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STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

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TWELFTH PARLIAMENT- SIXTH SESSION

REPORT ON THE SPORTS (AMENDMENT) (SENATE BILLS NO. 40 OF  
2021)

CLERK'S CHAMBERS  
THE SENATE  
PARLIAMENT OF KENYA  
NAIROBI

APRIL, 2022

DC-EG  
Recommended & Forwarded for Approval  
\* 05/04/22

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## PREFACE

1. The Standing Committee on Labour and Social Welfare was constituted in December, 2017 during the First Session of the Twelfth (12<sup>th</sup>) Parliament pursuant to the provisions of Senate standing order 212.

The Committee is mandated to consider all matters related to: *manpower and human resources planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare; national heritage, betting, lotteries and sports, public entertainment, public amenities and recreation.*

2. In executing its mandate, the Committee oversees the Ministries of:

- a) Labour;
- b) Public Service, Gender Affairs, Senior Citizens Affairs and Social Protection; and,
- c) Sports, Culture and Heritage.

3. The Committee comprises of the following Members:

- |  |                   |
|--|-------------------|
| 1. Sen. Sakaja Johnson Arthur, CBS     | -Chairperson      |
| 2. Sen. Mwaruma Johnes Mwashushe       | -Vice-Chairperson |
| 3. Sen. Madzayo Stewart Mwachiru, CBS  | -Member           |
| 4. Sen. Mwangi Paul Githiomi           | -Member           |
| 5. Sen. Kihika Susan Wakarura          | -Member           |
| 6. Sen. (Dr.) Milgo Alice Chepkorir    | -Member           |
| 7. Sen. Makori Beatrice Kwamboka, CBS  | -Member           |
| 8. Sen. Shiyonga Naomi Masitsa         | -Member           |
| 9. Sen. (Dr.) Mwaura Isaac Maigua, CBS | -Member           |

**ACKNOWLEDGEMENT**

**Mr. Speaker Sir,**

The Committee wishes to acknowledge the time and considerable effort made by all parties who volunteered information before it. I also wish to express my gratitude to my colleagues for their thoughtful input and engaged contributions to the matter. Further, the Committee is indebted to the Office of the Speaker and the Clerk of the Senate for facilitating all the actions that led to the production of this report. The Committee also wishes to recognize the commitment and dedication of the staff of the committee that made the work of the Committee and the production of this report possible.

**Mr. Speaker Sir,**

It is my pleasant duty, pursuant to Standing Order 143 (1), to present and lay on the table of the House the report of the Committee on Labour and Social Welfare on the Sports (Amendment) Bill (Senate Bill No. 40 of 2021) for consideration by the House.



**SIGNED:** .....

**SEN. JOHNSON SAKAJA, CBS, MP, CHAIRPERSON,  
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE.**

**DATE: TUESDAY, 8<sup>TH</sup> MARCH, 2022**

## 1.0 INTRODUCTION

**Mr. Speaker Sir,**

The Sports (Amendment) Bill (Senate Bill No. 40 of 2021) originated in the Senate and was published on 25th June, 2021 as an ordinary Bill. The Bill was sponsored by Sen. Aaron Cheruiyot, Senator for Kericho County.

The Bill was read a first time in the Senate on 7<sup>th</sup> September, 2021 and committed to the Standing Committee on Labour and Social Welfare pursuant to Standing Order 140 (1).

Pursuant to Article 118 of the Constitution and Standing Order No. 140 (5), of the Senate Standing Order, the Standing Committee on Labour and Social Welfare called for submission of written memoranda through advertisements in the Daily Nation and the Standard dated Friday, 10<sup>th</sup> September, 2021. The Committee also facilitated virtual stakeholders' forum held on 29<sup>th</sup> September, 2021 and 13<sup>th</sup> October 2021 to take into account the views and recommendations of the public while preparing this report.

The principal purpose of the Bill is to amend the Sports Act, No. 25 of 2013 to provide for the respective functions of the National Government and those of county governments.

The Fourth Schedule to the Constitution provides for the functional areas of both the county governments and national government. Paragraph 17 of Part 1 of the Fourth Schedule to the Constitution provides that the National Government is responsible for '*promotion of sports and sports education*'. On the other hand, paragraph 4 of Part 2 the Fourth Schedule to the Constitution provides that county governments are responsible for '*cultural activities, public entertainment, and public amenities, including – ... (h) sports and cultural activities and facilities.*'

This Bill therefore, seeks to amend the Sports Act to provide for the respective functions of the National Government and those of county governments, access to the services of the

Sports Registrar at the county level, clarify on qualification for membership of the Board of Sports Kenya, and the Kenya Academy of Sports Council as well as the functions and qualifications of the Chief Executive Officer of the Kenya Academy of Sports.

The Committee at its meetings held on 8<sup>th</sup> March, 2022, 19<sup>th</sup> February, 2022, 18<sup>th</sup> February, 2022, 13<sup>th</sup> October, 2021 and 29<sup>th</sup> September, 2021, deliberated on the Bill and considered the submissions from the public hearing and stakeholders and recommended that the Sports (Amendment) Bill (Senate Bill No. 40 of 2021) be adopted subject to the amendments contained in Annex I to be moved for Second Reading.

The Bill has been processed by the Committee and is now ready for presentation to the House for consideration.

## **2.0 OVERVIEW OF THE SPORTS (AMENDMENT) BILL (SENATE BILL NO. 40 OF 2021)**

### **2.1 Overview of the Bill**

The Bill proposes to insert a new Part 1A to provide for the respective roles of the National Government and those of the county governments regarding the management of sports. Sections 6, 35 and 37 of the Sports Act provide for the composition of the Board of Sports Kenya, the Kenya Academy of Sports Council and the Chief Executive Officer of the Kenya Academy of Sports, respectively.

#### **(a) The role of the National government**

The Bill provides for functions of the National government in relation to sports to include, among other things, to —

- (a) formulate a national policy framework and standards for the development and growth of sports in Kenya;
- (b) develop and co-ordinate the implementation of an intergovernmental relations mechanism in the sports sector;
- (c) be responsible for the overall management of Sports Kenya and the Academy;
- (d) promote good governance and ethics in the sports sector;
- (e) formulate and regulate sports education and training standards; and
- (f) promote public private partnerships and facilitate regional and international relations on matters relating to the sports sector.

#### **(b) Role of county governments**

The Bill provides for the functions of county governments to include, among other things, to—

- (a) formulate and implement strategies, guidelines and measures in line with the national policy framework and standards;
- (b) promote and facilitate the registration of county sports associations and sports clubs whose reach is only the respective county;
- (c) establish, maintain and manage sports facilities within the respective county;
- (d) facilitate the collaboration and linkage between the sports organisations, the National Government and relevant stakeholders within the county; and
- (e) promote good governance in the management of sports in the county.

### **(c) Role of Sports Kenya**

The Bill provides for additional functions of Sports Kenya to include, among other things, to—

- (a) inculcate a sense of patriotism and national pride through sports and recreation;
- (b) create awareness on matters of national interest through sporting events and on the benefits of regular participation in sports for healthy living;
- (c) provide advisory and counselling services and financial support to athletes in such manner as it shall consider appropriate;
- (d) facilitate the preparation and participation of Kenyan teams in various regional, continental and international events;
- (e) bid and host various regional, continental and international events in the country, in collaboration with the relevant sports organisations;
- (f) provide advice, financial support and lobby for funds for sports organisations' individual bids for various regional, continental and international events; and
- (g) recommend members of steering committees for international sports competitions, in consultation with the relevant national sports organizations.

### **(d) Qualifications for appointment of persons not in the public service to be members of the Board of Sports Kenya**

The Bill provides that a person shall be qualified for appointment to the Board of Sports Kenya, if the person –

- (a) holds at least a certificate in secondary education or its equivalent;
- (b) has undertaken a course, whose duration is at least two years, in sports; and
- (c) meets the requirements of Chapter Six of the Constitution

### **(e) Qualifications and functions of the Kenya Academy of Sports chief executive officer**

A person shall be qualified for appointment as the chief executive officer of the Kenya Academy of Sports if the person –

- (a) holds at least a degree from a university recognised in Kenya;
- (b) has undertaken a course, whose duration is at least two years, in sports;

- (c) has experience in administration of at least five years; and
- (d) meets the requirements of Chapter Six of the Constitution.

The chief executive officer of the Kenya Sports Academy shall be responsible for –

- (a) the implementation of the policies and programmes, objectives, performance targets and service standards of the Academy;
- (b) the proper management of the funds and property of the Academy;
- (c) the organization and control of the staff of the Academy; and
- (d) the formulation, development and implementation of the strategic plan, business plan, annual plan and operations plan for achieving the objectives of the Academy.

**(f) Other matters**

Additionally, the Bill proposes to amend section 40 of the Sports Act to provide that the Cabinet Secretary *shall prepare a sports investment programme once every three years* as opposed to once every five years.

Regarding the registration of sports clubs, the Bill proposes to amend section 46 of the Act to *require sports clubs to be first registered as companies under the Companies Act before they are registered as sports clubs* and that sports organisation to make provisions in their constitution for settlement of internal disputes.

To ensure access to services at the county level, it is proposed that Public Service Commission decentralise the services of the Sports Registrar to all the 47 counties and that county governments put in place such measures including legislation to provide sports issues at the county level.

**2.2 Consequences of the Bill**

The Bill will specify the respective functions of the National Government and those of county governments in relation to sports, facilitate the access to the services of the Sports Registrar at the county level, clarify on qualification for membership of the Board of Sports Kenya, and the Kenya Academy of Sports Council as well as the functions and qualifications of the Chief Executive Officer of the Kenya Academy of Sports. This will lead to better promotion of sports across the country by both the National and county governments.

### **3.0 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION**

The Committee put up an advertisement in the local dailies, the Daily Nation and the Standard to seek submissions in written form from the public, on the Sports (Amendment) Bill (Senate Bill No. 40 of 2021) on Friday, 10<sup>th</sup> September, 2021 as per the copy attached as Annex IV.

The Committee scheduled a stakeholder forum on 29<sup>th</sup> September, 2021 and 13<sup>th</sup> October 2021 respectively and received submissions from the Ministry of Sports, Culture and Heritage and the Council of Governors (CoG) as captured in the attached matrix (see Annex II) concerning the Sports (Amendment) Bill (Senate Bill No. 40 of 2021).

#### **3.1 Stakeholder Meeting on the Sports (Amendment) Bill (Senate Bill No. 40 of 2021)**

##### **3.1.1 Meeting held on 29<sup>th</sup> September, 2021**

The Committee met the Council of Governors (CoG) and the Ministry of Sports, Culture and Heritage on 29<sup>th</sup> September, 2021 and 13<sup>th</sup> October 2021 respectively to deliberate on the Bill. Below is the summary of the submissions from the Ministry of Sports, Culture and Heritage.

**(a) Presentation by Mr. Samuel Muraya, COG, Education, Gender, Youth, Children, Sports, Culture and Social Services Committee**

Mr. Muraya presented the proposed amendments by the Council of Governors (COG) as follows;

<b>Section of the Bill</b>	<b>Provision of Section in the Bill</b>	<b>Proposed Amendment</b>	<b>Rationale/Justification for Amendment</b>
3 2c (b)	promote and facilitate the registration of county sports associations and sports clubs whose reach is only the respective county	promote and facilitate the registration of sports associations and sports clubs in the county	Every sports association or sports club should have a physical reference point or base. The respective county Government should register and regulate their affairs
2C (c)	Functions of County governments	Establish and manage sports facilities;	Facilities are also established by other stakeholders and the county can invest in another county as a private venture
2C (f)	perform such other functions as may be necessary for the fulfilment of the mandate of the county government under this Act and for the betterment of the sports sector.	perform such other functions as may be necessary for the fulfilment of the mandate of the county government under this Act and County legislation for the betterment of the sports sector.	Other statutes apply to provide for County legislation or to take into consideration
54 (a)	Decentralization of services of the Registrar  The Public Service Commission shall appoint such registrars in each county as shall be necessary for the effective performance of the functions of and ease of access to services of the Registrar in the counties.	Delete this provision  The Public Service Commission shall appoint such registrars in each county as shall be necessary for the effective performance of the functions of and ease of access to services of the Registrar in the counties. Each County will establish a County Sports Committee, co-chaired by the registrar and the County Executive	The role of the County Executive Committee Members vis-à-vis County Sports Registrar are in conflict due to absence of a clause on sports programmes coordination at the County level. There is need for inclusion of a provision for a County Sports Committee co-chaired by the CECM and the County Sports Registrar in order to coordinate sports programmes at the County level.

Section of the Bill	Provision of Section in the Bill	Proposed Amendment	Rationale/Justification for Amendment
		Committee Member, to coordinate sports programmes.	

Further Amendments to the Sports Act

Section of the Act	Provision of Section in the Sports Act	Proposed Amendment	Rationale/Justification for Amendment
2 of the Principal Act	PART I—PRELIMINARY	<i>Insert:</i> County Executive Committee Member means the county executive committee member responsible for matters relating to sports within each county;	Definition of the term County Executive Committee Member
4 (a) of the Principal Act	promote, co-ordinate and implement grassroots, national and international sports programs for Kenyans, in liaison with the relevant sports organizations and facilitate the active participation of Kenyans in regional, continental and international sports, including in sports administration;	Promote and co-ordinate national and international sports programs for Kenyans, in liaison with the relevant sports organizations and facilitate the active participation of Kenyans in regional, continental and international sports, including in sports administration;	Promotion of grassroots sports programs is assigned to county governments
4 (b) of the Principal Act	manage and maintain the sports facilities specified in the First Schedule and any other facilities which the Cabinet Secretary	manage and maintain the sports facilities specified in the First Schedule and any other facilities which the Cabinet Secretary may in consultation with the Council of Governors,	Consultative is required for a con-current function. Only national sports facilities should be management by the national government.

