

**THE TOURISM AND HOSPITALITY PRACTITIONERS BILL,
2023**

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**FIRST SCHEDULE- PROVISIONS AS TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE COUNCIL OF THE
ASSOCIATION**

**THE TOURISM AND HOSPITALITY PRACTITIONERS BILL,
2023**

A Bill for

AN ACT of Parliament to establish the Tourism and Hospitality Practitioners Association; to provide for the registration and regulation of the standards and practice of tourism and hospitality practitioners and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I – PRELIMINARY

- Short title. **1.** This Act may be cited as the Tourism and Hospitality Practitioners Act, 2023
- Interpretation. **2.** In this Act, unless the context otherwise requires—
- “association” means the Tourism and Hospitality Practitioners Association established under section 3 of this Act;
- “branch” means a geographical centre or centres prescribed by the Council for the better carrying out of its functions;
- “Cabinet Secretary” means the Cabinet Secretary responsible for tourism;
- “certificate of registration” means a certificate issued under section 28 of this Act;
- “Council” means the governing Council of the Tourism and Hospitality Practitioners Association established under section 6 of this Act;
- “general meeting” means the meeting convened in accordance with the provisions in section 5 of this Act;
- “practicing certificate” means a certificate issued to a member by the Association under section 32 of this Act;
- “register” means the register kept pursuant to section 29 of this Act; and
- “tourism and hospitality practitioner ” means a person registered in accordance with section 27 and authorised to practice in accordance with Part V of this Act.

**PART II – ESTABLISHMENT OF THE
TOURISM AND HOSPITALITY PRACTITIONERS
ASSOCIATION**

Establishment of the Association. **3.** (1) There is established an Association to be known as the Tourism and Hospitality Practitioners Association.

(2) The Association is a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of moveable and immovable property;
- (c) borrowing or lending money;
- (d) entering into contracts; and
- (e) doing or performing all other duties or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

Organs of the Association. **4.** The Association shall be governed through the following organs —

- (a) the general meeting;
- (b) the Council; and
- (c) the branches;

General meeting. **5.** (1) The general meeting shall be the supreme authority of the Association which shall approve all resolutions and important decisions of the Association.

(2) The general meeting shall consist of all the members of the Association.

(3) The Registrar shall be the secretary to the General Meeting.

(4) The expenses of the general meeting shall be defrayed from the general funds of the Association.

(5) The quorum of the general meeting shall be at least five percent of all the members of the Association.

(6) The Chairperson of the Council shall preside over the general meeting and in the absence of the Chairperson, the Vice-chairperson shall preside over the

meeting.

(7) In the absence of both the Chairperson and the Vice-chairperson, the Council shall nominate one person among its members to preside.

Composition of the Council.

6. (1) The Council shall consist of the following—

- (a) a chairperson;
- (b) a vice-chairperson;
- (c) the chairperson of each branch of the Association; and
- (d) the Registrar who shall be an *ex officio* member and secretary to the Council.

(2) The members of the Council, save for the Registrar, shall be elected by all the members of the Association in accordance with this Act.

Election of the members of the Council.

7. (1) The election of the Chairperson, Vice-chairperson and members of the Council shall be—

- (a) conducted in a transparent and fair manner;
- (b) in every second year after the election of the Council;
- (c) by secret ballot; and
- (d) conducted on the same day by the members physically present.

(2) The elections shall be conducted by such body as the Council may propose and approved by the general meeting preceding the election.

Eligibility of election as chairperson and member of the Council.

8. (1) A person is eligible for election as the chairperson, vice-chairperson or a member of the Council, if the person—

- (a) is a member of the Association;
- (b) has been in practice for at least ten years, from the date of registration;
- (c) has not been found liable for misconduct in the three years immediately preceding the election; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) A person elected as the chairperson, vice-chairperson or member of the Council, other than an *ex-officio* member, shall cease to hold office if the person—

- (a) resigns from office in writing addressed to the Association;
- (b) is absent from three consecutive meetings of the Council without cause;
- (c) is adjudged bankrupt;
- (d) is incapacitated by prolonged physical or mental illness;
- (e) ceases to represent the interest in respect of which the person was elected to the Association;
- (f) is unable or unfit to discharge the functions of the office; or
- (g) is convicted of a criminal offence for which the sentence is imprisonment for more than six months, without the option of a fine.

