



TOURISM REGULATORY AUTHORITY

**GUIDELINES ON THE REGISTRATION AND
ADMINISTRATION OF TOURISM PRIVATE SECTOR
ASSOCIATIONS**

TOURISM REGULATORY AUTHORITY

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FOREWORD

The tourism sector associations' guidelines were developed with the intention of restoring credibility and accountability in the tourism sector through self-regulation by the tourism sector associations. The guidelines are forward looking in laying a basis for transforming sector associations to practice professionalism, accountability and transparency in their operations.

The guidelines were developed in response to the rising need to regulate and to curb the mushrooming of the tourism associations in the sector, with a view to enhance self-regulation, transparency and accountability to members.

The development of these guidelines embraced the stakeholder participation as stipulated in the constitution and is tandem with the Authority's mission, vision and core values. These guidelines endeavors to address current issues in the operations of the hospitality and hospitality associations. These guidelines shall be reviewed periodically to abreast with emerging trends.

KIPKORIR LAGAT
DIRECTOR GENERAL

EXECUTIVE SUMMARY

The Tourism Regulatory Authority has developed these guidelines and deliberately notes that all associations shall be expected to outline standards of practice, conflict resolution mechanisms, discipline, training and development of members, advancement of their cause and common goal, financial management and audit and quality management systems.

In detail the guidelines are laid out in nine parts. These parts include the preliminary, statement of the guidelines, recognition of tourism sector associations and constitution of tourism sector associations. It further guides on the registration of members, resource mobilization, self-regulation, production of documents, handling of mergers and amalgamations and transition and finally the appendices.

INTRODUCTION

The Authority drives its mandate from the Tourism Act, Cap 383 of 2011. specifically, *section 7 (i)*, commissioning the Authority to monitor and assess Tourism activities and services in the county and ensure their continuous improvement and adherence to sound principles and practices all towards sustainable tourism. The spirit of the provision is focused on a collective responsibility among tourism practitioners towards a vibrant, quality driven and self-regulated sector.

The foregoing mission is to cure a number of historical vices that are a confluence of issues eroding the quality of service in the sector. All tourism regulated enterprises, their investors, operators and operatives have all the previous while been operating without any intended or structured professional guidelines from the government that guide their principles or practices. This has created room for all the practitioners to set their own professional quality parameters thus resulting to a fragmented sector that offers varied in many instances, undesired quality service delivery.

The Tourism sector Association guidelines are intended to restore quality, credibility and accountability in the tourism sector, through organizing and ensuring development and management of all regulated tourism enterprises. The Authority intends to achieve order in service delivery, establish and enhance quality through self-regulation of the regulated enterprises through their associations. The guidelines also require that all investors, operators and operatives henceforth belong to an association as a requirement of being formally recognized by the Authority.

The guidelines have identified a number of regulatory intervention areas. It provides a structured quality assurance regime for continuous improvement through quality management at various levels in the private sector associations of tourism stakeholders. The guidelines further outline the assessment objectives in quality judgment and management of the sector associations.

PART 1—PRELIMINARY

In exercise of the powers conferred by section 7(1) (a) and (i) of the Tourism Act Cap 383 of 2011, The Director General of the Tourism Regulatory Authority issues these **Guidelines on the Registration and Administration of Tourism Private Sector Associations, 2018** to ensure the development and implementation of high quality tourism sector for sustainable tourism throughout the country.

1. **Short Title** — these guidelines may be cited as, *Guidelines on the Registration and Administration of Tourism Sector Associations*.
2. **Definitions** — terms used in these Guidelines are as defined in the Tourism Act, 2011, except otherwise specified and other terms used in these Guidelines shall be taken to have the meaning assigned to them hereunder—

“Act” means the Tourism Act of 2011;

“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;

“Appointed date” means the date for the commencement of these Guidelines;

“Association” means a formal organization of people or groups of people involved in tourism sector activities;

“Constitution” means the by-laws made by the association and registered under these Guidelines and include any registered amendment of such by-laws;

“Date of dissolution” means the date on which the Authority’s order cancelling the registration of a Tourism Sector Association takes effect;

“Interest groups” means an organized collection of people who seek to influence legislative or policy decisions;

“Lobbying” means the act of attempting to influence decisions made by officials in the government, most often legislators or members of regulatory agencies;

“Networking” means a supportive system of sharing information and services among individuals and groups having a common interest;

“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;

“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;

“Professional” means a person trained and qualified in at least one of the tourism and hospitality field, sub-field or strand;

“Region” means a cluster of counties with complementing product experience that constitute a tourism destination;

“Tourism sector association” means an association recognised under these Guidelines; and

“Winding up” means all proceedings subsequent to the dissolution of a Tourism Sector Association.

