

THE VOCATIONAL TRAINING ACT, 1974

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THE UNITED REPUBLIC OF TANZANIA



No. 28 OF 1974

I ASSENT,

Julius K. Nyerere
 President

20TH AUGUST, 1974

An Act to repeal and replace the Apprenticeships Ordinance and to make further and better provision for the regulation of the training of apprentices and other persons in industry

I _____ I

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1.-(1) This Act may be cited as the Vocational Training Act 1974, and shall come into operation on such date as the Minister may by notice published in the *Gazette*, appoint.

Short title
and
commence-
ment

(2) Subject to the provisions of subsection (3) of this section the provisions of this Act shall apply to and be carried into effect by departments of the Government, public and local authorities and all persons in the employment thereof, and also all persons in the service of the United Republic, in the same manner as if they were private employers or employees, as the case may be:

Provided that this subsection shall have no effect in relation to the following persons:-

- (a) persons in the Defence Forces of the United Republic (other than locally engaged civilian employees);
- (b) members of the Police Force;
- (c) members of the Prison Services;
- (d) members of the National Service.

(3) The Minister may by order in the *Gazette*, exempt any public authority or category of public authorities or any person or category of persons from the operation of all or any of the provisions of this Act or of any regulation or order made thereunder or from any condition of apprenticeship or indentured learnership contained in any scheme.

Interpreta-
tion

2. In this Act, unless the context otherwise requires-

"apprentice" means a person who is bound by a written contract to serve an employer for a determined period of not less than four years, or such lesser period as the Council shall determine under subsection (2) of section 22 of this Act, with a view to acquiring knowledge, including theory and practice, of a trade in which the employer is reciprocally bound to instruct that person;

"Committee" means a Training Committee established under section 6 of this Act;

"Council" means the National Vocational Training Council established by section 4 of this Act;

"Director" means the Director of Vocational Training appointed under section 3 of this Act;

"indentured learner" means a person, other than an apprentice, who is bound by a written contract to serve an employer for a determined period of less than four years with a view to acquiring knowledge of a trade in which the employer is reciprocally bound to instruct that person;

"inspector" means an inspector appointed by the Minister under the provisions of section 23 of this Act and includes the Director;

"labour officer" means any person appointed to the public service as the Labour Commissioner, an Assistant Labour Commissioner, a Principal Labour Officer, a Senior Labour Officer or a Labour Officer;

"Minister" means the Minister for the time being responsible for matters relating to Labour;

"minor" means a person under the apparent age of fifteen years;

"scheme" means a scheme regulating the training of apprentices or indentured learners in any trade or occupation made under section 20 of this Act;

"trade" means a skilled occupation.

PART II

ADMINISTRATION AND NATIONAL VOCATIONAL TRAINING COUNCIL

Appoint-
ment of
Director
and
Assistant
Directors of
Vocational
Training

3.-(1) The Minister shall appoint a suitable person in the public service to be the Director and may appoint such number of public officers to be Assistant Directors of Vocational Training as may be necessary for the purposes of this Act.

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

4.-(1) There is hereby established a Council to be known as the National Vocational Training Council.

Establishment of National Vocational Training Council

(2) The Council shall consist of a Chairman and not less than twelve other members appointed by the Minister of whom-

- (a) four shall be chosen to represent employers;
- (b) four shall be chosen to represent employees; and
- (c) not less than four shall be chosen to represent the Government.

(3) A Vice-Chairman shall be appointed by the Minister from among the members.

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

5. Subject to the provisions of this Act the Council shall perform the following duties and functions-

Duties and functions of Council

- (a) it shall at the request of the Director, and may of its own motion investigate and make recommendations to the Director on any matter connected with this Act;
- (b) it shall investigate any dispute or other matter arising out of a contract of apprenticeship or indentured learnership referred to it by the Director and shall endeavor to settle such dispute or other matter amicably;
- (c) it shall perform such duties and functions in regard to any other matter concerning apprenticeship or indentured learnership as may be prescribed;
- (d) it shall ensure an adequate supply of properly trained manpower at all levels in industry;
- (e) it shall secure the greatest possible improvement in the quality and efficiency of Vocational Training.

6.-(1) The Council may establish Training Committees to exercise functions of the Council in relation to training in specified industries.

Training Committees

(2) A Committee shall consist of nine persons appointed, in writing, by the Council of whom-

- (a) three shall be chosen to represent employers in the industry concerned;
- (b) three shall be chosen to represent employees in the industry concerned;
- (c) three shall be chosen to represent the Government, and the Council shall appoint a Chairman and Vice-Chairman from among the members of the Committee chosen under paragraph (c) and (a) respectively of this subsection.

