NATIONAL MINIMUM STANDARDS FOR TOURISM ENTERPRISES

(TOURS, TRAVEL, TRANSPORT AND GUIDES SERVICES)
PART I – PRELIMINARY

Tourism Regulatory Authority (TRA) is a corporate body established under section 4 of the Tourism Act No.28 of 2011 and is mandated to regulate the tourism sector in Kenya. This entails developing regulations, standards and guidelines that are necessary to ensure an all-round quality service delivery in the tourism sector.

This standard will ensure that the service provided by all the tourism establishments in the country is of quality and meet the minimum expectations of the tourist. It will form the basis for quality control in the sector.
1. **Scope**

This standard prescribes minimum requirements for all Tour Operation Enterprises, Tour Guiding Services and Travel Agencies in Kenya. The standard provides for statutory obligations and operational, health and safety requirements for premises, operations and general services.

2. **Definition of Terms**

**Act** – means Tourism Act No. 28 Cap 383 of 2011.

**Accreditation** – means a certification issued by the Authority that the holder is recognized as having complied with the minimum standards in the operation of the establishment concerned.

**In Bound Tour** – means a tour for non-residents of Kenya who come into the country for tourism purposes.

**Online Travel Agency** - shall mean a travel agency whose operations are largely done online through a website dedicated to travel and tour operators.

**Out Bound Tour** - means a tour of residents from Kenya to another country for tourism purposes.

**The Authority** – means Tourism Regulatory Authority established under section 4 of the Tourism Act No 28 of 2011.

**Tourism** – means the activity of persons travelling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes not related to the exercise of an activity remunerated from within the place visited.

**Tourist** – means a person who travels to and stays in a place outside their usual environment for not more than one consecutive year for leisure, business and other purposes not related to the exercise of an activity remunerated from within the place visited.

**Tour operator**- means any entity which may either be single proprietorship, partnership or corporation engaged in business of extending to individuals or groups, such services pertaining to arrangements of booking for transport and/or accommodation, handling and/or conduct inbound tours whether or not for a fee, commission or any other compensation.
**Travel Agency**- means an enterprise engaged in the business of providing services such as reservations/Bookings, documentation for travel papers, sales/issuance of tickets and selling of outbound tours for a fee, commission or any form of remuneration.

**Travel and Tour Agency**- means an enterprise engaged in both tour operations and travel agency services.

**Tour Guide** – means an individual, who leads a tour party, provides general information, interprets, indicates and informs on the items of interest along the way to or at tourist attraction.

**Tourism enterprises**- means a tourism related business venture that is involved in activities such as accommodation, entertainment, transport and other tour operator services.

**Service providers**- mean an organizations or businesses that offer services in tourism and travel related activities such as accommodation and transport.

**Residential building**- means a structure such as an apartment building used primarily for human dwelling where pone can rent or own a house.

**Principals**- mean the key service providers that offer tourism services such as accommodation facilities and airlines.
Part II Statutory Obligations

3. Statutory obligations are legal requirements that are relevant to the tourism sector services that guide the health, safety, security and environmental considerations that are instrumental for the sustainable development of the tourism industry.

3.1 Legal compliance

3.1.1 Tourism enterprises and service providers shall comply with all relevant National and County legislation (Acts and Regulations) governing operations in the tourism sector.

3.1.2 The enterprises and service providers shall have evidence of compliance with but not limited to the following:

1. Registration of the business name by the registrar of companies
2. Valid Tourism Regulatory Authority license in accordance with Tourism Regulations of 2014
3. Valid Single business permit in accordance with county government laws
4. Valid IATA certificate or a legal agreement with an accredited IATA agent
5. Valid work permits for expatriates
6. Valid K.R.A PIN certificate and/or valid Tax Compliance Certificate

3.1.3 Tourist Service Vehicles shall:

1. Be clearly defined and administered under Tourism Act, in consultation with the Ministry of Transport
2. Have a valid license and should be prominently displayed on the windscreen
3. Have a valid inspection certificate
4. Valid compliance certificate as may be applicable
5. Be certified for road worthiness by the licensing authority
6. Have an insurance cover from a company that is licensed by the Insurance Regulatory Authority under the Insurance Act cap 487 of 2017 to provide that category of insurance
3.1.4 Tourism enterprises shall comply with all relevant labor laws and regulations in respect to statutory deductions, health and safety of the workplace, work injuries benefits, insurance, statutory leave days and written contracts of employment for staff.

