing Council of a TVET provider at a level of Technical College, National Polytechnic or National Technical University shall consist of seven members constituted as follows—

- (a) a Chairperson appointed by the Minister or foundation body in the case of a private TVET provider, from among the members appointed under paragraph (d);
- (b) a representative of the district council in which the TVET provider is situated;
- (c) the principal, chief principal or Vice Chancellor of the TVET provider who shall be an ex officio member and a secretary to the Governing Council; and
- (d) six other persons representing the employers of TVET trainees, at least two of whom shall be women, appointed by the Minister or foundation body in the case of a private TVET provider.

(3) A member of the Governing Council other than the principal, chief principal or Vice Chancellor shall hold office for a period of three years and may be eligible for reappointment for one more term upon satisfactory performance.

(4) A member of the Governing Council may be paid allowances that may be determined by the Governing Council with the approval of the Minister or foundation body in the case of a private TVET provider.

(5) A member of the Governing Council may resign from office by giving a written notice of one month under his or her hand addressed to the Minister or foundation body in the case of a private TVET provider.

(6) Where a vacancy occurs in the membership of the Governing Council, the Minister or foundation body in the case of a private TVET provider, may appoint another person to fill the vacancy.

(7) The existence of a vacancy on the Governing Council shall not affect the proceedings of the Governing Council in which quorum is realised or any decision made in that proceeding.

52. Powers of Governing Council

The Governing Council shall be the governing and decision making body of a TVET provider and shall exercise the general management of the affairs of the TVET provider and control of the property of the TVET provider.

53. Meetings of Governing Council

(1) The Governing Council shall meet at least once in three months for the discharge of its functions.

(2) The Chairperson shall preside at all meetings of the Governing Council and in the absence of the Chairperson, the members present shall elect one member from among their number to preside.

(3) Subject to the provisions of this Act, the Governing Council shall regulate its own procedure.

54. Committees of Governing Council

(1) The Governing Council may appoint committees for the efficient functioning of the Governing Council as the Governing Council may deem necessary.

(2) Without prejudice to the generality of subsection (1), the Governing Council may appoint the following committees—

- (a) the appointments committee;
- (b) the trainee affairs committee; and
- (c) the planning and finance committee.

(3) The Governing Council may delegate any of its functions or powers to any committee.

(4) The Governing Council shall prescribe the powers, duties and procedure and other terms and conditions of service of the committees appointed under subsection (1), and the committee shall report to the Governing Council.

*Management of Skills Development Centre and Vocational
Training Institute*

55. Skills Development Centre

(1) A TVET provider at a level of Skills Development Centre shall be headed by the head trainer and deputised by a deputy head trainer.

(2) Where the TVET provider under subsection (1) is a public TVET provider, the head trainer and the deputy head trainer shall be appointed by the Public Service Commission on terms and conditions that may be determined by the Commission.

(3) Where the TVET provider under subsection (1) is a private TVET provider, the person to be appointed a head trainer or deputy head trainer shall have the qualifications and experience equivalent to the qualifications and experience determined by the Public Service Commission under subsection (2).

(4) The head trainer shall be responsible for the overall training and management of a TVET provider at a level of Skills Development Centre.

56. Vocational Training Institute

(1) A TVET provider at a level of Vocational Training Institute shall have a chief head trainer and deputy chief head trainer.

(2) Where the TVET provider under subsection (1) is a public TVET provider, the chief head trainer and the deputy chief head trainer shall be appointed by the Public Service Commission on terms and conditions as determined by the Commission.

(3) Where the TVET provider is a private TVET provider, the person to be appointed a chief head trainer or deputy chief head trainer shall have the qualifications and experience equivalent to the qualifications and experience determined by the Public Service Commission under subsection (2).

(4) The chief head trainer shall be responsible for the overall training and management of a TVET provider at a level of Vocational Training Institute.

57. Appointment of trainers and other staff of TVET provider at level of Skills Development Centre or Vocational Training Institute

(1) The trainers and other staff of a TVET provider at a level of Skills Development Centre or Vocational Training Institute shall be appointed by the Board of Governors in accordance with the human resource management standards for the recruitment, selection and appointment of TVET trainers and other staff of a TVET provider developed by the Council.

(2) A person who recruits, selects or appoints a TVET trainer or other staff of a TVET provider contrary to the standards for the recruitment, selection and appointment of trainers and other staff of a TVET provider developed by the Council, commits an offence and where the person is—

- (a) an individual, is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding ten years, or both; or

- (b) a body corporate, is liable, on conviction, to a fine not exceeding ten thousand currency points.

(3) The trainers and other staff shall report to the head trainer, in the case of a Skills Development Centre and the chief head trainer, in the case of Vocational Training Institute.

*Governance of Skills Development Centre or Vocational
Training Institute*

58. Board of Governors

(1) There shall be a Board of Governors for a TVET provider at a level of Skills Development Centre or Vocational Training Institute.

(2) The Board of Governors shall consist of seven members constituted as follows—

- (a) a Chairperson appointed by the Minister or foundation body in the case of a private TVET provider, from among the members appointed under paragraph (d);
- (b) a representative of the lower local government in which the TVET provider is situated;
- (c) the head trainer or chief head trainer of the TVET provider, who shall be an ex officio member and a secretary to the Board of Governors; and
- (d) six other persons representing the employers of TVET trainees, at least two of whom shall be women, appointed by the Minister or foundation body in the case of a private TVET provider.

(3) A member of the Board of Governors other than the head trainer or chief head trainer shall hold office for a period of three years

and may be eligible for reappointment for only one further term upon satisfactory performance.

(4) A member of the Board of Governors may be paid allowances that may be determined by the Board of Governors with the approval of the Minister or foundation body, in the case of a private TVET provider.

(5) A member of the Board of Governors may resign from office in writing under his or her hand addressed to the Minister or foundation body, in the case of a private TVET provider.

(6) Where a vacancy occurs in the membership of the Board of Governors, the Minister or foundation body in the case of a private TVET provider, may appoint another person to fill the vacancy and the person appointed to fill the vacancy shall hold office for the remaining period of the term of office of the person who vacated the office.

(7) The existence of a vacancy on the Board of Governors shall not affect the proceedings of the Board of Governors in which a quorum is realised or any decision made in that proceeding.

59. Functions of Board of Governors

The Board of Governors shall exercise the following functions—

- (a) be the governing and decision making body of a TVET provider at a level of Skills Development Centre or Vocational Training Institute;
- (b) administer the property of the TVET provider at a level of Skills Development Centre or Vocational Training Institute, whether movable or immovable;
- (c) administer funds or chattels of the TVET provider at a level of Skills Development Centre or Vocational Training

Institute derived by way of fundraising or auction, on behalf of the TVET provider;

- (d) provide for the welfare of and disciplinary procedures for trainees and staff of the TVET provider; and
- (e) perform such other functions as may be relevant for proper administration of a TVET provider at a level of Skills Development Centre or Vocational Training Institute.

60. Meetings of Board of Governors

(1) The Board of Governors shall meet at least once in three months for the discharge of its functions.

(2) The Chairperson shall preside at all meetings of the Board of Governors and in the absence of the Chairperson, the members present shall elect one member from among their number to preside.

(3) Subject to the provisions of this Act, the Board of Governors shall regulate its own procedure.

