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THE KAKAMEGA COUNTY TOURISM ACT, 2014

No. 5 of 2014

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Clause

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AN ACT of the County Assembly of Kakamega to make provision for the development, management, marketing and regulation of sustainable local tourism and tourism related activities and services, and for connected purposes

ENACTED by the County Assembly of Kakamega as follows—

PART I —PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Kakamega County Tourism Act, 2014 and shall come into operation on such date the Executive Committee Member may, by the notice in the Gazette, appoint and different dates may be appointed for different provisions.

Interpretation.

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

"authorized officer" means a person appointed under section 48 of this Act;

"Board" means the County Tourism Board established under section 13 of this Act;

"County" means the county Government of Kakamega;

"County Assembly "means the County Assembly of Kakamega;

"ecotourism" has the meaning assigned to it under section 2 of the Tourism Act, 2011; No. 28 of 2011.

"environmental impact assessment" as the meaning assigned to it under section 2 of the Tourism Act, 2011; No. 28 of 2011.

"Executive Committee Member" means the Executive Committee Member for the time being responsible for matters relating to tourism;

"licence" has the meaning assigned to it under section 2 of the Tourism Act, 2011;

"restaurant" has the meaning assigned to it under section 2 of the Tourism Act, 2011;

"sustainable tourism" has the meaning assigned to it under section 2 of the Tourism Act, 2011;

"tourism activities and services" means any of the activities and services specified in the Second Schedule of this Act;

"tourism product" has the meaning assigned to it under section 2 of the Tourism Act, 2011;

"Tribunal" means the County Tourism Tribunal established by section; and

"visitor" has the meaning assigned to it under section 2 of the Tourism Act, 2011.

PART II—FORMULATION OF COUNTY TOURISM STRATEGY

County Tourism Strategy.

3. (1) The Executive Committee Member shall, subject to subsection (5), formulate and publish in the Gazette a county tourism strategy at least once every two years, in accordance with which the local tourism sector shall be developed, managed, marketed and regulated.

(2) The county tourism strategy shall prescribe the principles, objectives, standards, indicators, procedures and incentives for the development, management and marketing of sustainable tourism and shall, in particular prescribe—

(a) for the packaging of niche tourism products and services;

(b) standards for tourism local area development plans;

(c) measures to facilitate and enhance local tourism taking cognizance of the national government's strategies;

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(d) priority areas for tourism development, capacity building and training; equity must be exploited widely across the county.

(e) innovative schemes, incentives and ethics to be applied in the development and marketing of sustainable local tourism, including public private partnerships;

(f) clear targets indicating projection in tourism growth over the next five years;

(g) county tourism research and monitoring priorities and information systems, including—

(i) collection and management of tourism data and information;

(ii) intelligence gathering;

(iii) procedures for gathering tourism data and the analysis and dissemination of tourism information; and

(iv) tourism management information systems;

(h) measures necessary to ensure equitable sharing of benefits in the tourism sector;

(i) adaptation and mitigation measures to avert adverse impacts of climate change on tourism and tourism products and services;

(j) reflect regional co-operation, inter county and common approaches in tourism development, marketing and regulation; and

(k) any other relevant matter that the Executive Committee Member in charge of tourism affairs considers necessary to enhance sustainable tourism in the country.

(3) The Executive Committee member shall

periodically review the county tourism strategy and may, by notice in the gazette, publish a revised county tourism strategy.

(4) The Executive Committee Member and all relevant public bodies shall, when exercising or performing any statutory function, take into account and give effect to the county tourism strategy.

(5) The Executive Committee Member shall, when formulating a county tourism strategy under subsection (1), consult the public in accordance with the law relating to Public Participation and as set out under the first schedule.

PART III—ESTABLISHMENT OF TOURISM REGULATORY, DEVELOPMENT AND MARKETING UNITS

A. The Tourism Regulatory and Licensing unit

Establishment of the Tourism Regulatory and licensing Unit.

4. (1) There is established a unit to be known as the Tourism Regulatory and Licensing unit.

(2) The unit shall be an entity in the department of tourism in the county and shall discharge its functions under this Act.

Object and purpose of the unit.

5. The object and purpose of the unit shall be to regulate the local tourism sector in the county.

Functions of the unit.

6. (1) The functions of the unit shall be to—

(a) formulate guidelines and prescribe measures for sustainable tourism throughout the county;

(b) regulate tourism activities and services countywide, in accordance with the county tourism strategy;

(c) register, licence and grade all sustainable tourism and tourist-related activities and services including cottages and private residences engaged in guest house services;

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(d) develop and implement, in consultation with relevant stakeholders, criteria for standardization and classification of tourism facilities and services;

(e) develop and regulate, in consultation with the ministry for the time being responsible for matters relating to education, tourism and hospitality curriculum, examination and certification;

(f) develop and implement a code of practice for the tourism sector;

(g) ensure the development and implementation of high quality tourism sector;

(h) vet and recommend expatriates seeking employment in the tourism and hospitality sector;

(i) monitor and assess tourist activities and services to enhance continuous improvement and adherence to sound principles and practices of sustainable tourism;

(j) undertake, annually, an assessment and audit of tourism activities and services, measures and initiatives at the county level, and prepare and publish an annual county tourism sector status report, in consultation with the Executive Committee Member and the relevant lead agencies; and

(k) perform any other functions that are ancillary to the object and purpose for which the unit is established.

(2) The Executive Committee Member shall, in each financial year, lay a county tourism sector status report published under subsection (1) (j) before the County Assembly, as soon as reasonably practicable after its publication, where the County Assembly is in session, or where not in session, within twenty one days of the day the

County Assembly next sits after the publication.

(3) The Executive Committee Member shall provide such public officers as may be necessary for the proper and efficient discharge of the functions of the Tourism Regulatory and Licensing Unit under this Act.

(4) The expenses of the Tourism Regulatory and Licensing Unit shall be met out of funds allocated to the relevant ministry by County Assembly for that purpose.

B. The Marketing and Promotion Unit.

Establishment of the Marketing and Promotion Unit.

7. (1) There is established a unit to be known as the Marketing and Promotion Unit.

Object and purpose of the Marketing and Promotion Unit.

8. The object and purpose of the Marketing and Promotion Unit shall be to market the county as a tourist destination and promote business of meetings, conferences and exhibitions in accordance to the provisions of this Act.