(3) The Chairman and other members of a Committee shall hold office for such period not exceeding the term of office of the members of the Council as may be specified at the time of appointment, and upon the expiration of such period a member shall be eligible for re-appointment.

(4) Subject to any general or specific directions which may be given in that behalf by the Council and subject further to the provisions of this Act and of any regulations made under this Act, a Committee may regulate its own proceedings.

(5) The Director or his representative shall act as the Secretary to any Committee established under this section.

(6) A Committee shall exercise on behalf of the Council such functions of the Council as the Council delegates to it in writing, and shall exercise those functions in consultation with the Director.

PART III

PROVISIONS RELATING TO CONTRACTS OF APPRENTICESHIP AND INDENTURED LEARNERSHIP

Permission to employ apprentices or indentured learners

7.-(1) (a) No person shall employ an apprentice or indentured learner without having first obtained the written permission of the Director so to do.

(b) The Director's permission shall specify the maximum number of apprentices or indentured learners who may be employed at any one time by the person to whom the permission is given.

(2) No permission shall be given under this section unless the person applying therefor satisfies the Director that his establishment offers reasonable opportunities for the proper training of the number of apprentices or indentured learners proposed to be employed by him.

(3) Any person aggrieved by any decision of the Director under this section may appeal therefrom to the Minister, whose decision thereon shall be final.

(4) Any person who-

(a) employs an apprentice or indentured learner without first having obtained the written permission of the Director to employ apprentices or indentured learners; or

(b) having obtained the written permission of the Director to employ apprentices or indentured learners, employs at any one time a number of apprentices or indentured learners in excess of the maximum number specified in such written permission,

shall be guilty of an offence.

Who may bind himself as an apprentice or indentured learner

8.-(1) Any person who-

(a) has attained the apparent age of fifteen years; and

(b) has completed any period of compulsory education required by law; and

(c) has, in the case of a trade or occupation in respect of which a scheme has been made, the qualifications prescribed under that scheme; and

(d) has been certified fit as provided in section 11 of this Act, may, subject to the provisions of subsection (3) of this section, bind himself as an apprentice or as an indentured learner in any trade or occupation.

(2) No person who does not qualify therefor under the provisions of subsection (1) of this section shall bind himself as an apprentice or indentured learner.

(3) A person who is a minor shall not bind himself as an apprentice or indentured learner except with the consent of his parent or guardian or, if there is no parent or guardian, a labour officer.

(4) A minor who, with the consent provided for in subsection (3) binds himself as an apprentice or indentured learner shall be bound by the contract of apprenticeship or indentured learnership, as the case may be, throughout its currency notwithstanding that he may in the meantime have attained his majority.

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

Medical examination of apprentice and indentured learners

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

Registration of contracts of apprenticeship or indentured learnership

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

- (a) the contract of apprenticeship or indentured learnership;
- (b) a duplicate or copy thereof;
- (c) a further copy thereof for filing by the Director; and
- (d) the medical certificate obtained under section 11 of this Act.

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

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

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

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

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

(a) endorse the particulars of registration thereon and on the duplicate or copy referred to in paragraph (b) of subsection (2) of this section and return the contract and the duplicate or copy thereof to the employer; and

(b) file the copy referred to in paragraph (c) of subsection (2) of this section.

(8) The employer shall deliver the duplicate or copy of the contract which has been endorsed in accordance with subsection (7) of this section to the apprentice or indentured learner for him to keep.

Transfer of
contracts of
apprentice-
ship or
indentured
learnership

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

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

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

(a) has been reduced to writing and has been signed by or on behalf of the employer transferring such rights and obligations and the employer to whom such rights and obligations are being transferred and by the apprentice or indentured learner, as the case may be and where such apprentice or indentured learner is a minor, has been signed also by his parent or guardian or, if he has no parent or guardian, has been signed by a labour officer; and

(b) has been registered by the Director in the manner prescribed by subsection (4) of this section.

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

(5)-(a) Where, under any contract of apprenticeship or indentured learnership an apprentice or indentured learner is employed by two or more persons in partnership unless the apprentice or indentured learner otherwise elects, his contract of apprenticeship or indentured learnership shall not, be terminated by reason only of the death or retirement of any partner if the business of the partnership is continued by the surviving or continuing, partner or partners whether alone or jointly with another person or persons, and the rights and obligations of the employer under such contract shall be deemed to be transferred to the person or partners continuing the business.