61. Funds of public TVET provider

(1) The funds of a public TVET provider shall include—

- (a) finances from Government by way of subvention, endowment or otherwise for operational costs of the public TVET provider;
- (b) fees charged by and payable to the public TVET provider by the trainees;
- (c) any other monies due to or recoverable by the public TVET provider;

- (d) revenue generated through training with production;
- (e) revenue generated through offering gainful services or products for economic interest of a public TVET provider;
- (f) the sale of manufactured goods or services from the workshops of a public TVET provider; and
- (g) donations, grant-in-aid or grants.

(2) Notwithstanding the provisions of the Public Procurement and Disposal of Public Assets Act, the Public Finance Management Act, or any other law in force, a public TVET provider may enter into contract with a procuring entity to offer products or services to the procuring entity.

(3) All sums of money received by a public TVET provider shall be paid into a bank account on the credit of the public TVET provider as may be approved by the Governing Council or Board of Governors.

(4) A public TVET provider may invest any of its monies which are not immediately required for the operations of the public TVET provider.

(5) A public TVET provider shall, within three months from the beginning of each financial year, prepare and submit to the Minister, an annual report of the activities of the public TVET provider during the preceding financial year, and shall include in the report, the audited accounts of the public TVET provider in respect of the financial year and the audit report.

(6) A public TVET provider shall, in the management of public funds, comply with the Public Finance Management Act.

62. Regulations under this Part

The Minister shall make regulations on the governance, management and administration of the public and private TVET provider.

PART VIII—REGISTRATION AND LICENSING OF TVET TRAINER*Registration of TVET trainer***63. Registration of TVET trainer**

(1) A person who intends to become a TVET trainer with a TVET provider shall apply to the Council for registration in accordance with the provisions of this Act.

(2) A person shall not be registered by the Council as a TVET trainer unless the person—

- (a) has undergone basic andragogy training to enable him or her transmit knowledge, skills and competences to trainees; and
- (b) has been subjected to vocational fit assessment to determine his or her competence to instruct or facilitate skills and knowledge transfer in the respective field or trade.

(3) The Council may require an applicant to undertake an assessment as the Council may prescribe, to satisfy itself that the knowledge and skill of the applicant qualify him or her for registration as a TVET trainer.

(4) The assessment referred to in subsection (3) may be conducted by the Council or any other institution appointed by the Council, and the assessment shall be conducted on such terms and conditions as the Council may determine.

(5) A person registered by the Council under this section shall swear or affirm the oath prescribed by regulations and shall be entitled to have his or her name entered in the register of TVET trainers.

(6) The Minister may, by regulations, prescribe the procedure and additional requirements for registration of TVET trainers.

(7) Notwithstanding subsection (1), a person may be exempted from the requirements of registration in accordance with section 74.

64. Issuance of certificate of registration

(1) Where the Council is satisfied that the applicant is eligible to be registered as a TVET trainer, the Council shall enter the name of the applicant in the register of TVET trainers.

(2) A registered TVET trainer shall be issued with a certificate of registration in the form prescribed by regulations issued by the Minister.

65. Suspension or cancellation of certificate of registration

(1) The Council may suspend a certificate of registration for such period as may be determined by the Council or until a TVET trainer complies with the conditions determined by the Council.

(2) The Council may cancel the certificate of registration where the TVET trainer—

- (a) violates any of the terms and conditions specified in the code of conduct of TVET trainers prescribed by regulations;
- (b) fails to undertake continuous professional development;

- (c) fails to comply with the terms and conditions of registration; and
- (d) contravenes any of the provisions of this Act or conditions specified in the licence.

(3) Where the certificate of registration of a TVET trainer is cancelled, the Council shall recall the certificate of registration and the TVET trainer holding the certificate of registration shall, within one month from the date of recall, surrender the certificate of registration to the Council.

(4) A person who fails to surrender the certificate of registration in accordance with subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty currency points or to imprisonment for a term not exceeding five years.

(5) The Minister may, by regulations, prescribe the procedure and additional grounds for suspension or cancellation of certificate of registration.

66. Effect of suspension or cancellation

A registered TVET trainer whose certificate of registration is suspended or cancelled shall, for purposes of this Act, be taken not to be registered from the date of suspension or cancellation of the certificate of registration.

67. Continuous professional development

(1) A TVET trainer shall undertake continuous professional development programme as may be prescribed by the Council.

(2) The Council may deregister or cancel the certificate of registration of a TVET trainer, who without reasonable cause, fails to undertake the continuous professional development referred to in subsection (1).

68. Code of conduct of TVET trainers

(1) A TVET trainer shall abide by the code of conduct of TVET trainers.

(2) The code of conduct referred to in subsection (1) shall be prescribed by regulations made by the Minister.

Licensing of TVET trainer

69. TVET training licence

(1) Notwithstanding any other law, a person shall not engage in active TVET training with a public TVET provider or private TVET provider without a TVET training licence issued by the Council.

(2) A person who is licensed under section 71 shall be eligible for employment as a TVET trainer with a public or private TVET provider.

(3) For the avoidance of doubt, a person who is not licensed under this Act shall not be employed as a TVET trainer in Uganda except as provided for under section 74.

(4) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding four years, or both.

70. Application for TVET training licence

(1) A person who intends to engage in active TVET training with a public TVET provider or private TVET provider shall, upon payment of a prescribed fee, apply to the Council for a TVET training licence.

(2) A person referred to in subsection (1) shall be a TVET trainer registered under this Act.

(3) An application for a TVET training licence under subsection (1) shall be accompanied by—

- (a) a copy of the certificate of registration;
- (b) proof of completion of continuous professional development programmes;
- (c) proof of payment of fees prescribed by the Council; and
- (d) any other requirement prescribed by the Minister by regulations.

(4) Where the applicant is not a Ugandan, the applicant shall show proof that he or she is a registered TVET trainer in the country where the applicant has been training for the last three years.

(5) The applicant referred to in subsection (4) shall, in addition to the requirements under subsection (3), submit—

- (a) a work permit granted by the National Citizenship and Immigration Board;
- (b) a certificate of good conduct issued by Interpol; and
- (c) academic qualifications, equated by the Council or any other relevant authority recognised by the Council.

71. Issuance of TVET training licence

(1) The Council shall, upon receiving the application, consider the application and where the Council is satisfied that the applicant meets the requirements under section 70, the Council shall issue a TVET training licence to the applicant.

(2) The Council may issue a TVET training licence subject to such conditions as the Council may consider necessary and may from time to time add, vary or substitute such conditions as the Council deems appropriate.

(3) The TVET training licence issued under subsection (1) shall be in the form prescribed by regulations made by the Minister under this Act.

(4) The TVET training licence issued under this Act shall be valid for a period of three years.

72. Refusal to issue TVET training licence

(1) The Council may refuse to issue a TVET training licence where the applicant has not met the requirements in section 70.

(2) Where the Council refuses to issue a TVET training licence under subsection (1), the Council shall give reasons for the refusal in writing to the applicant.

(3) An applicant whose application for issuance of a TVET training licence is refused may reapply to the Council.

73. Renewal of TVET training licence

(1) A TVET trainer licensed under this Act may apply for renewal of a TVET training licence.

(2) An application for renewal of a TVET training licence shall be made in accordance with the regulations made under this Act.