**Part III Premises Requirements**

4. The facility’s design, structure and layout shall provide for efficient arrangement and placement of operation areas and allow easy flow of services. The following specifications should assist in compliance with the standards guidelines and should be interpreted in relation to the needs of each enterprise, including office space and type of operations.

4.1 **The Premises Location:**

4.1.1 The premises shall be:

1. Located in a safe and secure area that is easily accessible with visible signage.
2. Located in a commercial building, approved mixed use and not in a purely residential building.
3. Easily identifiable and used exclusively for the tours and travel operation business.

4.1.2 **Office Space Requirements**

The tour and/or travel agency shall comply with the following office requirements:

1. Have a title deed or contract of lease of the office space intended for the use of the agency, or in the absence thereof, a sworn statement by the lessor that the said agency is a lessee of his building stating the area thereof;
2. Comply with physical distancing guidelines and provide signage.
3. Make provision for use of smart/automated doors to minimize touching.
4. Make provision for enhanced sanitation by customized procedures to suit each agent operating environment.
5. Ensure surface sanitization schedules are drawn up for each area.
6. Online Travel Agencies (OTAs) shall maintain physical address either individually or collectively even if their transactions are largely done online.

7. The reception area and a person manning the reception area should be able to communicate to the guest in either Kiswahili or English.

8. Have a minimum of 3 employees (1 professional and 2 other employees).

9. Adequately furnished and properly equipped office for the conduct of business with provision of the following:

   a) Air conditioning units where need be
   b) One table and chair per person
   c) Sitting areas and lounge
   d) At least one filing cabinet
   e) Communication system
   f) Computers/printers

10. Customer service charter and claims payment policy

4.1.3 **Lighting and Ventilation.**

1. Effective natural lighting and ventilation shall be a critical component of the office space consideration.

4.1.4 **Insurance Services**

1. An operator shall hold appropriate insurance policy that includes the following:

   a) Public Liability Insurance – to protect clients and public against loss and damage of property and injury.
   b) Employee Insurance – to cover personal accidents and employer’s liability.

2. The insurance policy shall be contracted with an insurance company registered with the Insurers’ Association of Kenya and shall be in the name of the licensee
Part IV Operational Requirements

5. These requirements prescribe minimum levels of quality service delivery. They make specific provisions for professional business conduct, maintenance of consistency in quality service and customer care for purposes of accreditation by the Authority.

5.1 Agency Management and Administration

5.1.1 Professional conduct of the business

5.1.2 The management shall ensure that;

1. Proper record of the business executive and operation staff, tour/driver guides and travel representatives, if any, is maintained indicating therein their nationality, home address and experience, including names of organizations/companies previously or currently affiliated with, position and length of service;
2. Proper books of accounts are maintained and adhere to international financial reporting standards as required by law.
3. In the case of the tour/travel manager, proof of professional training, work experience of at least three (3) years in a managerial position in tour/travel operations or has earned a relevant bachelor’s degree or has successfully completed a tour operator’s course;
4. At least 2/3 of total staff have prior work experience in tour and travel operations;
5. Expatriate employees have a valid work permit from the Department of Immigration;
6. Office staff shifts are staggered and teams/shifts reduced to limit the number of staff in offices in line with the human resource policy
7. Headsets, personal computers, desks, telephones are dedicated to one per staff
8. Relate to healthy, safety and hygiene measures in the destination in response to guest queries.
9. Minimize walk in clients and encourage online bookings
10. Implement touch less technologies or low touch solutions where applicable
11. Ensure complete and regular disinfection and sanitization of guest luggage, travel documents and frequently touch points and surfaces.
12. Ensure adherence to set physical distancing
13. Ensure adequate ventilation in both the reception and the lobby
14. Make provision for visible notices and other sensitization information at strategic locations
15. Promote digital communication /automation of processes to minimize touch points.