Section of the Act	Provision of Section in the Sports Act	Proposed Amendment	Rationale/Justification for Amendment
4 (c) of the Principal Act	may, by notice in the Gazette, declare to be sports facilities for the purposes of this Act	by notice in the Gazette, declare to be sports facilities for the purposes of this Act	The national government is encouraged to support the county governments to establish sports facilities
4 (h) of the Principal Act	establish, manage, develop and maintain the sports facilities, including convention centers, indoor sporting and recreational facilities for the purposes of this Act;	Delete this provision	This is the mandate of county governments
6(1) of the Principal Act	operate sports facilities on public grounds in such manner as it deems necessary	Amend Section 6(1) of the Act to include: (K) Two persons nominated by the Council of Governors	Representation of the County Governments. Sports being a concurrent function, the apex institution should be established as a joint entity having representation from the National and County Governments
12 (2)(b) of the Principal Act	Constitution of the Board of Sports Kenya	out of the Fund, financial support for sports persons and sports organizations and county governments any other payments required under the provisions of this Act to be paid out of the Fund	County governments play and critical role of grassroots sports development and should therefore be funded to undertake this role
33 (3) of the Principal Act	out of the Fund, financial support for sports persons and sports organizations and any other payments required under the provisions of this Act to be paid out of the Fund	Delete this provision	The headquarters can be established in any other county

Section of the Act	Provision of Section in the Sports Act	Proposed Amendment	Rationale/Justification for Amendment
34(a) of the Principal Act	establish and manage sports training academies;	establish and manage the national academy of sports;	The county governments should be supported to establish all other academies
35 (i) (g) of the Principal Act	Constitution of the Council	Delete Section 35 (i) (g) and replace with: (K) Two persons nominated by the Council of Governors	Representation of the County Governments. Sports being a concurrent function, the apex institution should be established as a joint entity having representation from the National and County Governments

### **(b) Presentation by the Ministry of Sports, Culture and Heritage**

1. The Ministry informed the Committee that they have finalized preparing proposed amendments; however, they cannot present them because they have not been approved by the Cabinet Secretary (CS) and the Permanent Secretary (PS).
2. They requested to be invited to another meeting at a later date.

### **(c) Members interventions**

1. Members unanimously agreed to invite the Ministry of Sports, Culture and Heritage to another meeting the following week.
2. Members lauded the stakeholders for presenting their submissions before the Committee.
3. Members lauded the Ministry of Sports, Culture and Heritage for always upholding a seamless working relationship with the Committees of the Senate.

### **3.1.2 Meeting held on 13<sup>th</sup> October, 2021**

The Committee met with the Cabinet Secretary (CS) for the Ministry of Sports, Culture and Heritage on 13<sup>th</sup> October, 2021 to deliberate on the Bill. Below is a summary of the deliberations:--

#### **(a) Presentation by the Cabinet Secretary (CS), Ministry of Sports, Culture and Heritage, Hon. (Amb.) (Dr.) Amina Mohamed**

The Cabinet Secretary (CS), presented as follows;

1. On 8<sup>th</sup> September 2021, it came to the attention of the Ministry that there was a draft Sports (Amendment) Bill before the Senate.
2. The Ministry wrote to the Speaker of the Senate on 9<sup>th</sup> September 2021 to express their concern on lack of consultation with the major stakeholders and implementers of the Sports Act that include Sports Kenya, Kenya Academy of Sports, Sports Registrar and the Sports Dispute Tribunal.
3. The amendment attempts to amend the functions of the Sports Disputes Tribunal whose functions belong to the Judiciary.
4. The Sports (Amendment) Bill seeks to delete crucial sections of Sports Act no. 25 of 2013 with functions that belong to the National Government such as regulation of sports

organizations, regulation of professional sports bodies and persons, nurturing of national talent and building and management of major sporting facilities being moved to the county governments.

5. The Fourth Schedule of the Constitution of Kenya at part 1 paragraph 17 spells out functions of the National Government to include promotion of sports and sports education; therefore, devolving it will lead to;
  - (i) Legislating and setting different standards and guidelines in different parts of the country and there will be no control on guidelines and standards to different sports organizations and bodies.
  - (ii) Confusion in selection of national teams that will lead to suspension and banning of most sports associations and events in Kenya.
6. Regulation of sport persons, professionals and bodies being a function of national government cannot be limited to national sports organizations as intended in the draft amendment bill.
7. All registrars including registrar of political parties, trade unions, lands, companies *et cetera* who have similar functions as those of the sports registrar are regulatory offices and their functions cannot be devolved.
8. The Ministry had started a review of the Sports Act with major stakeholders before forwarding the amendment Bill and it is because of that that the Ministry requested the Senate to suspend discussion of the Sports (Amendment) Bill to allow the Ministry time to review amendments to the Sports Act no. 25 of 2013.

The Cabinet Secretary then invited the Sports Registrar who took the Committee through the Ministry's proposed amendments.

#### **(b) Members' Interventions**

1. The Committee thanked the Ministry for accepting the invite and making the comprehensive presentation on their proposed amendments to the Sports Act no. 25 of 2013; and
2. The Committee also noted that Kenya has been facing numerous challenges in sports management and thus, the proposed amendments will significantly improve management of sports in Kenya.

### **3.1.3 Written Submissions in Response to the Advertisement in the Daily Nation dated Friday, 10<sup>th</sup> September, 2021.**

1. The Nairobi and Nyeri Counties' Football Associations requested the Senate to consider adopting and giving effect to the following recommendations of the National Committee on the Status and implementation of the Sports Act 2013—
  - (a) finding that the establishment of Sports Arts and Development Fund lacked public participation;
  - (b) resolution on establishment of sports academies in every constituency;
  - (c) proposed structure of the sports academies in the Country shall be in four (4) levels namely: Constituency level two hundred and ninety (290); Regional level ten (10); National level four (4), in Nairobi, Mombasa, Kisumu and Eldoret) and a High- Performance Centre in Nairobi; and
  - (d) operationalizing of a National Lottery with the name "Michezo National Lottery".
  
2. Mr. Michael Kimani and Mr. David Lugoye Simiyu made the following submissions—
  - (a) We are against the new and strange definition of a County Sports Association as intended in section 2 of the sports amendment bill 2021.
  - (b) We advocate for the deletion of the above section. It is against the insertion of part 2B (c) of the amendment bill.
  - (c) We recommend the deletion of the above part 2C (b) of the Sports Amendment bill 2021.
  - (d) We recommend deletion of the inserted sub section 37A in the sports Amendment bill 2021.
  - (e) We are in support of the amendment to section 40 of the principal Act as proposed in the sports Amendment bill.
  - (f) Section 45 of the principal Act should be retained. The Association is against the deletion of this section.
  - (g) That section 46 as contained in Principal Act be retained. The deletion of part 2 and other insertion are unnecessary.
  - (h) We are against the insertion of part 3 in section 46 of the principal Act. The Insertion of part 5 after section 46 is unnecessary.
  - i. We are against the insertion of the above part 2 in Section 54 of the principal Act.

#### 4.0 RECOMMENDATIONS OF THE COMMITTEE

The Committee made the following resolutions as regards to the Sports (Amendment) Bill, 2021 (Senate Bills No. 40 of 2021) -

1. Amend Clause 2, the proposed amendment be deleted in its entirety and the definition of County Sports Association envisaged in Regulation 2 of the Sports Registrar's Regulations 2016 be retained.
2. Clause 5
  - (i) Include the following additional Board Members—
    - (a) the Chief Executive Officer, Sports, Arts and Social Development Fund;
    - (b) the Sports Registrar;
    - (c) the Director of Sports
  - (ii) Delete Section 5 (1A) (b).
3. Amend Clause 6 as follows—
  - (a) in paragraph (c) by inserting the words "county sports organisations" immediately after the words "higher learning"
4. Amend Clause 7—
  - (i) Include the following as additional Council Members—
    - (a) the Chief Executive Officer, Sports, Arts and Social Development Fund;
    - (b) a representative from a recognized higher learning institution responsible for training and research; and
    - (c) the Principal Secretary in the Ministry for the time being responsible for sports
  - (ii) Delete clause 7 (1A)(b)
5. Clause 8, delete clause 8 (1A) (b).
6. Clause 13, the entire proposal to amend section 46 be deleted and the current section of the Sports Act be retained.
7. Amend Clause 55 to read, "The tribunal shall have original and appellate jurisdiction to adjudicate on any dispute relating to sports."

**Annex 1: Proposed Committee Stage Amendments of the Sports (Amendment) Bill  
(Senate Bill no. 40 of 2021)**

**30<sup>th</sup> March, 2022**

The Clerk of the Senate,  
Parliament Buildings,  
**NAIROBI.**

**RE: COMMITTEE STAGE AMENDMENTS TO THE SPORTS (AMENDMENT)  
BILL, 2021, SENATE BILLS NO. 40 OF 2021**

NOTICE is given that Sen. Johnson Sakaja, Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Sports (Amendment) Bill, 2021, Senate Bills No. 40 of 2021, at the Committee Stage—

**CLAUSE 2**

**THAT** the Bill be amended by deleting clause 2.

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in the proposed new subsection (1A) by deleting paragraph (b).

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in the proposed new subsection (1A) by deleting paragraph (b).

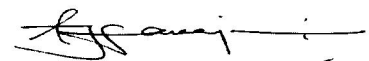
**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by amended in the proposed new subsection (1A) by deleting paragraph (b).

**CLAUSE 13**

**THAT** the Bill be amended by deleting clause 13.

Date: Friday, 1<sup>st</sup> April, 2022



**Sen. Johnson Sakaja,  
Chairperson,  
Committee on Labour and Social Welfare.**

**Annex 2: Matrix of the Public Participation of the Sports (Amendment) Bill (Senate Bill no. 40 of 2021)**

**THE SPORTS (AMENDMENT) BILL  
(SENATE BILL NO. 40 OF 2021)**

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
2	The Ministry of Sports, Culture and Heritage	The proposed amendment be deleted in its entirety and the definition of County Sports Association envisaged in Regulation 2 of the Sports Registrar's Regulations 2016 be retained.	'County Sports Association' is sufficiently defined by Regulation 2 of the Sports Registrar's Regulations of 2016 which provides that- "County sports association" means a branch of a national sports body whose area of operation is within a county, or a sports organization whose reach is only in a county;"	Approved.
	Nairobi and Nyeri Counties' Football Associations.	Amend the definition of "county sports association" to read—	The definition proposed by the Bill suggests that County Sports Associations are autonomous and independent from the National Federations managing the various sports disciplines. In effect delinking counties from the National Government.	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>"county sports association" means a sports organization registered under Sports Act No. 25 of 2013, responsible for a particular sport and operating within a county;</p>	<p>preventing multiple registration of similar and parallel structures</p>	
3	<p>The Ministry of Sports, Culture and Heritage</p>	<p>The proposed amendment at 2C(b) be deleted and retain the current section 46 of the Sports Act that empowers the Registrar to register a Sports Organization as either a club, county sports association or a national sports organization.</p>	<p>The main mandate of the Sports Registrar is regulation which is a National Government function.</p>	<p>Not approved</p>
	<p>Council of Governors</p>	<p>Amend the proposed section 2 C (b) to read—            promote and facilitate the registration of sports associations and sports clubs in the county</p>	<p>Every sports association or sports club should have a physical reference point or base. The respective county Government should register and regulate their affairs.</p>	<p>Not approved</p>
		<p>Amend the proposed section 2C (c) to read—            Establish and manage sports facilities;</p>	<p>Facilities are also established by other stakeholders and the county can invest in another county as a private venture</p>	<p>Not approved</p>
		<p>Amend the proposed section 2 C (f) to read—</p>	<p>Other statutes apply to provide for County legislation or to take into consideration.</p>	<p>Not approved.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		perform such other functions as may be necessary for the fulfilment of the mandate of the county government under this Act and County legislation for the betterment of the sports sector.		
5	The Ministry of Sports, Culture and Heritage.	<p>Include the following additional Board Members—</p> <p>(a) the Chief Executive Officer, Sports, Arts and Social Development Fund;</p> <p>(b) the Sports Registrar;</p> <p>(c) the Director of Sports</p>	To recognize the mandate of the Fund which includes funding to support the development and promotion of sports and arts.	Approved.
	Nairobi and Nyeri Counties' Football Associations.	Delete Section 5 (1A) (b).	<p>There are no 2 years Sports specific Courses.</p> <p>Experience in sports as a Sports Administrator, Technical personnel, Medic, Sports Development will suffice.</p>	Approved.
6	Nairobi and Nyeri Counties' Football Associations.	<p>Amend the clause as follows—</p> <p>(a) in paragraph (c) by inserting the words "county sports organisations" immediately after the words "higher learning"; and</p>	Sports is organic in nature with talent development assuming a pyramidal structure, the Apex of the pyramid does not exist nor stand without the base unit.	Approved