(3) Subject to subsection (2), the Council shall, where the Council is satisfied that the TVET trainer has complied with the requirements of this Act, renew the TVET training licence.

74. Exemptions to engage in TVET training without licence

The Minister may, by regulations and upon advice by the Council—

- (a) exempt any person or category of persons from the requirements of registration or licensing, or both; and
- (b) prescribe the procedure and manner in which a person exempted or category of persons exempted shall engage in TVET training in a public TVET provider or private TVET provider in Uganda.

75. Offences and penalties relating to a TVET trainer

- (1) A person who—
 - (a) not being a registered TVET trainer or otherwise authorised under this Act, holds himself or herself out as a TVET trainer, whether openly or covertly;
 - (b) willfully procures or attempts to procure himself or herself to be a registered TVET trainer under this Act by false or fraudulent representation either verbally or in writing;
 - (c) aids or abets another person to hold himself or herself out as a TVET trainer or to procure registration using fraudulent means; or
 - (d) contravenes any other provision of this Act for which no offence and punishment are prescribed,

commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty currency points or to imprisonment for a term not exceeding two years, or both.

(2) A person who engages another person who is not a registered TVET trainer to deliver a TVET programme or course commits an offence and is liable, on conviction, to a fine not exceeding

two hundred and fifty currency points or to imprisonment for a term not exceeding two years, or both.

(3) This section shall not apply to a person exempted under section 74 of this Act.

PART IX —ESTABLISHMENT OF TVET ASSESSMENT BOARD

Establishment of TVET Assessment Board

76. Application of this Part

(1) This Part shall apply to all TVET providers except a TVET provider accredited by the Council to offer a TVET programme leading to an award of a National Higher Diploma, Degree or postgraduate.

(2) A TVET provider accredited by the Council to offer a TVET programme leading to an award of a National Higher Diploma, Degree or postgraduate shall—

- (a) have the power to carry on assessment of the trainees and award qualifications in respect to a TVET programme leading to an award of a National Higher Diploma, Degree or postgraduate; and
- (b) develop and manage the TVET training packages and curricula in consultation with the Sector Skills Expert Committees and with the approval of the TVET Council in respect to a TVET programme leading to an award of a National Higher Diploma, Degree or postgraduate.

77. Establishment of TVET Assessment Board

- (1) There shall be two TVET Assessment Boards.
- (2) The two TVET Assessment Boards shall be—

- (a) the Uganda Vocational and Technical Assessment Board;
and
- (b) the Uganda Health Professions Assessment Board.

(3) The Uganda Business and Technical Examinations Board and the Directorate of Industrial Training in existence at the commencement of this Act, shall be merged to form the Uganda Vocational and Technical Assessment Board.

(4) The Uganda Allied Health Examinations Board and Uganda Nurses and Midwives Examination Board in existence at the commencement of this Act, shall be merged to form the Uganda Health Professions Assessment Board.

(5) The Uganda Vocational and Technical Assessment Board shall be the assessment board responsible for assessment and certification of competences obtained through formal and informal technical and vocational education and training.

(6) The Uganda Health Professions Assessment Board shall be the assessment board responsible for the assessment and certification of health professionals under technical and vocational education and training.

(7) The TVET Assessment Board referred to under subsections (1) and (2) shall be body corporate with perpetual succession and a common seal, and may, for the discharge of functions under this Act—

- (a) sue or be sued in its corporate name;
- (b) purchase, hold, manage and dispose of any property; and
- (c) enter into such contracts or other transactions, as may be necessary or expedient.

78. Seal of TVET Assessment Board

The seal of the TVET Assessment Board shall be authenticated by the signatures of the Chairperson of the TVET Assessment Board and the Executive Secretary, and shall be in the custody of the Executive Secretary.

79. Functions of TVET Assessment Board

- (1) The functions of the TVET Assessment Board are—
 - (a) to accredit assessment centres;
 - (b) to assess and certify candidates of TVET;
 - (c) to register candidates for assessment;
 - (d) to prepare, protect, conduct, supervise and mark TVET assessments;
 - (e) to supervise the conduct of continuous assessment of TVET;
 - (f) to award qualifications to TVET candidates who satisfy TVET assessment requirements;
 - (g) to equate TVET qualifications;
 - (h) to develop rules and regulations for the management of TVET assessment and certification;
 - (i) to develop assessment and certification standards for TVET and apprenticeship schemes, where applicable;
 - (j) to develop TVET training packages and curricula in consultation with Sector Skills Expert Committee and TVET providers and with the approval of the Council;

- (k) to investigate and determine cases involving assessment malpractice by candidates or other persons involved in TVET assessment matters;
- (l) to determine fees payable for purposes of assessment;
- (m) to undertake research on TVET assessment;
- (n) to identify the needs of the labour market for occupational competences; and
- (o) to promote on-the-job training and assessment in industry for apprenticeship, traineeship and indenture training and for other training such as further skills training and upgrading.

(2) For the purposes of subsection (1) (b) and (c), the TVET Assessment Board shall, thirty days before the date for commencement of the national assessment, display the register of the trainees registered for assessment and certification at the TVET provider's notice board, at which the candidates are registered, or such a place and manner deemed convenient for the trainees.

(3) The certificates awarded under subsection (1) (f) shall be in a form approved by the TVET Assessment Board and shall bear the signatures of the Chairperson and the Executive Secretary.

(4) The Minister may, by regulations, prescribe the procedure to be followed by the TVET Assessment Board in exercising its functions.

80. Powers of TVET Assessment Board

(1) The TVET Assessment Board shall have powers to do all things and to act in all ways necessary for, or incidental to the purpose for which the TVET Assessment Board is established.

(2) Without prejudice to the generality of subsection (1), the TVET Assessment Board shall have powers to—

- (a) demand for any information, document or record in respect of any assessment where an assessment malpractice is alleged, reported or proven against any TVET provider, assessment centre or person;
- (b) conduct such investigations as it may consider necessary and during the investigations, withhold the assessment results of any candidate until the investigations are concluded;
- (c) call for any information or the production of any documents the TVET Assessment Board may require, within such period, in such place and from such person as the TVET Assessment Board may determine, to assist in the investigations;
- (d) demand for any information, document or record in respect of an assessment centre;
- (e) institute or commission an inquiry or investigation into a case of alleged assessment malpractice;
- (f) conduct hearings in case of assessment malpractice;
- (g) summon any person the TVET Assessment Board considers fit to assist as a witness in any inquiry or investigation into a case of assessment malpractice and where necessary, examine the witness on oath;
- (h) cancel or suspend the registration of an assessment centre which is proven to have engaged in assessment malpractice;

- (i) recall the results of a candidate that are released in error;
- (j) appoint supervisors, invigilators, scouts, monitors and special needs support personnel to assist in the conduct and supervision of assessment;
- (k) with the approval of the Minister, determine and charge assessment registration fees; and
- (l) charge fees for the publications and for the services offered by the TVET Assessment Board on a commercial basis.

(3) The TVET Assessment Board may cancel an assessment tool or paper where it is proved that there is an assessment malpractice of a wide or national magnitude, with respect to that assessment tool or paper.

(4) The TVET Assessment Board may, for a reasonable cause, delay, withhold or cancel any assessment results.