16. They enter into business contracts only with licensed professional operators/practitioners in the tourism and hospitality sector.
17. Communication with prospective guests, whether verbal or written, is prompt, efficient, and professional to the satisfaction of the guest;
18. There trained personnel with relevant qualification at all times to oversee the day to day operations of the business;
19. Frontline staffs are knowledgeable about the services provided and associated prices;
20. Tours/Travel plans and itinerary are well articulated, documented and executed in a professional manner;
21. They offer realistically paced itinerary as agreeable with the client.
22. All websites offering online payment schemes are compliant with the Payment Card Data Security;
23. An annual performance report on the sales production; and a tariff sheet detailing services, rates, validity, terms and conditions are kept;
24. Operational shortfalls or deficiencies are identified and addressed within the stipulated timeframes as per the organization’s standard operating procedures;
25. There is provision for conveying correct and full information of the company including key officials and contact details;
26. Adequate measures are put in place to safeguard the safety and security of tourists as well as provide appropriate facilities for persons with disabilities;
27. They advise clients to get emergency evacuation/rescue insurance and travel insurance cover so as to protect themselves against travel risks such as lost or stolen luggage, cancellation cover (should one not be able to travel due to unexpected medical reasons) and most important, unexpected medical cost abroad.
28. The tour coordinators or foreign tour leaders/escorts shall under no circumstances disguise themselves or act as tour guides.
29. They maintain and inform the clients of availability of a 24hrs operation line to handle emergencies;
30. In accordance with the National Disability Act 2004 make;
a. Reasonable provision for service delivery that meets the special needs of persons with disabilities;
b. Provision for persons with disabilities to access all services offered by the agency

5.2 Tour Packaging Services.

5.2.1 The management of Tour and Travel packaging activities shall:

1. Clearly state booking conditions the amount of the cancellation fees which the client shall be liable to incur, as well as the terms and conditions under which the client is liable to incur such fees.
2. In case of Cancellation/Alteration of a tour inform clients without delay and shall offer the choice of an alternative tour or travel arrangements, at least comparable in standard, if available. Alternatively, a prompt and full refund of all money paid less reasonable expenses shall be made.
3. Have documented SOPs for guest management in line with this MOH protocols
4. Establish a register for guests handled.
5. Limit number of staff accompanying guests in every trip
6. Make themselves conversant with the tariffs, rules and regulations of the Principals with whom they have dealings.
7. Make sure that the travel arrangements sold to their clients are compatible to their individual requirements;
8. Settle supplier’s accounts promptly and within the period specified for payments becoming due.
9. Accept or release accommodation and other reserved services as quickly as possible and within the periods stipulated by the Principal.
10. Deal with complaints promptly and efficiently and in the event of a dispute with a client, every effort shall be made to settle the matter amicably and as quickly as possible
11. Provide services that go hand in hand with sustainable tourism, this include:
   a) Minimize pollution- through noise, waste disposal and congestion
   b) Protect the environment-its flora, fauna and landscape
   c) Benefit local cultures- both economically and socially
   d) Conserve natural resources – from office to destination
   e) Respect local traditions- religions and built heritage
5.3 Tour Guiding Services

5.3.1 Tour guides shall;

1. Be professionally trained and certified by recognized tourism training institutions offering tour guides training program that include both theoretical and practical knowledge and skills relevant to the tour guide profession;
2. Be duly licensed by K.W.S for Mountain guides;
3. Abide by all national laws, rules and regulations governing protected and conservation areas including National Parks and Reserves;
4. Be smartly dressed while on duty and wear proper identification at all times;
5. Be medically and physically fit and able to perform under strenuous conditions while on duty;
6. Ensure disposable head
7. Always be professional, honest to clients not be under influence of alcohol or any intoxicating substances prior to and/or during the tour;
8. Ensure that the tourist observe the approved guidelines for interacting with the natural and cultural heritage environment so as to minimize negative impact at all times;
9. Regularly, update and upgrade their guiding skills and knowledge on tourism, cultural and environmental matters through continuous training and professional development activities;
10. Respect the cultural differences and individual views and beliefs of the tourist;
11. Ensure that as far as possible what is presented as fact is true and that a clear distinction is made between facts, stories, legends, traditions and opinions of the guide;
12. Not solicit for tips from tourist;
13. Have a contingency plan for dealing with unexpected events such as sickness, lost items and adverse weather conditions;
14. Speak, clearly and audibly and avoid use of slang or local expressions unless their meaning is explained in the language of the tourist;
15. Always ensure that members of the tour group are present and accounted for during the entire itinerary;
16. Give accurate feedback including positive and negative highlights of the tour as well as problems, complaints and actions taken to resolve them;
17. Exercise patriotism and promote the country as a tourist destination.
18. Adhere to the set code of conduct and professional ethics.
19. Adhere to safari dress code (jungle green/brown khaki and safari boot).