Conduct of the business and affairs of the Council.

9. (1) The conduct and regulation of the business and affairs of the Council shall be as provided in the First Schedule.

(2) Except as provided in the First Schedule, the Council may regulate its own procedure.

Remuneration of the Council members

10. The members of the Council shall be paid, fees, allowances and disbursements for expenses as may be determined by the Council upon the advice of the General Meeting.

Branches of the Association.

11. (1) The Council may on its own volition, or by request in writing by a member recommend to the General Meeting the establishment of branches as are necessary for the proper management of the affairs of the Association and may subject to the provisions of this Act, delegate powers conferred on it to the branches.

(2) The branches shall—

- (a) deal with issues regarding practice within its centres;
- (b) address issues relating to the welfare of the members practicing in its centres; and
- (c) inform the Council of any matters that affect members within the branches that require the Council's engagement with other

stakeholders on behalf of the branch.

Membership of
the Association.

12. (1) The members of the Association shall consist of each person registered as a tourism and hospitality practitioner under section 27.

(2) The members of the Association may be classified as follows—

- (a) A fellow, being a person, who —
 - (i) has been an active full member of good standing for at least three years;
 - (ii) has served in any of the Association’s organs, with a proven track record of professional practice in the tourism and hospitality industry or academia for at least ten years; and
 - (iii) has demonstrated a significant contribution to the growth and development of tourism and hospitality field.
- (b) A full member, being a person who has been an active associate member of good standing for at least three years, with a proven track record of professional practice in the tourism and hospitality industry or academia.
- (c) An associate member, being a person who—
 - (i) has achieved a certificate, diploma, undergraduate or postgraduate degree in tourism and hospitality from a recognized institution; and
 - (ii) has at least one year of relevant professional experience in tourism and hospitality; and
- (d) such other categories as may be prescribed by the Association.

Functions of the
Association.

13. The functions of the Association shall be to—

- (a) establish, monitor and publish the standards of professional competence and practice amongst tourism and hospitality practitioners;
- (b) register persons who meet the required academic, professional and ethical

standards;

- (c) provide a medium for communication and exchange of information, knowledge and ethical standards for those persons engaged in the field of tourism and hospitality;
- (d) network with regional and international related bodies to promote and develop progressive practices in the tourism and hospitality profession;
- (e) regulate the practice and professional conduct of tourism and hospitality practitioners;
- (f) establish institutions or other bodies as may be necessary for the achievement of its objects;
- (g) promote and protect the welfare and interests of the tourism and hospitality profession;
- (h) promote inter-professional collaboration with other professional bodies;
- (i) prescribe the minimum educational requirements for persons who wish to be registered under this Act;
- (j) consider and approve the qualifications of persons for the purposes of registration under this Act;
- (k) cause to be maintained a register of all persons registered and licensed to practice tourism and hospitality in accordance with this Act;
- (l) prescribe and revise membership categories under which tourism and hospitality practitioners may be registered;
- (m) regulate the professional conduct of registered tourism and hospitality practitioners and take such disciplinary measures as may be appropriate to maintain proper professional standards;
- (n) establish, approve and accredit programs for continuing professional educational development programs; and

- (o) perform such other function as may be provided for in this Act or any other written law.

Powers of the Council.

14. The Council shall have all powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Council shall have power to—

- (a) control, supervise and administer the assets of the Association in such manner as best promotes the purpose for which the Association is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Association;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (d) open such banking accounts for its funds as may be necessary;
- (e) invest any funds of the Association not immediately required for its purposes in a manner approved by the General Meeting.
- (f) undertake any activity necessary for the fulfilment of any of its functions.

Registrar

15. (1) There shall be a Registrar of the Association who shall be appointed by the Council through an open, transparent, and competitive recruitment process.