Functions of the Marketing and Promotion Unit.

9. The Marketing and Promotion Unit shall—

(a) develop, implement and co-ordinate a county tourism marketing strategy;

(b) market the county at local, national, regional and international levels as a premier tourist destination;

(c) identify tourism market needs and trends and advise tourism stakeholders accordingly;

(d) market, organize and host meetings and provide incentives for conferences and exhibitions in the county;

(e) develop and implement the county meetings, incentives for conferences and exhibitions strategy upon consultation with the relevant stakeholders;

(f) finance the marketing of the county as a tourist destination through the unit;

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(g) undertake market intelligence;

(h) perform any other functions that are ancillary to the object and purpose for which the Marketing and Promotion Unit is established.

(2) The Executive Committee Member shall provide such public officers as may be necessary for the proper and efficient discharge of the functions of the Marketing and Promotion Unit under this Act.

(3) The expenses of the Marketing and Promotion Unit shall be met out of funds allocated to the relevant ministry by County Assembly for that purpose.

C. The Product Development and Financing Unit.

Establishment Product Development and Financing Unit.

10. There is established a unit to be known as the Product Development and Financing Unit.

Object and purpose of the Unit.

11. The object and purpose of the Product Development Unit shall be to undertake and co-ordinate initiatives to develop and finance tourism products and investments in accordance with the provisions of this Act.

Functions of the Unit.

12. (1) The Product Development Unit shall—

(a) to provide guidance and direction on the development of national tourism products in accordance with priorities as set out in the National Tourism Strategy.

(b) undertake inventory, mapping, provision of investment opportunities and promotion development of tourism products and services;

(c) provide financial and technical assistance to investors or entrepreneurs in the tourism sector including small and medium and community based enterprises for development, expansion and maintenance of tourism activities and services;

(d) support training and capacity development activities in the local tourism and hospitality industry;

(e) finance the local tourism research, tourism intelligence and the local tourism information management system;

(f) provide business advisory services to the local tourism sector;

(g) collect and analyze information, for the sector and other clients in the private and public sectors, relating to tourism products and services at the local level and processes or activities likely to impact on sustainable tourism;

(h) determine, in consultation with lead agencies, the carrying capacities of the various tourism destinations and conservation needs and priorities;

(i) assess information, that is the basis of integrated local tourism development area plans;

(j) give information on early warning, disaster management, impacts and mitigation and adaptive strategies to climate change;

(k) organize symposia, conferences, workshops and other meetings to promote the exchange of views on issues relating to local tourism product development, research and analysis;

(l) publish, annually, research findings and communicate recommendations to the relevant lead agencies, institutions and other stakeholders in the local tourism sector; and

(m) perform any other functions that are ancillary to the object and purpose for which the Product Development Unit is established.

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(2) The Executive Committee Member shall provide such public officers as may be necessary for the proper and efficient discharge of the functions of the Product Development Unit under this Act.

(3) The expenses of the Product Development Unit shall be met out of funds allocated to the relevant ministry by County Assembly for that purpose.

PART IV— ESTABLISHMENT OF THE COUNTY TOURISM BOARD

Establishment of the County Tourism Board.

13. (1) There shall be a County Tourism Board which shall consist of—

(a) a chairperson appointed by the Governor.

(b) the Chief Officer in the ministry for the time being responsible for matters relating to tourism and or culture; or his/her representative;

(c) the Chief Officer in the ministry for the time being responsible for matters relating to planning and national development or his/her representative;

(d) the Chief Officer in the ministry for the time being responsible for matters relating to finance or his/her representative;

(e) the Chief Officer in the ministry for the time being responsible for matters relating to environment or his/her representative;

(f) the County Attorney or his/her representative

(g) the secretary of the Board appointed under subsection (4);

(h) three other members, not being public officers, nominated or selected through a competitive process taking into account regional balance and gender parity and appointed by the Executive

Committee Member, of whom —

(i) one shall be nominated by the registered tourism sector associations; and

(ii) two shall be persons who have expertise in tourism or tourism-related disciplines.

(2) The members of the Board shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

(3) The County Public Service Board, through a competitive process, shall appoint a person, who shall be a public officer, to be the secretary of the Board.

(4) The secretary shall hold office on the terms and conditions specified in the letter of appointment.

(5) The secretary shall be responsible for the day to day affairs of the Board and shall be answerable to the Board in performance of his functions.

(6) The secretary shall take minutes during the meetings of the Board and keep proper records of the Board.

(7) Subject to the provisions of this Act, the Board may determine its own procedure and the procedure for any sub-committee established by the Board and for attendance of any other persons subject to the provisions of the second schedule.

(8) The remuneration of the Members of the Board shall be decided by the County Executive Committee

Functions of the Board.

14. (1) The Board shall —

(a) ensure the proper and effective performance of the functions of the units established under this Act;

(b) approve and ratify the policies of the units established under this Act;

(c) co-operate with other organizations undertaking functions similar to its own, whether within or outside the County as it may consider appropriate and in furtherance of the object and purpose of the units established under this Act;

(d) perform any other function as may assigned by the Executive Committee Member.

(2) Members of the Board shall be paid allowances determined by the County Executive Committee.

Tenure and vacation of office.

15. (1) A member of the Board appointed under section 13(1) (a) and (g) shall hold office for a term not exceeding three years but shall be eligible for re-appointment for a further term not exceeding three years.

(2) A member of the Board other than an *ex officio* member may, at any time, resign from the office, in writing, addressed to the appointing authority.

(3) A member of the Board other than an *ex officio* member, who is absent from three consecutive meetings of the Board without sufficient cause shall cease to be a member of the Board.

(4) Where a member of the Board is, for sufficient cause, unable to act as a member, the Executive Committee Member shall determine whether the inability would result in the declaration of a vacancy.

(5) Where a vacancy arises in accordance with the provisions of this Act, the Executive Committee Member shall appoint another person in accordance with the provisions of section 13(1) to fill the vacancy.

Disclosure of interest.

16. (1) A member of the Board who has an interest in a matter for consideration by the Board shall disclose, in writing, the nature of that interest and shall not participate in any deliberations of the Board relating to that matter.

PART V—THE ESTABLISHMENT OF COUNTY TOURISM TRIBUNAL

Establishment of Tribunal.