### 5.4 Tourism Transport Services

#### 5.4.1 Land Transport Services

5.4.2 Tourism transport services on land shall be conducted on “Tourist Service Vehicles” authorized by Tourism Regulatory Authority;

5.4.3 Tourist Service Vehicles shall be properly equipped and fitted with and have:

1. At least one portable fire extinguisher for the protection of its passengers;
2. The necessary anchoring equipment’s, ramps and hoists for persons with disability where applicable;
3. Adequate air-conditioning units for town transfers and ventilation for safari vehicles; air-conditioning modified to include air purifiers where applicable
4. Ensure information provided is stuck on the back of the chairs or the body of the vehicle to minimize contact
5. Smart/automated doors to minimize touching.
6. Seats arranged to comply with the recommended physical distancing guideline
7. Hand sanitizers provided
8. Disposable headrest covers replaced after each trip
9. A clear documented cleaning and sanitization procedure in place
10. Vehicle are sanitized between transfers
11. Suitable communication gadgets in place
12. Company’s name and logo prominently displayed at the sides of the tourist service vehicle respectively;
13. For tourist buses or coasters, a public address system shall be installed;
14. A first-aid kit and an adequate supply of emergency medicines;
15. Clean and comfortable seats;
16. Be fitted with fully functional seatbelts for all passengers
17. Enough leg room and sufficient storage space for guest luggage;
18. Fully functional rear, front/head Lamps;
19. At least one spare tire fitted to the rim and compatible to the car, a tool kit comprising of a jack, jack handle, wheel spanner, and safety triangle;
20. Clearly marked emergency exit windows and doors;
21. A signage indicating no smoking and provide a litter disposal facility;

5.4.4 Operators of Tourist Service Vehicle shall: -
1. Have an operating license issued by National Transport and Safety Authority.
2. Have in place a code of conduct governing its employees, agents and sub-contractors.
3. Have in place a documented fleet management system where applicable and a customer complaints handling system;
4. Subscribe to an accident and emergency mutual aid system;
5. Conform to the construction and design specifications for tourist service vehicles that shall be approved by the Authority;
6. Where applicable, sign a service agreement with sub-contractors and carry out audits of vehicles, equipment’s, licenses and insurance policies on yearly basis;
7. Conduct a pre-duty inspection of the vehicles to ensure their functionality;
8. Not allow non-licensed companies or individuals to utilize their motor vehicles that are likely to circumvent the legal obligations;
9. Specify the type of uniform to be worn by their drivers;
10. Subscribe to a data storage system capable of storing data on vehicle speed, location and operation for a period of thirty days and when required by the Authority, provide the data before the expiry of the prescribed storage period;
11. Ensure that vehicles of 10 or more seat capacity or more are equipped with public address system;
12. In case of any accident resulting in a fatality, submit an investigation report to the Authority within 14 days containing details of the driver, passengers, time of accident, probable cause and corrective measures undertaken;
13. Institute and keep a record of maintenance program to ensure all vehicles are kept in sound physical and operational standards at all times;
14. In accordance with the National Disability Act 2004 make;
a. Reasonable provision for service delivery that meets the special needs of persons with disabilities;
b. Provision for persons with disabilities to access all services offered by the agency;

