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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2026

NAIROBI, 19th June, 2026

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LEGAL NOTICE

NOTICE OF THE PROVISIONS OF THE NATIONAL ASSEMBLY ACT, 1992



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

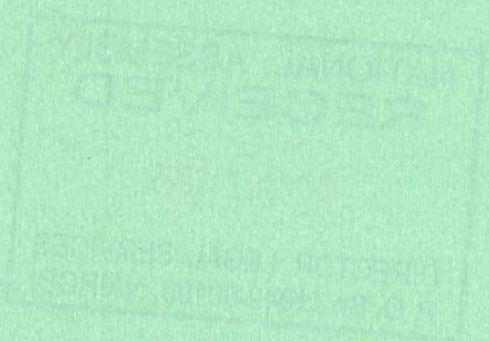
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THE TOURISM (AMENDMENT) BILL, 2026**A Bill for****AN ACT of Parliament to amend the Tourism Act, and for connected purposes**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Tourism (Amendment) Act, 2026. Short title.
2. Section 31 of the Tourism Act, hereinafter referred to as the “principal Act” is amended by—
 - (a) deleting paragraph (c) and substituting therefor the following new paragraph (c)—

“(c) undertake research and market intelligence to inform product development and marketing including collection and analysis of information relating to tourism products and services, market needs, trends in tourism, sustainable tourism and related areas;”
 - (b) deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) publish annually research findings and tourism statistics and disseminate to stakeholders;”
 - (c) inserting the following new paragraphs immediately after paragraph (d)—

“(e) foster learning and exchange of views on issue relating to tourism research and marketing; and

“(f) perform any other functions that are ancillary to the object and purpose for which the Kenya Tourism Board is established.”
3. The principal Act is amended by repealing section 51. Repeal of section 51 of Cap 381.
4. The principal Act is amended by repealing section 52. Repeal of section 52 of Cap 381.
5. The principal Act is amended by repealing section 53. Repeal of section 53 of Cap 381.
6. The principal Act is amended by repealing section 54. Repeal of section 54 of Cap 381.

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| 55. | 7. The principal Act is amended by repealing section | Repeal of section 55 of Cap 381. |
| 56. | 8. The principal Act is amended by repealing section | Repeal of section 56 of Cap 381. |
| 57. | 9. The principal Act is amended by repealing section | Repeal of section 57 of Cap 381. |
| 58. | 10. The principal Act is amended by repealing section | Repeal of section 58 of Cap 381. |
| 59. | 11. The principal Act is amended by repealing section | Repeal of section 59 of Cap 381. |
| 60. | 12. The principal Act is amended by repealing section | Repeal of section 60 of Cap 381. |
| 61. | 13. The principal Act is amended by repealing section | Repeal of section 61 of Cap 38. |
| 62. | 14. The principal Act is amended by repealing section | Repeal of section 62 of Cap 381. |
| 63. | 15. The principal Act is amended by repealing section | Repeal of section 63 of Cap 381. |
| 64. | 16. The principal Act is amended by repealing section | Repeal of section 64 of Cap 381. |
| 65. | 17. The principal Act is amended by repealing section | Repeal of section 65 of Cap 381. |
| | 18. The principal Act is amended by repealing the expression | Repeal of PART IV of Cap 381. |
| | “PART IV-ESTABLISHMENT OF FINANCIAL BODIES, | |
| | A. Tourism Fund” appearing immediately after section 65;” | |
| | 19. Section 66 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (e)— | Amendment of section 66 of Cap 381. |
| | “(ea) proceeds realized under section 3 of the Air Passengers Service Charge Act” | Cap.475 |
| | 20. The principal Act is amended by deleting section 68 and substituting therefor the following new section— | Amendment of section 68 of Cap 381. |
| | “(68) The object and purpose of the Fund shall be to— | Object of the Tourism fund. |

- (a) finance the development of tourism products, services, events establishments and facilities;
- (b) finance market, promote and brand Kenya in specific local, domestic, regional and international market segments;
- (c) fund programmes and initiatives for tourism safety and security;
- (d) finance tourism data capture and analysis, research, tourism intelligence and the national tourism information management system;
- (e) finance the tourism sector safety communication and crisis management centre to be established and managed by the Ministry;
- (f) finance training and capacity development of tourism and hospitality training institution as may be established under the law;
- (g) mobilize resources to support tourism related activities;
- (h) co-finance tourism development and promotion of projects and programmes with the county governments and other partners on the basis of an agreed ratio of matching grants;
- (i) finance development of innovations and inventions which support tourism development and promotion; and
- (j) fund development standards and capacity in the tourism sector.”

