

SPECIAL ISSUE

Kenya Gazette Supplement No. 12 (Tana River County Acts No. 9)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

TANA RIVER COUNTY ACTS, 2022

NAIROBI, 13th December, 2022

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No. 9 of 2021

Date of Assent: 21st July, 2021

Date of Commencement: See Section 1

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THE TANA RIVER COUNTY TOURISM ACT, 2021

AN ACT of the County Assembly of Tana River to give effect to paragraph 7(d) of part 2 of the Fourth Schedule to the Constitution; to provide 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 Tana River, as follows—

PART I—PRELIMINARY**Short title and commencement**

1. This Act may be cited as the Tana River County Tourism Act, 2021 and shall come into force upon expiry of fourteen days after publication in the *Gazette*.

Interpretation

2. In this Act unless the context otherwise requires—

“authorized officer” means a person appointed under section 57 of this Act;

“Board” means the Tourism Board established under section 14 of this Act;

“Chief Officer” means the Chief Officer in the department for the time being responsible for matters relating to tourism;

“County” means the Tana River County;

“County Assembly” means the County Assembly of Tana River;

“County Government” means the County Government of Tana River;

“County Executive Committee Member” means the County Executive Committee Member for the time being responsible for matters relating to tourism;

“Department” means the department for the time being responsible for matters relating to tourism;

“ecotourism” means responsible travel to natural areas to view the flora and fauna without disturbance to the economical, ecological and cultural status of the areas;

“environmental impact assessment” means a systematic examination conducted to determine whether or not a program, activity or project will have any adverse impact on the environment;

“Fund” means the Tana River County Tourism Fund established under section 37 of this Act;

“hotel” includes a facility used for the reception of guests and travelers desirous of dwelling or sleeping therein;

“lead agency” means a National Government ministry, department or state corporation in which the law has vested functions of control or management of any tourism-related activities and services;

“restaurant” means any premises on which the business of supplying food or drink for reward is carried on;

“sustainable tourism” means tourism development that meets the needs of present visitors and hosts while protecting and enhancing opportunity for the future;

“Tourism” means any form of local tourism activity that takes place in Tana River County;

“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;

“tourism area” means an area designated as a Tourism Area under section 22;

“tourist” means a person travelling to and staying in a place outside his or her usual abode for more than twenty-four hours, but not more than one consecutive year, for leisure, business or other purpose, not being a work-related activity remunerated from within the place visited;

“wildlife” means any living thing especially mammals and birds that are not domesticated and includes any vertebrate or invertebrate animal or bird and the eggs and young thereof, but does not include a fish, except a fish in a protected area, a domestic animal, or a domestic bird, or eggs or young thereof, or a plant, except a plant in a protected area; and

“wildlife conservancy” for the purposes of this Act means land set aside by the County Government for the purposes of wildlife conservation.

Object of this Act

3. The object of this Act is to—

- (a) ensure the national government policy on the promotion, management and marketing of tourism is implemented at the County level;

- (b) provide for the promotion and regulation of tourism activities in the County;
- (c) promote the practice of responsible and sustainable tourism in the County;
- (d) provide a platform for tapping of unexploited tourism products and services in the County;
- (e) provide for the effective domestic, national and international marketing of the County as a tourist destination of choice;
- (f) promote stakeholder involvement and cooperation in the development and management of sustainable tourism in the County; and
- (g) provide a mechanism for funding the development, management, promotion and marketing of sustainable Tourism in the County.

PART II—FORMULATION OF COUNTY TOURISM STRATEGY

County Tourism Strategy

4. (1) The County 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;
- (d) priority areas for tourism development, capacity building and training;
- (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 County Executive Committee Member in charge of tourism affairs considers necessary to enhance sustainable tourism in the County.