(5) The TVET Assessment Board shall cancel a certificate awarded to a candidate under section 79 where it is proved—

- (a) that the certificate was acquired fraudulently;
- (b) that the certificate was awarded in error; or
- (c) after the certificate is awarded, that the person to whom the certificate is awarded committed an act of assessment malpractice.

81. Composition of TVET Assessment Board

(1) The Uganda Vocational and Technical Assessment Board shall consist of the following members—

- (a) a Chairperson appointed by the Minister;
- (b) a representative of the Ministry responsible for finance;
- (c) a person representing heads of the TVET providers;
- (d) two persons nominated by the Federation of Uganda Employers; and
- (e) two other persons representing the employers.

(2) The Uganda Health Professions Assessment Board shall consist of the following members—

- (a) a Chairperson appointed by the Minister;
- (b) a representative of the Ministry responsible for finance;
- (c) a person representing heads of the TVET providers offering health related programmes or courses; and
- (d) four other persons representing the employers within the health sector.

(3) The members of the TVET Assessment Board under subsections (1) and (2) shall be appointed by the Minister.

(4) The Minister shall, while appointing members of the TVET Assessment Board under subsections (1) and (2), appoint at least one person with disability and at least two women.

(5) In appointing the members referred to in subsections (1) and (2), the Minister shall have regard to technical experience or qualifications of the persons in matters related to the mandate of the TVET Assessment Board.

(6) The Executive Secretary of each TVET Assessment Board shall be the secretary of the respective TVET Assessment Board and an ex officio member.

82. Disqualification from appointment to TVET Assessment Board

A person shall not be appointed to the TVET Assessment Board where the person—

- (a) has been convicted of an offence under this Act or of an offence involving dishonesty or fraud by a competent court;
- (b) is confirmed by a medical practitioner to be suffering from mental illness;
- (c) is an owner of a TVET provider or a member of the foundation body of a private TVET provider; or
- (d) has been declared bankrupt.

83. Tenure of office of members of TVET Assessment Board

The Chairperson and the members of the TVET Assessment Board shall hold office for a period of three years and are eligible for reappointment for one more term upon satisfactory performance.

84. Resignation from office

The Chairperson or a member of the TVET Assessment Board may, at any time, resign from his or her office, by giving notice of thirty days, in writing, to the Minister.

85. Removal of Chairperson or member of TVET Assessment Board

(1) The Minister may remove a Chairperson or member of the TVET Assessment Board from office—

- (a) where information relating to the appointment of the Chairperson or member, which could have precluded his or her appointment, is brought to the attention of the Minister after the appointment of the Chairperson or member;
- (b) for incompetence;
- (c) for misbehavior or misconduct;
- (d) for failure to disclose, at a TVET Assessment Board meeting, a matter in which the Chairperson or member has a personal interest;
- (e) for inability to perform the functions of his or her office arising from infirmity of body or mind on confirmation of a medical practitioner;
- (f) for absence, without prior notice to the Chairperson or Minister and without reasonable excuse, from more than three consecutive scheduled meetings of the TVET Assessment Board; or
- (g) for absence from Uganda for more than twelve months.

(2) Where it appears to the Minister that there is cause to remove a Chairperson or member of the TVET Assessment Board from office under subsection (1), the Minister shall notify the Chairperson or member concerned, in writing, and shall give the Chairperson or member an opportunity to submit his or her explanation to the Minister.

86. Filling vacancies on TVET Assessment Board

(1) A vacancy on the TVET Assessment Board occurs where a member of the TVET Assessment Board—

- (a) dies;
- (b) resigns;
- (c) ceases to hold the office under which he or she was appointed to the TVET Assessment Board;
- (d) is removed from office; or
- (e) for any other reason, is unable to act as a member of the TVET Assessment Board.

(2) The Chairperson shall, within thirty days after the occurrence of a vacancy of a member of the TVET Assessment Board, notify the Minister of the vacancy.

(3) The Executive Secretary shall, within seven days after the occurrence of a vacancy of a Chairperson, notify the Minister of the vacancy.

(4) The Minister shall, within sixty days of receiving notice of a vacancy, appoint another person to the TVET Assessment Board in accordance with section 81.

87. Remuneration of Chairperson and member of TVET Assessment Board

The Chairperson and members of the TVET Assessment Board shall be paid such remuneration as the Minister may, in consultation with the Minister responsible for finance and the Minister responsible for the public service, specify in the instruments of appointment.

88. Meetings of TVET Assessment Board

The meetings of the TVET Assessment Board shall be conducted in accordance with Schedule 4.

89. Committees of TVET Assessment Board

(1) The TVET Assessment Board may appoint committees of the TVET Assessment Board as it considers necessary to perform functions of the TVET Assessment Board.

(2) A committee appointed under subsection (1) may co-opt a person and adopt its own rules of procedure.

*Executive Secretary and other staff of TVET
Assessment Board*

90. Executive Secretary

(1) There shall be an Executive Secretary for each TVET Assessment Board established under section 77 appointed by the TVET Assessment Board on terms and conditions specified in the instrument of appointment.

(2) The Executive Secretary shall be a person of high moral character and proven integrity, with the relevant qualifications, skills and experience related to the functions of the TVET Assessment Board.

(3) The Executive Secretary shall be appointed for a period of five years and is eligible for reappointment upon satisfactory performance.

(4) The Executive Secretary shall be removed from office—

- (a) where information which could have precluded the appointment of the Executive Secretary, is brought to the attention of the TVET Assessment Board;
- (b) for incompetence or misconduct;

- (c) for inability to perform the functions of his or her office arising from infirmity of body or mind after confirmation of the infirmity by a medical practitioner;
- (d) where the Executive Secretary has been convicted of an offence by a competent court; or
- (e) where the Executive Secretary has been declared bankrupt.

91. Functions of Executive Secretary

The Executive Secretary shall be accountable to the TVET Assessment Board and shall—

- (a) be the chief executive and accounting officer of the TVET Assessment Board;
- (b) be responsible for the day-to-day administration and operations of the TVET Assessment Board; and
- (c) report to the TVET Assessment Board on the performance of the TVET Assessment Board.

92. Deputy Executive Secretary

The TVET Assessment Board shall have two deputies to the Executive Secretary, one responsible for TVET assessment and another responsible for TVET development and management of curricula.

93. Other staff of TVET Assessment Board

(1) The TVET Assessment Board shall appoint other staff of the TVET Assessment Board.

(2) The other staff of the TVET Assessment Board appointed under subsection (1) shall hold office on such terms and conditions as may be determined by the TVET Assessment Board and specified in the instruments of appointment.

94. Assessment rules

(1) The TVET Assessment Board may, with the prior approval of the Minister, make assessment rules regulating the conduct of assessment and certification.

(2) Without prejudice to the generality of subsection (1), the assessment rules shall regulate the—

- (a) preparation, conduct and supervision of assessments;
- (b) appointment, remuneration, discipline and dismissal of the persons engaged in administering assessment and certification;
- (c) qualifications of candidates;
- (d) conduct of candidates, and of persons engaged in the preparation, conduct and supervision of any assessment or the handling of any assessment tool or material; and
- (e) fees to be paid by the candidates.