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| 21. | Part IV of the Principal Act is amended by deleting the sub-heading “ Tourism Finance Co-operation ” appearing immediately after section 74. | Amendment of PART IV of Cap 381. |
| 75. | 22. The principal Act is amended by repealing section | Repeal of section 75 of Cap 381. |
| 76. | 23. The principal Act is amended by repealing section | Repeal of section 76 of Cap 381. |
| 77. | 24. The principal Act is amended by repealing section 77. | Repeal of section 77 of Cap 381. |
| 78. | 25. The principal Act is amended by repealing section | Repeal of section 78 of Cap 381. |
| 79. | 26. The principal Act is amended by repealing section | Repeal of section 79 of Cap 381. |

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| 80. | 27. The principal Act is amended by repealing section | Repeal of section 80 of Cap 381. |
| 81. | 28. The principal Act is amended by repealing section | Repeal of section 81 of Cap 381. |
| 82. | 29. The principal Act is amended by repealing section | Repeal of section 82 of Cap 381. |
| 83. | 30. The principal Act is amended by repealing section | Repeal of section 83 of Cap 381. |
| 84. | 31. The principal Act is amended by repealing section | Repeal of section 84 of Cap 381. |
| 85. | 32. The principal Act is amended by repealing section | Repeal of section 85 of Cap 381. |
| 86. | 33. The principal Act is amended by repealing section | Repeal of section 85 of Cap 381. |
| | 34. Upon the commencement of this Act— | Transfer of the assets and liabilities of the Tourism Research Institute, |
| | (a) all property, assets, rights, liabilities, obligations, agreements and other arrangements existing at the commencement of this Act and vested in, acquired, incurred or entered into by or on behalf of the Tourism Research Institute established under the Tourism Act, shall upon commencement of this Act, be deemed to have vested in or to have been acquired, incurred or entered into by or on behalf of the Kenya Tourism Board to the same extent as they were enforceable by or against the Tourism Research Institute before the commencement of this Act; | |
| | (b) any legal proceedings pending in any court, immediately before the coming into operation of this Act, which the Tourism Research Institute was a party shall continue by or against the Kenya Tourism Board; | |
| | (c) any licence, certificate of approval, approval or permission issued or given by the Tourism Research Institute under the Act before the commencement of this Act shall be deemed to be issued, given or granted by the Kenya Tourism | |

Board under the corresponding provisions of this Act and shall remain in force until they expire or are revoked in accordance with the Act subject to any terms in that regard set out in the licence, certificate of approval, approval or permission;

- (d) any application for a licence, certificate of approval, approval or permission made to the Tourism Research Institute under the Act before the commencement of this Act, shall be deemed to have been made to the Kenya Tourism Board under the corresponding provisions of this Act and shall be determined by the Kenya Tourism Board; and
- (e) a person who immediately before the commencement of this Act was an employee of the Tourism Research Institute established under the Tourism Act shall, on the commencement of this Act, be deployed to the Public Service Commission.

35. Upon the commencement of this Act—

- (a) all property, assets, rights, liabilities, obligations, agreements and other arrangements existing at the commencement of this Act and vested in, acquired, incurred or entered into by or on behalf of the Tourism Finance Co-operation established under The Tourism Act, shall upon commencement of this Act, be deemed to have vested in or to have been acquired, incurred or entered into by or on behalf of the Kenya Tourism Board to the same extent as they were enforceable by or against the Tourism Finance Co-operation before the commencement of this Act;
- (b) any legal proceedings pending in any court, immediately before the coming into operation of this Act, which the Tourism Finance Co-operation was a party shall continue by or against the Kenya Tourism Board;
- (c) any licence, certificate of approval, approval or permission issued or given by the Tourism Finance Co-operation under the Act before the commencement of this Act shall be deemed to be issued or given granted by the Kenya Tourism

Transfer of the assets and liabilities of the Tourism Financing Corporation.