PART II—STATEMENT OF POLICY

Purpose

3. (1) The purpose of these Guidelines is to organize, recognize and register Tourism Sector Associations for self-regulation and overall sector competitiveness.
- (2) Despite the generality in subparagraph (1) above, the object of these Guidelines shall be—
 - (a) to recognize and register the Tourism Sector 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, enhance on their operations, be more effective and enabled to self-regulate;
 - (e) to develop and periodically review membership policy;
 - (f) to enable and facilitate resource mobilization and pursuit of common good of the sector; and
 - (g) to facilitate the development of unified training programmes for capacity building.

PART III—RECOGNITION OF TOURISM PRIVATE SECTOR ASSOCIATIONS

Application for Recognition of a new Association

4. (1) Any association wishing to be recognized as a Tourism Sector Association shall, within 3 months of registration apply using the form specified in the First Schedule to these Guidelines to the Authority and such application shall be accompanied with the requirements stated in paragraph 6(2), where applicable.
- (2) Upon receipt of such an application under subparagraph (1) and the recognition 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.
- (3) Representatives of the association (applicant) shall, upon the request of the Authority, appear before the officers in charge or the Board of the Authority and furnish such additional particulars and information as may be required by the Authority to enable the Authority decide on the application.
- (4) The Authority shall issue a Tourism Sector Association that is qualified with a Certificate of Recognition in a manner specified in Form I and Form II, respectively as provided for under the Second Schedule.
- (5) Certificate of Recognition of Tourism Sector Association shall be valid for one calendar year.
- (6) Application fee for registration of associations shall be as prescribed under the Third Schedule of these Guidelines.
- (7) A Tourism Sector Association which has been recognised in respect of a particular class 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.
- (9) An association that is not recognized with the Authority or whose recognition has been suspended or cancelled shall cease to be recognized as a Tourism Sector Association by the Authority.
- (10) No Tourism Sector Association shall be allowed to enlist as a member a person who has been suspended or expelled by another recognized Tourism Sector Association unless such a person has cleared the issues or charges that occasioned suspension or expulsion.

- (11) Any person running an association that contravenes the provisions of these Guidelines shall have his or her Certificate of Recognition withdrawn.
- (12) Despite these Guidelines, any entity or person carrying on the role of Tourism Sector Association immediately before the commencement of these Guidelines may continue to carry on such role and in accordance with provisions of these Guidelines.

Recognition requirements

5. (1) In considering any application under paragraph 4, the Authority shall have due regard to any measures and code of practice made or developed by the Government for the promotion of equality and prevention of unfair discrimination.
- (2) 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 these Guidelines including—
- (a) Certificate of Registration;
 - (b) Constitution or Articles and by-laws;
 - (c) Code of Practice and Ethics;
 - (d) Strategic Plan;
 - (e) Annual General Meeting minutes;
 - (f) audited books of accounts; and
 - (g) list of members (done in specified format in the Fourth Schedule to these Guidelines).
- (3) Despite the provisions of this guideline, for a Tourism Sector Association to be recognized by the Authority under these Guidelines, it shall have at least ten members who shall be qualified for licensing and is licensed 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 or Industry in accordance with the provisions of these Guidelines.

Register of recognized associations

6. The Authority shall maintain a register of recognized Associations and their members which shall be open to the public for inspection.

Handling registration under identical name

7. (1) No Tourism Sector Association shall be recognized under a name identical to that under any other existing association or under any name likely, in the opinion of the Authority, to mislead the members of the public as to its identity.

(2) Where the Authority is in receipt of two Tourism Sector Associations with the same name, the older one by recognition date of receipt shall be granted use of the name and the new entity shall be declined or asked to get a new name.

Evidence of recognition

8. (1) A Certificate of Recognition issued under paragraph 4(4) and signed by the Director-General shall be conclusive evidence that the association therein mentioned is duly recognized, unless it is proved that such recognition of the association has been cancelled or has been suspended.

(2) The Certificate of Recognition bearing the number and date of recognition shall be prominently displayed at the head office of every association.

(3) The Authority shall publish the recognition of the Tourism Sector Association in its website and other publications as provided for under these Guidelines.