(3) The County 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 County 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 County 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

The Tourism Regulatory and Licensing unit

Establishment of the Tourism Regulatory and Licensing unit

5. (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

6. The object and purpose of the Unit shall be to regulate the local tourism sector in the County.

Functions of the Unit

7. (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;
- (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 department for the time being responsible for matters relating to education, tourism and hospitality curriculum, examination and certification;
- (f) issue trading licenses or commercial permits for licensed tourism activities and services;
- (g) develop and implement a code of practice for the tourism sector;
- (h) ensure the development and implementation of high quality tourism sector;
- (i) vet and recommend expatriates seeking employment in the tourism and hospitality sector;
- (j) monitor and assess tourist activities and services to enhance continuous improvement and adherence to sound principles and practices of sustainable tourism;
- (k) 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 County Executive Committee Member and the relevant lead agencies; and
- (l) perform any other functions that are ancillary to the object and purpose for which the unit is established.

(2) The County 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 County 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 department by County Assembly for that purpose.

The Marketing and Promotion Unit

Establishment of the Marketing and Promotion Unit

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

9. 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

10. 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;
- (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 County 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 department by County Assembly for that purpose.

The Product Development and Financing Unit

Establishment Product Development and Financing Unit

11. (1) There is established a unit to be known as the Product Development and Financing 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

12. 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

13. (1) The Product Development Unit shall—

- (a) 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) carry out regular assessments on investment climate in the tourism sector and propose to the County Executive Committee Member the necessary policy and legislative measures for development of favourable sustainable tourism investment and operational climate;
 - (m) publish, annually, research findings and communicate recommendations to the relevant lead agencies, institutions and other stakeholders in the local tourism sector; and
 - (n) perform any other functions that are ancillary to the object and purpose for which the Product Development Unit is established.
- (1) The County 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.
- (2) The expenses of the Product Development Unit shall be met out of funds allocated to the relevant department by the County Assembly for that purpose.

PART IV—ESTABLISHMENT OF THE TOURISM BOARD**Establishment of the Tourism Board**

14. (1) There is established the Tana River County Tourism Board which shall consist of—

- (a) a non- executive chairperson appointed by the County Executive Committee Member from amongst the members of the Board;
- (b) the Chief Officer for the time being responsible for matters relating to tourism or his/her representative who shall be an *ex-officio* member and the Secretary to the Board;
- (c) the Chief Officer for the time being responsible for matters relating to finance or his/her representative;
- (d) the Chief Officer for the time being responsible for matters relating to environment or his/her representative;
- (e) the Chief Officer for the time being responsible for matters relating to culture or his/her representative;
- (f) two other members, not being public officers, with expertise in tourism matters nominated by the County Executive Committee Member and approved by the County Assembly, taking into account ethnic balance, youth representation, persons living with disabilities and gender parity.

(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 Executive Committee Member shall appoint person under sub section (1) (f) in accordance with the procedure prescribed by the County Executive Committee Member.

(4) 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 or her functions.

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

Functions of the Board

15. 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) to administer and mobilize resources for the county tourism Fund;
- (e) facilitate collaboration and partnerships with the national government, Lead Agencies and other counties on the use and management of trans-border tourism resources;
- (f) oversee the implementation of the national government's policy and strategy on tourism in the County;
- (g) oversee the implementation of the County tourism strategy and give any orders or directions necessary for the implementation of the county tourism strategy;
- (h) advise the Executive Member on the appropriate measures to be adopted in promoting sustainable tourism development; and
- (i) perform any other function as may assigned by the County Executive Committee Member.

Oath or affirmation of office

16. The members of the Board shall, before assuming office, take and subscribe to the oath or solemn affirmation of office prescribed in the Third Schedule.

Remuneration

17. The members of the Board shall be paid such allowances and benefits as the County Public Service Board shall, on advice of the Salaries and Remuneration Commission, determine.

Tenure and vacation of office

18. (1) A member of the Board appointed under section 14(1)(f) shall hold office for a term not exceeding three years but shall be eligible for reappointment 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 County 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 County Executive Committee Member shall appoint another person in accordance with the provisions of section 13(1) to fill the vacancy.

Removal of a member

19. A member of the Board may be removed from office by the County Executive Committee Member, for—

- (a) serious violation of the Constitution or any other written law;
- (b) gross misconduct, whether in the performance of the functions of the office or otherwise;
- (c) incapacity to perform the functions of the office;
- (d) incompetence; or
- (e) bankruptcy.