17. (1) There is established a tribunal to be known as the County Tourism Tribunal which shall consist of—

(a) a chairperson appointed by the Governor as approved by the county assembly

(b) an advocate of the High Court of Kenya nominated by the Law Society of Kenya Kakamega Branch and appointed by the Executive Committee Member;

(c) three other persons who have demonstrated competence and a high level of integrity in the tourism or hospitality sector appointed by the Executive Committee Member.

Provided that the representative of the Law Society of Kenya appointed herein shall be from the Local Chapter and resident of the County.

(2) The members of the Tribunal shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

(3) The nomination or appointment of members of the Tribunal under subsection (1) shall be through a competitive process taking into account regional balance and gender parity, and with the prior approval of the County Assembly.

Tenure and vacation of office.

18. (1) A member of the Tribunal shall hold office for a term of three years but shall be eligible for re-appointment for one further term of three years.

(2) The office of a member of the Tribunal shall become vacant—

(a) at the expiry of three years from the date of appointment;

(b) if he accepts any office the holding of which, if he were not a member of the Tribunal, would make him not eligible for appointment to the office of a member of the Tribunal; or

(c) if he is removed from membership of the Tribunal by the Executive Committee Member for reasons of physical or mental infirmity, unable to exercise the functions of his office;

(d) if he resigns his office by writing under his hand addressed to the Executive Committee Member;

(e) under section 25 (2); or

(f) upon his death.

(3) Members of the Tribunal shall be paid the allowances approved by the Executive Committee Member, in consultation with the Executive Committee Member for the time being responsible for matters relating to finance.

Secretary to the Tribunal.

19. (1) The Tribunal shall have a secretary who shall be a public officer appointed by the County Service Board through a competitive process.

(2) The secretary shall hold office on the terms and conditions specified in the letter of appointment and shall serve on a part time basis.

(3) The secretary shall be responsible for the day to day affairs of the Tribunal and shall be answerable to the Tribunal in performance of his functions.

(4) The secretary shall perform any other functions determined by the Tribunal.

Jurisdiction of the Tribunal.

20. The Tribunal shall have the jurisdiction to hear and determine—

(a) appeals arising from any decision made under this Act;

(b) any complaints arising from the exercise of the Executive Committee Member's powers under this Act;

(c) any conflicts that may arise between tourism units established under this Act;

(d) questions relating to refusal to grant a licence under this Act or unreasonable delay in the making of that grant; and

(e) any complaints by any person aggrieved by any act done by any person under this Act.

Proceedings of the Tribunal.

21. (1) A person may make a complaint or appeal, in writing, within sixty days of the act or omission or decision complained of.

(2) On the hearing of a complaint or an appeal, the Tribunal shall have all the powers of a subordinate court to—

(a) summon witnesses, take evidence on oath or affirmation and order the production of documents; or

(b) summon expert evidence as may be necessary.

(3) Where the Tribunal considers it desirable for the purposes of minimising expenses, to avoid delay or for any special reason, it may receive evidence by affidavit and Executive Committee Member interrogatories and require the person to whom the interrogatories have been made to respond.

(4) All summons, notices or other documents issued under the hand of the Chairperson of the Tribunal shall be deemed to have been issued by the Tribunal.

(5) An aggrieved person may be represented before the Tribunal by an Advocate.

(6) Subject to this Act, the Tribunal may regulate its own procedure.

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Awards of the Tribunal.

22. (1) The Tribunal may—

(a) award damages;

(b) confirm, vary or set aside the decision appealed against; or

(c) make an order for the maintenance of the status quo of any matter or activity which is the subject of a complaint or appeal before it until the complaint or appeal is determined.

(2) The Tribunal shall have power to award the costs of any proceedings before it and to direct that the costs shall be taxed in accordance within such scale as it may prescribe.

(3) The Tribunal may, on its own motion or upon application by an aggrieved party, review its decisions, awards or orders.

(4) Judgments of the Tribunal shall be executed and enforced in the same manner as judgments of a subordinate court.

Contempt of the Tribunal.

23. A person who—

(a) fails to attend the Tribunal after being summoned by the Tribunal;

(b) refuses to take an oath or affirmation before the Tribunal**,** or being a public officer, refuses to produce any article or document when lawfully required to do so by the Tribunal;

(c) knowingly gives evidence or information before the Tribunal which he knows to be misleading; or

(d) at any sitting of the Tribunal—

(i) willfully insults any member or officer of the Tribunal; or

(ii) willfully interrupts the proceedings or commits any other act of contempt of the Tribunal;

(e) fails or neglects to comply with a decision, order, direction or notice confirmed by the Tribunal, commits an offence and shall be liable to such penalty as is applicable to contempt of court offences under the Civil Procedure Act, 2010 and Rules made thereunder; subject to the Tribunal's discretion

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24. (1) The quorum for the hearing and determination of a cause or matter referred to the Tribunal shall be the Chairperson and two other members.

Quorum for the Tribunal.

(2) Where**,** for any reason, the quorum under subsection (1) is not met for part of the hearing, the jurisdiction of the Tribunal may be exercised by the Chairperson, sitting with less the members.

(3) The Chairperson shall preside at the meetings of the Tribunal and in the absence of the Chairperson, a member elected by members present and voting.

25. (1) A member of the Tribunal who has an interest in the matter for consideration by the Tribunal shall disclose, in writing, the nature of that interest and shall not participate in the deliberations of the Tribunal in respect of that matter.

Disclosure of interest.

(2) A member who fails to disclose interest in matter in accordance with subsection (1) shall cease to be a member of the Tribunal.

Appeals to the High court.

26. (1) A person aggrieved by a decision or order of the Tribunal may, within thirty days of that decision or order, appeal against the decision or the order to the High Court.

(2) Upon the hearing of an appeal under this section, the High Court may —

(a) confirm, set aside or vary the decision;

(b) remit the proceedings to the Tribunal with instructions for further consideration, report, proceedings or evidence as the court may consider fit to give;

(c) exercise any of the powers which could have been exercised by the Tribunal in the proceedings in connection with which the appeal is brought; or

(d) exercise any of the powers which could have been exercised by the Tribunal in the proceedings in connection with which the appeal is brought; or

Appeals to the Court of appeal.

27. A person aggrieved by the decision or order of the High Court may, within sixty days of that decision or order, appeal against that decision or order to the Court of Appeal solely on matters of law.