Appeal against refusal for recognition

9. Any Tourism Sector Association whose application for recognition has been declined by the Authority may appeal to the Tribunal within sixty days after being notified of the decision.

Cancellation and suspension of recognition

10. (1) The Authority may cancel recognition where a Tourism Sector Association —

- (a) Has been deregistered by the Registrar of Societies
- (b) has been convicted of an offence under the Act;
- (c) ceases to be qualified for the issue of registration under these Guidelines;

- (d) has failed to file reports and returns with the relevant authority for a period of three years;
- (e) has been declared bankrupt; or
- (f) has engaged in any criminal activity.

(2) The Authority may suspend recognition where a Tourism Sector Association—

- (a) has been suspended by the Registrar of societies
- (b) has less than the prescribed number of members as may be stipulated in these Guidelines, relevant Constitution and any Rules made thereunder;
- (c) is under investigation for gross misconduct or offence;
- (d) convicted by a court of law;
- (e) has made false declaration for the recognition certification;
- (f) has contravened provision of these Guidelines; or
- (g) has not operationalized its activities within twelve months from the date of registration.

(3) A person or entity aggrieved by the decision of the Authority under subparagraphs (1) and (2) may appeal against such decision to the Tribunal within ninety days of the decision.

(4) Where the registration of a Tourism Sector Association is cancelled, the association shall cease to be recognized as a Tourism Sector Association.

(5) The relevant laws shall apply in relation to the winding-up or dissolution of a Tourism Sector Association.

Recognition, representation and organization of an association

12. (1) The Authority shall, for the purposes of organizing and ensuring development and management of all regulated tourism enterprises, recognize all categories of Tourism Sector Associations.

(2) The Authority shall promote establishment and joining of Associations by stakeholders for the promotion of professionalism, focus on quality service delivery, and development and use of code of ethics and standards of practice in the tourism regulated activities specified in the Ninth Schedule of the Act.

(3) A national level association shall evidence membership and demonstrate activities in at least four existing regions (tourist circuits) where such regions have relevant regulated tourism enterprises.

(4) Regional associations shall have members and representation in at least three counties forming the region where such counties have relevant regulated tourism enterprises.

PART IV—CONSTITUTION OF TOURISM SECTOR ASSOCIATIONS

Constitution of Tourism Sector Associations

13. (1) Tourism Sector Associations shall develop and operate within the set Constitution.

(2) The Authority shall provide a policy outlining key areas that the Constitution shall address including are as provided for in the Fifth Schedule of these Guidelines.

PART V—REGISTRATION OF MEMBERS, PHYSICAL ADDRESS AND RESOURCE MOBILISATION

Representation of Associations

14. Tourism Sector Associations shall—

- (a) receive, vet and register members;
- (b) ensure its members are all registered with the Authority;
- (c) develop self-regulation tools to guide their members; and
- (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.

Registered address and office of reference and operation

- 15.** (1) 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.
- (2) 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.
- (3) The Tourism Sector Association shall also generate quarterly and annual reports on operations and relevant statistics, and shall send a copy of the same to Tourism Regulatory Authority and such report shall be aligned to Strategic Plan and general operations of the Association.

Resource mobilization

- 16.** Tourism Sector Associations shall be expected by the Authority—
- (a) to establish and demonstrate a sustainable resource base and may engage in resource mobilization and partnerships for their sustenance; and
 - (b) to initiate, develop and enter into agreements with investment partners locally, regionally and internationally

and shall, promote and represent their members' interests.

PART VI—SELF-REGULATION

Self-regulation and accreditation

- 17.** (1) Tourism Sector Association shall exercise self-regulation on members' enterprises, practice standards and codes.
- (2) Such self-regulation powers shall be specific to membership enterprises and within the tourism field of expertise in which the member's carryout their trade.
- (3) Tourism Sector Association shall develop a code of conduct aligned to the international and national provisions, norms and mores.
- (4) 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.
- (5) Tourism Sector Association shall ensure to comply with all applicable laws which shall override self-regulatory measures implemented by the association in case of conflict between the two.

PART VII—PRODUCTION OF DOCUMENTS

Production of records and other documents

- 18.** (1) Any officer, staff, trustee 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.
- (2) Tourism Sector Association shall have a structured management system and an established secretariat suited for roles assigned and aligned to the Association's core mandate.