Board under the corresponding provisions of this Act and shall remain in force until they expire or are revoked in accordance with the Act subject to any terms in that regard set out in the licence, certificate of approval, approval or permission;

- (d) any application for a licence, certificate of approval, approval or permission made to the Tourism Finance Co-operation under the Act before the commencement of this Act, shall be deemed to have been made to the Kenya Tourism Board under the corresponding provisions of this Act and shall be determined by the Kenya Tourism Board; and
- (e) a person who immediately before the commencement of this Act was an employee of the Tourism Finance Co-operation established under the Tourism Act shall, on the commencement of this Act, be deployed to the Public Service Commission.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons of the Bill

The principal object of this Bill is to amend the Tourism Act, Cap. 381 for purposes of streamlining the management of Tourism to enhance efficiency, accountability, and service delivery in the tourism sector.

The Bill therefore seeks to assign some of the existing functions that were being carried out by the Tourism Research Institute to the Kenya Tourism Board. The Bill therefore seeks to delete the provisions of Part IV of the Act. The Bill also seeks to delete the functions of the Tourism Finance Co-operation.

The Bill further provides for transition provisions to the transfer of the rights, obligations, assets, and liabilities of the Tourism Research Institute to the Kenya Tourism Board as designated by the Cabinet Secretary.

Clause 1 of the Bill provides for the short title of the Act.

Clause 2 of the Bill proposes the amendment of section 30 of the Act to transfer an additional function to the Kenya Tourism Board which shall be to conduct research.

Clauses 3 to 18 of the Bill proposes to delete sections 51 to 65 of the Act which provided for the establishment of the Tourism Research Institute, its functions, obligations, Fund among others.

Clause 19 of the Bill deletes the existing section 68 which provides for the objects and purpose of the Fund and provides for new objects and purpose

Clauses 20 to 31 of the Bill proposes to delete sections 75 to 86 of the Act that established the Tourism Finance Corporation its functions and fund among others.

Clause 35 and 36 of the Bill provide for the transitional provisions for the Tourism Research Institute and the Tourism Financing Corporation respectively.

Statement on whether the Bill concerns County Governments

The Bill concerns county governments in terms of Article 110(1)(a) of the Constitution.

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

The Bill does not limit fundamental rights and freedoms neither delegate legislative powers.

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

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 14th May, 2026.

KIMANI ICHUNG'WAH,
Leader of Majority.

Section 30 of Cap 381 which it is proposed to amend —

30. Objects and purposes of Tourism Board

The object and purpose of the Tourism Board shall be to market Kenya as a tourist destination.

Section 31 of Cap 381 which it is proposed to amend —

31. Functions of the Tourism Board

The Tourism Board shall—

- (a) implement and coordinate a national tourism marketing strategy developed in conjunction with the Ministry;
- (b) market Kenya at local, national, regional and international levels as a premier tourist destination;
- (c) identify tourism market needs and trends and advise tourism stakeholders accordingly; and
- (d) perform any other functions that are ancillary to the object and purpose for which the Tourism Board is established.

Section 51 of Cap 381 which it is proposed to amend—

51. Establishment of Tourism Research Institute

(1) There is established an institute to be known as the Tourism Research Institute (hereinafter referred to as “the Institute”).

(2) The Institute shall be 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) taking, purchasing and disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing such other things or acts for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.

(3) The headquarters of the Institute shall be in Nairobi.

Section 52 of Cap 381 which it is proposed to amend—

52. Object and purpose of the Institute

The object and purpose of the Institute shall be to undertake and coordinate tourism research and analysis in accordance with the provisions of this Act.

Section 53 of Cap 381 which it is proposed to amend—

53. Functions of the Institute

- (1) The Institute shall—
- (a) collect and analyze information, for the sector and other clients in the private and public sectors, relating to—
 - (i) tourism products and services at the local, national, regional and international levels;
 - (ii) trends in tourism;
 - (iii) processes or activities likely to impact on sustainable tourism; and
 - (iv) tourism statistics;
 - (b) assess strategies and techniques for product development and marketing;
 - (c) undertake market intelligence;
 - (d) determine, in consultation with lead agencies, the carrying capacities of the various tourism destinations and conservation needs and priorities;
 - (e) assess information, that is the basis of integrated tourism development area plans;
 - (f) research on sustainable tourism and other emerging areas;
 - (g) give information on early warning, disaster management, impacts and mitigation and adaptive strategies to climate change;
 - (h) organize symposia, conferences, workshops and other meetings to promote the exchange of views on issues relating to tourism research and analysis;
 - (i) publish, annually, research findings and communicate recommendations to the relevant lead agencies, institutions and other stakeholders in the tourism sector; and
 - (j) perform any other functions that are ancillary to the object and purpose for which the Institute is established.

