



EXPLANATORY MEMORANDUM

THE TOURISM (TOURISM ENTERPRISES) REGULATIONS, 2026

PART I

Name of the Statutory Instrument: The Tourism (Tourism Enterprises) Regulations, 2026

Name of the Parent Act : The Tourism Act, Chapter 381

Enacted pursuant to : Section 122 of the Tourism Act,
Chapter 381

Name of Ministry : Ministry of Tourism and Wildlife

Gazetted on :

Tabled on :

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DATE	22/07/2026
TABLED BY	Senate Mag. hhrp
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PART II

1. Purpose of the Statutory Instrument

- 1.1 To provide a comprehensive regulatory framework for the registration, licensing, accreditation, classification, quality assurance and enforcement relating to tourism enterprises listed under the Ninth Schedule of the Tourism Act.
- 1.2 These Regulations set out minimum standards, accreditation and classification schemes, procedures for licensing and renewal, requirements for tourist service vehicle stickers, obligations for record keeping and data reporting, quality audit and enforcement measures, appeal avenues and transitional provisions. Attached herewith is a copy of the draft Tourism (Tourism Enterprises) Regulations, 2026.

2. Legislative Context

- 2.1 The Tourism Act (Cap. 381) establishes the legal framework for the regulation, development and promotion of the tourism sector in Kenya and vests in the Cabinet Secretary the power to make regulations for the better carrying into effect of the Act.
- 2.2 These Regulations are made pursuant to section 122 of the Act and give effect to the Act's provisions relating to licensing, standards, accreditation, classification, enforcement and appeals.
- 2.3 The Regulations revoke and replace the Tourism Regulatory Authority Regulations, 2014 and provide transitional arrangements to ensure continuity of regulatory processes and pending matters.

3. Policy Background

- 3.1 Tourism is a strategic sector for Kenya's economic growth, employment and foreign exchange earnings. Ensuring consistent quality, consumer protection and formalization of operations strengthen the sector's competitiveness and sustainability.
- 3.2 The National Tourism Policy and sector strategy papers emphasize the need for harmonized standards, transparent licensing and effective quality assurance mechanisms to elevate service quality, protect consumers and promote investment.
- 3.3 The Regulations therefore operationalize policy objectives by among other measures setting minimum hygiene, safety and operational standards; instituting accreditation, classification and grading regimes with defined

assessment cycles; strengthening enforcement through quality audits, sanctions and closure powers and requiring periodic data submission to inform planning and policy.

4. Consultation outcome

- 4.1 Public participation and stakeholder consultations were undertaken with representation from tourism sector associations, county governments, industry practitioners, lead agencies and interested members of the public.
- 4.2 The consultations provided inputs on licensing requirements, accreditation and classification procedures, fees, enforcement modalities and transition arrangements.
- 4.3 Stakeholder submissions, minutes of meetings, validation workshop records and related correspondence are attached herewith.
- 4.4 The feedback received has been considered and where appropriate, accommodated in the final text of the Regulations to improve clarity, practicability and sector support.

5. Guidance

- 5.1 The Regulations will be accompanied by operational guidelines, application forms and procedural circulars to facilitate implementation by the Tourism Regulatory Authority and tourism operators.
- 5.2 The Authority and the Ministry shall publish explanatory materials, digital guides and FAQ documents on their websites and disseminate simplified brochures to industry stakeholders to aid compliance and awareness.

6. Impact Assessment

- 6.1 An initial Regulatory Impact Assessment was undertaken to evaluate the likely effects of the Regulations on the sector. The assessment indicates that the Regulations will promote service quality, formalization of enterprises, consumer confidence and regulatory predictability.
- 6.2 Any compliance costs to operators are expected to be offset by improved market access, enhanced consumer trust and brand protection.

- 6.3 The Regulations include fee and penalty provisions as provided in the First Schedule. These are administrative in nature and are to be implemented within existing statutory limits and procedures.

7. Monitoring and Review

- 7.1 Implementation and compliance shall be monitored by the Tourism Regulatory Authority through routine quality audits, accreditation every two years and national classification exercises every five years for Class “A” and “B” enterprises as provided in the Regulations, and by regular stakeholder engagement.
- 7.2 A formal review of the Regulations will be undertaken as necessary, taking into account monitoring reports, stakeholder feedback and changes in the sector.
- 7.3 Review intervals will be aligned with the accreditation and classification cycles and at least within five years of commencement.

8. Contacts

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