

SPECIAL ISSUE

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**ISIOLO COUNTY GAZETTE
SUPPLEMENT**

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No. 12 of 2015

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Date of Commencement: 21st December, 2015

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THE ISIOLO COUNTY TOURISM ACT, 2015

AN ACT of the County Assembly of Isiolo to provide for the development, management, marketing and regulation of sustainable tourism and tourism-related activities and services, and for connected purposes

ENACTED by the Isiolo County Assembly as follows—

PART I—PRELIMINARY**Short title and Commencement**

1. This Act may be cited as the Isiolo County Tourism Act, 2015 and shall come into force on the date of publication in the *Gazette*.

Interpretation

2. In this Act—

“board” means the County Tourism Board established under section 8 of this Act;

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

“directorate” means the Directorate of Trade established in section 4 of County Trade and Markets Act;

“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.

PART II—TOURISM PROMOTION**County Tourism Strategy**

3. (1) The County Executive Committee Member shall formulate a county tourism strategy in accordance with which the tourism sector shall be developed, managed, marketed and regulated.

(2) The County Tourism Strategy shall prescribe the principles, objectives, standards, indicators, procedures and incentives for the development, management and marketing of sustainable tourism and shall, in particular prescribe—

- (a) for the packaging of niche tourism products and services;
- (b) standards for tourism area development plans;
- (c) measures to facilitate and enhance local and regional tourism;
- (d) priority areas for tourism development, capacity building and training;

- (e) innovative schemes, incentives and ethics to be applied in the development and marketing of sustainable tourism, including public private partnerships;
- (f) collection and management of tourism data and information;
- (g) measures necessary to ensure equitable sharing of benefits in the tourism sector;
- (h) adaptation and mitigation measures to avert adverse impacts of climate change on tourism and tourism products and services;
- (i) reflect regional co-operation and common approaches in tourism development, marketing and regulation; and
- (j) any other matter that the County Executive Committee Member considers necessary to enhance sustainable tourism in the county.

(3) The County Tourism Strategy shall be reviewed at least once in every ten years.

Establishment of Directorate of Tourism

4. (1) There is established the Directorate of Tourism which shall be an office in the County Public Service.

(2) The directorate shall be headed by the director who shall be appointed by the County Public Service Board.

(3) To qualify for appointment as a director, a person shall—

- (a) possess a degree in water engineering, water resource management, environment management or any related field from a recognized university;
- (b) have experience in water resource management for a period of not less than five years.

Functions of the Directorate

5. The functions of the directorate are—

- (a) to advise the County Executive Committee Member on all matters relating to tourism in the county;
- (b) to market the county as a desirable visitor destination;
- (c) to encourage and facilitate the sustainable growth of the tourism industry in the county;
- (d) regulate tourism activities and services in the county, in accordance with the county tourism strategy;

- (e) register, licence and grade all sustainable tourism and tourist-related activities and services including cottages and private residences engaged in guest house services;
- (f) develop and implement a county code of practice for the tourism sector;
- (g) ensure the development and implementation of high quality tourism sector;
- (h) monitor and assess tourist activities and services to enhance continuous improvement and adherence to sound principles and practices of sustainable tourism; and
- (i) undertake any other function as may be assigned to it by the County Executive Committee Member.

Designation of tourism areas

6. (1) The County Executive Committee Member may, on the recommendation of the directorate designate an area as—

- (a) a tourism area if, the directorate considers it fit; or
- (b) an area as a tourism special management area if, the Directorate considers the area to be—
 - (i) archaeologically or historically significant; (ii) culturally or spiritually significant; or
 - (iii) ecologically sensitive.

(3) Where an area is designated as a tourism special area or tourism special management area, the County Executive Committee Member may by regulation—

- (a) limit the number of tourism operators that may conduct tourism activities in the Tourism Special Management Area; and
- (b) limit, restrict or prohibit tourism activities in the Tourism Special Management Area.

Involvement of the People

7. The County Executive Committee Member shall ensure that the residents, business community and persons involved in the tourism sector are involved the process of developing the county tourism strategy and in developing Regulations under this Act.

PART III—ESTABLISHMENT OF THE COUNTY TOURISM BOARD**Establishment of the of County Tourism Board.**

8. (1) There shall be Established a County Tourism Board which shall consist of—

- (a) a Chairperson appointed by the Governor;
- (b) the Chief Officer in the department for the time being responsible for matters relating to tourism and culture or a representative;
- (c) the Chief Officer in the department for the time being responsible for matters relating to planning and national development or a representative;
- (d) the Chief Officer in the department for the time being responsible for matters relating to finance or a representative;
- (e) the Chief Officer in the department for the time being responsible for matters relating to environment or a representative;
- (f) the County Attorney or a representative;
- (g) the Secretary of the Board appointed under subsection (4);
- (h) three other members, not being public officers, nominated or selected through a competitive process taking into account; or
- (i) regional balance and gender parity and appointed by the County Executive Committee Member, of whom—
 - (i) one shall be nominated by the registered tourism sector associations; and
 - (ii) two shall be persons who have expertise in tourism or tourism-related disciplines.

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

(3) The County Public Service Board, through a competitive process, shall appoint a person, who shall be a public officer, to be the secretary of the Board.

(4) The Secretary shall hold office on the terms and conditions specified in the letter of appointment.

(5) The Secretary shall be responsible for the day to day affairs of the Board and shall be answerable to the Board in performance of his functions.

(6) The secretary shall take minutes during the meetings of the Board and keep proper records of the Board.

(7) Subject to the provisions of this Act, the Board may determine its own procedure and the procedure for any sub-committee established by the Board and for attendance of any other persons subject to the provisions of the second schedule.

(8) The remuneration of the Members of the Board shall be decided by the County Executive Committee.

Functions of the Board

9. (1) The Board shall —

- (a) ensure the proper and effective performance of the functions of the units established under this Act;
- (b) approve and ratify the policies of the units established under this Act; and
- (c) co-operate with other organizations undertaking functions similar to its own, whether within or outside the County as it may consider appropriate and in furtherance of the object and purpose of the units established under this Act; and
- (d) perform any other function as may assigned by the Executive Committee Member.

(2) Members of the Board shall be paid allowances determined by the County Executive Committee.

Tenure and Vacation of Office

10. (1) A member of the Board appointed under section 8(1) (a) and (g) shall hold office for a term not exceeding three years but may be eligible for reappointment for a further term not exceeding three years.

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

(3) A member of the Board 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.

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

(5) Where a vacancy arises in accordance with the provisions of this Act, the County Executive Committee Member shall appoint another

person in accordance with the provisions of section 11(1) to fill the vacancy.

Disclosure of interest

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

PART IV—MISCELLANEOUS**Regulations**

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

Application of Tourism Act**Act No. 8 of 2011**

13. The provisions of this Act are in addition to and not in derogation of the Tourism Act.