



**TOURISM REGULATORY AUTHORITY**

# **Tourism Private Sector Associations Regulations**

**May 2015**

# Tourism Private Sector Associations Regulations

## Part I – Regulation Preliminary

### *Title of the Regulation*

1. This regulation may be cited as ‘The Tourism Sector Associations Regulation ‘ and shall come into operation on such a date as the Cabinet Secretary / Minister may, by Notice in the Gazette, appoint.

### *Interpretation and Definitions*

2. In this regulation, except where the context otherwise requires:
  - a) “**Act**” means the Tourism Act of 2011
  - b) “**Advocacy**” means a process by an individual or group which aims to influence public-policy and resource allocation decisions within political, economic, and social systems and institutions.
  - c) “**Appointed Date**” means the date set by the Cabinet Secretary or Minister responsible for tourism for the commencement of these regulations.
  - d) “**Association**” means a formal organization of people or groups of people.
  - e) “**Authority**” means the Tourism Regulatory Authority.
  - f) “**Cabinet Secretary or Minister**” means the Cabinet Secretary or Minister for the time being responsible for Tourism related issues and development.
  - g) “**Constitution**” means the by-laws made by the association and registered under this regulation and include any registered amendment of such by-laws.
  - h) “**Date of dissolution**” means the date on which the Authority’s order cancelling the registration of a Tourism Sector Association” takes effect.
  - i) “**Interest Groups**” means an organized collection of people who seek to influence legislative or policy decisions.
  - j) “**Lobbying**” (also lobby) means the act of attempting to influence decisions made by officials in the government, most often legislators or members of regulatory agencies.
  - k) “**Networking**” means a supportive system of sharing information and services among individuals and groups having a common interest.
  - l) “**Member**” includes a person or a Tourism Sector Association joining in the application for registration of an association, and a person or Tourism Sector Association admitted to membership after registration in accordance with the by-laws.

- m) "Practitioner" means a person who is actively working in any field of the tourism sector or regulated enterprises prescribed in the Ninth Schedule of the Act.
- n) "Professional" means a person trained and qualified in at least one of the tourism and hospitality field, sub-field or strand.
- o) "**Region**" means a cluster of Counties with complementing product experience that constitute a tourism destination
- p) "**Tourism Sector Association**" means an association registered under this regulation;
- q) "**Tribunal**" means the Tourism Tribunal established under the Act;
- r) "**Winding up**" means all proceedings subsequent to the dissolution of a Tourism Sector Association.

#### *Purpose and Object of the Regulation*

- 3. (1) The purpose of the regulation shall be to organize, recognize and register Tourism Sector Associations for self regulation and overall sector competitiveness.
- (2) Notwithstanding the generality in Section 1 above, the object of the regulations shall be:
  - a. To recognize and register the Tourism Sectors Associations
  - b. To develop and maintain acceptable standards and code of practice in the sector;
  - c. To assist Tourism Sector Associations in building partnerships, interactions, exchange programmes and Benchmarking
  - d. To capacity build the Tourism Sector Associations to enhance on their operations
  - e. To develop and periodically review membership policy
  - f. To enable and facilitate resource mobilization and pursuit of common good of the sector
  - g. To facilitate the development of unified training programmes for capacity building

#### *Transition of Associations*

- 4. Any association which acted as a Tourism Sector Association immediately before the commencement of this regulation shall continue to do so for a period of twelve (12) months from the date of commencement of this regulation.
- (1) All tourism sector associations shall be required to regularize their status and recognition with the Authority within the period provided in Section 4 above.

- (2) Any association contemplated in subsection (1) wishing to be registered as a Tourism Sector Association under this regulation shall, within a period of twelve months from the commencement of this regulation, apply for registration by the Authority.
- (3) The Authority shall publicize these regulations.