(b) The person or partners continuing the business shall, within one month of the date of such death or retirement, lodge the contract, in the same manner as if it were an agreement to transfer, with the Director, who shall certify thereon that the employer's rights and obligations under such contract have been transferred to such person or partnership under this subsection.

12.-(1) Without prejudice to the provisions of section 14 of this Act, any contract of apprenticeship or indentured learnership may be terminated-

Termination of contracts

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

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

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

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

- (5) (a) Where a contract of apprenticeship or indentured learnership is terminated by the Director under this section, the Director may, after consultation with the Labour Commissioner, make such direction with regard to the payment of any wages which would have been payable to the apprentice or indentured learner if the contract had not been terminated as he considers just, and any sum so directed to be paid may be recovered by the apprentice or indentured learner from the employer as a civil debt recoverable summarily.

(b) Any party dissatisfied with the action of the Director in terminating a contract of apprenticeship or indentured learnership or in directing the payment of any wages may appeal to the Minister within two months of the date upon which the decision of the Director is communicated to him.

(6) The decision of the Minister under paragraph (b) of subsection (5) of this section shall be final and shall be endorsed by the Director upon the registered copy of the contract of apprenticeship or indentured learnership.

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

Enticement
of ap-
prentices or
indentured
learners

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

Proba-
tionary
period

14. (1) Without prejudice to the provisions of section 12 of this Act, the first six months of every contract of apprenticeship or indentured learnership shall be a period of probation during or at the expiration of which the contract may be terminated by either party; and any agreement to the contrary in relation to the first six months, whether expressed or implied, shall be null and void without, however, affecting the validity of any other part of the agreement of which it forms part.

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

Suspension
of ap-
prentice or
indentured
learner

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

(2) An employer who suspends an apprentice or indentured learner shall, within three days of the suspension, report the matter in writing to any inspector, who shall forthwith forward a copy of such report to the Director, and the Director shall then investigate the matter or cause an investigation to be carried out, and upon the conclusion of such investigation the Director may confirm or set aside the suspension or vary the term thereof.

(3) Whether or not a complaint has been lodged by the employer, the Director may order the suspension of an apprentice or indentured learner pending investigation, and, if he does so, he shall report his action to the Council.

(4) Where the Director sets aside the suspension of an apprentice or indentured learner the employer shall pay to the apprentice or indentured learner such wages as may have been withheld from him during the period of suspension.

(5) Any employer who fails to report the suspension of an apprentice or indentured learner in accordance with the provisions of this section shall be guilty of an offence.

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

Records
to be kept
by employers

(2) Such records shall be kept in such form and manner as may be prescribed:

Provided that the Director may, after consultation with the Council, in writing signed by him, authorize the keeping of such records, in some other form if the records so kept will in his opinion enable him to ascertain therefrom the required particulars.

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

(4) Every employer who fails to keep the required record in the proper form and manner and every employer and former employer who fails to retain any record made in accordance with this section for the required period shall be guilty of an Offence.

17. Notwithstanding the provisions of any other law for the time being in force, any term of a contract of apprenticeship or indentured learnership which-

Limitations
in regard
to method
of payment

(a) provides that the whole or any part of the wages of an apprentice or indentured learner shall be based upon the quantity of work done; or

(b) requires an apprentice or indentured learner under seventeen years of age to work overtime,
shall be null and void.

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

Certificate
of ap-
prenticeship
and
indentured
learnership

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

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

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

PART IV

TRAINING SCHEMES

Director
may make
training
scheme
proposals

19.-(1) Subject to the provisions of this section, the Director may, with the approval of the Council, submit to the Minister proposals (hereinafter referred to as training scheme proposals) prescribing conditions for regulating the training of apprentices or indentured learners in any trade or occupation.

(2) Training scheme proposals may, in respect of any trade or occupation to which they relate, specify-

- (a) the qualifications, including age and educational standard, required for apprentices or for indentured learners in that trade or occupation;
- (b) without prejudice to the provisions of subsection (2) of section 22 of this Act, the period of apprenticeship or indentured learnership (which shall not exceed seven years in the case of apprenticeship and shall be less than four years in the case of indentured learnership) applicable to that trade or occupation;
- (c) the practical training which employers shall provide for apprentices or indentured learners in their employ in that trade or occupation;
- (d) the theoretical training in that trade or occupation which shall be provided by or at the expense of employers for their apprentices or indentured learners or which apprentices or indentured learners shall undergo, and the manner in which such training shall be provided or undergone;
- (e) the proficiency tests or examinations which apprentices or indentured learners in that trade or occupation shall be required to undergo from time to time;
- (f) the maximum number of ordinary working hours which apprentices or indentured learners in that trade or occupation may be required or permitted to work during any week or on any day, and the days on which the hours on any day before or after which and the intervals during which no apprentice or indentured learner in that trade may be required or permitted to work;
- (g) the maximum period of overtime which apprentices or indentured learners in that trade may be required or permitted to work on any day or during any specified period;
- (h) the minimum number of paid holidays to be allowed to apprentices or indentured learners in that trade or occupation during any year of their apprenticeship or indentured learnership;
- (i) the remuneration and other conditions which shall apply in respect of any period during which an apprentice or indentured learner in that trade is, unable by reason of any condition of apprenticeship or indentured learnership or other specified circumstances to render service to his employer during ordinary working hours;