15. Maintain a passenger manifest;
16. Keep the vehicles clean at all times.

5.4.5 All driver-guides of Tourist Service Vehicles shall: -

1. Have a valid driver’s license for that category of vehicle.
2. Have a valid Tours driver license.
3. Have a valid license issued by the Tourism Regulatory Authority.
4. Wear appropriate uniform with name tags which should always be clean, tidy and in good condition.
5. Be equipped with a mobile phone or any communication device.
6. Not carry in the tourist vehicle more than the licensed number of passengers.
7. Always be in an alert state when driving passengers, free from fatigue and the influence of alcohol or any other drugs that may impair their driving ability.
8. Advice passengers to wear seat belts and not to drive the tourist vehicle unless all front seat passengers are wearing seatbelts.
9. Not seat children under the age of 12 years on the front seat.
10. Not carry tourists in jump seats or folding seats.
11. Ensure luggage, wheelchairs and walking aids are properly secured in the tourist vehicle.
12. Not place glass tints, stickers and advertisements on the front and back windscreen of the vehicles.
13. Avoid routes that may threaten the safety of passengers.
14. Not use the mobile phone whilst the vehicle is in motion.
15. Not operate a tourist vehicle for more than 10 consecutive hours.
16. Abide by all rules and regulations governing protected areas.

5.5 Travel agents’ services

5.5.1 Travel agency service providers in the business of issuing tickets shall comply with the following: -

1. Have fast and reliable internet connection;
2. Ensure that the website and online booking procedures comply with relevant service standards as clearly stated on the promotional materials and booking conditions;
3. Minimize walk in clients and encourage online bookings
4. Installation of transparent screens to provide special separation between employees and clients especially for those in shopping malls and airports
5. Develop a Risk Assessment Plan to assess any potential risks
6. Relate to health, safety and hygiene measures in the destination in response to guest queries
7. Comply with the set physical distancing guidelines
8. Have a cleaning and sanitization procedure in place
9. Implement touchless technologies where applicable
10. Have accessibility to at least one Global Distribution System (GDS) either Amadeus, Galileo or Sabre or any other approved provider;
11. Make sure that the travel arrangements sold to their clients are compatible to their individual requirements;
12. Ensure that proper documentation and satisfactory booking procedures are in accordance with international best practices;
13. Ensure that relevant and effective data protection policy for protecting the privacy of clients are in place;
14. Ensure that clients are made aware of the terms and conditions of booking applicable to their travel arrangements before any contract is made and clients have access to such publication or booking conditions in written form;
15. Inform clients of health requirements that are compulsory for the journeys to be undertaken;
16. Inform clients of passport, visa and other entry and transit requirements for the journeys to be undertaken where it is reasonably practicable for the members to obtain the information;
17. Maintain and inform the clients of availability of a 24hrs operation line to handle emergencies;
18. Always advice clients of the availability of any advice issued by the foreign & commonwealth offices;
19. Ensure that clients are advice on the importance of obtaining appropriate travel insurance cover in relation to the nature of travel booked;
20. Advise clients without delay when advised by the airline of any alterations to travel arrangements and shall act as an intermediary between the airline and the client;
21. Maintain a contact list for all the airlines operating from Kenya and have a contact person;
22. Promptly respond substantively to the client’s complaints;
23. In accordance with the National Disability Act 2004 make;
a. Reasonable provision for service delivery that meets the special needs of persons with disabilities;
b. Provision for persons with disabilities to access all services offered by the agency;

24. Provide in writing, at all times complete details about the cost, restrictions and other terms and conditions of the ticket sold including cancellation fee, change fee, no show charges, boarding time, connection terminals and baggage allowance shall be disclosed before payment is made;

25. Remit to clients any applicable refunds without delay.

5.6 Water Transport Services

5.6.1 Every ship, ferry and boat operators offering services to tourists shall comply with the minimum requirements for the operation and maintenance of a water transport.