#### *Registration*

5. In considering any application the Authority shall have due regard for any measures and code of practice made or developed by the Government for the promotion of equality and prevention of unfair discrimination.
  - (1) The Authority shall require the applicant to produce documentary or other proof that the association acted as a Tourism Sector Association before the commencement of this regulation including but not limited to:
    - a) Certificate of Registration
    - b) Constitution/ Articles and By-laws
    - c) Code of Practice and Ethics
    - d) Strategic Plan
    - e) AGM Minutes
    - f) Audited Books of Accounts
    - g) List of Members (done in prescribed format in Form of Schedule 6)
  - (2) An association that fulfils the requirements shall be issued with a Certificate of Recognition.

#### *Registration of New Association*

6. Any association wishing to be registered as a Tourism Sector Association shall apply using the prescribed **Form as per schedule 1** to the Authority. Such application shall be accompanied with the requirements stated in Section 5 (1) where applicable.
7. Notwithstanding the provisions of any other regulations, all entities or persons involved in and undertaking the role of Tourism Sector Associations shall be registered by the Authority, on or after the appointed date.
8. Notwithstanding this regulation, any entity or person carrying on the role of Tourism Sector Associations immediately before the commencement of the Regulations may continue to carry on such role and in accordance with Section 5 (1) of this regulation.

#### *Organization of Association and Representation*

9. The Authority shall, for the purposes of organizing and ensuring development and management of all regulated tourism enterprises, recognize all categories of Tourism Sector Association stated in Section 7 above.
  - (1) The Authority shall promote establishment of Associations for the promotion and development of code of ethics and standards of practice in the tourism regulated activities in the Ninth Schedule of the Act.

- (2) A national level association shall have membership in all the existing regions (tourist circuits) where such regions have relevant regulated tourism enterprises.
- (3) Regional associations shall have members and representation in all the Counties forming the region where such Counties have relevant regulated tourism enterprises.

#### *Recognition and Registration*

10. For a Tourism Sector Association to be recognized and Registered by the Authority under this regulation it shall have at least twelve members who shall be qualified for licensing by the Authority in any one of the enterprises under the **Ninth Schedule** of the Act and, who must also be qualified to offer services in the Tourism sector / Industry as per Section 5 (1) above.
  - (1) Associations seeking recognition and registration shall apply using the prescribed form in Schedule One. All applications shall be accompanied by copies of the requirements in 5 (1) above.
  - (2) If the Authority is satisfied that the association has complied with this regulation and any rules there under and that their proposed by-laws are not contrary to this regulation or any rules made there under, it may register the association and its by-laws under this regulation.

#### *Constitution of Tourism Sector Associations*

11. Tourism Sector Associations shall develop and operate within set Constitution.
  - (1) The Authority shall provide a guideline outlining key areas that the Constitution shall address. The said guideline is prescribed in **Schedule 2** of this regulation.

#### *Amendment of Constitution*

12. An association may, subject to this regulation, amend its Constitution, including the law which declares the name of the association.
  - (1) Any amendment to the Constitution by the Tourism Sector Associations shall be within the Authority's provided guidelines.
  - (2) No amendment of the Constitution of an association shall be valid until the amendment has been registered under this regulation, for which purpose a copy of the amendment shall be forwarded to the authority in the prescribed manner.
  - (3) If the Authority is satisfied that any amendment of the Constitution of an association is not contrary to these regulations and any rules made there-under, it may register the amendment.
  - (4) The Authority may, if satisfied that an amendment under this section was effected pursuant to a misrepresentation or concealment of a material fact by the association applying for registration, cancel the amendment.

- (5) An amendment which changes the name of an association shall not affect any right or obligation of that association or any of its members, and any legal proceedings pending may be continued by or against the association under its new name.
- (6) Each and every amendment(s) made by the association shall be brought and filed with the Authority within fourteen days by way of resolution.
- (7) When the Authority registers an amendment of the Constitution of an association, it shall issue to the association a copy of the amendment certified by the Director General, which shall be conclusive evidence that the amendment has been duly registered.