*Development of TVET curriculum***95. Development of TVET curriculum**

(1) The TVET Assessment Board established under section 77 shall develop and manage the TVET curricula in consultation with the Sector Skills Expert Committees, TVET providers and with the approval of the TVET Council.

(2) The TVET Assessment Board shall, in developing the TVET curricula, perform the following functions—

- (a) to investigate and evaluate the need for TVET syllabus revision and curriculum reform;

- (b) to draft training schemes, textbooks, training manuals and assessment syllabuses, in consultation with Sector Skills Expert Committee and TVET providers;
- (c) to design and develop training aids and instruction materials;
- (d) to devise, test and evaluate assessment questions and methods of assessing trainees with other appropriate training;
- (e) to organise and conduct in-service courses of instruction for the acquisition of knowledge and professional skill by persons intending or required to deliver new programmes or courses developed;
- (f) to hold seminars and conferences on curriculum development projects and problems;
- (g) to collect, compile, analyse and abstract statistical information on curriculum and matters related to curriculum;
- (h) to publish information, bulletins, digests, periodicals or other written material concerning curriculum and other matters related to curriculum; and
- (i) to disseminate and promote general and better knowledge and understanding of new curricula training methods and training aids.

PART X—FUNDS OF TVET ASSESSMENT BOARD

96. Funds of TVET Assessment Board

The funds of the TVET Assessment Board shall consist of—

- (a) money appropriated by Parliament for the purposes of the TVET Assessment Board;

- (b) assessment and certification fees paid by the candidates;
- (c) loans, donations or grants received by the TVET Assessment Board from sources within or outside Uganda, with the approval of the Minister responsible for finance; and
- (d) any other monies that may become payable to the TVET Assessment Board in the discharge of its functions under this Act.

97. TVET Assessment Board to open and operate bank accounts

(1) The TVET Assessment Board shall, with the authorisation of the Accountant General, open and maintain such bank accounts as are necessary for the performance of the functions of the TVET Assessment Board.

(2) The Executive Secretary shall have all monies received by or on behalf of the TVET Assessment Board banked as soon as practicable in the bank accounts of the TVET Assessment Board.

98. Estimates of income and expenditure of TVET Assessment Board

(1) The Executive Secretary shall, not later than three months before the end of each financial year, prepare and submit to the TVET Assessment Board for its approval, estimates of income and expenditure of the TVET Assessment Board for the next financial year.

(2) The TVET Assessment Board shall, in accordance with the Public Finance Management Act, prepare and submit to the Minister for approval, a budget containing the estimates of the income and expenditure of the TVET Assessment Board for the next financial year.

99. Audit of accounts of TVET Assessment Board

The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the TVET Assessment Board in accordance with the National Audit Act.

100. Compliance of TVET Assessment Board with Public Finance Management Act

The TVET Assessment Board shall, at all times, comply with the Public Finance Management Act.

PART XI—OFFENCES AND PENALTIES RELATED TO ASSESSMENT
AND CERTIFICATION

101. Unauthorised possession of assessment tool, material or information

(1) A person who—

- (a) without authorisation, before or during an assessment, has in his or her possession or under his or her control, any assessment tool or any part of an assessment tool, assessment material, any other material or information which purports to relate to the contents of any assessment tool or material or information for that assessment; or
- (b) attempts to gain possession of any assessment tool or any part of an assessment tool, assessment material, any other material or information which purports to relate to the contents of any assessment tool or material or information for that assessment,

commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding ten years, or both.

(2) A person who willfully or negligently assists or causes any candidate to obtain or gain unauthorised possession of any assessment

tool, assessment material, any other material and information or any part of the assessment tool, material or information, commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding ten years, or both.

(3) Where the person convicted under subsection (2) is a registered TVET trainer, the Council may revoke his or her certificate of registration.

(4) For the purposes of proving an offence under this section, it shall not be necessary for the prosecution to prove that the assessment tool, assessment material, any other material or information is genuine or not.

102. Assessment malpractice

A person who—

- (a) without lawful authority, before or during an assessment, gives an assessment tool, information or examination material or any other material or equipment to a candidate or to any other person;
- (b) with intent to fail or pass a candidate, alters the work, data, information, score or marks of a candidate;
- (c) without lawful authority, makes a change in the original answer script of a candidate;
- (d) substitutes the original answer script of a candidate;
- (e) alters the assessment number, photograph or other identification of a candidate;

- (f) without lawful authority, alters the records of the TVET Assessment Board with regard to an assessment or assessment results of a particular candidate; or
- (g) while engaged as a supervisor, invigilator, scout, monitor or special needs support personnel, negligently allows or fails to stop unauthorised assistance from being given to a candidate,

commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding five years, or both.

103. Loss or misuse of assessment tool, material or information

A person who, having in his or her possession or under his or her control any assessment tool, material or information relating to assessment—

- (a) willfully or negligently loses the assessment tool, material or information; or
- (b) uses the assessment tool, material or information in a manner which is prejudicial to the proper and fair conduct of an assessment,

commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment for a term not exceeding five years, or both.

104. Damage or destruction of assessment tool, material or information

A person who willfully or maliciously damages or destroys an assessment tool, equipment, material or information, or any evidence that may lead to conviction under this Act, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment for a term not exceeding five years, or both.

105. Impersonation

A person who—

- (a) is not registered to sit for an assessment but who with intent to impersonate, presents or attempts to present himself or herself or another person, as a person registered as a candidate; or
- (b) registers for an assessment using a false name or identity or sells, buys, borrows, lends or steals a certificate issued by the TVET Assessment Board with intent to impersonate,

commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment for a term not exceeding five years, or both.

106. Possession of offensive material and disturbance at assessment centre

(1) A person who is at, in or near a place designated as an assessment room or assessment area, with the intent to disrupt the conduct of an assessment or to harm, intimidate, assault or obstruct a candidate or any person involved in the conduct or supervision of the assessment—

- (a) has in his or her possession offensive material; or
- (b) acts or incites any person to act in a disorderly manner,

commits an offence, and is liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment for a term not exceeding five years, or both.

(2) Where the person convicted under this section is a candidate, the TVET Assessment Board shall, in addition to the penalty prescribed in subsection (1), nullify the registration or cancel the results of the candidate.

107. Misappropriation of assessment fees

- (1) A person who—
- (a) is authorised to collect assessment fees from students to be registered for an assessment, and fails or neglects to remit the assessment fees to the TVET Assessment Board; or
 - (b) purports to be authorised by an assessment centre to collect assessment fees from students to be registered for an assessment,

commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding ten years, or both.

(2) In addition to the penalty in subsection (1), the person convicted shall refund the money collected from the students and compensate the students.

(3) Where the person convicted in subsection (1) is a registered TVET trainer, the Council may revoke his or her certificate of registration.

(4) Where the TVET Assessment Board establishes that the person in subsection (1) is a proprietor of an assessment centre, the TVET Assessment Board may suspend or cancel the accreditation of an assessment centre.

108. Charging fees not prescribed by TVET Assessment Board

(1) A person who is authorised by an assessment centre to collect assessment fees from students to be registered for assessment, and charges fees not prescribed by the TVET Assessment Board commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding ten years, or both.

(2) In addition to the penalty in subsection (1), the person convicted shall refund the amount that is not prescribed by the TVET Assessment Board to the students or the sponsors of the students, as the case may be, and the TVET Assessment Board may suspend or cancel the accreditation of the assessment centre.