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
7	The Ministry of Sports, Culture and Heritage.	<p>(b) by inserting the following new paragraph immediately after paragraph (c)—</p> <p>(ca) identify and recommend talents into national sports organisations and County Sports organisation. Not approved</p> <p>Include the following as additional Council Members—</p> <p>(a) the Chief Executive Officer, Sports, Arts and Social Development Fund;</p> <p>(b) a representative from a recognized higher learning institution responsible for training and research; and</p> <p>(c) the Principal Secretary in the Ministry for the time being responsible for sports</p>	<p>For all intent and purposes the County Sports Association is this base and should be given consideration.</p> <p>County Sports Associations have talent pools with teams that are distinct and participate at the national level.</p>	
			<p>i. The Bill excludes critical representation of the Sports Arts and Social Development Fund which plays a key role in financing and monitoring of sports projects and programs within the functions of the Kenya Academy of Sports as set out in Section 34 of the Sports Act 2013.</p> <p>ii. The Kenya Academy of Sports being a training institution that develops talent need expertise and be updated from time to time on the current standards and curriculum.</p>	Approved

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	Nairobi and Nyeri Counties' Football Associations.	Delete clause 7 (1A)(b)	There are no 2 years Sports specific Courses. Experience in sports as a Sports Administrator, Technical personnel, Medic, Sports Development will suffice.	Approved
8	Nairobi and Nyeri Counties' Football Associations.	Delete clause 8 (1A)(b)	There are no 2 years Sports specific Courses.  Experience in sports as a Sports Administrator, Technical personnel, Medic , Sports Development will suffice.	Approved
12	The Ministry of Sports, Culture and Heritage.	Clause 12 be deleted and the current section 45(2) (d) be retained	The Sports Registrar is mandated to register Sports Organizations and hence the power to arbitrate on issues arising from registration.	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
13	The Ministry of Sports, Culture and Heritage.	The entire proposal to amend section 46 be deleted and the current section of the Sports Act be retained.	<p>One of the reasons the Sports Act was enacted was delink the functions of the Sports Registrar, Registrar of companies and the Registrar of Societies.</p> <p>Before enactment of the Sports Act and lack of legal framework for the Sports Industry, there was a lot of duplication of functions between the Registrar of Societies and Companies leading to double registration of Sports Organizations, confusion and backlog of disputes and Court matters.</p> <p>Allowing Sports clubs to be registered by the Registrar of Companies before registering with the Registrar of Sports shall defeat the main purpose of enacting the Sports Act.</p> <p>The main function of the Sports Registrar is to regulate Sports Organizations and Professional Sports bodies and persons. Regulation is a function of the National Government and therefore Registrar's functions</p>	Approved

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>cannot be devolved just like functions of all other Registrars in similar officers.</p> <p>What is required is not devolving the functions but to decentralize the services through opening offices and sending Assistant/ Deputy Sports Registrars in other parts of the Country.</p>	
	<p>Nairobi and Nyeri Counties' Football Associations.</p>	<p>Delete 13 (a),(b),(c),(3) and insert the following new subsection 5(A)—</p> <p>by inserting the following new subsection</p> <p>immediately after subsection (5) -</p> <p>(5A) Every sports club, county sports association and national sports organization shall make provision for the settlement of internal disputes in its Constitution and in line with its affiliate organization or its international</p>	<p>Sports club and sports organization in Kenya are majorly amateur, leisure based and run by volunteers.</p> <p>Sports club and sports organization are cash strapped organization operating on shoe string budgets.</p> <p>Sports Clubs are not trading entities, and cannot therefore align with the Companies Act of 2015.</p> <p>It is our finding that by enacting this legislation and requiring</p>	<p>Not approved.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>affiliate organization for the case of National Sports organization</p> <p>Amend the clause by inserting new subsection 3A as follows—</p> <p>3A. An application for registration under this section shall: -</p> <p>Confirm that proposed structure of the organization strictly conforms to the national structure of 47 counties;</p> <p>Provide that the national organization will devolve its functions by having its affiliates and/or members registered in</p>	<p>Sports clubs under the companies Act imposes financially, Logistical and operational burdens to clubs.</p> <p>Sporting clubs will find it difficult to satisfy the strict requirements of Companies Act.</p> <p>The Requirement to Register for VAT</p> <p>The net effect of imposing this legislation will lead to total collapse of sporting ecosystem</p> <p>This proposed amendment is meant to provide for effective checks and balances against the possible imposing of high-handedness by the national sports organization which, has often been the case, make binding decisions affecting the operations of the respective devolved formations, thereby starving them of the opportunity to take decisions that best work within their unit(s).</p>	<p>Not approved.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>accordance with this section as County Sports Associations;</p> <p>Provide for the procedure through which sports entities, including county sports associations, sports club, associations representing different stakeholders in the sport including players, referees, coaches; and such other associations of stakeholders as are necessary in the effective promotion of the sport, can affiliate themselves to the national sports organization.</p> <p>Provide that notwithstanding their overall jurisdiction as a national sports organization, county Sports Associations affiliated to them will have the right to run their affairs independently and where the national sports organization stands to make a decision whose effect touches on the jurisdiction and territory of county sports association(s) then the national sports organization can only do so in consultation, and agreement, with the affected county sports association(s).</p>	<p>Case in point is where a national sports organization enters into a sponsorship/partnership agreement that binds all the formations in the country without consideration of the unique circumstances or realities of the county, thereby denying the devolved formation the opportunity to pursue such partnerships as best suits their unique environment and reality.</p> <p>This provision empowers the devolved formations affiliated to a national sports organization the opportunity to chart a plan that is best suited to their reality and will not make them slaves of a national sports organization, which could have a rogue leadership that will bind to decisions where their interests are not the priority.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
14	The Ministry of Sports, Culture and Heritage.	<p>Notwithstanding subsection (iii) above, county sports associations shall be required to conform to the national sports plan that is in place and shall adopt and implement national development programmes to ensure effective execution of such within their jurisdiction.</p> <p>The proposal be deleted and retain the current section 45 of the Sports Act which categorizes the office of the Sports Registrar as a public office and empowers the Public Service Commission to recruit the Sports Registrar.</p>	<p>Being a Regulatory Office, the Sports Registrar's functions belong to the National Government and the National Government should be the one to recruit through the Public Service Commission in consultation with the Ministry of Sports and the Sports Registrar.</p>	Not approved
	Council of Governors	<p>Delete this provision and replace with—</p> <p>The Public Service Commission shall appoint such registrars in each county as shall be necessary for the effective performance of the functions of and ease of access to services of the Registrar in the counties. Each County will establish a County Sports</p>	<p>The role of the County Executive Committee Members vis-à-vis County Sports Registrar are in conflict due to absence of a clause on sports programmes coordination at the County level. There is need for inclusion of a provision for a County Sports Committee co-chaired by the CECM and the County Sports Registrar in order to coordinate sports programmes at the County level.</p>	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>Committee, co-chaired by the registrar and the County Executive Committee Member, to coordinate sports programmes.</p>		
	<p>Nairobi and Nyeri Counties' Football Associations.</p>	<p>Delete clause 14</p>	<p>Whereas decentralization of the services of the Registrar is in line with devolution and potentially will ease access of services of the Registrar in the counties. Be that as it may, and in our view the office of the Sports Registrar remains heavily underfunded and understaffed with just a skeleton staff managing services in crumbled offices space.</p> <p>Further it is in the public domain that Sports receive less Budget allocation and even what is meant for Sports is reallocated elsewhere.</p> <p>The scrapping of the National Sports fund and replacing it with the Sports Arts Development Fund and allocating sports a meagre 35 % of the fund speaks volume of the Government commitment to Sports.</p>	<p>Not approved.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>In view of the aforementioned implementing of this article if amended and passed will not be practically attained.</p> <p>We therefore strongly recommend that the Senate considers recommending more budget allocation to office of the Sports Registrar, to enable Digitization of the Registration services and hire more staff.</p> <p>In the alternative or to compliment the office of the Sports Registrar by use of Centers be used to provide Registration services at the County.</p>	
15	The Ministry of Sports, Culture and Heritage.	The entire proposed amendment be deleted and current Section 58 be retained.	<p>The Sports Disputes Tribunal belongs to the Judiciary and the Judiciary is a Constitutional office established under Article 162 of the Constitution as an independent arm of the Government.</p> <p>All Court proceedings and Regulations governing courts are developed by the Judiciary</p>	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>and Gazetted by the Chief Justice.</p> <p>Neither the Ministry, National Assembly nor Senate can amend the jurisdiction of the any Court or Tribunal.</p>	
	Nyeri and Nairobi Counties' Football Associations	Delete clause 15 (b)	<p>Team Selection is based on meritocracy, technical, Tactical, Physiological, Psychological and scientific sporting parameters such expertise may not be available at the tribunal.</p> <p>This provision may potentially bring National Sporting organization into collision course with their international affiliates.</p> <p>The time frame proposed for the tribunal to determine such a dispute may not be enforceable in practical terms, final selections to International Competitions are rarely done a month to the competition.</p> <p>It is our submission that national team selection remain within the</p>	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>Amend section 58 of the principal Act by inserting paragraph (d) immediately after paragraph (c):</p> <p>(d) Disputes between a national sports organization and a county sports association;</p> <p>(da) Disputes relating to denial of affiliation, to a national sports organization, by county sports associations, sports club,</p>	<p>purview of the Sporting Organization.</p> <p>Clubs selected or picked to participate in International Tournaments or competitions is based on merit and predetermined rules of engagement and participation.</p> <p>Tribunal can therefore only exercise its appellate Jurisdiction on any dispute arising thereon</p> <p>Premature recourse at the tribunal at any other stage will be detrimental to the doctrine of sporting Merit.</p> <p>This proposal is meant to provide an avenue for resolution of any disputes that may arise between the national sports body and a county sports association or any other association of relevant stakeholders that seeks affiliation but maybe denied "unfairly"</p>	<p>Not approved.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
16	The Ministry of Sports, Culture and Heritage.	associations representing different stakeholders in the sport including players, referees, coaches; and such other associations of stakeholders as are necessary in the effective promotion of the sport. Retain the current Section 64 and delete the proposed amendment.	Penalties for offences cannot be amended without discussion with stakeholders and the Office of the Attorney General.	Not approved.
	Nairobi and Nyeri Counties' Football Associations.	Delete clause 16.	Sports is a <i>Mwanachi</i> based activity and is meant to offer tangible and intangible including but not limited to sporting, Social, economic and cultural benefits.  The Provisions in Principal the act are deterrent and making further punitive measures may be counter productive  It is precisely 8 years since the Enactment of Sports Act 2013.  The Act remains largely unimplemented and operationalized.	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
17	The Ministry of Sports, Culture and Heritage.	The entire proposed amendment be deleted and the current Section 72 be retained.	<p>The Sports Act remains work in progress and in our view it has structural deficiencies that need to be addressed.</p> <p>The greatest culprit in violation of the Sports Act will be the Government of Kenya and its agencies the National Assembly report annexed hereto refers.</p> <p>We pose this question do you punish a person for eating uncooked food or do you punish the Cook.</p> <p>The Ministry of Devolution has developed guidelines for County Governments to develop their respective legislations and policies that are in line with the National Legislations; in this case, the Sports Act No. 25 of 2013.</p> <p>Paragraph 17 of the Fourth Schedule to the Constitution of Kenya 2010, promotion of sports and education is a function of the National Government.</p>	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>Devolving the Sports Registrars functions which are regulatory in nature and amending National Legislation to delete crucial sections that devolve crucial of the National Government will lead to legislating and setting different standards/ guidelines in different parts of the Country.</p> <p>Sports Organizations are governed by International Standards that link International Federations to National Sports Organizations, National Sports Organizations to County Sports Associations and County Sports Associations to Sports Clubs.</p> <p>Devolving County Associations and Sports Clubs from National Sports Organizations will disconnect the affiliation system. Further, all Sports Organizations are Governed by International Standards that should be applied from the apex to the grassroots.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	Nairobi and Nyeri Counties' Football Associations.	Include funding of sports by county governments.	One of the main Challenges in Sports Development is Funding.  A Provision for funding of Sports Programmes & Activities from the County Budgets will spur growth of the Sports within the Counties.	
<b>NEW PROPOSED AMENDMENTS TO THE PRINCIPAL ACT</b>				
2	Council of Governors	Insert the following new definition— “County Executive Member” means the county committee executive member responsible for matters relating to sports within each county;	Definition of the term County Executive Committee Member	Not necessary
4 (a)	Council of Governors	Amend to read—  Promote and co-ordinate and national and international sports programs for Kenyans, in liaison with the relevant sports organizations and facilitate the active participation of Kenyans in regional, continental and	Promotion of grassroots sports programs is assigned to county governments.	Not approved

