

**THE TRUSTEES (TRAINING, TESTING OF SKILLS, STANDARDIZATION AND REGISTRATION) REGULATIONS, 2002**

**LEGAL NOTICE NO.68**

**THE HOTELS AND RESTAURANTS ACT**

*(Cap 494)*

IN EXERCISE of the powers conferred by section 29 of the Hotels and Restaurants Act, the Minister for Tourism and Information makes the following Regulations –

**THE TRUSTEES (TRAINING, TESTING OF SKILLS, STANDARDIZATION AND REGISTRATION) REGULATIONS, 2002**

**PART I – PRELIMINARY**

1 .These Regulations may be cited as the Trustees (Training, Testing of Skills, Standardization and Registration) Regulations, 2002.

2. In these Regulations except where the context otherwise requires-

“the Trustees” means the Catering and Tourism Development Levy Trustees established under section 18 of the Act;

“institution” means an institution offering training in the tourism and hospitality industry in the areas or courses specified in the Second Schedule to these Regulations and any other related courses;

“certificate” means a document issued by the Trustees, upon payment of fees, to enable an institution to operate as a tourism and hospitality training institution.

**PART II – FUNCTIONS OF THE TRUSTEES**

3. Notwithstanding the functions of the Trustees specified in section 19 of the Act, the functions of the Trustees in respect of establishing, developing standards and testing of skills required by the tourism industry shall be-

- (a) to conduct research and prepare syllabuses for teaching in institutions offering courses in the tourism and hospitality industry in Kenya.
- (b) to promote the progress and development of standards in all institutions offering courses of training in tourism and hospitality industry and shall secure the cooperation and control of such institutions;
- (c) to formulate and develop curriculum from time to time for courses and syllabuses used in training in the tourism and hospitality industry, consistent with the national plan for economic and tourism development in Kenya; and

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- (d) to co-ordinate its activities with any institution from within or outside Kenya, as it may think fit, and in particular with the Kenya National Examinations Council established under the Kenya National Examinations Council Act in order to ensure smooth and proper administration of examinations to institutions registered under these Regulations.

4. In the discharge of the Trustees functions under these Regulations, the Minister may establish such committees or panels to advise the Trustees from time to time on any matter concerning training in the tourism and hospitality industry in Kenya.

**PART III - REGISTRATION OF TRAINING INSTITUTIONS**

5 .(1) No institution shall upon coming into effect of these Regulations undertake the business of training of personnel to be employed in the tourism and hospitality industry in Kenya without a valid certificate of registration issued by the Trustees in the prescribed Form 1 in the First Schedule to these Regulations.

(2) There shall be a transitional registration period not exceeding six (6) months from the date of commencement of these Regulations.

Provided that the Minister may extend the period upon application by any interested party.

(3) Any institution that is presently registered under any other written law in Kenya, shall within the period specified in sub regulation (2), apply for and obtain a certificate of registration granted under these Regulations.

6. (1) Any institution desirous of obtaining a certificate of registration under these Regulations shall make an application to the Trustees in Form 2 in the First Schedule accompanied with the prescribed fees together with the following information-

- (a) the proposed name of the institution;
- (b) the address of the principal place of business;
- (c) the address of any other place of business;
- (d) particulars of proprietors of the institution;
- (e) a copy of previous certificate of registration where applicable;
- (f) particulars of nationalities of the applicants; and
- (g) such other information as the Trustees may deem fit.

(2) An application for the grant of a certificate which is in continuation of an existing certificate shall be made at least two months before the expiry of the existing certificate.

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(3) On receipt of an application under this regulation, the Trustees may make such investigations or require the submission of such declaration or further information as the Trustees shall deem fit in order to enable the Trustees to consider the application.