PART XII—ESTABLISHMENT OF SKILLS DEVELOPMENT FUND

109. Establishment of Skills Development Fund

There is established a fund to be known as the Skills Development Fund.

110. Finances of Skills Development Fund

The monies of the Skills Development Fund shall consist of—

- (a) monies appropriated by Parliament for the purposes of the Skills Development Fund to fund the priority approved training as the Council may determine;
- (b) a levy on the gross annual revenue of a TVET provider generated from training with production at rate of ten percent;
- (c) skills development levy prescribed under section 111 of the Act;
- (d) revenue or assets received by the Fund in the performance of its functions under this Act;
- (e) grants, monies or assets donated to the Skills Development Fund; and
- (f) money received by the Skills Development Fund by way of voluntary contributions.

111. Imposition of skills development levy

(1) There is imposed a skills development levy on an employer, who has in employment, at least five employees payable on monthly basis to the Skills Development Fund.

(2) The levy referred to in subsection (1) shall be a sum of money equal to one percent of the total gross monthly emoluments payable by the employer to the employees in respect of each month.

(3) The Minister in consultation with the Minister responsible for finance shall, by regulations, prescribe the procedure and manner of collecting and remitting the skills development levy to the Skills Development Fund.

(4) The Minister may, with the approval of Cabinet and Parliament, by statutory instrument, vary the rate prescribed under subsection (2).

(5) For purposes of this section—

(a) “emoluments” includes wages, salary, leave pay, sick pay, payment in lieu of notice, commission, bonus, gratuity or any other allowance payable under a contract of service; and

(b) “employer” has the meaning assigned to it under the Employment Act.

112. Purposes of Skills Development Fund

(1) The TVET Council may authorise payments out of the Skills Development Fund for any of the following purposes—

(a) to finance trainees for approved priority technical and vocational education and trainings;

- (b) to finance trainees for approved priority technical and vocational education and trainings to undertake industrial training or placements;
- (c) to fund the TVET loan scheme for trainees;
- (d) to support incubation programmes for innovations within the TVET system;
- (e) to invest the funds of the Skills Development Fund with the approval of the Minister;
- (f) to fund administrative expenses of the Skills Development Fund with the approval of the Minister; and
- (g) any other purposes as the Council may determine with the approval of the Minister.

(2) Subject to subsection (1), the funds in the Skills Development Fund shall be accessed by both private and public TVET providers.

(3) The administrative expenses of the Skills Development Fund under subsection (1) (f) shall not exceed five percent of the total funds within the Skills Development Fund in the preceding financial year.

113. Management of Skills Development Fund

(1) The Council shall, in consultation with the Minister, be responsible for the overall management of the Skills Development Fund and shall oversee the transfer into and the disbursements of funds from the Skills Development Fund.

(2) The Executive Director of the Council shall be responsible for transferring into and for the disbursements of funds from the Skills Development Fund.

(3) The Skills Development Fund shall not form part of the Consolidated Fund and the receipts, earning and accruals of the Fund at the end of the financial year shall not be repaid to the Consolidated Fund, but shall be retained by the Skills Development Fund for the purpose for which the Fund is established.

(4) The Skills Development Fund shall operate a bank account in the Bank of Uganda into which all funds released for the purpose of the Skills Development Fund shall be deposited.

(5) The Executive Director may, subject to authorisation by the Accountant General, open and operate other bank accounts for the purposes of collecting and disbursing funds in the Skills Development Fund.

(6) The Minister may, by regulations, provide for the procedure of collecting and disbursement of funds in the Skills Development Fund.

(7) The regulations made under subsection (6) shall be laid before Parliament.

(8) The Council shall submit a quarterly report to the Minister on the performance of the Skills Development Fund.

PART XIII—MISCELLANEOUS

114. Registration of artisan, craftsman, technician and technologist

(1) The Council shall register and issue practicing permits to any person qualified to practice as an artisan, craftsman, technician or technologist.

(2) A person shall not practice as an artisan, craftsman, technician or technologist, or seek for gainful employment in the world

of work as an artisan, craftsman, technician or technologist unless the person is registered and is in possession of a practicing permit issued by the Council in accordance with the regulations made by the Minister.

(3) A person who contravenes subsection (2), commits an offence and is liable, on conviction, to a fine not exceeding three hundred currency points or to imprisonment for a term not exceeding five years, or both.

(4) This section shall not apply to an artisan, craftsman, technician or technologist who is required to register and obtain a permit or any other authorisation under the Electricity Act, Allied Health Professionals Act, Nurses and Midwives Act or any other Act of Parliament in force that provides for the regulation of the practice of an artisan, craftsman, technician or technologist in a specific occupation or trade.

(5) The Minister may, by regulations, prescribe the procedure and requirements for registration and issuance of a practicing permit to an artisan, craftsman, technician or technologist.

115. Protection from personal liability

A member of the Council, TVET Assessment Board, staff of the Council or TVET Assessment Board or a person acting on the directions of the Council or TVET Assessment Board is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of functions under this Act.

116. Register to be maintained by Council

- (1) The Council shall maintain a register of—
 - (a) TVET providers;

- (b) TVET trainers;
- (c) artisan, craftsman, technician and technologist in a format prescribed by regulations made by the Minister; and
- (d) persons exempted from registration or licensing under section 74.

(2) The register under subsection (1) (a) shall specify the TVET programme or course that each TVET provider is accredited to offer and the date of its accreditation.

117. Transfer of functions of Council to local governments

The Minister may, on the recommendation of the Council, by statutory instrument, transfer the functions and powers of the Council to local governments in respect of regulation and licensing of a specific category of a TVET provider.

118. Disapplication of certain enactments

(1) Unless otherwise expressly provided for under this Act, the following enactments shall not apply to a TVET provider—

- (a) the Universities and Other Tertiary Institutions Act;
- (b) the National Curriculum Development Centre Act;
- (c) the Education (Pre-Primary, Primary and Post-Primary) Act; and
- (d) the Uganda National Examinations Board Act.

(2) An institution established or licensed under the Universities and Other Tertiary Institutions Act and the Education (Pre-Primary, Primary and Post-Primary) Act that intends to offer a TVET training programme or course shall comply with the provisions of this Act.

119. Power to make regulations

(1) The Minister may, by statutory instrument, make regulations generally for carrying into effect the provisions 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 a TVET provider;
- (b) the form of certificates or diplomas issued under this Act;
- (c) governance and management structures for TVET providers;
- (d) prescribing the qualifications and requirements for operating as an informal TVET provider;
- (e) prescribing the procedures for assessment and certification;
- (f) registration and licensing of TVET providers;
- (g) accreditation of TVET providers to offer a TVET programme or course;
- (h) registration and licensing of TVET trainers;
- (i) registration and licensing of artisan, craftsman, technician and technologist;
- (j) management of the Skills Development Fund;
- (k) fees payable under this Act; or
- (l) any matter necessary for giving full effect to the provisions of this Act.

(2) The regulations made under subsection (1) may create offences and prescribe a penalty for contravention of the regulations not exceeding five thousand currency points or to imprisonment for a term not exceeding ten years, or both.

120. Amendment of Schedules

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

(2) The Minister may, by statutory instrument, amend Schedules 2, 3 and 4.