*Application for Recognition and Registration*

13. Upon receipt of such an application and the registration requirements the Authority may require the applicant (association) to furnish such additional particulars and information as may be deemed necessary in order to consider the application.
  - (1) Representatives of the association (applicant) as referred to in subsection (1) shall upon the request of the Authority appear before the officers in charge or the board and furnish such additional particulars and information as may be required by the Authority to enable the Authority decide on the application.
  - (2) The Authority shall issue a Tourism Sector Association that is qualified with a Certificate of Recognition and a Recognition Plaque. The Registration Certificate is prescribed in Schedule 3 and the Recognition Plaque is prescribed in Schedule 5
  - (3) Registration Certificate of Tourism Sector Association shall be valid for and oney calendar year.
  - (4) Prescribed fee for registration of associations is provided in **Schedule 4**.
  - (5) A Tourism Sector Association which has been registered in respect of a particular class referred to in this regulation may act as an association only in respect of the area or matters determined in respect of that class, as have been set out in the registration certificate issued to that association.
  - (6) No member from the Tourism fraternity / Industry shall engage with a Tourism Sector Association that has not been registered by the Tourism Regulatory Authority or whose registration has been suspended under any section of this regulation.
  - (7) An association that is not registered with the Authority or whose registration has been suspended or cancelled shall cease to operate as a Tourism Sector Association.
  - (8) Any person running an association that contravenes the provisions of these Regulations shall be guilty of an offence and shall be liable to a penalty of not more than one hundred thousand shillings or a jail term of six months or both.

#### *Handling Registration under Identical Name*

14. No Tourism Sector Association shall be registered under a name identical to that under any other existing association is registered or under any name likely, in the opinion of the Authority, to mislead the members of the public as to its identity.
15. Where the Authority is in receipt of two (2) Tourism Sector Associations with same name, the older one either by recognised registration or date of receipt shall be granted use of the name. The new entity shall be declined or asked to get a new name.

#### *Evidence of Recognition and Registration*

16. A registration certificate and a plaque, which shall be in a prescribed form and signed by the Director General, shall be conclusive evidence that the association therein mentioned is duly registered unless it is proved that such registration of the society has been cancelled or has been terminated.
  - (1) The certificate of registration bearing the number and date of registration shall be prominently displayed at the head office of every association.
  - (2) The Authority shall publish the registered Tourism Sector Association in its and other publications as prescribed under this regulation.

#### *Refusal to Recognition and Registration*

17. Any Tourism Sector Association whose application for registration has been declined by the Authority may appeal to the Tourism Tribunal within sixty days (60) after being notified of the decision.

#### *Tourism Sector Associations to be Body Corporate*

18. Upon registration by the Tourism Regulatory Authority, every association shall become a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold movable and immovable property of every description, to enter into contracts, to sue and be sued and to do all things necessary for the purpose of, or in accordance with, its Constitution.

#### *Representation of Associations*

19. Associations that are recognized and registered by the Authority shall develop and demonstrate capacity to provide effective services to the members.
  - (1) The Authority shall require Tourism Sector Associations to demonstrate minimum capacity necessary for effective service delivery by Tourism Sector Associations.
  - (2) The Authority shall require Tourism Sector Associations to meet requirements provided in paragraph 5 (1).

20. Tourism Sector Association shall;

- a) have rights to vet and register its members.
- b) ensure its members are all registered with the Authority.
- c) develop self Regulation tools to guide their members
- d) Develop internal mechanisms of dealing with issues such as:
  - i. Conflict resolution;
  - ii. Standards of practice;
  - iii. Discipline of members;
  - iv. Training and development of members;
  - v. Advancement of their course and common goal;
  - vi. Financial management and audit;
  - vii. Quality Management System, and;
  - viii. Any other relevant area incidental to the management of the Association.

21. Tourism Sector Associations shall develop training and capacity building opportunities for members to create an organized life-long learning for competency enhancement and upgrading. Tourism Sector Associations shall organize workshops and seminars or colloquia for members to share in status of operations and new development and at least once every year.

22. Tourism Sector Associations shall be expected by the Authority to establish and demonstrate a sustainable resource base.

(1) Tourism Sector Associations may engage in resource mobilization and partnerships for their sustenance.

(2) Associations shall be expected by the Authority to initiate, develop and enter into agreements with investment partners locally, regionally and internationally and shall, promote and represent their members interests.

