



TOURISM REGULATORY AUTHORITY

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

TOURISM REGULATORY AUTHORITY

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JUNE 2018

CONTENTS:

PART I — PRELIMINARY

PART II — STATEMENT OF POLICY

PART III — RECOGNITION OF TOURISM PRIVATE SECTOR

ASSOCIATIONS

PART IV — CONSTITUTION OF TOURISM PRIVATE SECTOR

ASSOCIATIONS

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

PART VI — SELF-REGULATION

PART VII — PRODUCTION OF DOCUMENTS

PART VIII — MERGERS AND AMALGAMATIONS

PART IX — TRANSITION

SCHEDULES

PART 1—PRELIMINARY

- 1. Title**—Guidelines on the registration and administration of Tourism Sector Associations.
- 2. Authorization**—These Guidelines are issued under section 7(1)(a) of the Tourism Act, 2011, which empowers the Authority to formulate Guidelines for sustainable tourism throughout the country.
- 3. 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

4. (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

- 5.(1) Any association wishing to be recognised as a Tourism Sector Association shall 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.
- (8) No member from the Tourism fraternity or sector shall engage with a Tourism Sector Association that has not been recognised by the Authority or whose recognition has been suspended under the relevant provisions of these Guidelines.
- (9) An association that is not recognised with the Authority or whose recognition has been suspended or cancelled shall cease to operate as a Tourism Sector Association.
- (10) No Tourism Sector Association shall be allowed to enlist as a member a person who has been suspended or expelled by another recognised 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 the provisions of any other guideline, all entities or persons involved in and undertaking the role of Tourism Sector Association shall be recognised by the Authority on or after the appointed date.
- (13) 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

- 6.(1) In considering any application under paragraph 5, 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 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 or Industry in accordance with the provisions of these Guidelines.

Register of recognised associations

7. The Authority shall maintain a register of Recognised Associations and their members.

Handling registration under identical name

8. (1) No Tourism Sector Association shall be recognised 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

9. (1) A Certificate of Recognition issued under paragraph 5(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 terminated.

(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

10. 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.

Tourism Sector Associations to be body corporate

11. Upon recognition by the Authority, every association shall become a body corporate by the name under which it is recognised, 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.

Cancellation and suspension of registration

12. (1) The Authority may cancel registration where a Tourism Sector Association—
- (a) has been convicted of an offence under the Act;
 - (b) ceases to be qualified for the issue of registration under these Guidelines;
 - (c) has failed to file reports and returns with the relevant authority for a period of three years;
 - (d) has been declared bankrupt; or
 - (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 these Guidelines, relevant Constitution and any Rules made thereunder;
 - (b) is under investigation for gross misconduct or offence;
 - (c) convicted by a court of law;
 - (d) has made false declaration for the recognition certification;
 - (e) has contravened provision of these Guidelines; or

- (f) 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 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.

Recognition, representation and organization of an association

- 13.**(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

14. (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.

Amendment of the Constitution

15. (1) An association may, subject to these Guidelines, amend its Constitution, including the rules which declare the name of the association.
- (2) Any amendment to the Constitution by an association shall be within the Authority's provided Guidelines.
- (3) No amendment of the Constitution of an association shall be valid until the amendment has been registered under these Guidelines, for which purpose a copy of the amendment shall be forwarded to the Authority in the prescribed manner.
- (4) If the Authority is satisfied that any amendment of the Constitution of an association is not contrary to these Guidelines and any Rules made thereunder, it may register the amendment.
- (5) The Authority may, if satisfied that an amendment under this paragraph was effected pursuant to a misrepresentation or concealment of a material fact by the association applying for registration, cancel the amendment.
- (6) 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.
- (7) Each and every amendment made by the association shall be brought and filed with the Authority within fourteen days by way of resolution.

- (8) 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.

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

Representation of Associations

16. 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

17. (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.

Resource mobilization

18. 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 member's interests.

PART VI—SELF-REGULATION

Self-regulation and accreditation

19. (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 members' 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.

PART VII—PRODUCTION OF DOCUMENTS

Production of records and other documents

20. (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

21. (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 presented to the Authority.

PART IX—TRANSITION

Transition of Associations

- 22.** (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.

FIRST SCHEDULE (para. 5(1))

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**)

.....
.....

.....
.....
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)***

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

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)***

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

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)***

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

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 20 313010
E-mail: dg@tourismauthority.go.ke
Website: www.tourismauthority.go.ke**

SECOND SCHEDULE

FORM I

(para. 5(4))

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 (para. 6(2)(g))

TOURISM REGULATORY AUTHORITY

Filing of Members Register

S/N	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					

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

FOURTH SCHEDULE (para. 14(2))

TOURISM REGULATORY AUTHORITY

Tourism Sector Associations Constitution Outline

	<i>Section / Title</i>	<i>Possible Contents</i>
1.	PREAMBLE	<ul style="list-style-type: none">• Define who you are• Reasons for existence
2.	NAME OF SOCIETY	<ul style="list-style-type: none">• As it appears under the Societies Act and registration certificate
3.	INTERPRETATIONS	<ul style="list-style-type: none">• Key terms in the constitution• Titles in the constitution• Acronyms in the constitution
4.	HEADQUARTERS	<ul style="list-style-type: none">• Location• Address
5.	AIMS AND OBJECTIVES	<ul style="list-style-type: none">• Clearly defined aims and objectives of the Association's existence• Implementation of the aims and objectives
6.	MEMBERSHIP	<ul style="list-style-type: none">• Eligibility• Recruitment and replacement criteria• Requirements• Categories• Conditions, rules and regulations

		<ul style="list-style-type: none"> • Duties and rights • Subscription fee
7.	OFFICE BEARERS	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Composition • Meeting schedules • Recruitment and replacement criteria • Duties and responsibilities • Clear job descriptions • Terms and conditions
9.	GENERAL MEETINGS	<ul style="list-style-type: none"> • Categories • Time frame • Purpose • Agenda • Quorum

		<ul style="list-style-type: none"> • Calling and procedures of meetings
10.	ELECTIONS	<ul style="list-style-type: none"> • Procedure • Eligibility • Conditions, rules and regulations • Fee (if applicable) • Funding
11.	BOARD OF TRUSTEES	<ul style="list-style-type: none"> • Composition • Procedures • Recruitment and replacement • Terms and conditions
12.	AUDITOR	<ul style="list-style-type: none"> • Procedures • Reporting • Recruitment and replacement • Terms and conditions
13.	FUNDS	<ul style="list-style-type: none"> • Sources • Procedures • Signatories
14.	BRANCHES	<ul style="list-style-type: none"> • Composition • Location • Procedures • Recruitment and replacement • Terms and conditions

15.	AMENDMENTS TO THE CONSTITUTION	<ul style="list-style-type: none"> • Procedures
16.	DISSOLUTION	<ul style="list-style-type: none"> • Procedures
17.	INSPECTION OF ACCOUNTS	<ul style="list-style-type: none"> • Procedures
18.	LIST OF MEMBERS	<ul style="list-style-type: none"> • Procedures • Composition
19.	REMUNERATION	<ul style="list-style-type: none"> • Procedures • Source of funds
20.	DISCIPLINE	<ul style="list-style-type: none"> • Procedures
21.	INTERPRETATION OF THE CONSTITUTION	<ul style="list-style-type: none"> • Procedures
22.	VALIDATION OF THE CONSTITUTION	<ul style="list-style-type: none"> • Procedures • Signatories