5.6.2 Ship and ferry vessels exclusively used for tourist transportation or excursion services shall:

1. Be licensed by and fully compliant with the Kenya Maritime Authority Rules and Regulations.
2. Have at least one restroom each with toilet and washing facilities for male and female located at the passenger accommodation area;
3. In addition, have gender segregated toilets at the cabin area for long-haul trip with adequate supply of tissue paper, soap and disposable paper for hand drying;
4. Have a receptionist to usher in guests;
5. Allocate appropriate time for different groups accessing the water to observe physical distancing
6. Develop a Risk Assessment Plan to assess any potential risks
7. Relate to health, safety and hygiene measures in the destination in response to guest queries
8. Comply with the set physical distancing guidelines
9. Have a cleaning and sanitization procedure in place
10. Implement touch less technologies where applicable
11. Have a refreshment area which shall be well-stocked at all times;
12. In case of long-haul trips, a dining area capable of seating, at least, one-fourth (1/4) of the total passengers at one serving provided with appropriate and well-maintained furniture;
13. Provide a promenade or airing space at the upper deck for the exclusive use of passengers;
14. Have a baggage area provided with racks or similar convenient and safe storage in the passenger accommodation areas;
15. Employ adequate number of well-trained, well-groomed, experienced, efficient and courteous staff dressed in clean uniforms at all times;
16. Front-line staff capable of communicating in both English and Kiswahili;

5.6.3 **All tourist boat operators shall ensure that;** -

1. Both motorized and local traditional boat vessels have pre-requisite valid passenger boat license and clearance certificate from Kenya Maritime Authority;
2. Boat captains have pre-requisite relevant training, certification, experience in boat riding and familiarity with the lake or sea routes to be allowed to carry tour passengers;
3. There are at least two boat riders on board at all times and contacts of rescue team maintained at hand in case of emergency;
4. Sporting activities are done in designated safe areas to limit interaction
5. Suitable canyons and activity sections are selected for the group to observe physical distancing
6. Appropriate time is allocated between different groups accessing the water to observe physical distancing.
7. They develop a Risk Assessment Plan to asses any potential risks
8. They relate to health, safety and hygiene measures in the destination in response to guest queries
9. They comply with the set physical distancing guidelines
10. A cleaning and sanitization procedure in place
11. The riders are in good physical health and sound mind;
12. All passengers wear life jackets and vest at all times during the trip for safety;
13. All passengers are informed of the dangers and measures to take before boarding the boat;
14. Motor boats are sufficiently fueled before carrying passengers;
15. The boat in use is in good condition and with no leakages;
16. Boat is installed with adequate functional wireless transmitter and receiver equipment;
17. The boat is installed with radio broadcast receivers capable of receiving local weather forecast;
18. All passengers are seated during the journey and overloading of passengers is not permitted in all circumstances;
19. There is no dumping of waste in water bodies or the surrounding environment is permitted to promote sustainable use of tourism resources.
20. They abide by all rules and regulations governing marine protected areas.

5.7 Marketing and advertising services

5.7.1 When marketing, the tour/travel agent shall be expected to;

1. Follow the best practices of marketing, ethics and fair dealing by presenting all carriers, hotels and other agencies which they represent in a fair and impartial manner to prospective clients.
2. Make themselves conversant with the destination tariff rules, regulations and changes in procedure introduced by their principals and the appropriate regulatory bodies.
3. Be conversant with the destination’s products and services and provide factual and accurate information on the same.
4. Always avoid improper influence on the principals and other organizations for the purpose of securing preferential considerations in the assignment of booking with their status in the trade and in society.
5. Refrain from any false, deceptive or misleading statements when called on to give an opinion of a Principal’s service to a client or any other interested party.
6. In case of outsourced marketing services, the tour/travel agents shall ensure that they e
7. Engage services of professionals with relevant knowledge in tourism.

5.8 Reservations, pricing and billing Services

5.8.1 There shall be an easy and efficient booking service that includes the following:

1. Transactions carried on online
2. Prospective guests shall be informed clearly what is included in the prices quoted (service charges, taxes, other surcharges including the exclusion clause).
3. The agent shall have a clearly documented cancellation policy.

4. The agent shall provide equivalent alternatives in case of alterations made to the initial bookings.

5. Comply physical distancing guidelines and provide signage.

6. Make provision for use of smart/automated doors to minimize touching

7. Make provision for enhanced sanitation by customized procedures to suit each agent operating environment.

8. Information about deposits if required shall be availed in advance, including details of how the deposit is paid and whether or not it is refundable.

9. Provide for cashless payment methods

10. Guest bookings both tour and travel shall be confirmed by writing/email or via text message and bills and payment method clearly communicated.

11. Communication with prospective guests, whether verbal or written, shall be prompt, efficient, and professional to the satisfaction of the guest.