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
4 (b)	Council of Governors	international sports, including in sports administration; Amend to read— manage and maintain the sports facilities specified in the First Schedule and any other facilities which the Cabinet Secretary may in consultation with the Council of Governors, by notice in the Gazette, declare to be sports facilities for the purposes of this Act;	Consultative is required for a con-current function. Only national sports facilities should be management by the national government.	Not approved.
4 (c)	Council of Governors	Delete this provision.	The national government is encouraged to support the county governments to establish sports facilities.	Not approved
4 (h)	Council of Governors	Delete this provision.	This is the mandate of county governments.	Not approved
6 (1)	Council of Governors	Amend Section 6(1) of the Act to include: (K) Two persons nominated by the Council of Governors	Representation of the County Governments. Sports being a concurrent function, the apex institution should be established as a joint entity having representation from the National and County Governments.	Not approved
12 (2) (b)	Council of Governors	Amend to read – out of the Fund, financial support for sports persons	County governments play and critical role of grassroots sports development and should	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		and sports organizations and county governments any other payments required under the provisions of this Act to be paid out of the Fund	therefore be funded to undertake this role.	
33 (3)	Council of Governors	Delete this provision.	The headquarters can be established in any other county.	Not approved.
	Nairobi and Nyeri Counties' Football Associations.	Amend to read— The headquarters of the Academy shall be in Nairobi, but the Academy shall establish offices in every County.	Access to services of the Academy of Sports at the County Level.  Devolving of Functions of the Academy for Sports.	Not approved.
34 (a)	Council of Governors	Amend to read— establish and manage the national academy of sports;	Giving life to section 33(4). The county governments should be supported to establish all other academies	Not approved
35 (i) (g)	Council of Governors	Delete Section 35 (i) (g) and replace with—  (K) Two persons nominated by the Council of Governors	Representation of the County Governments. Sports being a concurrent function, the apex institution should be established as a joint entity having representation from the National and County Governments	Not approved
	Nairobi and Nyeri Counties' Football Associations.	Amend the marginal note to read— Establishment of County Sports Council		

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
55	Nairobi and Nyeri Counties' Football Associations.	Amend to read The tribunal shall have original and appellate jurisdiction to adjudicate on any dispute relating to sports.	<p>Most Sports organization, including International Sports organization like FIFA prohibits their members and affiliates from seeking recourse or referring disputes to an ordinary court of Law.</p> <p>The only avenue available to this Sports Organization to resolve their disputes is such a tribunal as the Sports Disputes Tribunal as established in this Act.</p> <p>The Jurisdiction of the Sports dispute tribunal has been challenged on most of the sports disputes referred to it for adjudication and it is therefore prudent that its Jurisdiction is anchored in Law.</p>	Approved.

**LIST OF STAKE HOLDERS**

1. The Ministry of Sports, Culture and Heritage.
2. Council of Governors
3. Nairobi County Football Association
4. Nyeri County Football Association
5. Mr. Michael Kimani
6. Mr. David Simiyu

## OTHER COMMENTS

1. The Nairobi and Nyeri Counties' Football Associations requested the Senate to consider adopting and giving effect to the following recommendations of the National Committee on the Status and Implementation of the Sports Act 2013—
  - a) finding that the establishment of Sports Arts and Development Fund lacked public participation;
  - b) resolution on establishment of sports academies in every constituency;
  - c) proposed structure of the sports academies in the Country shall be in four (4) levels namely: Constituency level two hundred and ninety (290); Regional level ten (10); National level four (4), in Nairobi, Mombasa, Kisumu and Eldoret) and a High- Performance Centre in Nairobi; and
  - d) operationalizing of a National Lottery with the name "Michezo National Lottery".
  
2. Mr. Michael Kimani and Mr. David Simiyu made the following submissions—
  - a) We are against the new and strange definition of a County Sports Association as intended in section 2 of the sports amendment bill 2021.
  - b) We advocate for the deletion of the above section. It is against the insertion of part 2B (c) of the amendment bill.
  - c) We recommend the deletion of the above part 2C (b) of the Sports Amendment bill 2021.
  - d) We recommend deletion of the inserted sub section 37A in the sports Amendment bill 2021.
  - e) We are in support of the amendment to section 40 of the principal Act as proposed in the sports Amendment bill.
  - f) Section 45 of the principal Act should be retained. The Association is against the deletion of this section.
  - g) That section 46 as contained in Principal Act be retained. The deletion of part 2 and other insertion are unnecessary.
  - h) We are against the insertion of part 3 in section 46 of the principal Act. The Insertion of part 5 after section 46 is unnecessary.
  - i) We are against the insertion of the above part 2 in Section 54 of the principal Act.

### **Annex 3: Minutes of the Committee**

#### **MINUTES OF THE 10<sup>TH</sup> (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON TUESDAY, 8<sup>TH</sup> MARCH, 2022 AT 9.30 AM.**

##### **MEMBERS PRESENT**

- |                                       |               |
|---------------------------------------|---------------|
| 1. Sen. Johnson Sakaja, CBS           | - Chairperson |
| 2. Sen. Madzayo Stewart Mwachiru, CBS | - Member      |
| 3. Sen. Makori Beatrice Kwamboka, CBS | - Member      |
| 4. Sen. Naomi Masitsa Shiyonga        | - Member      |
| 5. Sen. (Dr.) Milgo Alice Chepkorir   | - Member      |
| 6. Sen. (Dr.) Isaac Mwaura, CBS       | - Member      |

##### **ABSENT WITH APOLOGIES**

- |                              |                  |
|------------------------------|------------------|
| 1. Sen. Johnes Mwaruma       | - V. Chairperson |
| 2. Sen. Paul Mwangi Githiomi | - Member         |
| 3. Sen. Susan Kihika         | - Member         |

##### **SENATE SECRETARIAT**

- |                       |                              |
|-----------------------|------------------------------|
| 1. Ms. Mary Chesire   | - Deputy Director, DCOM      |
| 2. Ms. Mwanate Shaban | - Senior Clerk Assistant     |
| 3. Mr. Kevin Kibet    | - Clerk Assistant/HO         |
| 4. Ms. Marale Sande   | - Principal Research Officer |
| 5. Mr. Jeremy Chabari | - Legal Counsel              |
| 6. Ms. Lilian Onyari  | - Fiscal Analyst             |
| 7. Ms. Fatuma Abdi    | - Audio Officer              |
| 8. Mr. Ruben Kimosop  | - Serjeant-At-Arms           |

##### **MINUTE SEN/SCLSW/39/2022: PRELIMINARIES**

The Chairperson called the meeting to order at 9.55 am. followed by a word of prayer.

## **MINUTE SEN/SCLSW/40/2022: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after it was proposed by Sen. Beatrice Makori Kwamboka, MP and seconded by Sen. (Dr.) Alice Chepkorir Milgo, MP as follows-

### **AGENDA**

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Consideration and Adoption of the Report on the Sports (Amendment) Bill, 2021;**
4. **Consideration and Adoption of the Report on the Employment (Amendment) Bill, 2021;**
5. **Consideration and adoption of the Report on the Community Groups Registration Bill, National Assembly Bills No. 20 of 2021;**
6. **Confirmation of Minutes 9, 8, 7, 6 and 5;**
7. **Consideration of the Petition on Recruitment, Remuneration and termination of ECDE Teachers serving in Nyamira County;**
8. **Statements before the Committee; and**
9. Any Other Business & Adjournment.

## **MINUTE SEN/SCLSW/41/2022: CONSIDERATION AND ADOPTION OF THE REPORT ON THE EMPLOYMENT (AMENDMENT) BILL, 2021**

The Committee considered the report on the Employment (Amendment) Bill, 2021 and adopted it after being proposed by Sen. Beatrice Makori Kwamboka, MP and seconded by Sen. (Dr.) Alice Milgo, MP.

## **MINUTE SEN/SCLSW/42/2022: CONSIDERATION AND ADOPTION OF THE REPORT ON THE SPORTS (AMENDMENT) BILL, 2021**

The Committee considered the report on the Sports (Amendment) Bill, 2021 and adopted it having been proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. (Dr.) Isaac Mwaura, MP.

## **MINUTE SEN/SCLSW/43/2022: CONSIDERATION AND ADOPTION OF THE REPORT ON THE COMMUNITY GROUPS REGISTRATION BILL, NATIONAL ASSEMBLY BILLS NO. 20 OF 2021**

The Committee considered the report on the Community Groups Registration Bill no. 20 of 2021 and adopted it after it was proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Naomi Masitsa Shiyonga, MP.

#### **MINUTE SEN/SCLSW/44/2022: CONFIRMATION OF MINUTES 9, 8, 7, 6 AND 5**

1. The Minutes of the 9<sup>th</sup> meeting held on Saturday, 19<sup>th</sup> February, 2021 at 1.00 pm were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Beatrice Makori Kwamboka, MP and seconded by Sen. Naomi Masitsa Shiyonga, MP;
2. The Minutes of the 8<sup>th</sup> meeting held on Saturday, 19<sup>th</sup> February, 2022 at 10:00 a.m. were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Naomi Masitsa Shiyonga, MP and seconded by Sen. (Dr.) Alice Milgo, MP;
3. The Minutes of the 7<sup>th</sup> meeting held on Friday, 18<sup>th</sup> February, 2022 at 2:45 p.m. were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Naomi Masitsa Shiyonga, MP and seconded by Sen. (Dr.) Alice Chepkorir Milgo, MP;
4. The Minutes of the 6<sup>th</sup> meeting held on Friday, 18<sup>th</sup> February, 2022 at 12:30 p.m. were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. (Dr.) Alice Chepkorir Milgo, MP and seconded by Sen. Naomi Shiyonga, MP; and
5. The Minutes of the 5<sup>th</sup> meeting held on Friday, 18<sup>th</sup> February, 2022 at 10:00 a.m. were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Naomi Shiyonga, MP and seconded by Sen. (Dr.) Alice Chepkorir Milgo, MP.

#### **MINUTE SEN/SCLSW/45/2022: CONSIDERATION OF THE PETITION ON RECRUITMENT, REMUNERATION AND TERMINATION OF ECDE TEACHERS SERVING IN NYAMIRA COUNTY**

The Committee acknowledged the Petition by residents of Nyamira County and members representing Early Childhood Development Education (ECDE) Teacher's Association of Nyamira County, concerning the recruitment, remuneration and termination of ECDE Teachers in Nyamira County.

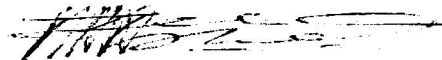
The Committee deliberated on the matter and resolved to invite the Nyamira County Public Service Board (CPSB), the Governor and the petitioners to an online meeting the following week to deliberate on the issues raised in the Petition.

**MINUTE SEN/SCLSW/46/2022: STATEMENTS BEFORE THE COMMITTEE**

The Committee resolved to comprehensively deal with this agenda item during its retreat the following week in Mombasa County.

**MINUTE SEN/SCLSW/47/2022: ANY OTHER BUSINESS AND ADJOURNMENT**

1. The Committee resolved to hold a Working Retreat in Mombasa County from 14<sup>th</sup> - 18<sup>th</sup> March to deal with all the pending legislative business.
2. There being no other business, the meeting was adjourned at 10.15 a.m.



**SIGNATURE:** .....

**SEN. MWARUMA JOHNES, MP,  
FOR: (CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE: TUESDAY, 15<sup>TH</sup> MARCH, 2022**

**MINUTES OF THE 8<sup>TH</sup> MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON SATURDAY, 19<sup>TH</sup> FEBRUARY 2022 AT 10.00 AM IN CONFERENCE ROOM 1B, TRADEMARK HOTEL, VILLAGE MARKET, KIAMBU COUNTY.**

**MEMBERS PRESENT**

- |                                       |                            |
|---------------------------------------|----------------------------|
| 1. Sen. Johnson Sakaja, CBS           | - Chairperson              |
| 2. Sen. Johnes Mwaruma                | - V. Chairperson (Virtual) |
| 3. Sen. Paul Mwangi Githiomi          | - Member (Virtual)         |
| 4. Sen. Makori Beatrice Kwamboka, CBS | - Member (Virtual)         |
| 5. Sen. Naomi Masitsa Shiyonga        | - Member (Virtual)         |
| 6. Sen. (Dr.) Milgo Alice Chepkorir   | - Member                   |

**ABSENT WITH APOLOGIES**

- |                                       |          |
|---------------------------------------|----------|
| 1. Sen. Madzayo Stewart Mwachiru, CBS | - Member |
| 2. Sen. Susan Kihika                  | - Member |
| 3. Sen. (Dr.) Isaac Mwaura, CBS       | - Member |

**SENATE SECRETARIAT**

- |                         |                            |
|-------------------------|----------------------------|
| 1. Ms. Mwanate Shaban   | - Clerk Assistant          |
| 2. Mr. Kevin Kibet      | - Clerk Assistant/HO       |
| 3. Ms. Marale Sande     | - Senior Research Officer  |
| 4. Mr. Jeremy Chabari   | - Legal Counsel            |
| 5. Mr. Frank Mutulu     | - Media Relations Officer  |
| 6. Mr. Humphrey Ringera | - Research Officer/CA      |
| 7. Ms. Sakina Halako    | - Secretary, DCOM's Office |
| 8. Mr. Hassan Adow      | - Office Assistant         |
| 9. Ms. Fatuma Abdi      | - Audio Officer            |
| 10. Mr. Ruben Kimosop   | - Serjeant-At-Arms         |
| 11. Mr. Collins Leteipa | - Intern, DCOM's Office    |
| 12. Mr. Athman Ramadhan | - Intern, DCOM's Office    |

**MINUTE SEN/SCLSW/30/2022: PRELIMINARIES**

The Chairperson called the meeting to order at 10.15 am. followed by a word of prayer.