(2) The Registrar shall—

- (a) subject to the direction of the Council, be responsible for the day-to-day management of the affairs and staff of the Association;
- (b) be an *ex officio* member of the Council but shall have no right to vote at any meetings of the Council;
- (c) generally carry out the function of registering persons qualified to be registered under this Act; and
- (d) perform any other functions connected therewith.

(3) A person shall not be appointed as a Registrar under this section unless the person—

- (a) is a registered tourism and hospitality practitioner with at least ten years proven experience in tourism and hospitality;
- (b) has knowledge and experience in policy formulation, administration, and management; and
- (c) meets the requirements of Chapter Six of the Constitution.

Staff of the Association. **16.** The Council may appoint officers, agents and other staff necessary for the proper and efficient discharge of the functions of the Association and the Council under this Act, upon such terms and conditions of service as the Council may determine.

Committees of Association members. **17.** (1) The Council may establish thematic committees comprising members of the Association for the purpose of assisting the Association to perform its functions, or to advise the Association on any matter relating to the performance of, its functions.

(2) Without prejudice to the generality of sub-section (1), there shall be a standing committee of the Association to be known as Budget and Finance Committee.

(3) The Council may, by resolution delegate to any committee or to any member, officer, employee or agent of the Council, the exercise of any of the powers or the performance of any of the functions or duties of the Council or the Association under this Act or under any other written law.

(4) Any committee established under subsection (1) may with approval of the Council, co-opt additional members, and any such additional member, shall be a member of the Association.

(5) The Council may on its own volition, or on request in writing by a branch or a member establish an ad hoc committee or committees as is necessary

Protection from personal liability. **18.** No matter or thing done by a member of the Council or by any officer, member of staff, or agent of the Association shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Association under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.

Common seal. **19.** (1) The common seal of the Association shall be kept in the custody of the Registrar or of such other person as the Council may direct and shall not be used except

upon the order of the Council.

(2) The common seal of the Association, when affixed to a document and duly authenticated, shall be judicially and officially noticed and unless the contrary is proved, any necessary order or authorization by the Council under this section shall be presumed to have been duly given.

PART III— MEETINGS OF THE ASSOCIATION

Annual general meeting. **20.** (1) The Council shall convene an annual general meeting of the Association on a date and venue as may be determined by the Council.

(2) The Council shall at the annual general meeting present to the general meeting a full report of the activities of the Association in the immediately preceding year.

Special general meeting. **21.** (1) A special general meeting shall be convened at any time—

(a) if requisitioned by at least ten percent of the members from each branch; or

(b) by the Council on its own motion after giving a thirty days' notice.

(2) The Council may call a special general meeting for any specific purpose.

(3) The notice requisitioning a special general meeting under subsection shall—

(a) be in writing;

(b) be signed by the members from the branches as specified in subsection (1);

(c) specify the object of the proposed meeting; and

(d) be submitted to the secretary to the Council.

(4) A special general meeting under subsection (1) (a) shall be held within twenty-one days of receipt of the requisition.

(5) Notice in writing of the meeting accompanied by the agenda for the meeting shall be sent to all eligible members not less than thirty days before the date of the meeting and no matter shall be discussed other than that stated in the requisition

Quorum. **22.** (1) The quorum for an annual or special general meeting shall be one-fifth of the members of the

Association.

(2) In the event that quorum is not attained, a subsequent meeting shall be held not less than twenty-one and not more than thirty days from the date of the aborted annual or special general meeting as the case may be.

(3) Such subsequent meeting shall be held whether or not the requisite quorum is attained.

General meeting to act by simple majority. **23.** Except for any purpose for which a special resolution is expressly required by this Act or by any regulations made under this Act, all resolutions of the Association in general meeting shall be by simple majority vote.

Alteration of resolutions. **24.** No resolution of the Association in the general meeting shall be altered or rescinded within nine months after the passing thereof otherwise than by a special resolution of the special general meeting.