*Registered Address and Office of Reference and Operation*

23. Every association shall have a registered address to which notices and communications may be sent, and shall have a physical office location of reference and operation, and shall send to the Authority and members of the public notice of every change of address and office location within one month of the change.

24. The Tourism Sector Association shall keep a list or register of its members at its registered office and shall keep them open for inspection by the Authority or any other authorized person, free of charge, at all reasonable times.

25. The Tourism Sector Association shall also generate quarterly and annual reports on operations and relevant statistics, and shall send copy of the same to Tourism Regulatory Authority.

#### *Self-Regulation and Accreditation*

26. Tourism Sector Association shall have powers to exercise self-regulation on members' enterprises, practice standards and codes.

- (1) Such self-regulation powers shall be specific to membership enterprises and within the tourism field of expertise in which the members carryout their trade
- (2) Tourism Sector Association shall develop code of conduct aligned to the national code of conduct;
- (3) Tourism Sector Association shall notify the Authority of all the Quality marks, identities and symbols used standards, codes and quality marks drives used in self-regulation and promotion of standards.

#### *Production of Records and Other Documents*

27. Any officer, staff, trustees or member of a Tourism Sector Association who is required by the Authority, or by a person or entity authorized in writing by the Authority so to do shall, at such place and time as the Authority may direct, produce all monies, securities, books, accounts, reports and documents belonging to or relating to the affairs of such association which are in custody of such officer, staff, trustee or member.

28. Tourism Sector Association shall have a structured management system and an established secretariat.

#### *Mergers and Amalgamations of Tourism Sector associations*

29. Any two or more Tourism Sector Associations may, in accordance with the applicable law, resolve to merge or amalgamate into a single association.

30. Any resolution to merge or to amalgamate shall be filed with the Authority within a reasonable time but not later than ninety days following the resolution.

31. Any dispute as to membership, ownership and misappropriations shall first be presented to the Authority.

#### *Cancellation and Suspension of Registration*

32. The Authority may cancel registration where a Tourism Sector Association:

- a) Has been convicted of an offence under these regulations;
- b) Ceases to be qualified for the issue of registration under these regulations;

- c) Has failed to file reports and returns with the Authority for a period of three years,
  - d) Has been declared bankrupt, and;
  - e) Has engaged in any criminal activity.
- (2) The Authority may suspend registration where a Tourism Sector Association:-
- a) Has less than the prescribed number of members as may be stipulated in this regulation, relevant Constitution and any rules made thereunder;
  - b) Is under investigation for gross misconduct or offence;
  - c) Has made false declaration for the license;
  - d) Has contravened provision of these regulations;
  - e) Has not operationalized its activities within twelve months from the date of registration.
- (3) A person or entity aggrieved by decision(s) of the Authority under subsections (1) and (2) may appeal against such decision(s) to the Tourism Tribunal within sixty days of the decision.
- (4) Where the registration of a Tourism Sector Association is cancelled, the association shall cease to operate as a Tourism Sector Association.
- (5) The relevant laws shall apply in relation to the winding – up or dissolution of a Tourism Sector Association.



**TOURISM REGULATORY AUTHORITY**

**TOURISM SECTOR ASSOCIATIONS REGISTRATION FORM**

**FOR OFFICIAL USE ONLY**

<b>FILE NO:</b>	
<b>DATE:</b>	<b>YEAR:</b>
<b>CATEGORY:</b>	
<b>STATUS:</b>	

1. Name of Organization in full .....
2. The Acronym of the Organization .....
3. Official Address of the Organization ***(Please fill in the space provided below)***

Physical Address (Location):	
Postal Address:	P.O. Box:
Land line Tel: Mobile Phone:	
Fax:	
Email 1: Email 2:	
Skype:	

4. Area(s) of specialization of the association/ organization?

.....  
.....  
.....

5. Membership type **(Please Tick)**

Association     Federation     Union  
 Community Based Tourism Organization     Other (Specify) .....

***(Annual Subscription / Registration fee will vary depending on the Membership type)***

6. In addition to the above fees, a one off payment of Kshs..... Is required as registration fees

7. When (Year) was the organisation established and registered? ***(Please attach a copy of certificate of registration / Memorandum and articles of association)***

.....