PART VI — TOURISM LICENSING PROVISIONS

Requirement for licence.

28. (1) A person shall not undertake any of the tourism activities and services specified in the Third Schedule, unless that person has a licence issued by the Tourism Regulatory and Licensing unit.

(2) A person seeking a licence or any variation of a licence held by him shall apply to the Unit in such manner and form as may be prescribed under this Act.

(3) An application for a licence or for the variation of licence under subsection (1) shall be accompanied by such fees as may be prescribed by the unit.

(4) The Tourism Regulatory and Licencing Unit may, on receipt of an application under this section, investigate or require the submission of such further information as it may be necessary in order to enable it consider the application.

(5) The unit shall, in considering the licence application, have regard to the material considerations which include—

(a) the standard for the tourism area development plan as prescribed by the Executive Committee Member under section 3(2)(b);

(b) the protection of fragile environmental resources, ecosystems and habitats as provided for by the ministry for the time being responsible for matters relating to the environment;

(c) an environmental impact assessment licence issued under Part VI of the Environmental Management and Co-ordination Act, 1999; No.8 of 1999.

(d) any representations received from members of the public; and

(e) a recommendation or approval from any other relevant authority as may be necessary.

(6) After considering an application made under this section, the unit may grant the applicant the licence or variation applied for or may refuse the grant, and may attach to the licence granted terms or conditions as the it may consider necessary.

(7) A licence issued under this Act shall expire on the 31st December of the year in respect of which it is issued.

(8) An application for the renewal of an existing licence shall be made at least two months before the expiry date of the existing licence.

(9) The Executive Committee Member may, on the advise of the Unit given after consultation with the relevant lead agencies and other stakeholders, by notice in the Gazette, amend the Second Schedule to this Act.

Transfer of licence.

29. (1) A licence issued under this Act may be transferred by the holder to another person only in respect

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of the tourism activity or service in relation to which that licence was issued.

(2) Where a licence is transferred under this section, the person to whom it is transferred and the person transferring it shall jointly notify the unit in writing of the transfer within thirty days after the transfer.

(3) Where no joint notification of a transfer is given in accordance with subsection (2), the licence shall be deemed not to have been transferred.

(4) A transfer of a licence under this section shall take effect on the date the Authority is notified of that transfer.

(5) A person who contravenes the provisions of this section commits an offence.

Suspension of licence.

30. The Unit may, subject to section 32, suspend a licence issued under this Act where—

(a) a licensee is being investigated in relation to an offence under this Act;

(b) an allegation of misconduct has been made against a licencee;

(c) the licensee made a false declaration in the application for the licence; or

(d) a licensee has contravened a provision of this Act.

Cancellation of licence.

31. The unit shall, subject to section 32, cancel a licence where a licensee—

(a) is convicted of an offence under this Act or the regulations made there under; or

(b) ceases to be qualified for the issue of a licence under this Act.

Representation to the Unit.

32. (1) The Unit shall not suspend or cancel a licence unless the Unit has given the licensee at least thirty days

notice of its intention to suspend or cancel the licence and has provided the licensee with an opportunity to make a representation to the Unit.

(2) A licensee who is not satisfied with a decision made under subsection (1) may appeal to the Tribunal within twenty eight days from the date of the decision.

Effect of suspension or cancellation.

33. A person whose licence has been suspended or cancelled shall not engage in the tourism activity or service in respect of which the licence was granted during the duration of suspension or after cancellation.

Registers.

34. (1) The Unit shall keep and maintain registers of—

(a) all standards for the tourism area development plans formulated by the Executive Committee Member under the provisions of this Act;

(b) all licences and permits issued under this Act;

(c) tourism facilities, activities and services licensed under this Act;

(d) all public and private sector institutions or associations involved in tourism or tourism-related activities and services;

(e) all authorized expatriates, in consultation with the ministry for the time being responsible for matters relating to Immigration, working in the tourism and hospitality sector within the county; and

(f) all institutions offering tourism and hospitality training.

(2) All registers kept and maintained under this section shall be open for inspection by members of the public during official working hours, at the Unit's offices or an office designated by the Unit, on the payment of a prescribed fee.

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PART VII — RESEARCH PERMIT, DATA RECORDS AND MONITORING.

Research permit.

35. (1) A person shall not undertake research on the county tourism sector unless that person has a research permit granted by the Product Development and Financing Unit to carry out the research.

(2) A person granted a research permit under subsection (1) shall be required, upon completion of the research, to deposit a copy of the research report, thesis or assessment with the Unit in a manner prescribed by the Unit.

(3) Where a person carrying out the research is from outside Kenya, that person shall be required to have a sponsoring institution from the home country and a locally recognized collaborating institution which shall guarantee that the researcher shall comply with the requirements under this Act.

(4) The Executive Committee Member may, by motion or on recommendation of the Unit, prescribe regulations to carry out the purposes of this section.

Establishment of county tourism database.

36. (1) The Product Development Unit shall, in collaboration with relevant lead agencies and stakeholders, establish a comprehensive county tourism database for the tourism sector in the county.

(2) The database established under subsection (1) shall include relevant data produced by the National Bureau of Statistics, universities and research institutions or as a consequence of collaborative research by the Unit with foreign institutions and researchers.

(3) The Unit shall, in consultation with relevant lead agencies and stakeholders, ensure that data is collected in accordance with any harmonized standards that may be prescribed under this Act or regulations made hereunder.

(4) The Unit shall, in respect of the data and information that it holds, progressively make the data and information available and accessible, through any means, to

all the stakeholders and the general public.

(5) The Executive Committee Member may, by motion or on recommendation of the Unit, prescribe regulations to carry out the purposes of this section.

Access to public records etc.

37. (1) The Unit shall, on request, have access to the public records or documents of a lead agency in custody of a person or an establishment where, in his opinion, the information sought is for the purposes of obtaining the required county tourism data or completion or correction of the information already obtained.

(2) A person who does not grant the Unit access to the records or documents in accordance with subsection (1) commits an offence and shall be liable upon conviction to a fine of one hundred thousand or to imprisonment for a term not exceeding six months or to both.

Access to data by person.

38. (1) Subject to subsection (3), a person may, upon application, access any county tourism data or information upon payment of the prescribed fee.

(2) The Unit shall avail the data or information under subsection (1) in the format requested unless—

(a) it is reasonable for it to make the information available in another format; or

(b) the information is already publicly available and easily accessible to the applicant in another format.