Section 54 of Cap 381 which it is proposed to amend—

54. Board of the Institute (1) There shall be the Board of the Institute which shall consist of—

- (a) a chairperson appointed by the President;

- (b) the Permanent Secretary of the ministry for the time being responsible for matters relating to tourism or his representative;
- (c) the Permanent Secretary of the ministry for the time being responsible for matters relating finance or his representative;
- (d) the Permanent Secretary of the ministry for the time being responsible for matters relating to science and technology or his representative;
- (e) the Director-General of the Kenya National Bureau of Statistics;
- (f) the Director of the Kenya Institute for Public Policy Research and Analysis (KIPPRA);
- (g) the Director of the Institute, who shall be the secretary; and
- (h) six other members appointed by the Minister taking into account regional balance and gender parity, of whom—
 - (i) two shall be nominated by the registered national tourism associations;
 - (ii) two shall represent the institutions of higher learning; and
 - (iii) two shall be persons qualified and competent in multi-disciplinary research.

(2) Deleted by Act No. 18 of 2014.

(3) The members of the Board of the Institute shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

(4) The Board of the Institute shall ensure the proper and effective performance of the functions of the Institute.

(5) The Board of the Institute may enter into partnership with another body or organization within or outside Kenya as it may consider appropriate in furtherance of the object and purpose for which the Institute was established.

(6) The members of the Board of the Institute shall be paid allowances determined by the Minister, in consultation with the Minister for the time being responsible for matters relating to finance.

Section 55 of Cap 381 which it is proposed to amend—

55. Tenure and vacation of office

(1) A member of the Board of the Institute, other than an ex officio member, shall hold office for a term of three years and shall be eligible for re-appointment for one further term not exceeding three years.

(2) A member of the Board of the Institute appointed under section 54(1)(a) and (f) may, at any time, resign from office by giving a notice, in writing, addressed to the appointing authority.

(3) A member of the Board of the Institute, other than an ex officio member, who is absent from three consecutive meetings of the Board of the Institute without sufficient cause shall cease to be a member of the Board of the Institute.

(4) Where a member of the Board of the Institute is, for a sufficient cause, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(5) Where there is a vacancy—

(a) under subsection (2) or (3) or section 57(2); or

(b) as a result of declaration under subsection (4); or

(c) by reason of the death of a member, the Minister shall appoint another person in accordance with the provisions of section 54 (1) to fill that vacancy.

Section 56 of Cap 381 which it is proposed to amend—

56. Conduct of the meetings of the Board of the Institute

The conduct of the meetings of the Board of the Institute shall be in accordance with the Sixth Schedule.

Section 57 of Cap 381 which it is proposed to amend—

57. Disclosure of interest

(1) A member of the Board of the Institute who has an interest in a matter for consideration by the Board of the Institute shall disclose, in writing, the nature of that interest and shall not participate in any deliberations of the Board of the Institute relating that matter.

(2) A member of the Board of the Institute who fails to disclose interest in a matter in accordance with subsection (1) shall cease to be a member of the Board of the Institute.

Section 58 of Cap 381 which it is proposed to amend—

58. Delegation of functions

Subject to this Act, the Board of the Institute may, by resolution either generally or in any particular case, delegate to any committee of the Board of the Institute or to any member, officer, employee or agent of the

Institute, the exercise of any of the powers or, the performance of any of the functions or duties of the Board of the Institute under this Act.

Section 59 of Cap 381 which it is proposed to amend—

59. Appointment of the Director and other staff

(1) The Minister shall, in consultation with the Board of the Institute and subject to subsection (2), appoint the Director of the Institute through a competitive process.

(2) A person shall not be qualified for the appointment as the Director under subsection (1) unless that person holds an advanced degree from a recognized university in Kenya in the field of tourism or other tourism-related discipline and has at least ten years' experience in the relevant field at senior management level.