8. What is the geographical coverage / spread of your activities ***(International, National, Regional, County, Please specify any other)***

.....

9. What are the Vision, Mission and Objectives of the organization? ***(Attach a Brochure of the organization)***

9.1: The Vision.....

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9.2: The Mission.....

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9.3: The Objectives

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10. What is the size (**Number of staff**) of your organization? (**Kindly attach your organization structure and a list of your officials / secretariat**)

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.....  
.....

11. Who are the members of your organization? (**Kindly attached a full list of recognised and registered members**)

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.....  
.....

12. Is the organization management guided by any management framework or procedure of key functions? If yes, kindly provide highlights (**Kindly attach a separate sheet of paper if more**)

.....  
.....  
.....

13. Is the organization guided by a strategic plan? If yes, kindly provide highlights(**Kindly attach a separate sheet of paper if the space provided is not enough**)

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.....  
.....

14. In what ways do you think your organization and its members will benefit from Tourism Regulatory Authority? (**Kindly attach a separate sheet of paper if the space provided is not enough**)

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.....

15. In what ways do you think Tourism Regulatory Authority will benefit from collaborating with your organization? (**Kindly attach a separate sheet of paper if the space provided is not enough**)

.....  
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.....

**Please Return the Complete form and all relevant attached documents to:**

**Director General,  
Tourism Regulatory Authority  
P.O Box 30027 – 00100  
Utalii House, 5<sup>th</sup> Floor  
Nairobi.  
Tel: +254 20 313010  
E-mail: [directorgeneral@tourismauthority.go.ke](mailto:directorgeneral@tourismauthority.go.ke)  
Website: [www.tourismauthority.go.ke](http://www.tourismauthority.go.ke)**



## TOURISM REGULATORY AUTHORITY

### Tourism Sector Associations Constitution Outline

	<i>Section / Title</i>	<i>Possible Contents</i>
1.	PREAMBLE	<ul style="list-style-type: none"> <li>• Define who you are</li> <li>• Reasons for existence</li> </ul>
2.	NAME OF SOCIETY	<ul style="list-style-type: none"> <li>• As it appears under the Societies Act and registration certificate</li> </ul>
3.	INTERPRETATIONS	<ul style="list-style-type: none"> <li>• Key terms in the constitution</li> <li>• Titles in the constitution</li> <li>• Acronyms in the constitution</li> </ul>
4.	HEADQUARTERS	<ul style="list-style-type: none"> <li>• Location</li> <li>• Address</li> </ul>
5.	AIMS AND OBJECTIVES	<ul style="list-style-type: none"> <li>• Clearly defined aims and objectives of the Association's existence</li> <li>• Implementation of the aims and objectives</li> </ul>
6.	MEMBERSHIP	<ul style="list-style-type: none"> <li>• Eligibility</li> <li>• Recruitment and replacement criteria</li> <li>• Requirements</li> <li>• Categories</li> <li>• Conditions, rules and regulations</li> <li>• Duties and rights</li> <li>• Subscription fee</li> </ul>
7.	OFFICE BEARERS	<ul style="list-style-type: none"> <li>• Available Positions stipulated</li> <li>• Duration of holding each position</li> <li>• Conditions, rules and regulations</li> <li>• Eligibility</li> <li>• Recruitment and replacement criteria</li> <li>• Duties and responsibilities</li> <li>• Clear job descriptions</li> <li>• Terms and conditions</li> </ul>
8.	EXECUTIVE COMMITTEE	<ul style="list-style-type: none"> <li>• Composition</li> <li>• Meeting schedules</li> <li>• Recruitment and replacement criteria</li> <li>• Duties and responsibilities</li> <li>• Clear job descriptions</li> <li>• Terms and conditions</li> </ul>
9.	GENERAL MEETINGS	<ul style="list-style-type: none"> <li>• Categories</li> <li>• Time frame</li> <li>• Purpose</li> </ul>