Meetings

20. (1) The business and affairs of the Board shall be conducted in accordance with the Second Schedule.

(2) Except as otherwise provided in the second schedule, the Board may regulate its own procedure subject to the law governing meetings and proceedings of Boards of state corporations.

(3) The board may invite any person to attend any of its meetings and to participate in its deliberations, but that person shall not vote on any matter requiring decision of the Board.

Disclosure of Interest

21. 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— TOURISM DEVELOPMENT**Designation of Tourism Area and conservancies**

22. (1) The County Executive Committee Member may by notice in the *Gazette*, upon conducting public participation in the county and subject to approval of the County Executive Committee and the County Assembly and in consultation with the relevant national government agency, establish and designate an area as a tourism area or conservancy.

(2) The County Executive Committee Member shall, in designating an area as a tourism area or conservancy, take into account the guidelines formulated by the relevant national government Lead Agency for development of tourism areas or conservancies.

(3) An area contemplated for designation in section 26(1) is considered if the area has —

- (a) historical and cultural significance;
- (b) environmental beauty;
- (c) existing or potential leisure facilities within its bounds or at reasonable distance;
- (d) sufficient in size capable of being utilized for bringing in new investments in tourism establishments;
- (e) strategic location for the development of tourism activities;
- (f) range vegetation not suitable for farming; and
- (g) wildlife and can be fit for use as a conservancy.

Establishment of private and community conservancies

23. (1) Any person or community who owns land under which wildlife inhabits may individually or collectively apply to the Board in the prescribed procedure to establish a wildlife conservancy or sanctuary in accordance with this Act.

(2) Upon successful application by any person or community, the County Executive Committee Member shall declare such an area a private or community conservancy and the Tourism regulatory and licensing unit may issue a licence or certificate to operate a private or community conservancy.

(3) A licence or certificate issued under sub section (2) shall set out the geographical boundaries in respect of which the conservancy is being declared, and such licence or certificate may give conditions under which the conservancy shall be managed.

(4) Notwithstanding the provisions of this section, a holder of a certificate or licence previously issued under any other law shall be deemed to have complied with the provisions of this section.

(5) The County Executive Committee Member in consultation with the Board shall make Regulations for the effective implementation of this section.

Community wildlife and conservancies management committees

24. (1) The County Executive Committee Member may, establish the Community Wildlife and Conservancies Management Committees consisting of members from communities living along the boundaries of a conservancy.

(2) The committees shall carry out such functions as the County Executive Committee Member may assign.

(3) The County Executive Committee Member shall ensure that at least thirty (30) per cent of all skilled and unskilled labour emanating from any employment opportunity at a conservancy emanates from local communities living along the boundaries of conservancies.

(4) The County Executive Committee Member shall regulate the procedures of the committees established under this Act.

Community benefits

25. (1) A member of a community living along the boundaries of a conservancy may, access a conservancy for the purposes of grazing animals on such terms and conditions as the County Executive Committee Member may determine or to carry out such other activities as the Department may authorize.

(2) The County Executive Committee Member may, in consultation with a community living along the boundaries of a conservancy establish programs for the benefit of the local community from the resources generated from a conservancy.

Compliance with national laws

26. A county wildlife conservancy shall be managed in accordance with this Act and the national laws governing wildlife conservation and management.

Investments in conservancies

27. (1) The Board shall —

- (a) in collaboration with the relevant national government agencies, other county governments and stakeholders develop, protect and promote a conservancy established under this Act; and
- (b) promote and facilitate investments in a conservancy established under this Act.

(2) Any investment in a conservancy shall be undertaken in accordance with the Regulations prescribed by the County Executive Committee Member and approved by the County Executive Committee and County Assembly.

Tourism mapping and branding

28. (1) The Department, in collaboration with Lead Agencies or other public and private agencies, map and identify all tourism attraction sites, features or activities and shall Maintain an inventory of all the sites, features or activities identified under this section.