(3) The Unit may refuse to grant an application under subsection (1) where the data or information requested is classified and restricted.

(4) The Unit shall communicate to the applicant, in writing, the reasons for refusal within twenty-one days from the date of the making the decision.

(5) The Executive Committee Member may, by motion or on recommendation of the Unit, prescribe regulations to effectively carry out of the provisions of this section.

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Monitoring mechanisms.

39. (1) The Executive Committee Member may, by motion or on recommendation of the Unit, develop monitoring mechanisms and set indicators to determine—

(a) sound management of county tourism products and services; and

(b) trends affecting county's tourism sector;

(2) The Executive Committee Member shall require any person collecting data or information that is relevant to the county tourism sector to regularly report to the Executive Committee Member on the results of the monitoring mechanisms against the predetermined indicators.

(3) The Executive Committee Member shall, at least once every five years, submit to the County Assembly a monitoring report and avail the monitoring report to the public.

PART VIII — FINANCING THE TOURISM INDUSTRY

A.County Tourism Levy

Tourism levy.

40. (1) The Executive Committee Member may, by order, require the payment by persons engaged in tourism activities and services of a county tourism levy.

(2) The county tourism levy order may make different provisions in relation to different tourism activities and services.

(3) A county tourism levy may contain provisions as to the evidence by which a person's liability to the tourism levy, or his discharge of that, may be established, and as to the time at which any amount payable by any person by any of tourism activity and service shall become due.

(4) All monies received in respect of the tourism levy shall be paid to the Product Development and Financing Unit established under section 10 of this Act.

(5) A person who fails to comply with any provision of a tourism levy order commits an offence.

B. Government tax incentives

Fiscal incentives.

41. (1) Despite the provisions of any relevant national or county revenue Act, the Executive Committee Member responsible for matters relating to finance in consultation with the National Treasury may, on the recommendation of the Executive Committee Member, propose tax and other fiscal incentives, disincentives or fees to induce or promote the development of sustainable tourism.

(2) Without prejudice to the generality of subsection (1), the tax and fiscal incentives, disincentives or fees may include—

(a) customs and excise waiver in respect of imported capital goods for investment in sustainable tourism activities and services;

(b) tax rebates to tourism activities and services that promote sustainable tourism and environmental conservation;

(c) tax disincentives to deter bad tourism activities and services;

(d) user fees to ensure that those who use tourism activities and services pay proper value for the tourism products and services rendered.

Loans and credit facilities.

No. 28 of 2011.

42. An investor or entrepreneur in the county tourism sector may obtain a loan or credit facilities in accordance with this Act or any other legislation, on terms and conditions that may be prescribed

PART IX — OFFENCES, PENALTIES AND ENFORCEMENT

Prohibition and offences relating to integrated tourism development area plan.

43. (1) A person shall not fraudulently alter—

(a) an approved integrated county tourism

development area plan required to be developed; or

(b) an approved integrated county tourism development area plan under this Act.

(2) A person who contravenes any of the provisions of subsection (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding twenty-four months, or to both.

Prohibition and offences relating to pollution.

44. (1) A person shall not—

(a) discharge any dangerous materials, substances or oil into a designated county tourism development area contrary to the provisions of this Act or any other law; or

(b) pollute wildlife habitats and ecosystems, or discharge any pollutant detrimental to the environment contrary to the provisions of this Act or any other law.

(2) A person who contravenes any of the provisions of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings, or imprisonment, in case of a natural person, to a term not exceeding thirty-six months, or to both.

(3) In addition to the fine imposed under subsection (2), the court may direct the convicted person to —

(a) pay the full cost of cleaning up the polluted wildlife habitat and ecosystem and mitigating effects of pollution; and

(b) clean up the polluted habitats and ecosystems and mitigating effects of pollution to the satisfaction of the county government.

(4) Without prejudice to the provisions of subsections (2) and (3), the court may direct the accused person to meet the cost of the effect of pollution to a third party through adequate compensation, restoration or restitution.

General prohibition and offences.

45. (1) A person shall not—

(a) breach or fail to comply with the provisions of this Act;

(b) breach or fail to comply with any of, the terms or conditions of a licence issued to him under this Act;

(c) fail to comply with a lawful requirement or demand made or given by an authorized officer;

(d) obstruct a person in the execution of his powers or duties under this Act;

(e) knowingly or recklessly make a statement or representation which is false;

(f) knowingly or recklessly furnish a document or information required under this Act which is false; or

(g) knowingly or recklessly use or furnish a fake or forged or invalid licence or a licence that has been altered without authorization.

(2) A person who contravenes any of the provisions of subsection(1) commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding eighteen months, or to both.

Offences relating to corporate body.

46. Where an offence under this Act is committed by a body corporate or any other association of individuals, a director, partner or any other person involved in, or acting or purporting to act in the management of its affairs commits an offence unless that person proves that—

(a) the act or omission constituting the offence took place without his knowledge; or

(b) he or she took reasonable steps to prevent the commission of the offence.

General penalty.

47. A person who commits an offence under this Act for which no specific penalty is provided is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.

Authorized officer.

48. (1) The Executive Committee Member may, in writing, appoint any person to be an authorized officer for the purposes of the carrying out of the provisions of this Act.

(2) Despite subsection (1), any other person upon whom any written law vests functions of maintenance of law and order shall be an authorized officer.

Prosecutorial powers.

(Cap. 75).

49. An authorized officer may, with the leave of the Director of Public Prosecutions given under the Criminal Procedure Code conduct prosecution for an offence committed under this Act.

Restraint of breaches of this Act.

50. (1) Any person who has reason to believe that the provisions of this Act have been, are being, or are about to be violated, may petition the High Court for—

(a) a declaration that the provisions of this Act are being, have been, are about to be contravened;

(b) an injunction restraining any specified person from carrying out the contravention;

(c) the writ of mandamus against an officer or a person who has failed to perform a duty imposed by or under this Act; or

(d) any remedy at law or equity for preventing or enforcing the provisions of this Act.

Supercession.

51. Where any conflict arises between the provisions of this Act and any other county legislation with respect to the development, management, marketing or regulation of the tourism sector, in the county the provisions of this Act shall prevail.

Regulations.