121. Repeal of Cap. 253 and savings

(1) The Management Training and Advisory Centre Act is repealed.

(2) Notwithstanding the repeal of the Management Training and Advisory Centre Act—

- (a) the TVET programmes or courses undertaken under the repealed Act, immediately before the commencement of this Act, shall continue in force and be transferred to Nakawa Vocational Training College;
- (b) the management training programmes or courses undertaken under the repealed Act, immediately before the commencement of this Act, shall continue in force until the admitted students or trainees complete their training or studies;
- (c) the Management Training and Advisory Centre shall not admit any new student or trainee from the date this Act is published in the Gazette; and

- (c) any appointment or contract, assets and liabilities made or accruing under the repealed Act, at the commencement date of this Act shall continue in force and be transferred to Nakawa Vocational Training College as the Minister may determine and subject to the availability of vacancies in the case of employees of the Management Training and Advisory Centre.

(3) For avoidance of doubt, the Management Training and Advisory Centre established under the repealed Act shall be dissolved within two years from the date this Act is published in the Gazette.

(4) For purposes of this section, “repealed Act” means the Management Training and Advisory Centre Act.

122. Repeal of Cap. 244 and savings

(1) The Business, Technical, Vocational Education and Training Act, is repealed.

(2) Notwithstanding the repeal of the Business, Technical, Vocational Education and Training Act under subsection (1)—

- (a) every contract of apprenticeship and training scheme undertaken under the repealed Act, certificates, diplomas or awards issued under the repealed Act or provision existing immediately before the commencement of this Act, shall continue in force;
- (b) any statutory instrument made under the repealed Act and in force at the commencement of this Act shall continue in force as if it was made under this Act until it is revoked by another statutory instrument made under this Act; and
- (c) any appointment or contract made under a provision of the repealed Act under subsection (1), subsisting at the date

of the coming into force of this Act shall continue in force until specifically revoked under this Act.

(3) For purposes of this section, “repealed Act” means the Business, Technical, Vocational Education and Training Act.

123. Repeal of Cap. 249 and savings

(1) The Hotel and Tourism Training Institute Act, is repealed.

(2) Notwithstanding the repeal of the Hotel and Tourism Training Institute Act—

(a) the Hotel and Tourism Training Institute established under section 2 of the repealed Act, shall immediately after the commencement of this Act, be transformed into a public TVET provider known as the Hotel and Tourism Training College in accordance with the provisions of this Act; and

(b) any appointment or contract, assets and liabilities made or accruing under the repealed Act, at the commencement date of this Act shall continue in force and be transferred to the Hotel and Tourism Training College established under paragraph (a).

(3) For avoidance of doubt, the Hotel and Tourism Training College established under subsection (2), shall comply with the provisions of this Act.

(4) For purposes of this section, “repealed Act” means the Hotel and Tourism Training Institute Act.

124. Repeal of Cap. 261 and savings

(1) The Uganda Wildlife Research and Training Institute Act is repealed.

(2) Notwithstanding the repeal of the Uganda Wildlife Research and Training Institute Act—

- (a) the Uganda Wildlife Research and Training Institute established under section 2 of the repealed Act, shall immediately after the commencement of this Act, be transformed into a public TVET provider known as the Uganda Wildlife Research and Training College in accordance with the provisions of this Act; and
- (b) any appointment or contract, assets and liabilities made or accruing under the repealed Act, at the commencement date of this Act shall continue in force and be transferred to the Uganda Wildlife Research and Training College established under paragraph (a).

(3) For avoidance of doubt, the Uganda Wildlife Research and Training College established under subsection (2), shall comply with the provisions of this Act.

(4) For purposes of this section, “repealed Act” means the Uganda Wildlife Research and Training Institute Act.

125. Transition of existing TVET providers or institutions

(1) A TVET provider or institution operating before the commencement of this Act shall—

- (a) where it was established under an Act of Parliament or as a tertiary institution under the Universities and Other Tertiary Institutions Act, shall continue to operate as a TVET provider but comply with the provisions of this Act;
- (b) where it was operating under a valid provisional licence issued under the Universities and Other Tertiary Institutions Act, shall continue to operate under that licence and shall

apply for a licence under this Act within twelve months from the commencement of this Act; and

- (c) where it was operating without a valid licence or any other valid authorisation, shall comply with the provisions of this Act within six months from the date of commencement of this Act, by applying for a licence, in case of a private TVET provider or by the Minister making a statutory instrument in case of a public TVET provider.

(2) Where, at the commencement of this Act, a TVET provider had a valid provisional licence, but had not started operating, the licence shall expire immediately and the TVET provider shall be required to apply for a licence under this Act.

126. Transition applicable to TVET Assessment Boards

(1) The members of the Board of the Uganda Business, Technical and Examinations Board in existence at the commencement of this Act, shall, at the commencement of this Act, cease to be members of the Board.

(2) The staff of the Uganda Business, Technical and Examinations Board, other than the Board members, shall at the commencement of this Act, be employees of the Uganda Vocational and Technical Assessment Board established under this Act.

(3) For avoidance of doubt, the Executive Secretary of the Uganda Business, Technical and Examinations Board in existence immediately before the commencement of this Act shall in the interim be the Executive Secretary for the Uganda Vocational and Technical Assessment Board.

(4) The members of the Board of the Uganda Allied Health Examinations Board and Uganda Nurses and Midwives Examination

Board in existence at the commencement of this Act shall, at the commencement of this Act, cease to members of the Board.

(5) The staff in the employment of Uganda Allied Health Examinations Board and Uganda Nurses and Midwives Examination Board in existence immediately before the commencement of this Act, other than the Board members, shall be merged and continue in the employment of the Uganda Health Professions Assessment Board as the Minister may determine and subject to the availability of vacancies.

(6) For avoidance of doubt, the Executive Secretary of the Uganda Nurses and Midwives Examination Board in existence immediately before the commencement of this Act shall in the interim be the Executive Secretary for the Uganda Health Professions Assessment Board.

(7) The Industrial Training Council in existence at the commencement of this Act shall be dissolved.

(8) The property, movable and immovable, held by or on behalf of Uganda Business, Technical and Examination Board and the Directorate of Industrial Training shall, from the commencement of this Act, be vested in the Uganda Vocational and Technical Assessment Board established under this Act.

(9) The property, movable and immovable, held by or on behalf of Uganda Allied Health Examinations Board and Uganda Nurses and Midwives Examination Board in existence immediately before the commencement of this Act, be vested in the Uganda Health Professions Assessment Board.

(10) For avoidance of doubt, upon the commencement of this Act,—

- (a) the rights, interest, contract of employment, obligations and liabilities of the Uganda Business, Technical and Examination Board existing before the commencement of this Act under any contract or instrument, or at law or in equity shall by virtue of this Act, be assigned to and vested in the Uganda Vocational and Technical Assessment Board established under this Act; and
- (b) any such contract or instrument as is mentioned in paragraph (a) shall be of the same force and effect against or in favour of the Uganda Vocational and Technical Assessment Board and shall be enforceable.

(11) The employees of the Uganda Business, Technical and Examinations Board, Uganda Allied Health Examinations Board, Uganda Nurses and Midwives Examination Board who shall not be retained in service in accordance with this section shall be paid their terminal benefits in accordance with the terms and conditions of their service.