(3) A person appointed to be the Director of the Institute under subsection (1) shall hold office for a term of three years but shall be eligible for re-appointment for one further term of three years.

(4) The Director shall be the Chief Executive Officer of the Institute.

(5) The Board of the Institute may appoint such officers and other staff of the Institute that are necessary for the proper and effective performance of the function of the Institute.

Section 60 of Cap 381 which it is proposed to amend—

60. Research permit

(1) A person shall not undertake research on the tourism sector unless that person has a research permit granted by the Institute to carry out the research.

(2) A person granted a research permit under subsection (1) shall be required, upon completion of the research, to deposit a copy of the research report, thesis or assessment with the Institute in a manner prescribed by the Institute.

(3) Where a person carrying out the research is from outside Kenya, that person shall be required to have a sponsoring institution from the home country and a locally recognized collaborating institution which shall guarantee that the researcher shall comply with the requirements under this Act.

(4) The Minister may, on his own motion or on recommendation of the Board of the Institute, prescribe regulations to carry out the purposes of this section.

Section 61 of Cap 381 which it is proposed to amend—

61. Establishment of Tourism data-base

(1) The Institute shall, in collaboration with relevant lead agencies and stakeholders, establish a comprehensive tourism database for the tourism sector in Kenya.

(2) The database established under subsection (1) shall include relevant data produced by the National Bureau of Statistics, universities and research institutions or as a consequence of collaborative research by the Institute with foreign institutions and researchers.

(3) The Institute shall, in consultation with relevant lead agencies and stakeholders, ensure that data is collected in accordance with any harmonized national standards that may be prescribed under this Act or regulations made hereunder.

(4) The Institute shall, in respect of the data and information that it holds, progressively make the data and information available and accessible, through any means, to all the stakeholders and the general public.

(5) The Minister may, on his own motion or on recommendation of the Board of the Institute, prescribe regulations to carry out the purposes of this section.

Section 62 of Cap 381 which it is proposed to amend—

62. Director to have access to public records etc.

(1) The Director shall, on request, have access to the public records or documents of a lead agency in custody of a person or an establishment where, in his opinion, the information sought is for the purposes of obtaining the required tourism data or completion or correction of the information already obtained.

(2) A person who does not grant the Director access to the records or documents in accordance with subsection (1) commits an offence.

Section 63 of Cap 381 which it is proposed to amend—

63. Access to data by person

(1) Subject to subsection (3), a person may, upon application, access any data or information upon payment of the prescribed fee.

(2) The Institute shall avail the data or information under subsection (1) in the format requested unless—

- (a) it is reasonable for it to make the information available in another format; or
 - (b) the information is already publicly available and easily accessible to the applicant in another format.
- (3) The Institute may refuse to grant an application under subsection (1) where the data or information requested is classified and restricted.
- (4) The Institute shall communicate to the applicant, in writing, the reasons for refusal within twenty-one days from the date of the making the decision.
- (5) The Minister may, on his own motion or on recommendation of the Board of the Institute, prescribe regulations to effectively carry out of the provisions of this section.

Section 64 of Cap 381 which it is proposed to amend—

64. Funds of the Institute

There shall be a general fund of the Institute which shall vest in the Board of the Institute and into which shall be paid—

- (a) monies appropriated by Parliament for the purposes of the Institute;
 - (b) monies that may accrue to or vest in the Institute in the course of the performance of its functions;
 - (c) monies provided to the Institute from the Fund;
 - (d) donations, gifts and grants made to the Institute; and
 - (e) monies from any other source approved by the Minister for the time being responsible for matters relating to finance.
- (2) There shall be paid out of the general fund of the Institute any expenditure incurred by the Institute in the exercise of its powers or the performance of its functions under this Act.
- (3) The Institute may, subject to the approval of the Minister for the time being responsible for matters relating finance, invest any funds not immediately required for its purposes, as it may determine.

Section 65 of Cap 381 which it is proposed to amend—

65. Monitoring mechanisms

(1) The Minister may, on his own motion or on recommendation of the Board of the Institute, develop monitoring mechanisms and set indicators to determine—

- (a) sound management of tourism products and services; and

(b) trends affecting Kenya's tourism sector.

(2) The Minister shall require any person collecting data or information that is relevant to the tourism sector to regularly report to the Minister on the results of the monitoring mechanisms against the predetermined indicators.