52. (1) The Executive Committee Member may, by motion or on the recommendation of the respective tourism units, make regulations prescribing all matters which by this Act are required to be prescribed or which are necessary for the better carrying out of, or giving effect to, the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), Regulations under subsection (1) may provide for—

(a) the conditions which a licence or permit may be granted or issued under this Act;

(b) the procedures to be followed when applying for a licence or permit;

(c) the criteria for standardization and classification of county tourism facilities and services;

(d) the classification of tourism activities and services;

(e) fees and other charges required to be paid under the Act;

(f) the restriction, regulation or other control of county tourism activities and services;

(g) the training of personnel for the tourism agencies and the county tourism and hospitality sector in general; and

(h) the Code of Practice for the local tourism and hospitality sector.

(3) Regulations made under this section may require acts or things to be performed or done to the satisfaction of the Executive Committee Member, and may empower the respective tourism units established under this Act to issue orders imposing conditions and dates upon, within or before which the acts or things shall be performed or done.

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FIRST SCHEDULE (s.3 (5))

PROVISIONS RELATING TO PUBLIC CONSULTATION

1. (1) Where this Bill imposes a requirement for public consultation in matters relating to a tourism strategy, plan, activity or service, the respective tourism agency shall publish a notice —

(a) In the Gazette;

(b) In at least two newspapers with national circulation;

(c) In at least one Kenyan radio station broadcasting in that locality.

(2) The notice shall in each case—

(a) set out a summary of the strategy, plan, activity or service;

(b) State the premises at which the details of the strategy, plan, activity or service may be inspected;

(c) Invite written comments on or objections to the strategy, plan, activity or service;

(d) Specify the person or body to which the comments are to be submitted; and

(e) Specify a date by which the comments or objections are required to be received, not being a date earlier than sixty days after publication of the notice.

2. The respective tourism agency shall make arrangements for the public to obtain copies, at reasonable cost, of documents relating to the strategy, plan, activity or service which are in the possession of the respective tourism agency.

3. The respective tourism agency shall consider the—

(a) Written comments or objections received on or before the date specified under paragraph 1(2) (e); and

(b) Comments, whether in writing or not, received at a public meeting held in relation to the strategy, plan, activity or service at which the respective tourism agency was represented, or by any other invitation, to comment.

4. The respective tourism agency shall publish, in accordance with paragraph 1 of this Schedule, notice of the fact that a copy of the written decision of the respective tourism agency relating to the strategy, plan, activity or service, and the reasons thereof, is available for public inspection at the same premises as were notified under paragraph 1(2) (b).

5. Where regulations made under this Act so require, the respective tourism agency shall cause a public meeting relating to a strategy, plan, activity or service to be held before the respective tourism agency makes its decision on the strategy, plan, activity or service.

SECOND SCHEDULE (s.13)

PROVISIONS RELATING TO MEETINGS OF THE COUNTY TOURISM BOARD

1. The County Tourism Board shall meet at least once in every three months to conduct the business of the Board.

2. The Chairperson may or upon request call a special meeting of the Board at any time, where he or she considers it expedient for the transaction of the business of the Board.

3. Other than a special meeting, or unless three quarters of members agree, at least twenty one days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary.

4. The quorum at a meeting of the Board shall be half of the members or a greater number determined by the Board in respect of an important matter.

5. The Chairperson shall preside at the meetings of the Board and in the absence the vice-chairperson, and in his absence, a member of the Board elected by the members present from among their number shall preside.

6. The matters of the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the Board of the unit shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

8. At the first meeting of the Board, the members shall elect a vice-chairperson, not being an *ex-officio* member, from among its members.

9. Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for attendance of any other persons at the meetings and may make standing orders in respect thereof.

THIRD SCHEDULE (s. 28 (1))

PROVISIONS RELATING TO REGULATED TOURISM ACTIVITIES AND SERVICES

(a) Class "A" Enterprises

(i) Hotels;

(ii) Members clubs;

(iii) Motels;

(iv) Inns;

(v) Hostels;

(vi) Health and spa resorts;

(vii) Retreat lodges;

(viii) Ecolodges;

(ix) Tree houses;

(x) Floatels;

(xi) Service flats,

(xii) Service apartments,

(xiii) Beach cottages,

(xiv) Holiday cottages,

(xv) Game lodges,

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(xvi) Tented camps;

(xvii) Safari or mobile camps,

(xviii) Bandas,

(xix)Cultural homes and centres,

(xx)Villas;

(xi) Homestays;

(xii) Guest houses; and

(xxiii) Time shares.

(b) Class "B" Enterprises

(i) Restaurants; and

(ii) Other food and beverage services.

(c) Class "C" Enterprises

(i) Tour or safari operators;

(ii) Tourist service vehicle hire;

(iii) Local air charter;

(iv) Travel agency;

(v) Water sports;

(vi) Balloon operators; and

(vii) Boat excursions;

(d) Class "D" Enterprises

(a) Game fishing outfitters;

(b) Enterprises offering camps and camping equipment for hire;

(c) Nature parks;

(d) Nature reserves;

(e) Nature trails;

(f) Game ranches;

(g) Amusement parks; and

(h) Non-citizen tour leaders or guides.

(e) Class "E" Enterprises

(i) Local traditional boat operators;

(ii) Professional safari photographers;

(iii) Curio vendors;

(iv) Private zoos;

(v) Citizen tour leaders or guides; and

(vi) General vendors; and

FOURTH SCHEDULE

OTHER LICENSING REQUIREMENTS

In addition to the requirements set out in the Third Schedule above, the Licensing Committee shall consider the following:

(a) a certificate of approval by public works and public health of the premises (hotel/restaurant);

(b) Lease Agreement or Title Deed of premises occupied by office;

(c) evidence of insurance cover for the premises, occupants and their property;

(d) in the case tourist vans - insurance cover, public service vehicle (PSV) sticker and vehicle inspection, a valid driver's license and certificate of good conduct;

(e) If foreign tourist vans – motor vehicle ownership documents, licence to carry on the business of tourism from the country of origin, a valid driver's licence and certificate of good conduct.

(f) summary of skilled and unskilled staff in employment;

(g) copy of menu and tariff (hotels and restaurants)

(h) Number of expatriates in employment or required and their respective work/entry permits.

