

ACTS SUPPLEMENT
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Act 12

*Business, Technical, Vocational Education
and Training Act*

2008

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

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

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

DATE OF ASSENT: 9th July, 2008.

Date of Commencement: 18th July, 2008.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Objectives of Act.

The objectives of this Act are—

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

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

2. Interpretation.

In this Act, unless the context otherwise requires—

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

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

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

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

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

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

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

“Directorate” means the Directorate of Industrial Training;

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

“Minister” means the Minister responsible for education;

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

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

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

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

“UVQF” stands for Uganda Vocational Qualifications Framework.

PART II—GENERAL PRINCIPLES OF BTVET

3. Objective of BTVET.

The objective of BTVET is—

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

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

4. BTVET principles and concepts.

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

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

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

5. Scope and levels of BTVET.

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

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

PART III—PUBLIC AND PRIVATE PROVIDERS OF BTVET

Public Providers.

6. Community polytechnics.

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

7. Vocational training centres and institutes.

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

8. Technical institutes.

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

9. Technical colleges and specialised training institutions.

(1) Technical colleges and specialised training institutions shall offer specialised training in specific fields including—

- (a) nursing and midwifery;
- (b) allied health professional courses;
- (c) agriculture, forestry and fisheries, offered separately;
- (d) engineering and electronics offered separately;
- (e) meteorology;
- (f) carpentry, artisanry, art and design;
- (g) music, dance and drama;
- (h) business and entrepreneurship;
- (i) hair dressing and beautifying;
- (j) mining;
- (k) catering;
- (l) tourism and hospitality;
- (m) professional sports; and
- (n) any other field that may require specialised training.

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

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

Private Providers

10. Non -public providers.

Non-governmental organisations, religious organisations and associations, private companies and individuals may provide BTJET to individuals for gainful employment and self reliance, in accordance with BTJET principles, concepts and the established vocational qualifications framework.

11. Non-formal providers.

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

12. Formal enterprise based training.

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

PART IV—INSTITUTIONAL FRAMEWORK

13. Continuation of Directorate of Industrial Training.

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

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

(3) The Directorate shall be the secretariat of the Industrial Training Council.

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

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

14. Functions of Directorate.

The functions of the Directorate are—

- (a) to identify the needs of the labour market for occupational competencies that fall under the Uganda Vocational Qualifications Framework;
- (b) to regulate apprenticeship schemes;
- (c) to foster and promote entrepreneurial values and skills, as an integral part of the UVQF;

- (d) to secure adequate and sustainable financing for the efficient operations of the Directorate;
- (e) to accredit training institutions or companies as UVQF assessment centres;
- (f) to determine the fees payable under this Act;
- (g) to develop, apply, expand and improve the purposeful application of Uganda Vocational Qualifications defined in the UVQF;
- (h) to assess and award Uganda Vocational Qualifications;
- (i) to promote on-the-job training in industry for apprenticeship, traineeship and indenture training and for other training such as further skills training and upgrading; and
- (j) to prescribe the procedure for the making of training schemes.

15. Industrial Training Council.

(1) There is established an Industrial Training Council for the purposes of this Act.

(2) The Industrial Training Council shall be the policy making organ for the Directorate.

16. Composition of Council.

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

- (a) one representative of private vocational training institutes;
- (b) one representative of the formal industrial sector;
- (c) one representative of the Federation of Ugandan Employers;
- (d) one representative of a workers' body;
- (e) one representative of persons with disability;

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- (f) the Permanent Secretary of the Ministry responsible for education;
- (g) the Permanent Secretary of the Ministry responsible for labour;
- (h) one representative of the Uganda Investment Authority;
- (i) one representative of the Uganda Chamber of Commerce; and
- (j) two other persons appointed by the Minister.

(2) Schedule 2 to this Act has effect with regard to meetings of the Council.

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

17. Tenure of office of members of Council.

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

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

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

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

- (e) if a member is convicted of an offence involving dishonesty, fraud or moral turpitude.

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

18. Functions of Council.

The functions of the Council are—

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

19. Committees of Council.

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

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

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

PART V—THE UGANDA VOCATIONAL QUALIFICATIONS FRAMEWORK
(UVQF)

20. Establishment of Uganda Vocational Qualifications Framework.

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

(2) The purpose of UVQF is to define—

- (a) occupational standards in the world of work;
- (b) assessment standards;
- (c) vocational qualifications of learners who meet the set standards of the different studies; and
- (d) provide guidelines for modular training.

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

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

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

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

21. Award and recognition of certificates under UVQF.

(1) The Directorate and other examination boards established under this Act shall award certificates and diplomas for the business, technical or vocational education or training conducted under the Uganda Vocational Qualification Framework.

(2) The certificates and diplomas to be awarded in relation to the studies and training referred to in subsection (1) shall be in a form prescribed by the Minister on the recommendation of the Council.