(4) The Trustees shall not consider an application under this regulation for the grant of a certificate of registration unless the application is accompanied by a certificate, signed by a Medical Officer of Health (as defined in the Public Health Act) and dated not more than three months before the receipt by the Trustees of the application, to the effect that-

- (a) proper provisions has been made for the sanitation of the premises in respect of which the application is made for the health and comfort of persons using the premises; and
- (b) the premises conform in all respects with the provisions of any written law relating to sanitation and public health which apply thereto.

(5) After considering an application under this regulation and matters appearing relevant thereto, the Trustees may, subject to the succeeding provisions of this regulation, grant the applicant the certificate of registration or variation applied for or may refuse to grant such a certificate, and may attach to any such certificate so granted such conditions as the Trustees may deem expedient.

(6) A certificate granted by the Trustees under these Regulations shall be conclusive evidence of authority to operate and shall be valid for a period of one year from the date of issue.

(7) The fees payable in respect of an application for the grant of a certificate under this Part shall be as set out in the Third Schedule to these Regulations.

(8) The Trustees shall not grant a certificate under this Part unless they are satisfied that-

- (a) the premises in respect of which the application is made are structurally suitable for the use proposed;
- (b) the charges levied by the institution are reasonable having regard to the standards of accommodation, teaching materials and such other matters as the Trustees consider relevant; and
- (c) where the Trustees have set guidelines of fees payable in institutions, the fees levied by such institutions are not in excess of the set guidelines.

(9) Any person who makes or causes to be made whether orally or in writing, any declaration or representation which he knows or has reason to believe to be false for the purpose of obtaining a certificate or variation of the certificate shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding six thousand shillings or to both.

(10) A certificate granted to an institution shall state the precise name, location and extent of the premises to which it relates, shall be endorsed with every condition imposed by the Trustees, and shall be displayed prominently on such premises in a part thereof to which the public have access, and where a certificate is not displayed the holder thereof shall be guilty of an offence.

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(11) A certificate issued under these Regulations shall not be capable of being transferred to any other person or institution, and any person who attempts or purports to transfer a certificate shall be guilty of an offence.

(12) A person guilty of an offence under sub-regulations (10) and (11) shall be liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

7. (1) Where it appears to the Trustees that an institution –

- (a) is not complying with the conditions of registration attached to the certificate of registration;
- (b) is in a place where efficient and suitable education is not being provided;
- (c) is being conducted or managed in a manner which is in the opinion of the Trustees prejudicial to the physical, mental or moral welfare of the trainees of the institution or to the peace, and good order of the Government of Kenya; or
- (d) fails to provide for or prescribe such other matters as the Trustees consider necessary or desirable to provide,

the Trustees may serve on the manager of the institution notice in writing requiring the manager to remedy such matters within a period not exceeding three (3) months.

(2) If the manager of an institution fails to remedy the matters specified in a notice served on him under sub-regulation 1 (d), within the prescribed period, the Trustees shall order the manager to close the institution.

(3) A training institution that has been ordered closed under sub-regulation (2), and has remained so closed for a period of six months because of failure to remedy a certain fault demanded by the Trustees shall be removed from the register of registered institutions forthwith and its certificate of registration delivered up for cancellation.

(4) Notwithstanding the provisions of sub-regulation (3), if in the opinion of the Trustees there are urgent reasons to warrant the immediate closure of an institution, the Trustees may cancel a certificate of registration of any registered institution and order the institution to be closed forthwith without giving any notice.

(5) Upon cancellation of a certificate, the Trustees shall forthwith notify the certificate holder and the certificate holder shall, within fifteen days of receipt of the notification, surrender the certificate to Trustees, and if without reasonable cause such a person fails to surrender the certificate he shall be guilty of an offence and liable to a fine not exceeding six thousand shillings or to imprisonment of a term not exceeding six months or to both.

(6) Where the Trustees have cancelled or refused to vary or grant a certificate of registration to an institution, the aggrieved institution may in writing require the Trustees to give the reasons for the decision and the Trustees shall give its reasons in writing accordingly.

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8. The Trustees shall cause a register of institutions offering courses of training under these Regulations to be established and maintained and the register shall be open to public inspection at reasonable times on payment of the prescribed fees.