(j) any other matter which in the opinion of the Director, after consultation with the Council, is necessary for the effective operation of the scheme.

(3) Training scheme proposals may provide that the conditions of apprenticeship or indentured learnership specified therein, or any of them, shall apply in respect of apprentices or indentured learners either generally or in any particular area.

(4) Different conditions of apprenticeship or indentured learnership may be specified in any training scheme proposals made under this section in respect of categories of employers or apprentices or indentured learners, and different specified trades or occupations; and in prescribing such different conditions the Director may, with the approval of the Council, apply any method of differentiation he may deem advisable.

(5) Before submitting any training scheme proposals to the Minister, the Director shall publish in the *Gazette* and in at least one local newspaper circulating in the United Republic notice of the proposals, stating the place where copies of the proposals may be obtained and the period, not being less than fourteen days, within which written representations with respect to the proposals may be made to the Director, and the Director shall, in consultation with the Council, consider any written representations made to him within that period and may then, with the approval of the Council, submit the proposals to the Minister either without amendment or with such amendments as may be approved by the Council having regard to the representations:

Provided that if no representations with respect to the proposals are made within the said period the Director shall submit the proposals to the Minister.

20.-(1) Where the Minister receives training scheme proposals in pursuance of section 19 and he is of the opinion that it is expedient to give effect to such proposals either with or without modifications, he may, subject to the provisions of this section, make an order making a scheme.

Power of
Minister to
make
training
schemes

(2) Before making a scheme under subsection (1) of this section, the Minister shall publish in the *Gazette* a notice of his intention to make such a scheme and every such notice shall set forth the conditions of the scheme intended to be made and shall specify the time within which any objection to the proposed making of the scheme or to any of the proposed conditions of the scheme shall be sent to the Minister.

(3) Every objection shall be in writing and shall state-

(a) the grounds of objection;

(b) the omissions, additions or modifications asked for,

and the Minister shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent to the Minister within the time specified in the notice, but shall not be bound to consider any other objection.

(4) After considering the objections which the Minister is required by subsection (3) of this section to consider, the Minister may-

- (a) proceed to make an order making a scheme as proposed by him in the notice or subject to such modifications as he may think fit:

Provided that no scheme shall revoke or vary any term of any contract of apprenticeship or indentured learnership registered before the date of the making of such scheme; or

- (b) abandon the intention to make the proposed scheme and make no order for making the scheme.

(5) Every order making a scheme shall be published in the *Gazette* and in at least one local newspaper circulating in the United Republic, and the order shall come into operation on the date on which it is so published in the *Gazette* or on such later date as may be specified therein.

(6) A scheme may be amended by a subsequent scheme or by an order made by the Minister on the advice of the Director after consultation with the Council.

Supervision
of ap-
prentice or
indentured
learners

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

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

(2) The Director may, by notice in writing to an employer, disapprove the appointment of any apprentice or indentured learner master deemed by him not to be competent for the purpose of this Act, and such notice may specify the nature of the training which the Director requires the apprentice or indentured learner master to undertake before his appointment may be reprovved.

(3) Where twenty-five or more apprentices or indentured learners or apprentices and indentured learners are employed at any one premises or work-site, the apprentice or indentured learner master shall devote the whole of his time during normal working hours to apprentice or indentured learner guidance; and where the number of apprentices or indentured learners or apprentices and indentured learners is less than twenty-five the apprentice or indentured learner master shall devote that proportion of his time to apprentice or indentured learner guidance as the number of apprentices or indentured learners or apprentices and indentured learners employed bears to twenty-five.

(4) An employer who fails to make any appointment required by subsection (1) of this section, or who fails to ensure that the provisions of subsection (3) of this section are observed shall be guilty of an offence.