**MINUTE SEN/SCLSW/31/2022: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after it was proposed by Sen. Paul Mwangi Githiomi, MP and seconded by Sen. Naomi Masitsa Shiyonga, MP as follows-

## **AGENDA**

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Consideration of the Amendments to the Sports (Amendment) Bill (Senate Bill No. 40 of 2021);**
4. **Consideration of the Amendments to the Community Groups Registration Bill (National Assembly Bills No. 20 of 2021); and,**
5. Any Other Business & Adjournment.

### **MINUTE SEN/SCLSW/32/2022: CONSIDERATION OF THE AMENDMENTS TO THE SPORTS (AMENDMENT) BILL (SENATE BILL NO. 40 OF 2021);**

The Committee approved the following proposed amendments to the Sports (Amendment) Bill (Senate Bill No. 40 of 2021) –

1. Amend Clause 2, the proposed amendment be deleted in its entirety and the definition of County Sports Association envisaged in Regulation 2 of the Sports Registrar's Regulations 2016 be retained.
2. Clause 5
  - i. Include the following additional Board Members—
    - a) the Chief Executive Officer, Sports, Arts and Social Development Fund;
    - b) the Sports Registrar;
    - c) the Director of Sports
  - ii. Delete Section 5 (1A) (b).
3. Amend Clause 6 as follows—
  - (b) in paragraph (c) by inserting the words "county sports organisations" immediately after the words "higher learning"
4. Amend Clause 7—
  - (iii) Include the following as additional Council Members—
    - (d) the Chief Executive Officer, Sports, Arts and Social Development Fund;
    - (e) a representative from a recognized higher learning institution responsible for training and research; and
    - (f) the Principal Secretary in the Ministry for the time being responsible for sports
  - (iv) Delete clause 7 (1A)(b)
5. Clause 8, delete clause 8 (1A) (b).
6. Clause 13, the entire proposal to amend section 46 be deleted and the current section of the Sports Act be retained.

7. Amend Clause 55 to read, “The tribunal shall have original and appellate jurisdiction to adjudicate on any dispute relating to sports.”

**MINUTE SEN/SCLSW/33/2022: CONSIDERATION OF THE AMENDMENTS TO THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021);**

The Committee approved the following proposed amendments to the Community Groups Registration Bill (National Assembly Bills no. 20 of 2021)-

1. Clause 2;
  - (i) Amend the definition of the term “Director” and replace with the definition of “County Executive Committee Member” (CECM).
  - (ii) Amend the definition of “social development officer” to be an officer under the respective County Public Service Boards.
  - (iii) Insert the definition of “office of the sub-county administrator” as provided under section 50 of the County Governments Act.
  - (iv) Insert the definition of “office of the ward administrator” as provided under section 51 of the County Governments Act.
2. Clause 3
  - (i) Provide for official register of community groups.
  - (ii) Amend to enable a County Governor to designate a County Executive Committee Member to be responsible for social development.
3. Delete Clause 4 entirely.
4. Clause 5 should be aligned to the structures of devolution by co-opting members of national government and other development structures.
5. Amend Clause 6 to align it to the previous amendments.

**MINUTE SEN/SCLSW/34/2022: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the meeting was adjourned at 12.37 p.m.



SIGNATURE: .....

(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)

DATE: TUESDAY, 8<sup>TH</sup> MARCH, 2022

**MINUTES OF THE 7<sup>TH</sup> MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON FRIDAY, 18<sup>TH</sup> FEBRUARY 2022 AT 2.45 PM IN CONFERENCE ROOM 1B, TRADEMARK HOTEL, VILLAGE MARKET, KIAMBU COUNTY.**

**MEMBERS PRESENT**

- |                                       |                            |
|---------------------------------------|----------------------------|
| 1. Sen. Johnson Sakaja, CBS           | - Chairperson              |
| 2. Sen. Johnes Mwaruma                | - V. Chairperson (Virtual) |
| 3. Sen. Paul Mwangi Githiomi          | - Member (Virtual)         |
| 4. Sen. Makori Beatrice Kwamboka, CBS | - Member (Virtual)         |
| 5. Sen. Naomi Masitsa Shiyonga        | - Member (Virtual)         |
| 6. Sen. (Dr.) Milgo Alice Chepkorir   | - Member                   |

**ABSENT WITH APOLOGIES**

- |                                       |          |
|---------------------------------------|----------|
| 1. Sen. Madzayo Stewart Mwachiru, CBS | - Member |
| 2. Sen. Susan Kihika                  | - Member |
| 3. Sen. (Dr.) Isaac Mwaura, CBS       | - Member |

**SENATE SECRETARIAT**

- |                         |                            |
|-------------------------|----------------------------|
| 1. Ms. Mwanate Shaban   | - Clerk Assistant          |
| 2. Mr. Kevin Kibet      | - Clerk Assistant/HO       |
| 3. Ms. Marale Sande     | - Senior Research Officer  |
| 4. Mr. Jeremy Chabari   | - Legal Counsel            |
| 5. Mr. Frank Mutulu     | - Media Relations Officer  |
| 6. Mr. Humphrey Ringera | - Research Officer/CA      |
| 7. Ms. Sakina Halako    | - Secretary, DCOM's Office |
| 8. Mr. Hassan Adow      | - Office Assistant         |
| 9. Ms. Fatuma Abdi      | - Audio Officer            |
| 10. Mr. Ruben Kimosop   | - Serjeant-At-Arms         |
| 11. Mr. Collins Leteipa | - Intern, DCOM's Office    |
| 12. Mr. Athman Ramadhan | - Intern, DCOM's Office    |

## **MINUTE SEN/SCLSW/26/2022: PRELIMINARIES**

The Chairperson called the meeting to order at 2.45 pm followed by a word of prayer.

## **MINUTE SEN/SCLSW/27/2022: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after it was proposed by Sen. Paul Mwangi Githiomi, MP and seconded by Sen. Naomi Masitsa Shiyonga, MP as follows-

### **AGENDA**

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Consideration of the Public Hearing Submissions Matrix of the Sports (Amendment) Bill (Senate Bill No. 40 of 2021); and,**
4. Any Other Business & Adjournment.

## **MINUTE SEN/SCLSW/28/2022: CONSIDERATION OF THE PUBLIC HEARING SUBMISSIONS MATRIX OF THE SPORTS (AMENDMENT) BILL (SENATE BILL NO. 40 OF 2021)**

1. The Committee acknowledged submissions from the following Stakeholders –
  - a) The Ministry of Sports, Culture and Heritage;
  - b) Council of Governors;
  - c) Nairobi County Football Association;
  - d) Nyeri County Football Association;
  - e) Mr. Michael Kimani; and
  - f) Mr. David Simiyu.
2. The Nairobi and Nyeri Counties' Football Associations requested the Senate to consider adopting and giving effect to the following recommendations of the National Committee on the Status and implementation of the Sports Act 2013—
  - a) finding that the establishment of Sports Arts and Development Fund lacked public participation;
  - b) resolution on establishment of sports academies in every constituency;  
Proposed structure of the sports academies in the Country shall be in four (4) levels namely: Constituency level two hundred and ninety (290); Regional level ten (10); National level four (4), in Nairobi, Mombasa, Kisumu and Eldoret) and a High-Performance Centre in Nairobi; and
  - c) operationalizing of a National Lottery with the name "Michezo National Lottery".

3. Mr. Michael Kimani and Mr. David Simiyu made the following submissions—

- (i) They are against the new and strange definition of a County Sports Association as intended in section 2 of the sports amendment bill 2021;
- (j) They advocated for the deletion of the above section. It is against the insertion of part 2B (c) of the amendment bill;
- (k) They recommend the deletion of the above part 2C (b) of the Sports Amendment bill 2021;
- (l) They recommend deletion of the inserted sub section 37A in the sports Amendment bill 2021;
- (m) They are in support of the amendment to section 40 of the principal Act as proposed in the sports Amendment bill;
- (n) They proposed that Section 45 of the principal Act should be retained. The Association is against the deletion of this section;
- (o) They stated that section 46 as contained in Principal Act be retained. The deletion of part 2 and other insertion are unnecessary;
- (p) They are against the insertion of part 3 in section 46 of the principal Act. The Insertion of part 5 after section 46 is unnecessary; and
- (q) They are against the insertion of the above part 2 in Section 54 of the principal Act.

4. The Committee then considered specific amendments to the Bill as follows -

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
2	The Ministry of Sports, Culture and Heritage	The proposed amendment be deleted in its entirety and the definition of County Sports Association envisaged in Regulation 2 of the Sports Registrar's Regulations 2016 be retained.	<p>'County Sports Association' is sufficiently defined by Regulation 2 of the Sports Registrar's Regulations of 2016 which provides that-</p> <p>"County sports association" means a branch of a national sports body whose area of operation is within a county, or a sports organization whose reach is only in a county;"</p> <p>The definition proposed by the Bill suggests that County Sports Associations are autonomous and independent from the National Federations managing the various sports disciplines. In effect delinking counties from the National Government.</p>	Approved.
	Nairobi and Nyeri Counties' Football Associations.	Amend the definition of "county sports association" to read— "county sports association" means a sports organization registered under Sports Act No. 25 of 2013, responsible for a particular sport and operating within a county;	Fidelity to the Sports Act and for avoidance of doubt, and preventing multiple registration of similar and parallel structures	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
3	The Ministry of Sports, Culture and Heritage	The proposed amendment at 2C(b) be deleted and retain the current section 46 of the Sports Act that empowers the Registrar to register a Sports Organization as either a club, county sports association or a national sports organization.	The main mandate of the Sports Registrar is regulation which is a National Government function.	Not approved
	Council of Governors	Amend the proposed section 2 C (b) to read—  promote and facilitate the registration of sports associations and sports clubs in the county	Every sports association or sports club should have a physical reference point or base. The respective county Government should register and regulate their affairs.	Not approved
		Amend the proposed section 2C (c) to read—  Establish and manage sports facilities;	Facilities are also established by other stakeholders and the county can invest in another county as a private venture	Not approved
		Amend the proposed section 2 C (f) to read—  perform such other functions as may be necessary for the fulfilment of the mandate of the county government under this Act and County	Other statutes apply to provide for County legislation or to take into consideration.	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		legislation for the betterment of the sports sector.		
5	The Ministry of Sports, Culture and Heritage.	<p>Include the following additional Board Members—</p> <p>(d) the Chief Executive Officer, Sports, Arts and Social Development Fund;</p> <p>(e) the Sports Registrar;</p> <p>(f) the Director of Sports</p>	To recognize the mandate of the Fund which includes funding to support the development and promotion of sports and arts.	Approved.
	Nairobi and Nyeri Counties' Football Associations.	Delete Section 5 (1A) (b).	<p>There are no 2 years Sports specific Courses.</p> <p>Experience in sports as a Sports Administrator, Technical personnel, Medic, Sports Development will suffice.</p>	Approved.
6	Nairobi and Nyeri Counties' Football Associations.	<p>Amend the clause as follows—</p> <p>(a) in paragraph (c) by inserting the words "county sports organisations" immediately after the words "higher learning"; and</p> <p>(b) by inserting the following new paragraph immediately after paragraph (c)—</p> <p>(ca) identify and recommend</p>	<p>Sports is organic in nature with talent development assuming a pyramidal structure, the Apex of the pyramid does not exist nor stand without the base unit.</p> <p>For all intent and purposes the County Sports Association is this base and should be given consideration.</p>	Approved

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		talents into national sports organisations and County Sports organisation. Not approved	County Sports Associations have talent pools with teams that are distinct and participate at the national level.	
7	The Ministry of Sports, Culture and Heritage.	<p>Include the following as additional Council Members—</p> <p>(d) the Chief Executive Officer, Sports, Arts and Social Development Fund;</p> <p>(e) a representative from a recognized higher learning institution responsible for training and research; and</p> <p>(f) the Principal Secretary in the Ministry for the time being responsible for sports</p>	<p>iii. The Bill excludes critical representation of the Sports Arts and Social Development Fund which plays a key role in financing and monitoring of sports projects and programs within the functions of the Kenya Academy of Sports as set out in Section 34 of the Sports Act 2013.</p> <p>iv. The Kenya Academy of Sports being a training institution that develops talent need expertise and be updated from time to time on the current standards and curriculum.</p>	Approved