(2) The Department shall, in collaboration with Lead Agencies or other private and public sector agencies, facilitate branding of the tourism sites, features or activities identified under section (1) for marketing purposes ;

(3) The County Executive Committee Member shall, in collaboration with other departments, security agencies, public and private sector entities ensure that there is adequate security, appropriate physical infrastructure and sustainable environmental and cultural conservation for facilitating the implementation of this section and this Act.

Forms of tourism

29. (1) Department shall, in collaboration with Lead Agencies and other national and county government agencies or departments develop, promote or facilitate the development of tourism focusing on—

- (a) conferences and business;
- (b) cultural activities;
- (c) wildlife;
- (d) ecological features;
- (e) sports;
- (f) natural sceneries;
- (g) medical tourism;
- (h) research tourism
- (i) agricultural tourism

- (j) homestays
- (k) holiday homes
- (l) film and urban tourism; and
- (m) Any other form as may be prescribed by the Board.

(2) The County Executive Committee Member shall within three months of coming into force of this Act adopt measures and plans for facilitating the branding and promotion of the forms of tourism described under sub section (1) as appropriate and shall include the development of tourism products related to each form of tourism.

(3) The County Executive Committee Member shall within nine months of the coming into force of this Act, submit to the County Executive Committee, a status report outlining the progress taken in implementing this section.

Tourism circuits

30. (1) The Department shall in collaboration with the national government, county governments, the private sector and other relevant stakeholders develop and promote tourism circuits and such tourism routes as shall be appropriate.

(2) The tourism circuits established under this section shall be integrated with the tourism circuits established by the national government for the region.

Hotel standardization and classification

31. The Department shall, in collaboration with the relevant national government Lead Agency and the operators in hotel industry, ensure that there is strict adherence to the standardization and classification standards established by the national government.

Registration of service providers.

32. (1) The Tourism Regulatory and Licensing unit shall register all service providers in the tourism industry for the purposes of ensuring effectiveness and efficiency in service delivery.

(2) A trading licenses or commercial permit issued by the unit to conduct any business under the categories of tourist products and services shall not entitle the holder thereof to conduct any other business under the categories.

Tourist information centres

33. (1) The Department shall, in collaboration with the private sector and other relevant stakeholders, establish tourist information centres for dissemination of tourism information.

(2) A tourist information dissemination centre shall facilitate access to information and communication related to tourism in any prescribed manner and shall—

- (a) be a repository of all information related to tourism in the county, sub county and ward level; and
- (b) utilize all available means including websites, electronic mail, telephone, physical offices, or any other mechanism as the Department may deem fit from time to time to progressively make the information easily accessible.

Economic participation

34. (1) The Department shall, in collaboration with other stakeholders, develop and implement programs, plans and strategies so as to integrate and facilitate the participation of local communities in economic activities related to tourism.

(2) The economic activities shall include —

- (a) community based enterprises targeting the tourism sector;
- (b) supply of good and services related to tourism sector with an emphasis on sustainable tourism; and
- (c) market linkages within the tourism sector.

(3) The Department shall promote and facilitate capacity development of local communities and residents in order to participate in the implementation of this section.

Training And skills development.

35. (1) The Department shall in collaboration with relevant national government Lead Agency and relevant stakeholders initiate, promote or facilitate the establishment and provision of training programs on the various fields of practice and operation in the tourism sector.

(2) The training described under subsection (1) may be accredited or non-accredited

Inter-agency collaboration

36. The Department shall collaborate or facilitate collaboration with national government Lead Agencies and other county governments and enter into partnerships for better and effective implementation of this Act.

PART VI—FINANCIAL PROVISIONS**Establishment of the Tana River Tourism Fund**

37. (1) There is hereby established a fund, to be known as the Tana River Tourism Fund.

(2) Subject to this Act, the object of the Fund shall be the development of the local tourism industry in the County.