		<ul style="list-style-type: none"> <li>• Agenda</li> <li>• Quorum</li> <li>• Calling and procedures of meetings</li> </ul>
10.	ELECTIONS	<ul style="list-style-type: none"> <li>• Procedure</li> <li>• Eligibility</li> <li>• Conditions, rules and regulations</li> <li>• Fee (if applicable)</li> <li>• Funding</li> </ul>
11.	BOARD OF TRUSTEES	<ul style="list-style-type: none"> <li>• Composition</li> <li>• Procedures</li> <li>• Recruitment and replacement</li> <li>• Terms and conditions</li> </ul>
12.	AUDITOR	<ul style="list-style-type: none"> <li>• Procedures</li> <li>• Reporting</li> <li>• Recruitment and replacement</li> <li>• Terms and conditions</li> </ul>
13.	FUNDS	<ul style="list-style-type: none"> <li>• Sources</li> <li>• Procedures</li> <li>• Signatories</li> </ul>
14.	BRANCHES	<ul style="list-style-type: none"> <li>• Composition</li> <li>• Location</li> <li>• Procedures</li> <li>• Recruitment and replacement</li> <li>• Terms and conditions</li> </ul>
15.	AMENDMENTS TO THE CONSTITUTION	<ul style="list-style-type: none"> <li>• Procedures</li> </ul>
16.	DISSOLUTION	<ul style="list-style-type: none"> <li>• Procedures</li> </ul>
17.	INSPECTION OF ACCOUNTS	<ul style="list-style-type: none"> <li>• Procedures</li> </ul>
18.	LIST OF MEMBERS	<ul style="list-style-type: none"> <li>• Procedures</li> <li>• Composition</li> </ul>
19.	REMMUNERATION	<ul style="list-style-type: none"> <li>• Procedures</li> <li>• Source of funds</li> </ul>
20.	DISCIPLINE	<ul style="list-style-type: none"> <li>• Procedures</li> </ul>
21.	INTERPRETATION OF THE CONSTITUTION	<ul style="list-style-type: none"> <li>• Procedures</li> </ul>
22.	VALIDATION OF THE CONSTITUTION	<ul style="list-style-type: none"> <li>• Procedures</li> <li>• Signatories</li> </ul>



**TOURISM REGULATORY AUTHORITY**

**TOURISM SECTOR ASSOCIATIONS REGISTRATION CERTIFICATE**

**CERTIFICATE OF REGISTRATION**

**Certificate No:** .....

This is to certify that:

.....

Address and Location:

.....

Class:

.....

Has this day ..... of ..... been recognised as a Tourism Sector Association under the Tourism Sector Associations Regulations. This certificate has been issued without any alterations, not transferable and shall be renewable every calendar year.

**Dated:** .....

**Signed:** .....

**Director General**



## TOURISM REGULATORY AUTHORITY

### TOURISM SECTOR ASSOCIATIONS PRESCRIBED REGISTRATION FEES

	<i>Enterprise</i>	<i>Annual Recognition Certificate Fee (Kshs)</i>
1.	National Level Tourism Professional/ Practitioners	20,000
2.	Community Based Tourism Organization	10,000
3.	National Level Tourism Federations	30,000
4.	National Level Tourism Sector Unions	20,000
5.	Regional (Tourism Circuit) and Local* Level Tourism Associations	10,000
6.	National Level Tourism (Entertainment, Attraction&) Advocacy Lobby Group/ Agency	20,000
7.	National Level Tourism Employer/ Investors Associations	20,000
8.	National Level Tourism Operators' Associations	20,000

*Note: Local level organizations are those that operate within a County and/ or in a particular attraction/ product destination or area.*



**TOURISM REGULATORY AUTHORITY**

**Tourism Sector Association Plaque**

No. ....

**CERTIFICATE OF RECOGNITION**  
**TOURISM REGULATORY AUTHORITY**  
**PRESENTED TO:**

.....

.....

**DATE**

**SEAL**

.....

**DIRECTOR GENERAL**



**TOURISM REGULATORY AUTHORITY**

**Filing of Members Register**

S/No	Name	Passport or ID No.	Membership (Association) No.	TRA Reg. No.	Remark (For Official (TRA) Use)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

*Note: Add an attachment (or extend this) if more*