9. (1) Any institutions which is aggrieved by -

(a) the refusal of the Trustees to grant or vary a certificate of registration;

or

(b) the attaching of unreasonable terms or conditions to a certificate;

may, within twenty-one (21) days or such extended period as the Minister may in any particular case allow, of the notification of the act complained of by the institution, appeal in writing to the Minister.

(2) The Minister shall upon receipt of the complaint under sub-regulation (1), deliver his decision within a period of thirty (30) days and the decision shall be final.

(3) The cost of appeal shall be in the discretion of the Minister, who may take such order as to costs as appear to him to be just and any such costs shall be recoverable as a civil debt.

**PART IV-ESTABLISHMENT OF COMMITTEE AND PANELS**

10. (1) Pursuant to regulation 4 of these Regulations, the Minister shall in consultation with the Trustees establish a committee to be known as the Academic Committee which shall consist of not less than five and not more than ten members appointed both from among the Trustees and from persons who are not Trustees.

(2) The function of the Academic Committee shall be to keep under constant review the existing curriculum for the institutions offering training in the tourism and hospitality industry and to co-ordinate and guide the activities of the subject, course, research and evaluation panels.

(3) The Chief Executive of the Catering and Tourism Development Levy Trustees shall be the Chairperson or the Chairman of the Academic Committee, while the Trustees shall designate an officer of the Catering and Tourism Development Levy Trustees as the Secretary of the Academic Committee.

(4) The members of the Academic Committee shall hold office for a period of three (3) years and shall then retire but shall be eligible for re-appointment.

(5) The Academic Committee shall establish its own rules of procedure.

(6) The proceedings of any meeting of the Academic Committee shall be reported to the Trustees at the next meeting of the Trustees for approval.

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**PANELS**

11. The Minister may, in consultation with the Trustees, appoint such course panels, subject panels, research and evaluation panels as it may consider necessary for the better discharge of its functions under these Regulations.

12. The function of a course panel shall be to examine a broad education area as a whole unit, and not withstanding the generality of the foregoing, a course panel shall-

(a) keep under constant review the existing curriculum of a relevant course of training and make recommendations to the Trustees.

(b) co-ordinate and guide the activities of the subject panels; and

(c) co-operate, where applicable with other institutions and agencies engaged in the tourism training outside the Ministry for the time being responsible for matters relating to tourism.

13. The functions of a subject panel shall be-

(a) to initiate and guide appropriate curriculum development in relevant subjects offered in the training courses;

(b) to keep under constant review the existing syllabuses in a subject or curriculum area and make recommendations to the Trustees;

(c) to review and recommend books and other teaching materials for use in training; and

(d) to keep under constant review all examinations conducted in the country in the tourism and hospitality industry and make recommendations to the Trustees.

14. The function of the research and evaluation panel shall be-

(a) to keep under constant review the need for the research and evaluation of the training being offered in the tourism and hospitality industry and to make recommendations to the Trustees; and

(b) to initiate and guide appropriate basic research and evaluation projects geared towards testing skills of graduands from the registered institutions.

15. The Chairman of the course, subjects, research and evaluation panels shall be the Chief Executive of the Catering and Tourism Development Levy Trustees while the Secretary shall be an officer of the Catering and Tourism Development Levy Trustees designated as such by the Trustees.

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16. (1) The members of the panels shall be appointed by the Trustees from among persons with relevant knowledge and experience in education, tourism, industry and commerce.

(2) The members of panels shall be appointed for a period of three (3) years provided that the Trustees may make provisions for rotational retirement for a number of panel members at the end of each year.

(3) Members shall be eligible for re-appointment for a further term of three (3) years on retirement.

(4) A panel member may, by notice in writing addressed to the Trustees, resign his office.

(5) If a member of a panel becomes unfit or unqualified to continue office, or incapable of performing his duties, then the Trustees may revoke his appointment.