Sources of the Fund

38. (1) The Fund shall be financed from the following sources namely—

- (a) such monies as may be appropriated by the County Assembly in each financial year for the purpose of the Department;
- (b) such monies or assets as may accrue to the Board in the course of the exercise of its powers or the performance of its functions under this Act;
- (c) grants made by the national government or other county governments;
- (d) loans, aid or donations from national or international agencies and development partners;
- (e) monies earned or arising from any investment of the Fund; and
- (f) all monies from any other source provided or donated or lent to the Board.

(2) The balance of the Fund at the end of each financial year shall be retained in the Fund.

(3) The earnings retained under subsection (2) shall be utilized for the purposes of development and management of tourism in the County.

Administration of the Fund

39. (1) The Fund shall be administered by the Chief Officer responsible for tourism as appointed by the County Executive Committee Member responsible for Finance subject to the provisions of all laws and regulations relating to public financial management and shall—

- (a) supervise and control the administration of the Fund;

- (b) be the accounting officer of the Fund;
- (c) be responsible for the day-to-day activities of the Fund;
- (d) prepare a budget and such plans for the administration of the Fund to be approved by the Board and the County Executive Committee;
- (e) impose conditions and restrictions on the use of any expenditure arising from the Fund;
- (f) ensure that the earnings of, or accruals to the Fund are retained in the Fund, unless the County Executive Committee member for Finance directs otherwise;
- (g) ensure that money held in the Fund, including any earnings or accruals referred to in paragraph (e) is spent only for the purposes for which the Fund is established.

(2) All monies of the Fund shall be maintained in a separate bank account in the name of the Fund opened and administered in accordance with the provisions of the Public Finance Management Act, 2012.

Object and purpose of the Fund

40. The object and purpose of the Fund shall be to—

- (a) finance the development of tourism products and services;
- (b) finance the marketing of the County as a tourist destination through the relevant national government lead agency;
- (c) finance the activities of the units, Department and Board;
- (d) finance tourism research, tourism intelligence and the management of tourism information centres;
- (e) finance training and capacity development activities and programmes;
- (f) mobilize resources to support tourism-related activities finance;
- (g) promote the development, management and maintenance of tourism, historical and cultural sites; and
- (1) any other purpose which the Executive Member, after consultation with the Department, considers will promote the orderly development of the local tourism industry.

Books of Account

41. (1) The Chief Officer shall cause to be kept in each financial year proper books of accounts and other records relating to the income, expenditure, assets and liabilities of the Fund and the Department.

(2) The financial year of the Fund shall be the period of twelve months ending on the 30th June each year.

Statement of Accounts

42. (1) The Chief Officer shall, within three months after the end of a financial year, prepare a statement of accounts of the Funds for that financial year and submit it to the Board and County Assembly and shall include—

- (a) the date and amount of each payment made from the Fund;
- (b) the person to whom the payment was made;
- (c) the purpose for which the payment was made;
- (d) whether the person to whom the payment was made has spent the money for that purpose and a statement made to that effect; and
- (e) a statement indicating how the payment conforms to the provisions of the Public Finance Management Act.

(2) Every statement of account prepared under this Act shall include details of the balances between the assets and liabilities of the Fund and shall indicate the financial status of the Fund as at the end of the financial year concerned.

(3) Accounts for the Fund and the annual financial statements relating to those accounts shall comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time.

(4) Within a period of three months after the end of each financial year the County Executive Committee Member shall submit to the Auditor General the accounts under sub section (1) together with—

- (a) a statement of income and expenditure of the Fund for that year; and
- (b) a statement of the assets and liabilities of the Fund on the last day of that financial year.

(5) The annual accounts of the Fund shall be prepared, audited and reported upon in accordance with the provisions of the Public Audit Act.

Annual estimates

43. (1) At least three months before the commencement of each financial year, the Chief Officer shall cause to be prepared estimates of the revenue and expenditure of the Fund for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Fund for the financial year concerned and in particular shall provide for—

- (a) expenditure for administrative expenses;
- (b) payments for development of tourism products and activities;
- (c) cost of maintenance of assets of the Fund;
- (d) funding for training, capacity building, research and development of tourism in the County; and
- (e) such other matters as the Chief Officer in consultation with the Executive Member may determine.