Convening and procedure. **25.** The manner of convening a general meeting of the Association and the procedure and voting thereafter shall be subject to any express provisions of this Act.

PART IV— REGISTRATION OF TOURISM AND HOSPITALITY PRACTITIONERS

Qualification for registration. **26.** (1) A person shall be eligible for registration as a tourism and hospitality practitioner upon fulfilling the set qualification by the Council under sub section (2).

(2) The Council may approve and publish electronically qualifications which it considers sufficient to allow a person to be registered as a member.

(3) Notwithstanding subsection (2) the Council may require a person making an application for registration to satisfy it in such manner as it may direct, that a person has—

(a) adequate experience in tourism and hospitality; and

(b) acceptable professional conduct and general character which, in the opinion of the Council, makes that person fit and proper person to be registered.

Registration of tourism and hospitality practitioners. **27.** (1) A person eligible to be registered as a tourism and hospitality practitioner may apply in the prescribed form to the Council for registration in the register, and every application shall be accompanied by the prescribed fee.

(2) A person who complies with the provisions of subsection (1) and is accepted by the Council as being eligible for registration shall be registered.

Certificate of registration. **28.** The Registrar shall issue to every person registered under this Act, a certificate of registration in the prescribed form.

Register of tourism and hospitality practitioners. **29.** (1) The Registrar shall cause to be kept a register in which shall be recorded—

- (a) the name of any person registered under section 27 of this Act;
- (b) practicing certificates issued to any member;
- (c) where a practicing certificate has ceased to be in force under this Act;
- (d) particulars of the cancellation of the registration of any person;
- (e) particulars of the restoration of the registration of any person under this Act; and
- (f) such other matters as the Council may determine.

(2) The Registrar may with the approval of the Council, cause to be made such alterations in the register as are necessary to ensure that the matters recorded therein are accurate.

(3) The register may at all reasonable hours, be inspected and copies of all or any part of any entry in the register taken—

- (a) without payment by—
 - (i) any member of the police force or any public servant acting in the course of his duty; or
 - (ii) any person authorized by the Council; or
- (b) by any other person on payment of such fee as may be prescribed.

(4) The register shall be received in proceedings before any court or tribunal as evidence of the matters recorded therein which are required by or under this Act to be so recorded.

(5) A document certified by the Registrar shall—

- (a) be a true copy of an entry in the register; and
- (b) show the status of registration of a member.

PART V— AUTHORISATION TO PRACTICE

Authorisation to practice. **30.** A person practices as a tourism and hospitality practitioner if, in consideration of remuneration or other benefits received or to be received, whether alone, in employment, partnership or company with any person, the person—

- No. 28 of 2011.
- (a) engages in the any of the activities and services prescribed under the Ninth Schedule to the Tourism Act, 2011; or
 - (b) engages in any other activity recognized by the Association.

Application for practicing certificate. **31.** (1) A person who wishes to practice as a tourism and hospitality practitioner shall apply annually to the Council for a practicing certificate.

(2) An application for a practicing certificate shall be made in the prescribed form.

Issuance of practicing certificate. **32.** (1) Where an application is made by a person in accordance with section 31, the Council shall issue to such person, a practicing certificate if it is satisfied that the person—

- (a) meets the requirements prescribed under this Act;
- (b) is a member of the Association and in good standing; and
- (c) has paid the prescribed fee.

(2) The Council may, on a resolution of the general meeting, prescribe regulations for the issuance of practicing certificates.

Practicing certificate to remain property of the Association. **33.** A practicing certificate issued to a person shall remain the property of the Association.

PART VI— FINANCIAL PROVISIONS

The Tourism and Hospitality Practitioners Bill, 2023

Funds of the Association.

34. The funds of the Association shall consist of—

- (a) such monies or assets as may accrue to or vest in the Association in the course of the exercise of its powers or performance of its functions under this Act;
- (b) such monies as may be payable to the Association pursuant to this Act or any other written law;
- (c) donations, gifts and endowments from lawful organizations or sources;
- (d) proceeds of any investments by the Association; and
- (e) grants.

Financial year of the Association.