17. The Trustees shall determine the composition, specific terms of reference and general rules of procedure of panels.

**PART V – INSPECTION**

18. (1) The Trustees shall, for the purpose of enforcing the provisions of these Regulations, appoint such number of inspectors as the Trustees may consider appropriate and shall issue to them, in writing, certificates of authority to act as such inspectors.

(2) A person appointed as an inspector shall hold office subject to such conditions as the Trustees may approve.

19. Subject to the provisions of this regulation, an inspector may, at any reasonable time and on production of his certificate of authority, enter any institution for the purpose of ascertaining whether there is or has been in connection with such premises any contravention of these Regulations.

20. For the purpose of ascertaining whether there is or has been contravention of these Regulations, an inspector may inspect-

- (a) the validity of the certificate of the registration of the institution;
- (b) the qualification of the teaching staff of the institution;
- (c) the suitability of the premises within the institution for conducting training;
- (d) the general cleanliness and sanitation of the institution being inspected;
- (e) the books of accounts and any other relevant teaching and non-teaching materials; and
- (f) whether the institutions is generally in compliance with the requirements set out in these Regulations.

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(2) An inspector may seize and detain any literature, substance or article which he has reasonable cause to believe is contrary to the provision of these Regulations or in relation to which or by means of which he has reasonable cause to believe that an offence has been or being committed, and any document which he has reasonable cause to believe to be a document which may be required in proceedings under these Regulations.

(3) Where an inspector seizes any document, he shall in writing, notify the Manager in-charge of the institution from where the materials have been seized the fact of the seizure and shall in that notification specify any items seized.

(4) Any person who-

(a) willfully obstructs an inspector in the discharge of the inspector's duties; or

(b) willfully fails to comply with any requirement properly made to him by an inspector; or

(c) without reasonable cause fails to give to the inspector any assistance or information which the inspector may reasonably require of that person for the purpose of the performance of his duties under these Regulations; or

(d) in giving any such information as is mentioned in sub regulation (c), makes any statement which he knows to be false or does not believe to be true, shall be guilty of an offence and shall be liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

21. (1) An inspector or any person authorized thereto in writing by the Trustees, may subject to the approval of the Attorney General, prosecute, in subordinate courts, any offence under these Regulations and shall for that purpose, have all the powers conferred on a public prosecutor by the Criminal Procedure Code.

(2) For the purpose of section 171 (4) of the Criminal Procedure Code, the Board of Trustees shall be deemed to be a public authority.

22. An inspector or any other officer of the Catering and Tourism Development Levy Trustees shall not be liable in respect of any act done in good faith by him in the course of his employment and in the execution of any duty under these Regulations.

**PART VI – OFFENCES AND PENALTIES**

23. Any person who-

(a) establishes, manages or conducts a training institution for tourism and hospitality industry in Kenya without a valid certificate of registration issued under these Regulations, or operates an institution which has been deregistered; or

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- (b) issues a certificate or diploma certificate contrary to the provision of these Regulations; or
- (c) submits falsified records or makes any statement knowing it to be false or incomplete in any material particular or not having reason to believe that it is true or complete in all material respect; or
- (d) hinders or distracts any officer of the Catering and Tourism Development Levy Trustees acting in the course of his duty as such, or any person exercising the powers or performing any duties under these Regulations commits an offence and is liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

**PART VII – GENERAL**

24. Any questions arising as to the construction of these Regulations or as to the regularity or validity of any act done or about to be done under these Regulations shall be determined by the Minister upon an applications made to him in writing for that purpose.

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**FIRST SCHEDULE**

FORM I

reg. 5

Certificate No.....

**THE HOTELS AND RESTAURANTS ACT**

**(CAP. 494)**

**CATERING AND TOURSIM DEVELOPMENT LEVY TRUSTEES**

**CERTIFICATE OF REGISTRATION**

This is certify that .....  
*Name of institution*

Training at .....