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	Nairobi and Nyeri Counties' Football Associations.	Delete clause 7 (1A)(b)	There are no 2 years Sports specific Courses. Experience in sports as a Sports Administrator, Technical personnel, Medic, Sports Development will suffice.	Approved
8	Nairobi and Nyeri Counties' Football Associations.	Delete clause 8 (1A)(b)	There are no 2 years Sports specific Courses.  Experience in sports as a Sports Administrator, Technical personnel, Medic, Sports Development will suffice.	Approved
12	The Ministry of Sports, Culture and Heritage.	Clause 12 be deleted and the current section 45(2) (d) be retained	The Sports Registrar is mandated to register Sports Organizations and hence the power to arbitrate on issues arising from registration.	Not approved.
13	The Ministry of Sports, Culture and Heritage.	The entire proposal to amend section 46 be deleted and the current section of the Sports Act be retained.	One of the reasons the Sports Act was enacted was delink the functions of the Sports Registrar, Registrar of companies and the Registrar of Societies.  Before enactment of the Sports Act and lack of legal framework for the Sports Industry, there was a lot of duplication of functions between the Registrar of Societies and Companies leading to double registration of Sports Organizations, confusion and backlog of disputes and Court matters.  Allowing Sports clubs to be registered by the Registrar of Companies before registering with the Registrar of	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>Sports shall defeat the main purpose of enacting the Sports Act.</p> <p>The main function of the Sports Registrar is to regulate Sports Organizations and Professional Sports bodies and persons. Regulation is a function of the National Government and therefore Registrar's functions cannot be devolved just like functions of all other Registrars in similar officers.</p> <p>What is required is not devolving the functions but to decentralize the services through opening offices and sending Assistant/ Deputy Sports Registrars in other parts of the Country.</p>	Approved
	Nairobi and Nyeri Counties' Football Associations.	<p>Delete 13 (a),(b),(c),(3) and insert the following new subsection 5(A)—</p> <p>by inserting the following new subsection immediately after subsection (5) -</p> <p>(5A) Every sports club, county sports association and national sports organization shall will make provision for the settlement of internal disputes in its</p>	<p>Sports club and sports organization in Kenya are majorly amateur, leisure based and run by volunteers.</p> <p>Sports club and sports organization are cash strapped organization operating on shoe string budgets. Sports Clubs are not trading entities, and cannot therefore align with the Companies Act of 2015.</p> <p>It is our finding that by enacting this legislation and requiring Sports clubs under the companies Act imposes financially,</p>	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>Constitution and in line with its affiliate organization or its international affiliate organization for the case of National Sports organization</p>	<p>Logistical and operational burdens to clubs.</p> <p>Sporting clubs will find it difficult to satisfy the strict requirements of Companies Act.</p> <p>The Requirement to Register for VAT</p> <p>The net effect of imposing this legislation will lead to total collapse of sporting ecosystem</p>	
		<p>Amend the clause by inserting new subsection 3A as follows—</p> <p>3A. An application for registration under this section shall: -</p> <p>Confirm that proposed structure of the organization strictly conforms to the national structure of 47 counties;</p> <p>Provide that the national organization will devolve its functions by having its affiliates and/or members registered in accordance with this section as County Sports Associations;</p> <p>Provide for the procedure through which sports entities,</p>	<p>This proposed amendment is meant to provide for effective checks and balances against the possible imposing of high-handedness by the national sports organization which, has often been the case, make binding decisions affecting the operations of the respective devolved formations, thereby starving them of the opportunity to take decisions that best work within their unit(s).</p> <p>Case in point is where a national sports organization enters into a sponsorship/partnership agreement that binds all the formations in the country without consideration of the unique circumstances or realities of the county, thereby denying the devolved formation the opportunity to pursue such partnerships as best suits their unique environment and reality.</p>	<p>Not approved.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>including county sports associations, sports club, associations representing different stakeholders in the sport including players, referees, coaches; and such other associations of stakeholders as are necessary in the effective promotion of the sport, can affiliate themselves to the national sports organization.</p> <p>Provide that notwithstanding their overall jurisdiction as a national sports organization, county Sports Associations affiliated to them will have the right to run their affairs independently and where the national sports organization stands to make a decision whose effect touches on the jurisdiction and territory of county sports association(s) then the national sports organization can only do so in consultation, and agreement, with the affected county sports association(s).</p> <p>Notwithstanding subsection (iii) above, county sports</p>	<p>This provision empowers the devolved formations affiliated to a national sports organization the opportunity to chart a plan that is best suited to their reality and will not make them slaves of a national sports organization, which could have a rogue leadership that will bind to decisions where their interests are not the priority.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		associations shall be required to conform to the national sports plan that is in place and shall adopt and implement national development programmes to ensure effective execution of such within their jurisdiction.		
14	The Ministry of Sports, Culture and Heritage.	The proposal be deleted and retain the current section 45 of the Sports Act which categorizes the office of the Sports Registrar as a public office and empowers the Public Service Commission to recruit the Sports Registrar.	Being a Regulatory Office, the Sports Registrar's functions belong to the National Government and the National Government should be the one to recruit through the Public Service Commission in consultation with the Ministry of Sports and the Sports Registrar.	Not approved
	Council of Governors	Delete this provision and replace with—  The Public Service Commission shall appoint such registrars in each county as shall be necessary for the effective performance of the functions of and ease of access to services of the Registrar in the counties. Each County will establish a County Sports Committee,	The role of the County Executive Committee Members vis-à-vis County Sports Registrar are in conflict due to absence of a clause on sports programmes coordination at the County level. There is need for inclusion of a provision for a County Sports Committee co-chaired by the CECM and the County Sports Registrar in order to coordinate sports programmes at the County level.	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		co-chaired by the registrar and the County Executive Committee Member, to coordinate sports programmes.		
	Nairobi and Nyeri Counties' Football Associations.	Delete clause 14	<p>Whereas decentralization of the services of the Registrar is in line with devolution and potentially will ease access of services of the Registrar in the counties.</p> <p>Be that as it may, and in our view the office of the Sports Registrar remains heavily underfunded and understaffed with just a skeleton staff managing services in crumbled offices space.</p> <p>Further it is in the public domain that Sports receive less Budget allocation and even what is meant for Sports is reallocated elsewhere.</p> <p>The scrapping of the National Sports fund and replacing it with the Sports Arts Development Fund and allocating sports a meagre 35 % of the fund speaks volume of the Government commitment to Sports.</p> <p>In view of the aforementioned implementing of this article</p>	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>if amended and passed will not be practically attained.</p> <p>We therefore strongly recommend that the Senate considers recommending more budget allocation to office of the Sports Registrar, to enable Digitization of the Registration services and hire more staff.</p> <p>In the alternative or to compliment the office of the Sports Registrar by use of Centers be used to provide Registration services at the County.</p>	
15	The Ministry of Sports, Culture and Heritage.	The entire proposed amendment be deleted and current Section 58 be retained.	<p>The Sports Disputes Tribunal belongs to the Judiciary and the Judiciary is a Constitutional office established under Article 162 of the Constitution as an independent arm of the Government.</p> <p>All Court proceedings and Regulations governing courts are developed by the Judiciary and Gazzetted by the Chief Justice.</p> <p>Neither the Ministry, National Assembly nor Senate can amend the jurisdiction of the any Court or Tribunal.</p>	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	Nyeri and Nairobi Counties' Football Associations	Delete clause 15 (b)	<p>Team Selection is based on meritocracy, technical, Tactical, Physiological, Psychological and scientific sporting parameters such expertise may not be available at the tribunal.</p> <p>This provision may potentially bring National Sporting organization into collision course with their international affiliates.</p> <p>The time frame proposed for the tribunal to determine such a dispute may not be enforceable in practical terms , final selections to International Competitions are rarely done a month to the competition .</p> <p>It is our submission that national team selection remain within the purview of the Sporting Organization.</p> <p>Clubs selected or picked to participate in International Tournaments or competitions is based on merit and predetermined rules of engagement and participation.</p> <p>Tribunal can therefore only exercise its appellate Jurisdiction on any dispute arising thereon</p> <p>Premature recourse at the tribunal at any other stage</p>	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			will be detrimental to the doctrine of sporting Merit.	
		<p>Amend section 58 of the principal Act by inserting paragraph (d) immediately after paragraph (c):</p> <p>(d) Disputes between a national sports organization and a county sports association;</p> <p>(da) Disputes relating to denial of affiliation, to a national sports organization, by county sports associations, sports club, associations representing different stakeholders in the sport including players, referees, coaches; and such other associations of stakeholders as are necessary in the effective promotion of the sport.</p>	This proposal is meant to provide an avenue for resolution of any disputes that may arise between the national sports body and a county sports association or any other association of relevant stakeholders that seeks affiliation but maybe denied “unfairly”	Not approved.
16	The Ministry of Sports, Culture and Heritage.	Retain the current Section 64 and delete the proposed amendment.	Penalties for offences cannot be amended without discussion with stakeholders and the Office of the Attorney General.	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	Nairobi and Nyeri Counties' Football Associations.	Delete clause 16.	<p>Sports is a <i>Mwanachi</i> based activity and is meant to offer tangible and intangible including but not limited to sporting, Social, economic and cultural benefits.</p> <p>The Provisions in Principal the act are deterrent and making further punitive measures may be counter productive</p> <p>It is precisely 8 years since the Enactment of Sports Act 2013.</p> <p>The Act remains largely unimplemented and operationalized.</p> <p>The Sports Act remains work in progress and in our view it has structural deficiencies that need to be addressed.</p> <p>The greatest culprit in violation of the Sports Act will be the Government of Kenya and its agencies the National Assembly report annexed hereto refers.</p> <p>We pose this question do you punish a person for eating uncooked food or do you punish the Cook.</p>	Not approved.
17	The Ministry of Sports, Culture and Heritage.	The entire proposed amendment be deleted and the current Section 72 be retained.	The Ministry of Devolution has developed guidelines for County Governments to develop their respective legislations and policies that are in line with the National Legislations; in	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>this case, the Sports Act No. 25 of 2013.</p> <p>Paragraph 17 of the Fourth Schedule to the Constitution of Kenya 2010, promotion of sports and education is a function of the National Government.</p> <p>Devolving the Sports Registrars functions which are regulatory in nature and amending National Legislation to delete crucial sections that devolve functions of the National Government will lead to legislating and setting different standards/ guidelines in different parts of the Country.</p> <p>Sports Organizations are governed by International Standards that link International Federations to National Sports Organizations, National Sports Organizations to County Sports Associations and County Sports Associations to Sports Clubs.</p> <p>Devolving County Associations and Sports Clubs from National Sports Organizations will disconnect the affiliation system. Further, all Sports Organizations are Governed by International Standards that should be applied from the apex to the grassroots.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	Nairobi and Nyeri Counties' Football Associations.	Include funding of sports by county governments.	One of the main Challenges in Sports Development is Funding.  A Provision for funding of Sports Programmes & Activities from the County Budgets will spur growth of the Sports within the Counties.	
<b>NEW PROPOSED AMENDMENTS TO THE PRINCIPAL ACT</b>				
2	Council of Governors	Insert the following new definition— “County Executive Committee Member” means the county executive committee member responsible for matters relating to sports within each county;	Definition of the term County Executive Committee Member	Not necessary
4 (a)	Council of Governors	Amend to read—  Promote and co-ordinate and national and international sports programs for Kenyans, in liaison with the relevant sports organizations and facilitate the active participation of Kenyans in regional, continental	Promotion of grassroots sports programs is assigned to county governments.	Not approved

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		and international sports, including in sports administration;		
4 (b)	Council of Governors	Amend to read— manage and maintain the sports facilities specified in the First Schedule and any other facilities which the Cabinet Secretary may in consultation with the Council of Governors, by notice in the Gazette, declare to be sports facilities for the purposes of this Act;	Consultative is required for a con-current function. Only national sports facilities should be management by the national government.	Not approved.
4 (c)	Council of Governors	Delete this provision.	The national government is encouraged to support the county governments to establish sports facilities.	Not approved
4 (h)	Council of Governors	Delete this provision.	This is the mandate of county governments.	Not approved
6 (1)	Council of Governors	Amend Section 6(1) of the Act to include:  (K) Two persons nominated by the Council of Governors	Representation of the County Governments. Sports being a concurrent function, the apex institution should be established as a joint entity having representation from the National and County Governments.	Not approved
12 (2) (b)	Council of Governors	Amend to read – out of the Fund, financial	County governments play and critical role of grassroots sports	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		support for sports persons and sports organizations and county governments any other payments required under the provisions of this Act to be paid out of the Fund	development and should therefore be funded to undertake this role.	
33 (3)	Council of Governors	Delete this provision.	The headquarters can be established in any other county.	Not approved.
	Nairobi and Nyeri Counties' Football Associations.	Amend to read— The headquarters of the Academy shall be in Nairobi, but the Academy shall establish offices in every County.	Access to services of the Academy of Sports at the County Level.  Devolving of Functions of the Academy for Sports.  Giving life to section 33(4).	Not approved.
34 (a)	Council of Governors	Amend to read— establish and manage the national academy of sports;	The county governments should be supported to establish all other academies	Not approved
35 (i) (g)	Council of Governors	Delete Section 35 (i) (g) and replace with—  (K) Two persons nominated by the Council of Governors	Representation of the County Governments. Sports being a concurrent function, the apex institution should be established as a joint entity having representation from the National and County Governments	Not approved
	Nairobi and Nyeri Counties' Football Associations.	Amend the marginal note to read—		

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		Establishment of County Sports Council		
55	Nairobi and Nyeri Counties' Football Associations.	Amend to read  The tribunal shall have original and appellate jurisdiction to adjudicate on any dispute relating to sports.	Most Sports organization, including International Sports organization like FIFA prohibits their members and affiliates from seeking recourse or referring disputes to an ordinary court of Law.  The only avenue available to this Sports Organization to resolve their disputes is such a tribunal as the Sports Disputes Tribunal as established in this Act.  The Jurisdiction of the Sports dispute tribunal has been challenged on most of the sports disputes referred to it for adjudication and it is therefore prudent that its Jurisdiction is anchored in Law.	Approved.

**MINUTE SEN/SCLSW/29/2022: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the meeting was adjourned at 4.30 p.m.



SIGNATURE: .....

