

THE KIAMBU COUNTY TOURISM BILL, 2015

ARRANGEMENT OF CLAUSES

Clauses

PART I—PRELIMINARY

1—Short Title

2—Interpretation

3 – Promotion of Tourism

**PART II – ESTABLISHMENT OF THE DIRECTORATE OF TOURISM AND
DESIGNATION OF TOURISM AREAS.**

4—Establishment of Directorate of Tourism

5—Functions of the Directorate

6— Designation of tourism areas

7— Limits, restrictions and prohibitions on number of operators and activities

8 - Involvement of the people

PART III— OFFENCES, PENALTIES AND ENFORCEMENT

9— Offences

10—General prohibition and offences

PART IV— GENERAL PROVISIONS

11—Regulations

12—Application of Act No. 28 of 2011

A Bill for

AN ACT of the County Assembly of Kiambu to give effect to paragraph 7(d) of Part 2 of the Fourth Schedule to the Constitution, to provide for the development, management, marketing and promotion of local tourism; and connected purposes.

ENACTED by the County Assembly of Kiambu as follows—

PART I—PRELIMINARY

Short title **1.** This Act may be cited as the Kiambu County Tourism Act, 2015.

Interpretation **2.** In this Act—

“Executive Committee Member” means the county executive committee member for the time being in charge of tourism;

“county” means the Kiambu county;

“Directorate” means the Directorate of Tourism established under section 4;

"Tourism Area" means an area designated as a Tourism Area under section 6; and

"Tourism Special Management Area" means an area designated as a Tourism Special Management Area under section 6.

Promotion of tourism **3.** The Executive Committee Member shall be responsible for promotion and development of tourism in the County and in particular to—

- (a) implement national tourism policies, strategies and programs;
- (b) develop and implement country tourism strategies and regulations in collaboration with the National Government;
- (c) develop and implement county tourism development plans and projects in collaboration with National Government
- (d) facilitate the provision of funds for the development of tourism facilities in the county in collaboration with the national government;

- (e) domesticate and implement bilateral, regional and international agreements on tourism matters as appropriate;
- (f) encourage and facilitate sustainable growth of the tourism industry; and
- (g) approve and ensure the implementation of a County code of practice for the tourism sector.

PART II—ESTABLISHMENT OF THE DIRECTORATE OF TOURISM

- Establishment of Directorate of Tourism. **4.** (1) There is established the Directorate of Tourism which shall be an office in the county public service.
- Functions of the Directorate **5.** The function of the Directorate shall be to —
- (a) market the county as a desirable tourism destination;
 - (b) advise the Executive Committee Member on all matters relating to tourism in the county;
 - (c) regulate tourism activities and services in the county, in accordance with the national tourism strategy and policy;
 - (d) recommend the packaging of tourism products and services within the county;
 - (e) co-ordinate and facilitate the management and control of county specific tourism activities and recourses;
 - (f) develop community based tourism projects and programs;
 - (g) sensitize local communities on the conservation of tourism resources and attractions in the county;
 - (h) prescribe measures to facilitate and enhance local tourism;
 - (i) to advise on priority areas for tourism development, capacity building and training;
 - (j) to advise on innovative schemes, incentives and ethics to be applied in the

development and marketing of sustainable tourism, including public private partnerships;

- (k) to collect and manage tourism data and information within the county;
- (l) to advise on measures necessary to ensure equitable sharing of benefits in the tourism sector;
- (m) undertake investigations and inquiries into tourism malpractices in the county; and
- (n) any other function that the Executive Committee Member may assign to the Directorate in order to enhance sustainable tourism in the county.

Designation of areas

- 6.** The Executive Committee Member shall by notice in the County Gazette on the recommendation of the Directorate designate an area as—
 - (a) a Tourism Area; or
 - (b) a Tourism Special Management Area if the area is—
 - (i) archaeologically or historically significant;
 - (ii) culturally or spiritually significant; or
 - (iii) ecologically sensitive.

Limitations, restrictions and prohibition of activities

- 7.** Where an area is designated as a Tourism Area or Tourism Special Management Area, the Executive Committee Member shall by regulation—
 - (a) limit the number of tourism operators that conduct tourism activities in the Tourism Area; and
 - (b) limit, restrict or prohibit tourism activities in the Tourism Special Management Area.

Involvement of residents and

- 8.** The Executive Committee Member shall ensure that the residents, business community and persons involved in the tourism sector are involved in the process of developing

others. tourism activities under this Act.

PART III - OFFENCES, PENALTIES AND ENFORCEMENT

Offences

- 9.** (1) A person shall not-
- (a) discharge any dangerous materials, substances or oil into a designated tourism area contrary to the provisions of this Act or any other law; or
 - (b) pollute wildlife habitats and ecosystems, or discharge any pollutant detrimental to the environment contrary to the provisions of this Act or any other law.
- (2) A person who contravenes any of the provisions of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings, or imprisonment to a term not exceeding thirty-six months, or to both.
- (3) In addition to the fine imposed under subsection (2), the court may direct the convicted person to –
- (a) pay the full cost of cleaning up the polluted wildlife habitat and ecosystem and mitigating effects of pollution; and
 - (b) clean up the polluted habitats and ecosystems and mitigating effects of pollution to the satisfaction of the county government.
- (4) Without prejudice to the provisions of subsections (2) and (3), the court may direct the accused person to meet the cost of the effect of pollution to a third party through adequate compensation, restoration or restitution.

General prohibition and offences

- 10.**(1) A person shall not—
- (a) breach or fail to comply with the provisions of this Act;
 - (b) obstruct a person in the execution of his powers or duties under this Act;
- (2) A person who contravenes any of the provisions of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding eighteen months, or to both.

PART IV—GENERAL PROVISIONS

Regulations

- 11.** (1) The Executive Committee Member may, on recommendation of the Directorate, make regulations generally for the better carrying out of the objects of this Act.
- (2) Without prejudice to the generality of subsection (1), the regulations may—
- (a) prescribe guidelines for development and promotion of tourism within the

- county;
- (b) the classification of tourism activities and services within the county;
 - (c) the restriction, regulation or other control of tourism activities and services within the county;
 - (d) park management;
 - (e) fees and other charges required to be paid under this Act;
 - (f) the criteria for standardization and classification of tourism facilities and services in the county;
 - (g) partnership with other agencies;
 - (h) designation of Tourism Areas ~~or a~~ and Tourism Special Management Area;
 - (i) advertisement and marketing of tourism within the county; and
 - (j) Involvement of the people in tourism activities within the county.

Application of
Act No 8 of
2011

12. The provisions of this Act are in addition to and not in derogation of the Tourism Act, 2011.