(3) The certificates and diplomas awarded under subsection (1) shall be recognised in the Uganda education system and by the labour market.

PART VI—FINANCING OF BTVET.

22. Establishment of a training levy.

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

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

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

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

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

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

23. Establishment of Training Levy Fund.

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

24. Finances of the Fund.

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

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

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

25. Purposes for which the Fund may be applied.

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

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

(2) In any case where the Council withholds its approval for any payment, or the director refuses to make a payment approved by the Council, being payment proposed under subsection (1), the matter shall be referred to the Minister whose decision shall be final.

PART VI—MISCELLANEOUS

26. Establishment of examination boards.

(1) There shall be established by the Minister, by statutory instrument, examination boards for specialised training courses of study, including—

- (a) nursing and midwifery;
- (b) allied health professional courses; and
- (c) other courses as the Minister may determine.

(2) A board established under subsection (1) shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name, and may purchase, hold, manage and dispose of any property and enter into such contracts or other transactions, as may be necessary or expedient for the discharge of its functions.

(3) The Minister may in a statutory instrument made under subsection (1) provide for the composition, functions and powers of the board.

(4) A board established under subsection (1) shall award certificates and diplomas under section 21.

(5) An instrument made under this section shall be laid before Parliament within thirty days after the date of publication of the instrument in the *Gazette*.

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

27. Reports.

The Council shall prepare an annual report for submission to the Minister by 30th September of each year showing the performance of the Directorate in the preceding financial year.

28. Offences and penalties.

Any person who—

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

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

29. Regulations.

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

- (a) the criteria and the process of admission of students and trainees to BTVET institutions;
- (b) the establishment of committees under this Act;
- (c) the form of certificates or diplomas issued under this Act;
- (d) governance and management structures for all BTVET institutions;

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- (e) prescribing the community polytechnics, vocational training centres, schools and institutions, technical centres and schools, farm schools, technical institutes and colleges and specialized training institutions which shall provide BTVET;
- (f) prescribing the qualifications and requirements for establishing non-public, non-formal and formal enterprises to provide BTVET;
- (g) prescribing the procedures for the making of training schemes;
- (h) providing for BTVET schemes at BTVET centres approved by the council;
- (i) providing for the payment of the training levy and the procedures for the payment;
- (j) providing for the expenditures of the levy and prescribing the manner for making the expenditures;
- (k) registration of BTVET institutions and providers;
- (l) registration and accreditation of BTVET providers;
- (m) examination assessment mechanisms and procedures;
- (n) fees payable under this Act; or
- (o) providing for any matter necessary for giving full effect to the provisions of this Act.

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

30. Amendment of Schedules.

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

(2) The Minister may, by statutory instrument amend Schedule 2.

31. Effect on existing technical examinations.

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

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

32. Repeal, amendment and savings.

(1) The Industrial Training Act is repealed.

(2) The following Acts are amended as follows—

(a) The Nurses and Midwives Act—

(i) in section 3, by repealing paragraphs (c), (d), and (e);

(ii) by repealing section 18; and

(iii) in section 19(b) by substituting for “council” the words “under the Business, Technical, Vocational Education and Training Act, 2008”.

(b) The Allied Health Professionals Act—

(i) in section 4 by repealing paragraphs (c) (d) and (e);

(ii) by repealing section 20.

(c) The Uganda National Examinations Board Act—

(i) in section 4(1) by repealing the word “technical”;

- (ii) in section 8 by repealing paragraphs (c) and (d);
 - (iii) in section 9(2) by repealing the expression “technical education and business”; and
 - (iv) in section 10 by repealing subsections (4) and (5:).
- (3) Notwithstanding the repeal under subsection (1) and (2)—
- (a) every contract of apprenticeship and every training scheme undertaken under the repealed Act, or provision existing immediately before the commencement of this Act, shall continue in force and be executed until completion as if this Act had not been passed;
 - (b) any statutory instrument made under the repealed Act and in force at the beginning of this act shall continue in force as if made under this act until it is revoked by another statutory instrument made under this Act; and
 - (c) any appointment or contract made under a provision repealed under subsections (1) or (2), subsisting at the date of the coming into force of this Act shall continue in force until specifically revoked under this Act.

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SCHEDULE 1

Section 2, 30(1)

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Section 16 (2), 30(2)

MEETINGS OF THE INDUSTRIAL TRAINING COUNCIL

1. Meetings of the Council.

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

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

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

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

2. Quorum.

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

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

3. Minutes of meetings.

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

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

4. Power to co-opt.

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

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

5. Validity of proceedings not affected by vacancy.

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

6. Disclosure of interest of members.

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

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

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

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

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

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

7. Council may regulate its procedure.

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

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Cross References

Allied Health Professionals Act, Cap. 268.

Industrial Training Act, Cap. 130.

Nurses and Midwives Act, Cap. 274.

Public Finance and Accountability Act, 2003 No 6 of 2003.

Uganda National Examinations Board Act, Cap. 137.