(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)

DATE: TUESDAY, 8<sup>TH</sup> MARCH, 2022

**MINUTES OF THE 67<sup>TH</sup> (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON WEDNESDAY 13<sup>TH</sup> OCTOBER 2021 AT 10.00 AM.**

**MEMBERS PRESENT**

1. Sen. Johnson Sakaja, CBS - Chairperson
2. Sen. Johnes Mwaruma - Vice-Chairperson
3. Sen. Naomi Masitsa Shiyonga - Member
4. Sen. (Dr.) Milgo Alice Chepkorir - Member
5. Sen. Madzayo Stewart Mwachiru, CBS - Member

**ABSENT WITH APOLOGIES**

1. Sen. Paul Mwangi Githiomi - Member
2. Sen. Susan Kihika - Member
3. Sen. Makori Beatrice Kwamboka - Member
4. Sen. (Dr.) Isaac Mwaura, CBS - Member

**IN-ATTENDANCE**

1. Hon. (Amb.) (Dr.) Amina Mohamed - CS, Ministry of Sports,  
Culture and Heritage (MSCH)
2. Mr. Joe Okudo - PS, State Department of Sports  
Development
3. Ms. Lorine Nereah - Legal Counsel, Sports Kenya
4. Ms. Doreen Adhiambo - CEO, Kenya Academy of Sports
5. Ms. Rizpha Mukonyo - Legal Counsel, MSCH
6. Ms. Sandra Ochola - Chief of Staff, MSCH
7. Ms. Rose Wasike - Sports Registrar, MSCH
8. Ms. Caroline Kariuki - MSCH
9. Mr. Douglas Ratemo - MSCH
10. Mr. Walter Ongeti - Strategy Advisor, MSCH
11. Mr. Davis Mberia
12. Mr. Kevin Onyatta - The Star Newspaper

**SENATE SECRETARIAT**

1. Ms. Mwanate Shaban - Clerk Assistant
2. Mr. Kevin Kibet - Hansard Officer/ CA
3. Mr. Jeremy Chabari - Legal Counsel
4. Ms. Fatuma Abdi - Audio Officer
5. Mr. Ruben Kimosop - Serjeant-At-Arms
6. Mr. David Njoroge - Chairman's Office

### **MINUTE SEN/SCLSW/292/2021: PRELIMINARIES**

The Chairperson called the meeting to order at 10.25 a.m. followed by a word of prayer.

### **MINUTE SEN/SCLSW/293/2021: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after it was proposed by Sen. Johnes Mwaruma, MP and seconded by Sen. Naomi Shiyonga, MP as follows-

#### **AGENDA**

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Meeting the Cabinet Secretary, Ministry of Sports, Culture and Heritage on the Sports (Amendment) Bill, 2021 Senate Bills No. 40 of 2021; and**
4. Any Other Business & Adjournment.

### **MINUTE SEN/SCLSW/292/2021: STAKEHOLDERS MEETING ON THE SPORTS (AMENDMENT) BILL, 2021 SENATE BILLS NO. 40 OF 2021**

#### **a) Presentation by the Cabinet Secretary (CS), Ministry of Sports, Culture and Heritage, Hon. (Amb.) (Dr.) Amina Mohamed**

The Cabinet Secretary (CS), presented as follows;

1. On 8<sup>th</sup> September 2021, it came to the attention of the Ministry that there was a draft Sports (Amendment) Bill before the Senate.
2. The Ministry wrote to the Speaker of the Senate on 9<sup>th</sup> September 2021 to express their concern on lack of consultation with the major stakeholders and implementers of the Sports Act that include Sports Kenya, Kenya Academy of Sports, Sports Registrar and the Sports Dispute Tribunal.
3. The amendment attempts to amend the functions of the Sports Disputes Tribunal whose functions belong to the Judiciary.
4. The Sports (Amendment) Bill seeks to delete crucial sections of Sports Act no. 25 of 2013 with functions that belong to the National government such as regulation of sports organizations, regulation of professional sports bodies and persons, nurturing of national talent and building and management of major sporting facilities being moved to the county governments.
5. The Fourth Schedule of the Constitution of Kenya at part 1 paragraph 17 spells out functions of the National Government to include promotion of sports and sports education; therefore, devolving it will lead to;

- (i) Legislating and setting different standards and guidelines in different parts of the country and there will be no control on guidelines and standards to different sports organizations and bodies.
  - (ii) Confusion in selection of national teams that will lead to suspension and banning of most sports associations and events in Kenya.
6. Regulation of sport persons, professionals and bodies being a function of national government cannot be limited to national sports organizations as intended in the draft amendment bill.
  7. All registrars including registrar of political parties, trade unions, lands, companies et cetera who have similar functions as those of the sports registrar are regulatory offices and their functions cannot be devolved.
  8. The Ministry had started a review of the Sports Act with major stakeholders before forwarding the amendment Bill and it is because of that that the Ministry requested the Senate to suspend discussion of the Sports (Amendment) Bill to allow the Ministry time to review amendments to the Sports Act no. 25 of 2013.

The Cabinet Secretary then invited the Sports Registrar who took the Committee through the Ministry's proposed amendments.

**(i) Members' Interventions**

1. The Committee thanked the Ministry for accepting the invite and making the comprehensive presentation on their proposed amendments to the Sports Act no. 25 of 2013; and
2. The Committee also noted that Kenya has been facing numerous challenges in sports management and thus, the proposed amendments will significantly improve management of sports in Kenya.

**MINUTE SEN/SCLSW/294/2021: ANY OTHER BUSINESS AND ADJOURNMENT**

1. Members were briefed on the itinerary of the Migration Consultative Forum on National Migration Policy retreat set to take place in Mombasa from 14<sup>th</sup> October 2021 to 17<sup>th</sup> October 2021; and
2. There being no other business, the meeting was adjourned at 11.55 a.m.



SIGNATURE:.....

(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)

DATE: **Thursday, 14<sup>th</sup> October, 2021**

**MINUTES OF THE 58<sup>th</sup> (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON WEDNESDAY, 29<sup>TH</sup> SEPTEMBER, 2021, AT 10.00 AM.**

**MEMBERS PRESENT**

1. **Sen. Sakaja Johnson Arthur, CBS - Chairperson**
2. **Sen. Mwaruma Johnnes - Vice Chairperson**
3. Sen. Madzayo Stewart Mwachiru - Member
4. Sen. Kihika Susan Wakarura - Member
5. Sen. Masitsa Naomi Shiyonga - Member
6. Sen. (Dr.) Milgo Alice Chepkorir - Member
7. Sen. Makori Beatrice Kwamboka - Member

**ABSENT WITH APOLOGIES**

1. Sen. Mwangi Paul Githiomi - Member
2. Sen. (Dr.) Mwaura Isaac, CBS - Member

**SENATE SECRETARIAT**

1. Ms. Mwanate Shaban - Clerk Assistant
2. Mr. Jeremy Chabari - Legal Counsel
3. Ms. Marale Sande - Research Officer
4. Mr. Kevin Kibet - Hansard Officer/ CA
5. Ms. Fatuma Abdi - Audio Officer
6. Mr. Ruben Kimosop - Serjeant-at-Arms

**IN ATTENDANCE**

1. Mr. Samuel Muraya - COG, Education, Gender, Youth, Children, Sports, Culture and Social Services Committee
2. Ms. Lorine Nereah - Legal Counsel, Sports Kenya
3. Ms. Sandra Ochola - Chief of Staff, Ministry of Sports, Culture and Heritage
4. Ms. Rose Wasike - Sports Registrar, Ministry of Sports, Culture and Heritage
5. Ms. Janet Ocholla - Ministry of Sports, Culture and Heritage
6. Mr. Wambugu Nyaga

**MINUTE SEN/SCLSW/253/2021: PRELIMINARIES**

1. The Chairperson called the meeting to order at 10.26 a.m. followed by a word of prayer. This was followed by introductions from all present.
2. The Committee noted the apologies of the Cabinet Secretary (CS), Ministry of Sports, Culture and Heritage.
3. County Assemblies Forum undertook to send their written submissions at a later time.

**MINUTE SEN/SCLSW/254/2021: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after being proposed by Sen. Mwaruma Johnes, MP and seconded by Sen. (Dr.) Alice Milgo, MP as follows –

**AGENDA**

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Stakeholder meeting on the Sports (Amendment) Bill, Senate Bills No. 40 of 2021; and**
3. Any Other Business & Adjournment.

**MINUTE SEN/SCLSW/255/2021: BRIEFING ON THE SPORTS (AMENDMENT) BILL, SENATE BILLS NO. 40 OF 2021;**

- a) **Presentation by Mr. Samuel Muraya, COG, Education, Gender, Youth, Children, Sports, Culture and Social Services Committee**

Mr. Muraya presented the proposed amendments by the Council of Governors (COG) as follows;

<b>Section of the Bill</b>	<b>Provision of Section in the Bill</b>	<b>Proposed Amendment</b>	<b>Rationale/Justification for Amendment</b>
3 2c (b)	promote and facilitate the registration of county sports associations and sports clubs whose reach is only the respective county	promote and facilitate the registration of sports associations and sports clubs in the county	Every sports association or sports club should have a physical reference point or base. The respective county Government should register and regulate their affairs
2C (c)	Functions of County governments	Establish and manage sports facilities;	Facilities are also established by other stakeholders and the county can invest in another county as a private venture

<b>Section of the Bill</b>	<b>Provision of Section in the Bill</b>	<b>Proposed Amendment</b>	<b>Rationale/Justification for Amendment</b>
2C (f)	perform such other functions as may be necessary for the fulfilment of the mandate of the county government under this Act and for the betterment of the sports sector.	perform such other functions as may be necessary for the fulfilment of the mandate of the county government under this Act and County legislation for the betterment of the sports sector.	Other statutes apply to provide for County legislation or to take into consideration
54 (a)	Decentralization of services of the Registrar  The Public Service Commission shall appoint such registrars in each county as shall be necessary for the effective performance of the functions of and ease of access to services of the Registrar in the counties.	Delete this provision  The Public Service Commission shall appoint such registrars in each county as shall be necessary for the effective performance of the functions of and ease of access to services of the Registrar in the counties. Each County will establish a County Sports Committee, co-chaired by the registrar and the County Executive Committee Member, to coordinate sports programmes.	The role of the County Executive Committee Members vis-à-vis County Sports Registrar are in conflict due to absence of a clause on sports programmes coordination at the County level. There is need for inclusion of a provision for a County Sports Committee co-chaired by the CECM and the County Sports Registrar in order to coordinate sports programmes at the County level.

**Further Amendments to the Sports Act**

<b>Section of the Act</b>	<b>Provision of Section in the Sports Act</b>	<b>Proposed Amendment</b>	<b>Rationale/Justification for Amendment</b>
2 of the Principal Act	PART I—PRELIMINARY	<p><i>Insert:</i> County Executive Committee means the county executive member responsible for matters relating to sports within each county;</p>	Definition of the term County Executive Committee Member
4 (a) of the Principal Act	promote, co-ordinate and implement grassroots, national and international sports programs for Kenyans, in liaison with the relevant sports organizations and facilitate the active participation of Kenyans in regional, continental and international sports, including in sports administration;	Promote and co-ordinate and national and international sports programs for Kenyans, in liaison with the relevant sports organizations and facilitate the active participation of Kenyans in regional, continental and international sports, including in sports administration;	Promotion of grassroots sports programs is assigned to county governments
4 (b) of the Principal Act	manage and maintain the sports facilities specified in the First	manage and maintain the sports facilities specified in the First	Consultative is required for a con-current function. Only national sports facilities should be management by the national government.

Section of the Act	Provision of Section in the Sports Act	Proposed Amendment	Rationale/Justification for Amendment
	Schedule and any other facilities which the Cabinet Secretary may, by notice in the Gazette, declare to be sports facilities for the purposes of this Act	Schedule and any other facilities which the Cabinet Secretary may in consultation with the Council of Governors, by notice in the Gazette, declare to be sports facilities for the purposes of this Act	
4 (c) of the Principal Act	establish, manage, develop and maintain the sports facilities, including convention centers, indoor sporting and recreational facilities for the purposes of this Act;	Delete this provision	The national government is encouraged to support the county governments to establish sports facilities
4 (h) of the Principal Act	operate sports facilities on public grounds in such manner as it deems necessary	Delete this provision	This is the mandate of county governments
6(1) of the Principal Act	Constitution of the Board of Sports Kenya	Amend Section 6(1) of the Act to include:  (K) Two persons nominated by the Council of Governors	Representation of the County Governments. Sports being a concurrent function, the apex institution should be established as a joint entity having representation from the National and County Governments

<b>Section of the Act</b>	<b>Provision of Section in the Sports Act</b>	<b>Proposed Amendment</b>	<b>Rationale/Justification for Amendment</b>
12 (2)(b) of the Principal Act	out of the Fund, financial support for sports persons and sports organizations and any other payments required under the provisions of this Act to be paid out of the Fund	out of the Fund, financial support for sports persons and sports organizations and county governments any other payments required under the provisions of this Act to be paid out of the Fund	County governments play and critical role of grassroots sports development and should therefore be funded to undertake this role
33 (3) of the Principal Act	The headquarters of the Academy shall be in Nairobi, but the Academy may establish offices at any other place in Kenya.	Delete this provision	The headquarters can be established in any other county
34(a) of the Principal Act	establish and manage sports training academies;	establish and manage the national academy of sports;	The county governments should be supported to establish all other academies
35 (i) (g) of the Principal Act	Constitution of the Council	Delete Section 35 (i) (g) and replace with: (K) Two persons nominated by the Council of Governors	Representation of the County Governments. Sports being a concurrent function, the apex institution should be established as a joint entity having representation from the National and County Governments

**b) Presentation by the Ministry of Sports, Culture and Heritage**

1. The Ministry informed the Committee that they have finalized preparing proposed amendments; however, they cannot present them because they have not been approved by the Cabinet Secretary (CS) and the Permanent Secretary (PS).
2. They requested to be invited to another meeting at a later date.