(3) The Minister shall, at least once every five years, submit to the National Assembly a monitoring report and avail the monitoring report to the public.

Section 66 of Cap 381 which it is proposed to amend—

66. Establishment of Tourism Fund

(1) There is established a fund to be known as the Tourism Fund which shall vest in and be operated and managed by the Board of Trustees.

(2) There shall be paid into the Fund—

- (a) monies appropriated by Parliament for the purposes of the Fund;
- (b) monies received under section 105(4), fees and other monies charged upon tourism activities and services;
- (c) income from investments made under section 69(e) or (j) by the Board of Trustees;
- (d) grants, donations, bequests or other gifts made to the Fund; and
- (e) monies from any other source approved by the Minister for the time being responsible for matters relating to finance.

Section 67 of Cap 381 which it is proposed to amend—

67. Establishment of Board of Trustees

(1) There is established a board of trustees of the Fund to be known as the Board of Trustees.

(2) The Board of Trustees shall be 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) taking, purchasing and disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and

- (e) doing such other things necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.
- (3) The headquarters of the Board of Trustees of the Fund shall be in Nairobi.
- (4) The Board of Trustees shall consist of—
 - (a) a chairperson appointed by the President, who shall be a person with competence in finance matters;
 - (b) the Permanent Secretary of the ministry for the time being responsible for matters relating to tourism or his representative;
 - (c) the Permanent Secretary of the ministry for the time being responsible for matters relating to finance or his representative;
 - (d) six other members appointed by the Minister taking into account regional balance and gender parity, of whom—
 - (i) two shall be nominated by the registered national tourism associations; and
 - (ii) four shall be persons qualified and competent in the field of tourism, financial accounting, management or marketing of whom, two persons shall be nominated by universities, one person nominated by public universities and the other by private universities;
 - (e) the Chief Executive Officer of the Board of Trustees, who shall be the secretary.
- (5) Deleted by Act No. 18 of 2014, Sch.
- (6) The members of the Board of Trustees shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

Section 68 of Cap 381 which it is proposed to amend—

68. Object and purpose of the FundThe object and purpose of the Fund shall be to—

- (a) finance the development of tourism products and services;
- (b) finance the marketing of Kenya as a tourist destination through the Tourism Board;
- (c) finance the activities of the Protection Service;

- (d) finance the tourism research, tourism intelligence and the national tourism information management system;
- (e) finance the activities of the Tourism Sector Safety, Communication and Crisis Management Centre to be established and managed by the Ministry;
- (f) finance training and capacity development activities of the College and university offering training in tourism hospitality; and
- (g) mobilize resources to support tourism-related activities.

Section 69 of Cap 381 which it is proposed to amend—

69. Functions of the Board of Trustees

- (1) The functions of the Board of Trustees shall be to—
 - (a) collect the tourism levy imposed under section 105 of this Act or any other written law;
 - (b) establish, equip and control such other tourism and hospitality training institutions as it may be necessary upon approval by the Minister;
 - (c) formulate sound policies for the regulation and management of the Fund;
 - (d) solicit for funds and other assistance to promote the object for which the Fund is established;
 - (e) determine the amounts of money payable for the purposes of the Fund and formulate the conditions for disbursement;
 - (f) invest any surplus funds not immediately required in securities approved by the Treasury, for the purposes of realizing the objects and purpose for which the Fund is established;
 - (g) establish a tourism training revolving fund;
 - (h) keep and maintain audited accounts of the Fund and publish the accounts in the manner approved by the Treasury;
 - (i) cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund;
 - (j) receive any gifts, donations, grants or endowments made to the Fund, and to make legitimate disbursements; and
 - (k) perform any other functions that are ancillary to the objects and purpose for which the Fund is established.

(2) The members of the Board of Trustees shall be paid allowances determined by the Minister, in consultation with the Minister for the time being responsible for matters relating to finance.

Section 70 of Cap 381 which it is proposed to amend—

70. Tenure and vacation of office

(1) A member of the Board of Trustees appointed under section 67(4)(a) and

(d) shall hold office for a term of three years but shall be eligible for re-appointment for one further term of three years.

(2) A member of the Board of Trustees, other than an ex officio member may, at any time, resign from the office by giving notice, in writing, addressed to the appointing authority.