PART VIII—MERGERS AND AMALGAMATIONS

Mergers and amalgamations of Tourism Sector Associations

- (1) Any two or more Tourism Sector Associations may, in accordance with the applicable law, resolve to merge or amalgamate into a single association.
- (2) 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.
- (3) Any dispute as to membership, ownership and misappropriations shall first be determined through the conflict resolution mechanism provided in the Constitutions. The Association shall inform the Authority of such a dispute.

PART IX—TRANSITION

19. Transition of Associations

- (1) Any association which acted as a Tourism Sector Association immediately before the commencement of these Guidelines shall continue to do so for a period of twelve months from the date of commencement of these Guidelines.
- (2) All Tourism Sector Associations shall be required to regularize their status and recognition with the Authority within the period provided in subparagraph (3) of this guideline.
- (3) Any association contemplated in subparagraph (1) wishing to be recognised as a Tourism Sector Association under these Guidelines shall, within a period of twelve months from the commencement of these Guidelines, apply for registration by the Authority.

SCHEDULES

FIRST SCHEDULE

TOURISM REGULATORY AUTHORITY

TOURISM SECTOR ASSOCIATION APPLICATION FORM

FOR OFFICIAL USE ONLY

FILE NO:	
DATE:	YEAR:
CATEGORY:	
STATUS:	

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 organization 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

.....
.....

9.2:

The Mission

.....

.....

.....

9.3: The Objectives

.....

.....

.....

.....

.....

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

.....

.....

.....

.....

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

.....

.....

.....

.....

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***)

.....

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-
-
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 25357 – 00100,
Utalii House, 5th Floor,
Nairobi.
Tel: +254 701 444 777
E-mail: dg@tourismauthority.go.ke
Website: www.tourismauthority.go.ke**

SECOND SCHEDULE

FORM I

**TOURISM REGULATORY
AUTHORITY**

TOURISM SECTOR ASSOCIATION CERTIFICATE OF RECOGNITION

CERTIFICATE OF RECOGNITION

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

**THIRD SCHEDULE
TOURISM REGULATORY AUTHORITY**

Filing of Members Register

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

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

FOURTH SCHEDULE

TOURISM REGULATORY AUTHORITY

Tourism Sector Associations Constitution Outline

	<i>Section / Title</i>	<i>Possible Contents</i>
1.	PREAMBLE	• Define who you are • Reasons for existence
2.	NAME OF SOCIETY	• As it appears under the Societies Act and registration certificate
3.	INTERPRETATIONS	• Key terms in the constitution • Titles in the constitution • Acronyms in the constitution
4.	HEADQUARTERS	• Location • Address
5.	AIMS AND OBJECTIVES	• Clearly defined aims and objectives of the Association's existence • Implementation of the aims and objectives
6.	MEMBERSHIP	• Eligibility • Recruitment and replacement criteria • Requirements • Categories • Conditions, rules and regulations

		• Duties and rights • Subscription fee
7.	OFFICE BEARERS	• Available Positions stipulated • Duration of holding each position • Conditions, rules and regulations • Eligibility • Recruitment and replacement criteria • Duties and responsibilities • Clear job descriptions • Terms and conditions
8.	EXECUTIVE COMMITTEE	• Composition • Meeting schedules • Recruitment and replacement criteria • Duties and responsibilities • Clear job descriptions • Terms and conditions
9.	GENERAL MEETINGS	• Categories • Time frame • Purpose • Agenda • Quorum

		• Calling and procedures of meetings
10.	ELECTIONS	• Procedure • Eligibility • Conditions, rules and regulations • Fee (if applicable) • Funding
11.	BOARD OF TRUSTEES	• Composition • Procedures • Recruitment and replacement • Terms and conditions
12.	AUDITOR	• Procedures • Reporting • Recruitment and replacement • Terms and conditions
13.	FUNDS	• Sources • Procedures • Signatories
14.	BRANCHES	• Composition • Location • Procedures • Recruitment and replacement • Terms and conditions

15.	AMENDMENTS TO THE CONSTITUTION	• Procedures
16.	DISSOLUTION	• Procedures
17.	INSPECTION OF ACCOUNTS	• Procedures
18.	LIST OF MEMBERS	• Procedures • Composition
19.	REMUNERATION	• Procedures • Source of funds
20.	DISCIPLINE	• Procedures
21.	INTERPRETATION OF THE CONSTITUTION	• Procedures
22.	VALIDATION OF THE CONSTITUTION	• Procedures • Signatories