(i) CV and certificates of the Manager;

(j) In the case of boats – Kenya Maritime Authority/Fisheries inspection report, certificate of seaworthiness of the vessel and the coxswain certificate; and

(k) In the case of air charters – Kenya Civil Aviation Authority air charter licence, certificate of air worthiness for the planes and pilot licence.

FIFTH SCHEDULE (S.28)

Form 1

Application for licence/renewal/the variation of Licence to carry on the regulated tourism and hospitality activity or service

I hereby apply for a Licence/Renewal/the Variation of Licence to carry on the regulated tourism and hospitality activity or service.

1. Name of Company/Person to be licensed (The Company or persons name should be stated in full)……
……
……
2. Physical address: Town…… Street/Road……L.R. No……..
Name of building…… Floor ……. Room……
Postal address: P.O. Box ……Code……Town……
Telephone…… Fax……Email……
3. Income Tax Personal Identification Number (PIN) ……

4. Short description of the applicants licensable activity or service
……
……
……

5. Registration certificate: Certificate No. ……Date: ……

6. Name and address of the bank or financial institution where business account is maintained……
……

7. Personal details:

(i) State whether any of the partners/directors/shareholders is an undischarged bankrupt. (If so, indicate the names).
……

(ii) State whether any of the partners/directors/shareholders have a beneficial interest in any other business licensed to provide or operate tourism activities and services.
……

(iii) Has any previous application by you been rejected under the Bill? (If so, give details).
……

(iv) Has any previous licence granted to you under the Bill been revoked, cancelled or suspended? (If so, give details).
……

8. Full name(s) of proprietor(s) or managing director if a Limited Company
……
……

9. Postal and residential address(es) of person(s) named in (8) above
……
……

10. Age, country of birth, present nationality of persons named in (8) above
……

11. In the case of hotel and restaurants, total sales for the past calendar year
(a) Total number of beds……
(b) Tariff……

12. If this application is for the variation of an existing licence, the details of the variation required, and the reasons
……
……

13. If a licence has been held previously, the reasons for any material difference between the particulars given in the two applications
……

14. Mandatory requirements
(a) Certified copy of proof registration or incorporation in Kenya
(b) Certified copy of proof of shareholding from the Registrar of Companies
(c) Certified copy of PIN card
(d) Non-refundable licence application fee
(e) Letter of application with Company seal (where applicable)
(All documents attached to this application should be certified as true copies of the originals)

15. Completed application forms should be returned to:

Executive Secretary

Tourism Regulatory and Licensing Unit

16. Declaration

I/We hereby certify the information we have provided in this application is true and correct.

I/We also understand that it is an offence under the Bill and the Penal Code to give false information in support of any application.

Name……Designation……

Date…… Signature……

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The applicant **MEETS/DOES NOT MEET** the licensing requirements and is hereby **RECOMMENDED/NOT RECOMMENDED** for approval of licensing (with or without conditions) to undertake: ……

The reasons for not recommending the applicant are as follows:……..

Name……Designation……

Signature…… Date……

Official stamp

SIXTH SCHEDULE

Licence to carry on Regulated Tourism and Hospitality Activity or Service

LICENCE is hereby granted to……to carry on the following regulated tourism and hospitality activity or service:

Name of regulated tourism and hospitality activity or service

……

Designated area of trade

……

Class of regulated tourism and hospitality activity or service

…….on condition that the licensee shall report in writing to the Unit without delay-

(i) any occurrence which brings death or injury to a tourist;

(ii) any major disruption of the itinerary of a tourist, being a tourist taking part in a tour with which the licensee is concerned;

This Licence is valid up to 31st day of ……

Date…… ……

Executive Secretary

Tourism Regulatory and Licensing Unit

Signature/Seal stamp

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SEVENTH SCHEDULE

(S.28)

Licence fees payable by various types of regulated tourism activities and services

The licence fees for regulated tourism activities and services are as follows:

(a) Hotels

For the purpose of licensing hotels shall be divided into various categories and according to their size, bed capacity and extend of the services they provide.

Category	*Application fee*	*Annual Licence Fee Kshs*	*Renewal (no application fee payable)*
Category A: Conventional vacation, town and countryside hotels in which services provided include provision of breakfast and other meals			
With bed capacity of one to ten beds and /or minimum total charge for accommodation per night is over Kshs. 1,500.	500	5,000	5,000
With or without at least one restaurant and/or minimum total charge for accommodation per night is less than Kshs. 1,500.	500	8,500	8,500
With or without at least one restaurant and/or bed capacity of between 11 to 40 beds and minimum total charge for accommodation per night is over Kshs. 1,500.	500	10,000	10,000
With more than one restaurant and bar outlets and/or bed capacity of between 41 to 80 beds in addition to function room facility.	500	15,000	15,000
With at least three restaurants bar outlets swimming pool and/or bed capacity of between 81 to 120 beds in addition to function room Facility with more than one syndicate rooms.	500	20,000	20,000
With at least three restaurants, bar outlets swimming pool and/or bed capacity of between 121 to 160 beds in addition to banqueting department and sports facilities.	500	25,000	25,000
With at least three restaurants, bar outlets swimming pool, banqueting department, sporting facilities and/or bed capacity of between 161 to 200 beds in addition to health club.	500	30,000	30,000
With at least three restaurant bar outlets, swimming pool, banqueting department, sporting facility, health club and/or bed capacity of between 201 and 300 beds in addition to casino.	500	35,000	35,000
With at least three restaurants, bar outlets swimming pool, banqueting, sporting facility health club, a casino and/or bed capacity of above 301 beds in addition to golf or racecourse	500	40,000	40,000
Category B: Conventional hotel premises located within or near natural habitat rich in fauna and flora			
Conventional game lodge with at least one restaurant, bar/or bed capacity of betweenone to twenty beds.	500	21,000	21,000
Conventional game lodge with at least two restaurants, bar and/or bed capacity of between 21 and 60 beds in addition to swimming pool.	500	26,000	26,000