(3) A member of the Board of Trustees, other than an ex officio member, who is absent from three consecutive meetings of the Board without sufficient cause shall cease to be a member of the Board of Trustees.

(4) Where a member of the Board of Trustees is, for sufficient cause, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(5) Where there is a vacancy—

(a) under subsection (2) or (3) or section 71(2); or

(b) as a result of declaration under subsection (4); or

(c) by reason of the death of a member, the Minister may appoint another person in accordance with the provisions of section 67(4) to fill the vacancy.

Section 71 of Cap 381 which it is proposed to amend—

71. Disclosure of interest

(1) A member of the Board of Trustees who has an interest in a matter for consideration by the Board of Trustees shall disclose, in writing, the nature of that interest and shall not participate in the deliberations of the Board of Trustees in respect of that matter.

(2) A member of the Board of Trustees who fails to disclose interest in a matter in accordance with subsection (1) shall cease to be a member of the Board of Trustees.

Section 72 of Cap 381 which it is proposed to amend—

72. Conduct of the meetings of the Board of Trustees

The conduct of business in the meetings of the Board of Trustees shall be in accordance with the Seventh Schedule.

Section 73 of Cap 381 which it is proposed to amend—

73. Appointment of Chief Executive Officer

(1) The Minister shall, in consultation with the Board of Trustees and subject to subsection (2), appoint the Chief Executive Officer to the Fund through a competitive process.

(2) A person shall not be qualified for appointment as the Chief Executive Officer under subsection (1) unless that person is qualified and competent in financial matters and has at least ten years' experience in the relevant field.

(3) The Chief Executive Officer shall hold office for a term of three years but shall be eligible for re-appointment for one further term of three years.

(4) The Board of Trustees may appoint such officers and other staff of the Board of Trustees that are necessary for the proper and effective performance of the functions of the Board of Trustees.

Section 74 of Cap 381 which it is proposed to amend—

74. Records of the Fund to be accessible

The records of the Fund kept under section 69(1)(h) shall be accessible to the public for inspection, upon payment of the prescribed fee.

B. The Tourism Finance Corporation

Section 75 of Cap 381 which it is proposed to amend—

75. Establishment of Corporation

(1) There is established a corporation to be known as the Tourism Finance Corporation (hereinafter referred to as "the Corporation").

(2) The Corporation shall be 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) taking, purchasing and disposing of movable and immovable property;

- (c) borrowing money;
 - (d) entering into contracts; and
 - (e) doing such other things necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.
- (3) The headquarters of the Corporation shall be in Nairobi.

Section 76 of Cap 381 which it is proposed to amend—

76. Object and purpose of the Corporation

The object and purpose of the Corporation shall be to—

- (a) provide financial assistance to investors or entrepreneurs in the tourism sector including small and medium and community based enterprises for development, expansion and maintenance of tourism activities and services;
- (b) provide for investment opportunities in the tourism sector; and
- (c) provide business advisory services to the tourism sector.

Section 77 of Cap 381 which it is proposed to amend—

77. Board of the Corporation

(1) There shall be the Board of the Corporation which shall consist of—

- (a) a chairperson appointed by the President, who shall be a person qualified in banking and financial matters;
- (b) the Permanent Secretary of the ministry for the time being responsible for matters relating to tourism or his representative;
- (c) the Permanent secretary of the ministry for the time being responsible for matters relating to finance or his representative;
- (d) the Chief Executive Officer of the Corporation appointed under section 82, who shall be the secretary; and
- (e) six other members appointed by the Minister taking into account regional balance and gender parity, of whom—
 - (i) two shall be nominated by the registered national tourism associations; and
 - (ii) four shall be persons qualified and competent in finance, banking, law, investment or a related discipline.

(2) Deleted by Act No. 18 of 2014, Sch. (3) The members of the Board of the Corporation shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.

(4) The Board of the Corporation shall ensure the proper and effective performance of the functions of the Corporation.

(5) The members of the Board of the Corporation shall be paid allowances determined by the Minister, in consultation with the Minister for the time being responsible for matters relating to finance.

Section 78 of Cap 381 which it is proposed to amend—

78. Tenure and vacation of office

(1) A member of the Board of the Corporation, other than an ex officio member, shall hold office for a term of three years but shall be eligible for re-appointment for one further term of three years.