127. Transition applicable to TVET trainers

(1) A TVET trainer who was appointed by the Education Service Commission or any other commission at the commencement of this Act, shall remain an employee of the TVET provider until he or she retires or his or her contract is terminated or retrenched as the Minister may determine.

(2) A TVET trainer required to register with the Council and obtain a TVET training licence under this Act shall within two years from the date of commencement of this Act, apply to the Council for registration and be issued a licence.

128. Former employees of Directorate of Industrial Training on permanent and pensionable terms

(1) Nothing in this Act shall affect the pension rights of a pensionable person under the Pension Act, who was formerly in employment with the Directorate of Industrial Training.

(2) The Uganda Vocational and Technical Assessment Board may, on the effective date of its operations, accept into its employment a person who immediately before the commencement of this Act was an employee of Directorate of Industrial Training on permanent and pensionable terms and has opted to serve as an employee of the Uganda Vocational and Technical Assessment Board subject to the availability of vacancies.

(3) Where an employee of Directorate of Industrial Training on permanent and pensionable terms is appointed as a staff of the Uganda Vocational and Technical Assessment Board in accordance with subsection (2), he or she shall retire from education service or public service in accordance with the enabling law.

SCHEDULES

Schedule 1

Section 2

Currency point

One currency point is equivalent to twenty thousand shillings

*Schedule 2**Section 4 (4)***Seal of Council**

1. The common seal of the Council shall be determined by the Council and shall be kept in the custody of the Executive Director.
2. The common seal shall, when affixed to any document, be authenticated by the signatures of the Chairperson and the Executive Director.
3. In the absence of the Chairperson or when the Chairperson is unable to perform the function under paragraph 2, two other members of the Council appointed for that purpose shall sign in the place of the Chairperson.
4. A person performing the functions of Executive Director shall sign in the absence of the Executive Director.
5. A contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the Council by the Executive Director or any other person authorised in that behalf by the Council.
6. Every document purporting to be—
 - (a) an instrument issued by the Council and sealed with the common seal of the Council and authenticated in the manner prescribed in paragraphs 2 to 4; or
 - (b) a contract or instrument entered into or executed under paragraph 5 shall be received in evidence without further proof unless the contrary is proved.

*Schedule 3**Section 13 (2)***Meetings of Council****1. Meetings of Council**

(1) Meetings of the Council shall be convened by the Chairperson, and the Council shall meet for the transaction of business at such places and times as may be decided upon by the Council but in any case shall meet at least once every three months.

(2) The Chairperson or, in the absence of the Chairperson, a member appointed by the Council to act in the Chairperson's place may at any time call a special meeting of the Council and shall call a special meeting upon a written request by a majority of the members of the Council.

(3) The Chairperson shall preside at every meeting of the Council.

(4) In the absence of the Chairperson, the members present may appoint a member from among their number to preside at that meeting.

2. Quorum

The quorum at a meeting of the Council shall be five members.

3. Decisions of Council

(1) All questions proposed at a meeting of the Council shall be decided by a simple majority of the votes of the members present and voting; and in case of an equality of votes, the person presiding shall have a casting vote in addition to that person's deliberative vote.

(2) A decision may be made by the Council without meetings

but by circulation of the relevant papers among the members and by the expression of the views of the majority of the members in writing, however, any member shall be entitled to require that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the Council.

4. Council may co-opt persons

The Council may invite any person to attend any of its meetings as a consultant and may co-opt any person to the Council but that person shall not vote on any matter before the Council.

5. Declaration of interest

(1) Any member of the Council having pecuniary or other interest, directly or indirectly in any contract or proposed contract or other matter before the Council shall, at that meeting, declare the nature of such interest and shall not take part in any discussion or vote on that matter, and if the Chairperson directs, the person shall withdraw from that meeting.

(2) The failure of any member of the Council to disclose an interest in any contract or proposed contract or any other matter before Council will cause the decision of the Council to be voidable at the instance of the other members of the Council, and that member shall be liable to be relieved of his or her duties.

(3) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part under subparagraph (1) shall be treated as being present.

6. Council may regulate its procedure

Subject to this Act, the Council may regulate its own procedure and may make rules regarding the holding of meetings, notice to be given, the keeping of minutes or any other matter relating to its meetings.

*Schedule 4**Section 88***Meetings of TVET Assessment Board****1. Meetings of TVET Assessment Board**

(1) Meetings of the TVET Assessment Board shall be convened by the Chairperson, and the TVET Assessment Board shall meet for the transaction of business at such places and times as may be decided upon by the TVET Assessment Board but in any case shall meet at least once every three months.

(2) The Chairperson or, in the absence of the Chairperson, a member appointed by the Minister to act in the Chairperson's place may at any time call a special meeting of the TVET Assessment Board and shall call a special meeting upon a written request by a majority of the members of the TVET Assessment Board.

(3) The Chairperson shall preside at every meeting of the TVET Assessment Board.

(4) In the absence of the Chairperson, the members present may appoint a member from among their number to preside at that meeting.

2. Quorum

The quorum at a meeting of the TVET Assessment Board shall be five members.

3. Decisions of the TVET Assessment Board

(1) All questions proposed at a meeting of the TVET Assessment Board shall be decided by a simple majority of the votes of the members present and voting; and in case of an equality of votes, the person presiding shall have a casting vote in addition to that person's deliberative vote.

(2) A decision may be made by the TVET Assessment Board without meetings but by circulation of the relevant papers among the members and by the expression of the views of the majority of the members in writing, however, any member shall be entitled to require that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the TVET Assessment Board.

4. TVET Assessment Board may co-opt persons

The TVET Assessment Board may invite any person to attend any of its meetings as a consultant and may co-opt any person to the TVET Assessment Board but that person shall not vote on any matter before the TVET Assessment Board.

5. Declaration of interest

(1) Any member of the TVET Assessment Board having pecuniary or other interest, directly or indirectly in any contract or proposed contract or other matter before the TVET Assessment Board shall, at that meeting, declare the nature of such interest and shall not take part in any discussion or vote on that matter; and if the chairperson directs, the person shall withdraw from that meeting.

(2) The failure of any member of the TVET Assessment Board to disclose an interest in any contract or proposed contract or any other matter before the TVET Assessment Board will cause the decision of the TVET Assessment Board to be voidable at the instance of the other members of TVET Assessment Board, and that member shall be liable to be relieved of his or her duties.

(3) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part under subparagraph (1) shall be treated as being present.

6. The Board may regulate its procedure

Subject to this Act, the TVET Assessment Board may regulate its own procedure and may make rules regarding the holding of meetings, notice to be given, the keeping of minutes or any other matter relating to its meetings.

Cross references

Allied Health Professionals Act, Cap. 296

Education (Pre-Primary, Primary and Post-Primary) Act, Cap. 247

Electricity Act, Cap. 157

Employment Act Cap. 226

Mental Health Act, Cap. 308

National Audit Act, Cap.170

National Curriculum Development Centre Act, Cap. 254

Nurses and Midwives Act, Cap. 301

Public Finance Management Act, Cap.171

Public Procurement and Disposal of Public Assets Act, Cap. 205

Uganda National Examinations Board Act, Cap. 259

Universities and Other Tertiary Institutions Act, Cap. 262