PART VMISCELLANEOUS POWERS OF DIRECTOR AND APPOINTMENT AND POWERS
OF INSPECTORS

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

Miscellaneous powers of Director

(2) Where it is proved to the satisfaction of the Council that a person has undergone previous technical training relevant to the trade or occupation in which he desires to be apprenticed, the Council may authorize the Director to reduce the period of apprenticeship to be served by such person to such lesser period as it shall determine.

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

23. The Minister may appoint any labour officer, or any person appointed to the public service as an Inspector of Factories, an Industrial Training Officer or a Labour Inspector, to be an inspector for all or any of the purposes of this Act.

Appointment of inspectors

24.-(1) An inspector may-

Powers of inspectors

- (a) at any reasonable time enter any premises in which he has reasonable cause to believe that an apprentice or indentured learner is or has within the previous six months been employed and take with him any interpreter or other assistant or a police officer;
- (b) examine, with respect to matters under this Act, every person whom he finds on premises entered under the provisions of paragraph (a) of this subsection or whom he has reasonable cause to believe to be or to have been within the preceding six months employed on such premises, and to require every such person to be so examined;
- (c) require any apprentice or indentured learner to appear before him at a time and place fixed by the inspector and then and there question that apprentice or indentured learner;
- (d) require the production or delivery up of any of the records required to be kept under this Act or any regulations made thereunder, and of any document relating thereto or relating, with respect to matters under this Act, to the business of any person whom the inspector has reasonable cause to believe is or was within the preceding six months the employer of an apprentice or indentured learner;
- (e) examine and make extracts from and copies of any such documents produced or delivered up.

- (2) Any person who-
- (a) refuses or fails to comply to the best of his ability with any requirement made by an inspector under this section; or
 - (b) hinders an inspector in the exercise of his powers under this section,

shall be guilty of an offence:

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

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

PART VI

REPEAL AND MISCELLANEOUS PROVISIONS

Disclosure
of informa-
tion an
offence

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

Provided that nothing in this section shall apply to the disclosure of information made for the purposes of any criminal proceedings which may be taken whether by virtue of this Act or otherwise or for the purposes of a report of any such proceedings.

Bankruptcy
Cap. 25

26. Where, under the provisions of subsection (1) of section 39 of the Bankruptcy Ordinance, a contract of apprenticeship or indentured learnership is discharged by the apprentice or indentured learner giving notice in writing to the trustee to that effect, the trustee shall, within a period of one month of receiving such notice, notify the Director thereof, and failure so to notify the Director shall be an offence, without prejudice however to the complete discharge of the contract.

Regulations

27.-(1) The Minister may make regulations generally for carrying into effect the provisions and the purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations prescribing—

- (a) the tenure of office of the members of the Council, the quorum and procedure at meetings of the Council and such other matters as the Minister may deem expedient to prescribe for or in relation to the Council and the members thereof;
- (b) the form of any contract of apprenticeship or indentured learnership and the matters for which provision shall be made in such contract;
- (c) the manner in which educational standards or birth may be proved;

- (d) the nature of returns which employers may from time to time be required to furnish to the Director and the period within which those returns shall be so furnished;
- (e) the procedure for the registration and transfer of contracts of apprenticeship or indentured learnership and for the notification of the expiration or termination of such contracts;
- (f) the form and manner in which certificates of apprenticeship or indentured learnership are to be issued by employers;
- (g) the procedure on an appeal to the Minister under this Act;
- (h) all or any matters which by this Act are required or permitted to be prescribed.

(2) Different regulations may be made under subsection (1) of this section in respect of different categories of employers or apprentices or indentured learners and of different trades or occupations and in making such regulations the Minister may apply any method of differentiation he may deem advisable.

28. The Minister may in the case of any particular contract, exempt any person from any provision of this Act or any regulation made thereunder or from any condition of apprenticeship or indentured learnership contained in any scheme. Exemptions

29. Any inspector may institute proceedings in respect of any offence under this Act or any regulations made thereunder and may appear and prosecute in such proceedings. Institution of proceedings

30. Any person who commits an offence under this Act in respect of which no penalty is specially provided shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment. Penalties

31,(1) The Apprentices Ordinance is repealed.

(2) Notwithstanding the repeal of the Apprentices Ordinance by subsection (1) of this section, every contract of apprenticeship existing immediately before the commencement of this Act shall continue in force and be reduced to writing and executed and registered in accordance with the procedure laid down in section 10 of this Act within four months of the date of commencement of this Act. Repeal and consequential provisions Cap. 81

Passed in the National Assembly on the twenty-fourth day of July, 1974.

MMwindadi
Acting Clerk of the National Assembly