

[Subsidiary]

SUBSIDIARY LEGISLATION

L.N. 28/1968,
L.N. 236/1989,
L.N. 79/1998,
L.N. 163/2002.

Regulations under section 12

THE TOURIST INDUSTRY LICENSING REGULATIONS

Citation.

1. These Regulations may be cited as the Tourist Industry Licensing Regulations.

Application for
licence.

2. An application for a licence or for the variation of a licence shall be in Form 1 in the Schedule.

Form of licence.

3. A licence shall be in Form 2 in the Schedule.

Conditions.
L.N. 79/1998.

4. Licences shall be issued for carrying on any operation, in designated areas only and shall be subject to the conditions set out in Form 2 in the Schedule.

Provided that no licence shall be issued to class "A", class "B" and class "C" enterprises for carrying on any operation, activity or enterprise in the areas reserved as beaches, except to persons letting out vessels whether manned or not.

L.N. 163/2002.

5. (1) Every vehicle involved in any regulated tourist enterprise shall have a tourist vehicle sticker.

(2) Notwithstanding the provisions of paragraph (1), every overland vehicle with foreign registration that enters the country for purposes of tourism, shall be issued with a temporary licence.

(3) A temporary licence shall be valid for a period of six months from the date of issue.

Secretary of appeal
board.

6. The Minister shall, by notice in the Gazette, appoint a public officer to be the secretary of the appeal board.

Mode of appeal.

7. (1) A person appealing under section 9 of the Act shall, not later than seven days after the end of the period allowed for appealing deliver—

(a) to the secretary of the appeal board, a written statement of the grounds of the appeal, and of all the facts and representations with which he wishes to support his appeal; and

(b) to the licensing officer against whose decision he is appealing, a copy of that statement.

(2) The licensing officer shall, within fourteen days after receiving the copy of the written statement delivered to him under paragraph (1) of this regulation, deliver —

(a) to the secretary of the appeal board, a written answer to the written statement;

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(b) to the appellant or his agent, a copy of the answer.

(3) The appellant may, within ten days after receiving the copy of the answer, deliver to the secretary of the appeal board a reply to the answer (delivering a copy to the licensing officer), and where he does so the licensing officer may, within ten days after receiving the copy, deliver to the secretary of the appeal board a rejoinder to the reply (delivering a copy to the appellant or his agent).

8. (1) The appeal board shall proceed with the hearing of an appeal as soon as possible after the delivery of documents provided for by regulation 7 has been completed. Hearing of appeal.

(2) On the hearing of the appeal, the appeal board shall consider the documents delivered to the secretary under regulation 7, but neither the appellant nor the licensing officer nor any person on their behalf shall be heard at the hearing:

Provided that the appeal board may call either the appellant or the licensing officer, to speak or to call witnesses at the hearing if it considers it necessary for the determination of the appeal, but where it does so call one party it shall also invite the other party to attend and to speak and to cross-examine any witness called.

(3) In recording its decision, the appeal board shall if possible, include a recommendation to the licensing officer as to the length of the period for which a permit should be issued under section 5 (2) of the Act.

9. The secretary of the appeal board shall notify the appellant and the licensing officer of the decision of the board within fourteen days after the date of the decision. Notification of result of appeal.

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SCHEDULE

FORM 1

APPLICATION FOR LICENCE,OR FOR VARIATION OF LICENCE, TO CARRY ON A REGULATED TOURIST ENTERPRISE

TO: THE LICENSING OFFICER,

1. Name of regulated tourist enterprise (if a limited company please state country and year of registration)

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2. Address of principal premises—

Postal Address

Geographical Address

3. Exact location of any other premises (state whether owned or rented, and the nature, e.g. office, garage, stores)

.....

4. Full name(s) of proprietor or proprietors, or managing director if a limited company

.....

5. Postal and residential address(es) of person(s) named at 4 above

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6. Age, country of birth and present nationality of persons named at 4 above

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7. If a hunting safari enterprise, the names of all permanently employed professional hunters

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SCHEDULE (Contd)

8. The exact kinds of regulated tourist enterprise in respect of which this application is made.....
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.....

9. Does, or will, the enterprise receive tourists direct from outside Kenya?

10. If the answer to 9 above is "Yes", please state the approximate number of tourists expected to be so received during the 12 months following the date of this application
.....
.....

11. Name(s) and address(es) of all banks with which the enterprise deposits money

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

I hereby apply for a Licence/the Variation of Licence to carry on the regulated tourist enterprise named at 1 above at the premises described at 2 and 3 above. I declare that the information given in this application is true and complete in all respects. I have read and understand section 4 (4) of the Act, which is printed below.

.....
(Signature of person named at 4 above)

Date.....



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SCHEDULE (Contd)

Section 4 (4) of the Tourist Industry Licensing Act—

Any person who makes or causes to be made, either orally or in writing, any declaration or representation which he knows or has reason to know to be false for the purpose of obtaining a licence or of obtaining the variation of a licence shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

FORM 2

L.N. 79/1998.

LICENCE TO CARRY ON A REGULATED TOURIST ENTERPRISE
CLASS “ ”ENTERPRISE

LICENCE is hereby granted to:

.....
.....

to carry on the following regulated tourist enterprise—

Name of regulated tourist enterprise

.....
.....

designated area of trade

.....
.....

Class of regulated tourist enterprise—

.....
.....

on condition that—

(a) the licensee shall report in writing to the licensing officer 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;

(b) the licensee shall not directly or indirectly increase any price which at the date of coming into operation of these Regulations he charges or holds himself out as charging, unless he has given to the licensing officer, by letter sent to him by registered post, at least twenty-eight days previous notice of his intention to increase the price;

(c) the licensee shall maintain insurance for an amount not less than £20,000, valid for the whole period of every hunting safari with which he is concerned, against—

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SCHEDULE (Contd)

- (i) any liability which he may incur towards a client of his; and
- (ii) any liabilities which a client of his may incur towards any person, in the course of the safari;
- (d) the licensee shall carry on the said regulated tourist enterprise the designated area of trade.
- (e) the licensee shall comply at all times and in all respects with regulation 5 of the Tourist Industry Licensing Regulations, so far as it is applicable to his regulated tourist enterprise

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This Licence is valid for a period of one year from the date of issue, unless it is previously cancelled.

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Licensing Officer

Date.....