(2) A member of the Board of the Corporation may, at any time, resign from office by giving notice, in writing, addressed to the appointing authority.

(3) A member of the Board of the Corporation, other than an ex officio member, who is absent from three consecutive meetings of the Board without sufficient cause shall cease to be a member of the Board of the Corporation.

(4) Where a member of the Board of the Corporation is, for sufficient cause, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(5) Where there is a vacancy—

(a) under subsection (2) or (3) or section 80(2); or

(b) as a result of declaration under subsection (4); or

(c) by reason of the death of a member,

the Minister shall appoint another person appointed in accordance with the provisions of section 77(1) to fill that vacancy.

Section 79 of Cap 381 which it is proposed to amend—

79. Conduct of the meetings of the Board of the Corporation

The conduct of the meetings of the Board of the Corporation shall be in accordance with the Eighth Schedule.

Section 80 of Cap 381 which it is proposed to amend—

80. Disclosure of interest

(1) A member of the Board of the Corporation who has an interest in a matter for consideration by the Board of the Corporation shall disclose,

in writing, the nature of that interest and shall not participate any deliberations of the Board of the Corporation relating to that matter.

(2) A member of the Board of the Corporation who fails to disclose interest in accordance with subsection (1) shall cease to be a member of the Board of the Corporation.

Section 73 of Cap 381 which it is proposed to amend—

81. Delegation of functions

Subject to this Act, the Board of the Corporation may, by resolution either generally or in any particular case, delegate to any committee of the Board of the Corporation or to any member, officer, employee or agent of the Corporation, the exercise of any of the powers or, the performance of any of the functions or duties of the Board of the Corporation under this Act.

Section 82 of Cap 381 which it is proposed to amend—

82. Chief Executive Officer and other staff

(1) The Minister shall, in consultation with the Board of the Corporation and

subject to subsection (2), appoint a Chief Executive Officer to the Corporation through a competitive process.

(2) A person shall not be qualified for appointment as the Chief Executive

Officer under subsection (1) unless that person holds an advanced degree from a recognized university in Kenya in the field of business administration or financial management and has at least ten years' experience in the relevant field at a senior management level.

(3) A person appointed to be the Chief Executive Officer under subsection (1) shall hold the office for a term of three years but shall be eligible for re-appointment for one further term of three years.

(4) The Board of the Corporation may appoint such officers and other staff of the Corporation that are necessary for the proper and effective performance of the functions of the Corporation.

Section 83 of Cap 381 which it is proposed to amend—

83. Functions of the Chief Executive Officer

(1) The Chief Executive Officer shall be responsible for the day to day administration of the affairs of the Corporation and shall be answerable to the Board of the Corporation.

(2) The Chief Executive Officer shall perform any other functions determined by the Board of the Corporation. 84. Loans and credit facilities

(1) An investor or entrepreneur in the tourism sector may obtain a loan or credit facilities from the Corporation in accordance with this Act, on terms and conditions that the Board of the Corporation may prescribe.

(2) The Board of the Corporation shall, from time to time, formulate credit policy on lending and recovery of monies, venture capital projects, equity funding and other funding as may be required, with the approval of the Minister responsible for finance.

Section 85 of Cap 381 which it is proposed to amend—

85. Funds of the Corporation

(1) There shall be a general fund of the Corporation which shall vest in the Board of the Corporation and into which shall be paid—

(a) monies appropriated by Parliament for the purposes of the Corporation;

(b) monies that may accrue to, or vest in the Corporation in the course of the performance of its functions;

(c) any donations, grants or gifts made to the Corporation; and

(d) monies from any other sources approved by the Minister for the time being responsible for matters relating to finance.

(2) There shall be paid out of the general fund of the Corporation any expenditure incurred by the Corporation in the exercise of its powers or the performance of its functions under this Act.

(3) The Corporation may, subject to the approval of the Minister for the time being responsible for matters relating to finance, invest any funds not immediately required for its purposes, as it may determine.

Section 86 of Cap 381 which it is proposed to amend—

86. Treasury directives and effective measures

(1) The Minister for the time being responsible for matters relating to finance may give directives to the Corporation on matters relating to finance and the Corporation shall comply.

(2) The Minister may, on his own motion or on recommendation of the Board of the Corporation, prescribe the manner in which to effectively carry out the objects and purpose of the Corporation.