35. The financial year of the Association shall be the period of twelve months ending on the thirtieth of June in every year.

Annual Estimates.

36. (1) At least three months before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the Association for that financial year.

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

- (a) the payment of the salaries, allowances and other charges in respect of the of the staff of the Association or agents of the Association;
- (b) the payment of the pensions, gratuities and other charges in respect of the retirement benefits payable to the members of staff of the Association;
- (c) funding of training, research and development of activities of the Association;
- (d) publication and promotion of the activities of the Association;
- (e) the proper maintenance of the buildings and grounds of the Association;
- (f) the proper maintenance, repair and replacement of the equipment and other movable property of the Association;

and

- (g) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Association may deem fit.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate.

(4) No expenditure shall be incurred for the purposes of the Association except in accordance with the annual estimates approved under subparagraph (3), or in pursuance of an authorisation of the Council.

Records,
accounts
audit.

and

37. (1) The Council shall cause to be kept proper books and records of accounts of the income, expenditure and assets of the Association.

(2) Within a period of three months after the end of each financial year, the Council shall submit to the Auditor-General the accounts of the Association together with—

- (a) a statement of the income and expenditure of the Association during that financial year; and
- (b) a balance sheet of the Association on the last day of that year.

No.34 of 2015.

(3) The accounts of the Authority shall be audited and reported upon in accordance with the provisions of the Public Audit Act.

Bank account.

38. The Council may place on deposit with such bank or banks any monies not immediately required for the purposes of the Council.

PART VII—ENFORCEMENT

Disqualification
from
registration.

39. A person is disqualified from being registered if the person—

- (a) is convicted by a court of competent jurisdiction in Kenya or elsewhere of an offence involving fraud or dishonesty;
- (b) is an undischarged bankrupt;
- (c) is of unsound mind and has been certified to be so by a medical practitioner; or

(d) is serving a sentence for professional misconduct under this Act or any other written law governing another profession to which that person is a member.

Cancellation of registration. **40.** (1) The Council may cancel the registration of a member if the member—

(a) has been convicted of an offence under this Act or under any other law punishable by imprisonment;

(b) has committed an act of negligence or malpractice in respect of the profession; or

(c) has committed an act of impropriety or misconduct in respect of the profession;

(2) The Council shall not cancel the registration of a member under subsection (1) (b) or (c) unless it has afforded the member an opportunity to show cause why the member's registration should not be cancelled.

(3) A person aggrieved by a determination of the Council under this section may appeal to the High Court, which may affirm the determination of the Council or allow the appeal.

Restoration. **41.** (1) When the registration of a member of the Association is cancelled under section 40, the Council shall restore the registration if on appeal, the High Court allows the appeal.

(2) The registration of a member shall be restored by recording in the register particulars of the restoration.

False registration or application for practicing certificate. **42.** (1) Any person who willfully procures or attempts to procure registration or a practicing certificate under the provisions of this Act, by making, producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.

(2) Upon conviction of an offence under this section by a person registered or authorized to practice under this Act, the Registrar shall upon direction from the Council remove the person's name from the register and cancel the practicing certificate.

Unregistered
person
practicing.

43. A person who not being registered under this Act, uses the title “tourism and hospitality practitioner” commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year, or both.

PART VIII—REGULATIONS

Regulations.

44. The Council may, in consultation with the Cabinet Secretary, make regulations generally for the better carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations—

- (a) prescribing the curriculum and the courses of study to be pursued by the students and candidates in order to satisfy the academic requirements of any particular registration;
- (b) prescribing a code of ethics, rules of professional conduct and standards of practice;
- (c) providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing forms for application and registration of members of the Association under this Act;
- (e) prescribing fees payable to the Association;
- (f) establishment of the branches of the Council;
- (g) governing the calling, holding and conducting of meetings of the Council and of the members of the Association;
- (h) authorizing the making of grants for any purpose that may tend to advance knowledge of tourism and hospitality or improve standards of practice;
- (i) authorizing the making of grants for any purpose that may tend to advance knowledge of tourism and hospitality or improve standards of practice; and
- (j) such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

PART IX—TRANSITION AND REPEAL

Transitional provisions.