Has duly been registered on..... as a training institution pursuant to  
the Trustees (Training, Testing of Skills, Standardization and Registration) Regulations, 2002.

Signed.....

*Chief Executive,  
Catering and Tourism Development Levy Trustees.*

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FORM 2

reg. 6

Certificate No.....

**THE HOTELS AND RESTAURANTS ACT**

**(Cap. 494)**

**CATERING AND TOURISM DEVELOPMENT LEVY TRUSTEES  
P.O. Box 46987, NAIROBI**

**APPLICATION FOR THE REGISTRATION/RENEWAL OF  
CERTIFICATE OF INSTITUTIONS TRAINING FOR THE TOURISM AND HOSPITALITY  
INDUSTRY**

Name and Address of the institution .....

.....

.....

Tel. Nos..... Fax .....

E-mail ..... Web site .....

Name, Address and Nationality of Proprietors.....

.....

.....

Name and Address of Principal/Manager and Nationality.....

.....

.....

Location of institution .....

.....

Province ..... District .....

City/Town ..... Street .....

Plot No. .... House building.....

Location/address of any other training premises .....

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Province ..... District ..... City/Town.....

Street ..... Plot No. ....

House/building .....

Classification (*delete one*)

Private/Public

**COURSES OFFERED FOR TRAINING FOR THE TOURISM INDUSTRY**

<i>Course</i>	<i>Level of training</i>	<i>No. of Classes</i>	<i>No. of Students</i>	<i>Mode of Training</i>	<i>Curriculum Offered</i>	<i>Examining Body</i>

Remarks.....  
 .....

**TRAINING FACILITIES**

<i>Facility</i>	<i>Total No.</i>	<i>Area in m<sup>2</sup></i>	<i>Remarks</i>
Classrooms			
Hotels			
Training Restaurant			
Training Kitchen			
Workshops			
Offices			
Others (specify)			
1.			
2.			
3.			
4.			

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**CHANGES IN REGISTRATION**

This applies to institutions that have relocated their premises, and those that are re-opening after a period exceeding two years of non-operation:

Address

.....  
.....

**TEACHING STAFF DETAILS (AT THE TIME OF REGISTRATION)**

<i>Name</i>	<i>Professional Qualifications</i>	<i>Teaching Experience</i>	<i>Teaching Subjects</i>
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			

**DECLARATION BY THE MANAGER**

I hereby declare that the information given herein is true to the best of my knowledge

Name .....

Signature .....

Date .....

***INSTITUTION STAMP***

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**FOR CDTLT OFFICIAL USE ONLY**

The institution is recommended/not recommended for training and testing of skills required by the Tourism and Hospitality Industry.

Comments

.....  
.....

Name .....

Designation

.....

Signature .....

Date .....

Certificate of Registration No. ....

Date of Issue.....

**SECOND SCHEDULE**

reg. 2

**COURSES OFFERED BY TOURISM AND HOSPITALITY TRAINING INSTITUTIONS**

1. Food and Beverage Production.
2. Food and Beverage Sales and Service.
3. House Keeping and Laundry.
4. Tours and Travel Operations.
5. Front Office and Tourism Operations.
6. Hotel Management.
7. Tourism Management.
8. Catering and Accommodation Management.
9. Tours and Travel Management.
10. Tour Guide and Administration.
11. Tour Guiding.
12. Hotel and Institutional Management.
13. Catering and Hotel Management.
14. Tourism and Environmental Studies.
15. Any other related course or any other course conducted for the purposes of training for the tourism and hospitality industry.

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REGISTRATION) REGULATIONS, 2002**

**THIRD SCHEDULE**

reg. 6

**REGISTRATION FEES PAY PAYABLE BY TRAINING INSTITUTIONS**

	<i>Ksh.</i>
1. An application for the grant of registration certificate	1,500
2. An application for variation of a certificate	1,000
3. Inspection of register of registered institutions	1,000
4. Any other application seeking the approval of the Trustees	1,000

Dated the 22<sup>nd</sup> April, 2002.