(2) The annual estimates shall be approved by the Board before the commencement of the financial year in which they relate and shall be submitted to the Executive Member for approval and transmitted for tabling in the County Assembly for approval.

(3) Expenditure of the Department shall not be incurred except in accordance with the annual estimates approved under subsection (3).

PART VI—TOURISM LICENSING PROVISIONS**Fees and charges**

44. Subject to the provisions of national law, the County Executive Committee Member responsible for finance may, on the recommendation of the County Executive Committee Member, provide for payment of fees to promote the development of sustainable tourism including—

- (a) trading licenses or commercial permit fees;
- (b) disincentives to deter bad tourism activities and services;
- (c) user fees to ensure that those who use tourism activities and services pay proper value for the tourism products and services rendered.

Requirement for licence or permit

45. (1) A person shall not be issued with a trading licence or commercial permit in order to undertake any tourism activity or service, unless that person has a license issued by the relevant national government lead agency.

(2) A person seeking a licence or permit or any variation thereof shall apply to the Tourism regulatory and licensing unit in such manner and form as may be prescribed by the Department.

(3) An application for a licence or permit under subsection (2) shall be accompanied by such fees as may be prescribed by the Department.

(4) The unit may, on receipt of an application under this section, investigate or require the submission of such further information as it may deem necessary in order to enable it consider the application.

(5) The unit shall, in considering the application, have regard to material considerations touching on the nature of the tourist activity or service as prescribed by the Department.

Suspension of Licence or permit

46. The Tourism Regulatory and Licensing unit may, suspend a trading licence or commercial permit 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 licensee;
- (c) the licensee made a false declaration in the application for the licence or permit; or
- (d) a licensee has contravened a provision of this Act.

Cancellation of Licence or permit.

47. The Tourism Regulatory and Licensing Unit shall, cancel a licence or permit 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

48. (1) The Tourism regulatory and licensing unit shall not suspend or cancel a licence or permit unless the unit has given the licensee at least thirty days' notice of its intention to suspend or cancel the licence or permit 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 Board within twenty eight days from the date of the decision.

Effect of suspension or cancellation

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

Registers

50. (1) The Department shall keep and maintain registers of—

- (a) all standards for the tourism area development plans formulated by the County 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 department 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 Department offices or an office designated by the Department for the Tourism Regulatory and licensing unit, on the payment of a prescribed fee.

Tourism levy

51. (1) The County Executive Committee Member may, in consultation with the County Executive Committee Member responsible for matters relating to finance, 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) A person who fails to comply with any provision of a tourism levy order commits an offence.

PART IX —OFFENCES, PENALTIES AND ENFORCEMENT**Prohibition and offences relating to integrated tourism development area plan**

52. (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 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

53. (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

54. 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 or permit issued to him or her 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 or her 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 permit or a licence or permit 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

55. 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 or her knowledge; or
- (b) he or she took reasonable steps to prevent the commission of the offence.

General penalty

56. 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

57. (1) The County 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.

Protection from personal liability

58. (1) No action or legal proceedings may be brought against any person acting under the authority of this Act, including an agent, for anything done, or not done, or for any neglect—

- (a) in the performance or intended performance of a duty under this Act; or
- (b) in the exercise or intended exercise of a power under this Act; unless the person was acting in bad faith.

Prosecution trial powers

(Cap. 75)

59. 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

60. 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.

PART X—GENERAL PROVISIONS

Supercession

61. Where any conflict arises between the provisions supercession 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

62. (1) The County Executive Committee Member may, on his or her own motion or on the recommendation of the Department or 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 development and promotion of tourism in the County;
- (b) the conditions which a licence or permit may be granted or issued under this Act;
- (c) the procedures to be followed when applying for a licence or permit;
- (d) fees and other charges required to be paid under the Act;
- (e) the establishment, management, licensing, investment in and protection of conservancies;
- (f) the classification of tourism activities and services;
- (g) the establishment of community wildlife and conservancies management committees;
- (h) the management, development and protection of beaches, historical and cultural sites
- (i) the restriction, regulation or other control of county tourism activities and services;
- (j) the training of personnel for the tourism agencies and the county tourism and hospitality sector in general; and
- (k) 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 Member, and may empower the Department or 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.