45. (1) The Board of the Tourism Professional Association existing before the enactment of this Act shall assume the responsibilities imposed on the Council by this Act as an Interim Council and until the first elections are held under this Act.

(2) The chairperson of the Tourism Professional Association shall continue to act as chairperson of the Association until the first elections are held under this Act.

(3) The Interim Council shall facilitate the registration of members of the Association and the convening of the first annual general meeting at which Council members shall be elected.

(4) The first annual general meeting of the Association shall be convened by the Interim Council within a period of twelve months of the commencement of this Act.

(5) Any Tourism and Hospitality Practitioner carrying out any business contrary to this Act shall ensure that the business is compliant with this Act within twelve months of the commencement of this Act.

Repeal of section 122(2)(j) of No. 28 of 2011.

46. Section 122 (2)(j) of the Tourism Act, 2011 is repealed.

FIRST SCHEDULE (s.9)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL OF THE ASSOCIATION

Meetings.

1. (1) The Council shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the Chairperson may, upon requisition in writing by at least six members, convene a special meeting of the Council at any time for the transaction of the business of the Council.

(3) Unless three quarters of the total members of the

Council otherwise agree, at least seven days' written notice of every meeting of the Council shall be given to every member of the Council.

(4) The quorum for the conduct of the business of the Council shall be seven members including the chairperson or the person presiding.

(5) The Chairperson shall preside at every meeting of the Council at which he is present but, in his absence, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, the members present shall elect one of their members to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the Council shall be invalid by reason only of a vacancy among the members thereof.

Disclosure of interest by Council members.

2. (1) If a member of the Council is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter and shall not be counted in the quorum of the meeting during consideration of the matter:

(2) If the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Council may permit the member to participate in the deliberations

subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(3) A member of the Council who contravenes subparagraph (1) commits an offence and is liable, on conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

Execution of instruments.

3. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Association by any person generally or specially authorized by the Council for that purpose.

Minutes.

4. The Secretary to the Council shall cause minutes of all resolutions and proceedings of meetings of the Council to be entered in books kept for that purpose.

MEMORANDUM AND OBJECTS OF REASONS

The principal object of this Bill is to provide a legal framework for the promotion, development and regulation of the tourism and hospitality profession. The Bill seeks to promote professionalism within the tourism and hospitality sector and to provide mechanisms for registration and discipline within the profession.

The Bill seeks to establish the Tourism and Hospitality Practitioners Association as the overall supervisory body over tourism and hospitality practitioners in Kenya. The Association is responsible for maintenance of standards and registration within the profession. The Bill is intended to improve the quality of service rendered by tourism and hospitality practitioners.

Part I of the Bill contains preliminary provisions.

Part II of the Bill provides for the establishment powers and functions of the Tourism and Hospitality Practitioners Association, its organs, staff and its general administration.

Part III of the Bill provides for the meetings of the Association, the annual general meeting, invocation of a special ordinary meeting and the procedure to be followed in conducting any meeting.

Part IV of the Bill provides for the Registration of tourism and hospitality practitioners including qualifications and conditions for registration.

PART V of the Bill provides for authorization to practice including the application for and issuance of practicing certificates.

PART VI of the Bill provides for financial matters including the sources of funds for the Association, management and use those funds as well as audit.

Part VII of the Bill provides for enforcement including disqualification from registration, cancellation of registration and offences.

Part VIII of the Bill provides for making of regulations.

PART IX of the Bill provides for transition and repeal.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

Clause 44 of the Bill provides that Council may make regulations in consultation with the Cabinet Secretary. The Bill therefore delegates legislative powers to the Council. The Bill does not limit fundamental rights and freedoms.

Statement on whether the Bill concerns county governments

The Bill does not affect the functions of the county governments as set out in the Fourth Schedule of the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the....., 2023.

HON. KASSIM SAWA TANDAZA,
Member of Parliament.