Conventional game lodge with at least two restaurants, bar, swimming pool and/or bed capacity of between 61 and 100 beds in addition to function room facilities.	500	31,000	31,000
Conventional game lodge with at least two restaurants, bar, swimming pool, function rooms and/or bed capacity of above 101 beds in addition to health clubs and any other sporting facilities.	500	36,000	36,000
Category C: Similar/equivalent hotel establishments owned home based accommodation arranged in rooms and providing limited hotel services			
Boarding and lodging	500	5,000	5,000
Guest house	500	5,000	5,000
Home stays /Host farm/farm stays			
(a) Economy	500	1,000	1,000
(b) Standard	500	2,000	2,000
(c) Executive	500	3,000	3,000
Holiday/Service apartments/Flat	500	46,000	46,000
Category D: Eco-friendly resort accommodation facilities or specialized ecotourism services offered to guests			
Ecolodge	500	21,000	21,000
Retreat lodge	500	26,000	26,000
Mobile tented camps	500	51,000	51,000
Semi-permanent camp site	500	51,000	51,000
Resort and health spas	500	61,000	61,000
Private game ranches	500	76,000	76,000
Category E: Private tourism accommodation, self catering, owned second homes or shared ownership typified by limited number of space independent units (room, dwelling) occupied by tourist/friends/relatives for or without charge, usually for a weekend, week, fortnight or month, or by its owners as a second home or holiday home			
Holiday cottage/villa 9 per unit)	500	26,000	26,000
Time shares establishments	500	26,000	26,000

(b)Restaurants

The restaurant licence fee is based on gross receipts as follows:

Gross Receipts	Application fee	Restaurant fee	Renewal(No application fee payable)
A restaurant which has not previously traded.	500	5,000	5,000
Annual gross receipts less than Kshs. 3 million.	500	8,500	8,500
Over Kshs. 3 million but not more than Kshs. 4 million.	500	11,000	11,000
Over Kshs. 4 million but not more than Kshs. 4.5 million.	500	16,000	16,000

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Over Kshs. 4.5 million but not more than Kshs. 5 million.	500	21,000	21,000
Over Kshs. 5 million but not more than Kshs. 5.5 million.	500	26,000	26,000
Over Kshs. 5.5 million but not more than Kshs. 6 million.	500	31,000	31,000
Over Kshs. 6 million.	500	46,000	46,000

(c) General

Category	***Application Fee Kshs.***	***Annual Licence Fee Kshs.***	***Renewal (No application fee payable)***
Members Clubs*	500	11,000	11,000
Motels*	500	11,000	11,000
Inns*	500	11,000	11,000
Hostels*	500	11,000	11,000
Tree houses*	500	21,000	21,000
Floatels*	500	21,000	21,000
Beach cottages*	500	26,000	26,000
Bandas*	500	26,000	26,000
Tour or safari operators	500	8,000	8,000
Tourist service vehicle hire	500	8,000	8,000
Local air charter	500	8,000	8,000
Travel agency	500	8,000	8,000
Water sports	500	8,000	8,000
Balloon operators	500	8,000	8,000
Boat excursions	500	8,000	8,000
Game fishing outfitters	500	6000	6000
Enterprises offering camps and camping equipment for hire	500	6000	6000
Nature parks	500	6000	6000
Nature reserves	500	6000	6000
Nature trails	500	6000	6000
Game ranches	500	6000	6000
Amusement parks	500	6000	6000
Non-citizen tour leaders or guides	500	6000	6000
Local traditional boat operators	500	2,000	2,000
Professional safari photographers	500	2,000	2,000
Curio vendors	500	2,000	2,000
Private zoos	500	2,000	2,000
Citizen tour leaders or guides	500	2,000	2,000
General vendors	500	2,000	2,000

Beach operators	500	2,000	2,000
Entertainment facilities	500	20,000	20,000
Conference and event services	500	20,000	20,000
Tourism and hospitality training institutions	500	25,000	25,000

EIGHTH SCHEDULE FORM A

Application for Registration/Renewal of Registration for Tourism and Hospitality Training Institutions

I hereby apply for Registration/Renewal/the Variation of Registration to carry on tourism and hospitality training.

1. Name of applicant……

1. If a company, list names and particulars of directors……
2. Postal address……
3. Location of business
   (a) Town……
   (b) Street/Road…… LR.NO ……
   (c) Name of building…… Floor ……Room……
   (d) Telephone No……
4. Income Tax Personal Identification Number (PIN) (attach copy)……
5. Nature of tourism and hospitality training courses ……
6. Personal details:
   (i) State whether any of the partners/directors/shareholders is an undischarged bankrupt. (If so, indicate the names).
   ……
   ……
   (ii) Has any previous application by you been rejected under the Bill? (If so, give details).
   ……
   ……
   (iii) Has any previous registration granted to you under the Bil been revoked, cancelled or suspended? (If so, give details).
   ……
7. Mandatory requirements

(a) A copy of the memorandum of association or the instrument or document by which the applicant is constituted.

(b) A copy of the articles of association or other rules of the applicant.

(c) A certified copy of the published prospectus, if any.

(d) A copy of approved courses and curriculum by the Ministry responsible for higher education or the Commission for University Education.

(e) A copy of a certificate of approval by public works and public health of the premises to be used for training.

(f) Evidence of suitable premises and facilities to satisfactorily serve the students and the public in respect of the tourism and hospitality training specified in the application.

(g) Evidence of an adequate number of technically qualified and otherwise competent staff.

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(All documents attached to this application should be certified as true copies of the originals)

8. Completed application forms should be returned to:

Director General

Tourism Regulatory Authority

9. Declaration

I/We hereby certify the information we have provided in this application is true and correct.

I/We also understand that it is an offence under the Act and the Penal Code to give false information in support of any application.

Date…… Signature……

Applicant or his duly authorized agent

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The applicant **MEETS/DOES NOT MEET** the registration requirements and is hereby **RECOMMENDED/NOT RECOMMENDED** for approval/renewal of registration to undertake tourism and hospitality training in the following courses: …..……

The reasons for not recommending the applicant are as follows:

……
……
Name…… Designation……

Signature……
Date……

Official stamp

NINTH SCHEDULE

FORM B

Tourism and Hospitality Training Registration Certificate

THIS Certificate is issued to……of P.O. Box…….. and authorizes the said person to carry on business in tourism and hospitality training in the Republic of Kenya at L.R. No.(s) …….for a period of one (1) year beginning on …….day of ending on 31st day of December ……(both days inclusive).

THIS Certificate is issued subject to compliance with the provisions of the Tourism Act No 28 of 2011 of the Laws of Kenya and the Tourism (General) Regulations and to the terms and conditions specified hereunder.

Date…… ……

Executive Secretary

Tourism Regulatory and Licensing Unit

Signature/Seal stamp