Application of Act No 8 of 2011

63. The provisions of this Act are in addition to and not in derogation of the Tourism Act.

SCHEDULES**FIRST SCHEDULE (s.4 (5))****PROVISIONS RELATING TO PUBLIC CONSULTATION**

1. (1) Where this Act 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 one newspaper with national circulation;
- (c) in at least one local radio station.

(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 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. (1) The respective tourism agency shall publish, in accordance with paragraph I 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).

(2) 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**PROVISIONS RELATING TO MEETINGS OF THE COUNTY
TOURISM BOARD****Vacation of office**

1. A member appointed to the Board under section 14 paragraph (f) shall cease to be a member if the member—

- (a) serves the Governor with written notice of resignation;
- (b) is absent without the written permission of the chairperson notified to the Board, from three consecutive meetings of the Board;
- (c) is convicted of a criminal offence and is sentenced to imprisonment for a term exceeding six months with or without the option of a fine;
- (d) is removed from office in accordance to the provisions of section 20;
- (e) or is incapacitated by prolonged physical or mental illness from performing the duties of the office of a member of the Board.

Meeting of the Board

2. (1) The Board shall hold such number of meetings at such places and at such times as it shall consider necessary for the proper discharge of its functions, or in the absence of such decision if the chairperson decides that a meeting is necessary, on a date and at a time determined by the chairperson.

(2) Notwithstanding subparagraph (1), the Board shall meet at least once in every three months to conduct the business of the Board.

(3) At least fourteen days notice shall be given prior to any meeting of the Board.

Special meetings

3. The chairperson may on his or her own motion, or upon request by a member, call a special meeting of the Board at any time, where the chairperson considers it expedient for the transaction of the business of the Board by giving not less than seven days notice to the members by the chairperson or where appropriate by the secretary.

Presiding at meetings

4. (1) The chairperson shall preside at all meetings of the Board.

(2) In the absence of the chairperson at a meeting, the vice-chairperson shall preside at that meeting of the Board.

(3) In the absence of the chairperson and the vice chairperson at a meeting, the members present shall elect a member to preside at that meeting of the Board.

Quorum

5. The quorum at a meeting of the Board shall be at least two thirds of the members of the Board.

Voting

6. (1) The matters of the Board shall be decided by a majority of the members present and voting.

(2) In the event of equality of votes, the person presiding shall have a casting vote.

Vacancies and defects in appointment

7. (1) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(2) Minutes of the proceedings at meetings of the Board shall be kept in such a manner, as the County Executive Committee Member shall direct.

Minutes

8. The minutes of the meetings of the Board shall be available to the County Executive Committee Member or to a person nominated by the County Executive Committee Member, on the request of the County Executive Committee Member.

Power of the Board to regulate its own Procedure

9. Subject to the provisions of this Schedule, the Board shall regulate its own procedure.

Code of conduct

10. Within six months of the commencement of this Act, the Board shall establish a code of conduct, applicable to all members of staff of the Board and justifiable for purposes of disciplinary proceedings, to ensure—

- (a) compliance with applicable law;
- (b) the effective, efficient and economical use of the Board's resources;

- (c) the effective, efficient and economical use of funds;
- (d) the promotion and maintenance of a high standard of professional ethics;
- (e) the prevention of conflicts of interest; and
- (f) the assistance of confidential information held by the Board.

Conflict of Interest

11. (1) A member or employee of the Board shall be considered to have a conflict of interest for the purposes of this Act if the member or employee acquires any pecuniary or other interest that could conflict with the proper performance of the members or employees duties as a member or employee of the Board.

(2) If at any time a member or employee of the Board has a conflict of interest in relation to any matter before the Board for consideration or determination or any matter the Board could reasonably expect might come before it for consideration or determination the member or employee shall immediately disclose the conflict of interest to the other members of the Board and refrain from taking part, or any further part, in the consideration or determination of the matter.

(3) Where the Board becomes aware that a member or employee has a conflict of interest in relation to any matter before the Board, the Board shall direct the member or employee to refrain from taking part, or taking any further part in the consideration or determination of the matter.

(4) Upon the Board becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or employee or the Board and the member with the conflict of interest shall not vote on this determination.

(5) Where the Board determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for in paragraph (4), the member shall vacate office as a member of the Board unless the member has eliminated the conflict to the satisfaction of the Board within thirty days of the declaration of the conflict of interest.

(6) The Board shall report to the County Executive Committee Member any determination by the Board that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Board.

(7) The annual report of the Board shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

(8) The Board shall cause minutes of all resolution and proceedings of meetings of the Board to be entered in books kept for that purpose.

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THIRD SCHEDULE**(Section 16)****OATH OR SOLEMN AFFIRMATION OF
CHAIRPERSON/SECRETARY/MEMBER OF THE BOARD**

I..... having been appointed as
(Chairperson/Secretary/Member) of the County Tourism Board, do
swear/solemnly affirm that I will without fear or favour, affection or ill-
will, discharge the functions of the office
of.....(Chairperson/Secretary/Member) of the Board, and that I will
not, directly or indirectly, reveal any matter relating to such functions to
unauthorised persons or otherwise in the course of duty.

So help me God.

Signed

.....

Sworn/Declared before me this day of 20.....

Before me.....

Signed.....

Magistrate/ Commissioner of Oaths

FOURTH SCHEDULE
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;
- (xvi) Tented camps;
- (xvii) Safari or mobile camps;
- (xviii) Bandas;
- (xix) Cultural homes and centres;
- (xx) Villas;
- (xxi) Homestays;
- (xxii) Guest houses; and

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

*Boat excursions;***(d) Class "D" Enterprises**

- (i) Game fishing outfitters;
- (ii) Enterprises offering camps and camping equipment for hire;
- (iii) Nature parks;
- (iv) Nature reserves;
- (v) Nature trails;
- (vi) Game ranches;
- (vii) Amusement parks; and

*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.

FIFTH SCHEDULE**(s.44)****FORM 1**

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

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

1. Name of Company/Person to be issued with a permit (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 Act? (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 Act and the Penal Code to give false information in support of any application.

Name Designation

Date Signature

FOR OFFICIAL USE ONLY

The applicant **MEETS/DOES NOT MEET** the licensing requirements and is

hereby **RECOMMENDED/NOT RECOMMENDED** for approval of tourism permit (with or without conditions) to undertake:

The reasons for not recommending the applicant are as follows:

Name Designation

.....

Date

SIXTH SCHEDULE*Permit to carry on Regulated Tourism and Hospitality Activity or Service*

PERMIT 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 business owner 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

SEVETH SCHEDULE***Licence/Permit fees payable by various types of regulated tourism activities and services in the county***

The licence/permit 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 KSh.	Annual Licence fee KSh.	Renewal no application fee payable KSh.
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. I ,500.	500	5000	5000
With or without at least one restaurant and/or minimum total charge for accommodation per night is less than Kshs. I ,500.	500	3,500	3,500
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. I ,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	500	20,000	20,000

function room Facility with more than one syndicate rooms.			
With at least three restaurants, bar outlets swimming pool and/or	500	25,000	25,000

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with at least two restaurants, bar, swimming pool and/or bed capacity of between 61 and 100 beds in addition to function room facilities.			
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	Restaraunt 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 million.	500	11,000	11,000
Over Kshs. 4 million but not more than 4.5 million.	500	16,000	16,000
Over Kshs. 4.5 million but not more than 5 million.	500	21,000	21,000
Over Kshs. 5 million but not more than 5.5 million.	500	26,000	26,000
Over Kshs. 5.5 million but not more than 6 million.	500	31,000	31,000
Over Kshs. 6 million.	500	46,000	46,000

(c) General

Category	Application fee KSh.	Annual Licence Fee KSh.	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