**c) Members interventions**

1. Members unanimously agreed to invite the Ministry of Sports, Culture and Heritage to another meeting the following week.
2. Members lauded the stakeholders for presenting their submissions before the Committee.
3. Members lauded the Ministry of Sports, Culture and Heritage for always upholding a seamless working relationship with the Committees of the Senate.

**MINUTE SEN/SCLSW/256/2021: ANY OTHER BUSINESS AND ADJOURNMENT**

1. The Committee was informed that four (4) Members have confirmed their attendance for the Committee's retreat set to begin on 29<sup>th</sup> September 2021.
2. It was resolved that Members who could not travel to Mombasa should participate virtually via the Zoom Platform.
3. Members unanimously agreed to expedite and clear all the pending legislative business before the Committee.
4. There being no other business, the meeting was adjourned at 11.20 a.m.



**SIGNATURE:** .....  
**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE:** Sunday, 3<sup>rd</sup> October, 2021

# Mega State projects fuel construction boom

Loans and advances from commercial banks to the sector grew by 34 per cent.

The funding arrangement kept the industry going as the rest of the economy slowed down.

PETER THURUI, *by PETA*

**I**ncreased government spending on infrastructural projects saw the construction sector register a growth of 11.8 per cent in 2020. This was a higher rate compared to the 5.6 per cent in 2019.

Cement consumption rose from 6.3 million tonnes in 2019 to 7.4 million tonnes in 2020, representing an increase of 21.3 per cent.

While releasing the Economic Survey 2020 yesterday, Treasury Cabinet Secretary Ukur Yatani said loans and advances from commercial banks to the construction sector grew by 34 per cent in the year, from Sh115.8 billion in 2019 to last year's Sh149.7 billion.

It was these special funding arrangements that kept the construction industry going as the rest of the economy slowed down.

As the government strives to make good its affordable housing plan

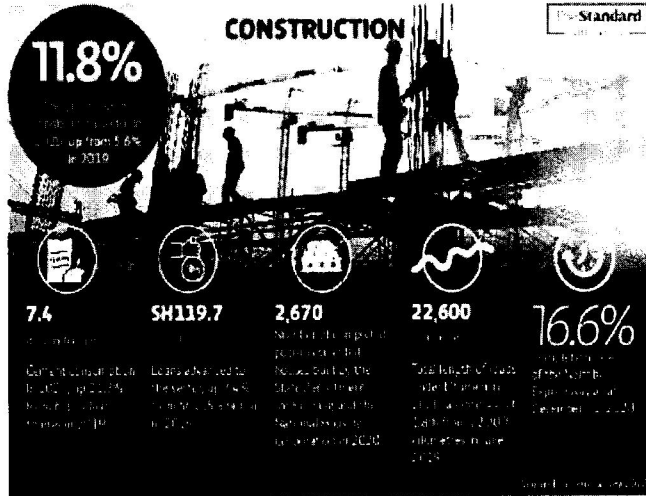
which is among the four major pillars of President Uhuru Kenyatta's government, 2,332 and 338 houses, all public residential buildings, built by the State Department for Housing and National Housing Corporation, were completed.

The length of roads under bitumen rose by 1.8 per cent to 22.6 thousand kilometres as at June 2020, from 22.2 thousand kilometres in June 2019.

"The construction of the Nairobi Expressway was at 16.6 per cent completion as at December 31, 2020," Yatani said of the road that is expected to be completed and open to traffic by June 2022.

The road, which stretches 27km and is expected to decongest Mombasa Road and ease access of Westlands from Mlolongo, is one of Kenya's biggest infrastructural projects. The country has also been keen on upgrading its ports, with the newly opened Lamu Port, with a depth of 17.5 metres, able to handle ships with capacities of up to 12,000 twenty-foot equivalent units.

Tim Otchet, chairman of the Institution of Construction Project Managers of Kenya, says the government's efforts to beat deadlines for flagship projects, such as the Likoni Floating Bridge, Nairobi Expressway and the affordable housing projects are the reason why there is an appearance of ramped



up activity in the building and construction industry.

"There was a lull in the private sector for the majority of last year, which does not seem to reflect here. Most of the activity that is captured

in this report happened before Covid-19 settled in," he added.

The re-carpeting of city roads and fitting of cables in side-walks has also been recorded, further driving up consumption of cement and also

providing employment opportunities. Wage employment in the construction sector grew by 13.0 per cent to 171,300 persons in 2019 to 230,500 persons in 2020.

[p.thurui@standardmedia.co.ke](mailto:p.thurui@standardmedia.co.ke)

KCB LEADERSHIP CENTRE - KAREN  
P.O. Box 28872-00200 Nairobi, Tel: 020 7682254  
Email: [hr@kcb.co.ke](mailto:hr@kcb.co.ke) www.kcb.co.ke

**INVITATION TO TENDER**

**FROM: JUDICIARY TRAINING INSTITUTE**

**SUBJECT: PROPOSED REFURBISHMENT OF JTI OFFICES AT KCB LEADERSHIP CENTER - KAREN**

**TENDER NO: JTI/003/2021-2022**

The Judiciary Training Institute invites eligible candidates to submit bids for the PROPOSED REFURBISHMENT OF JTI OFFICES AT KCB LEADERSHIP CENTER - KAREN.

The tendering will be conducted under open competitive bidding system. Tender documents are available for inspection at the office of the Tendering Officer, JTI, at the following address: JTI, P.O. Box 28872-00200 Nairobi, Kenya. Tel: 020 7682254. Email: [hr@kcb.co.ke](mailto:hr@kcb.co.ke). More details on the services are provided in PART 2 - General Requirements Section A of the Instructions to Bidders of the Tender Documents.

- All tenders and related documents are to be submitted to the Tendering Officer, JTI, at the following address: JTI, P.O. Box 28872-00200 Nairobi, Kenya. Tel: 020 7682254. Email: [hr@kcb.co.ke](mailto:hr@kcb.co.ke).
- The Tenderer shall be responsible for the size of copies of the tender documents submitted.
- Completed tender documents may be obtained at the Tendering Officer's office, JTI, at the following address: JTI, P.O. Box 28872-00200 Nairobi, Kenya. Tel: 020 7682254. Email: [hr@kcb.co.ke](mailto:hr@kcb.co.ke).
- The tendering officer will not be responsible for the return of tender documents.
- The tendering officer will not be responsible for the return of tender documents.
- The tendering officer will not be responsible for the return of tender documents.
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- The tendering officer will not be responsible for the return of tender documents.

For more information, please contact the Tendering Officer, JTI, at the following address: JTI, P.O. Box 28872-00200 Nairobi, Kenya. Tel: 020 7682254. Email: [hr@kcb.co.ke](mailto:hr@kcb.co.ke).

The tenders will be opened on Friday 17<sup>th</sup> September 2021 at 10:00 AM.

Tenders will be opened in sealed bids in the presence of the designated tendering representatives who are invited to attend.

Anne A. Arundi, CBS  
CHIEF REGISTRAR OF THE JUDICIARY

REPUBLIC OF KENYA

**TWELFTH PARLIAMENT | FIFTH SESSION**

**THE SENATE**

**INVITATION FOR SUBMISSION OF MEMORANDA**

At the sitting of the Senate on Friday 10<sup>th</sup> September 2021 and Wednesday 15<sup>th</sup> September 2021, the Bills listed in the attached table below were presented to the Senate by way of a Bill Reading and thereafter stood committed to the respective Standing Committees indicated at the table below.

Pursuant to the provisions of Article 116 of the Constitution and to the provisions 14(1)(c) of the Standing Orders of the Senate, the Committees may include interested members of the public in its committees and a list of their names may be obtained by way of written memoranda.

The memoranda may be sent by email on the address below and a hard copy attached to the respective Committee chairs' addresses indicated in the table below. The deadline for submission is **Friday, 24<sup>th</sup> September, 2021 at 5:00 pm**.

Bill	Committee Referred to	Email Address
a) The Special Amendment (No. 14 of 2021) (Bills Service Bill No. 14 of 2021)	Standing Committee on Labour and Social Welfare	<a href="mailto:labour@senate.or.ke">labour@senate.or.ke</a>
b) The Election Amendment (No. 10 of 2021) (Bills Service Bill No. 10 of 2021)	Standing Committee on Justice, Legal Affairs and Human Rights	<a href="mailto:justice@senate.or.ke">justice@senate.or.ke</a>
c) The Election Amendment (No. 21 of 2021) (Bills Service Bill No. 21 of 2021)	Standing Committee on Justice, Legal Affairs and Human Rights	<a href="mailto:justice@senate.or.ke">justice@senate.or.ke</a>
d) The Special Amendment (No. 14 of 2021)	Standing Committee on Education	<a href="mailto:education@senate.or.ke">education@senate.or.ke</a>

The Bills may be found on the Parliament website at <http://www.parliament.go.ke>.

**J. M. NYEGENYE, CBS**  
CLERK OF THE SENATE



**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 125 (Senate Bills No. 40)*



REPUBLIC OF KENYA

***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2021**

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**NAIROBI, 25th June, 2021**

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**THE SPORTS (AMENDMENT) BILL, 2021****A Bill for**

**AN ACT of Parliament to amend the Sports Act to provide for the functions of county governments; and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows —

1. This Act may be cited as the Sports (Amendment) Act, 2021. Short title.

2. The Sports Act, hereinafter referred to as “the principal Act”, is amended by inserting the following new definition immediately after the definition of the word “Council” — Amendment of section 2 of No. 25 of 2013.

“county sports association” means a sports organization responsible for a particular sport and operating within a county;

3. The principal Act is amended by inserting the following new Part immediately after section 2— Insertion of new Part IA in No. 25 of 2013.

**PART IA— FUNCTIONS OF THE NATIONAL AND COUNTY GOVERNMENTS**

Obligation of the National Government and county governments.

**2A.** The National Government and county governments shall, to the extent of their constitutional mandate and in accordance with this Act, put in place measures to promote the development and the effective management sports.

Functions of the National Government.

**2B.** (1) In ensuring that the National Government fulfils its obligations under section 2A, the Cabinet Secretary shall—

- (a) formulate a national policy framework and standards for the development and growth of sports in Kenya;
- (b) develop and co-ordinate the implementation of an intergovernmental relations mechanism in the sports sector;

- (c) be responsible for the overall management of Sports Kenya and the Academy;
- (d) promote good governance and ethics in the sports sector;
- (e) formulate and regulate sports education and training standards;
- (f) promote public private partnerships and facilitate regional and international relations on matters relating to the sports sector; and
- (g) perform such other functions as may be necessary for the fulfilment of the mandate of the National Government under this Act and for the betterment of the sports sector.

Functions of  
county  
governments.

**2C.** Each county executive committee member shall, for the effective performance of the functions of the county governments under section 2A –

- (a) formulate and implement strategies, guidelines and measures in line with the national policy framework and standards;
- (b) promote and facilitate the registration of county sports associations and sports clubs whose reach is only the respective county;
- (c) establish, maintain and manage sports facilities within the respective county;

- (d) facilitate the collaboration and linkage between the sports organisations, the National Government and relevant stakeholders within the county;
- (e) promote good governance in the management of sports in the county; and
- (f) perform such other functions as may be necessary for the fulfilment of the mandate of the county government under this Act and for the betterment of the sports sector.

4. Section 4 of the principal Act is amended—

Amendment of  
section 4 of No. 25  
of 2013.

- (a) in paragraph (i) by deleting the words “search, identification and development of sporting talent” appearing immediately after the words “recreation, in the”;
- (b) by deleting paragraph (j);
- (c) by deleting paragraph (k) and substituting therefor the following new paragraphs -
  - (k) inculcate a sense of patriotism and national pride through sports and recreation;
  - (ka) create awareness on matters of national interest through sporting events and on the benefits of regular participation in sports for healthy living;
  - (kb) provide advisory and counselling services and financial support to athletes in such manner as it shall consider appropriate;
- (d) by deleting paragraph (m) and substituting therefor the following new paragraphs -
  - (m) facilitate the preparation and participation of Kenyan teams in various regional, continental and international events;

- (ma) bid and host various regional, continental and international events in the country, in collaboration with the relevant sports organisations;
- (mb) provide advice, financial support and lobby for funds for sports organisations' individual bids for various regional, continental and international events;
- (mc) recommend members of steering committees for international sports competitions, in consultation with the relevant national sports organizations.

5. Section 6 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)— Amendment of section 6 of No. 25 of 2013.

(1A) A person shall be qualified for appointment under subsection (1) (i) if the person—

- (a) holds at least a certificate in secondary education or its equivalent;
- (b) has undertaken a course, whose duration is at least two years, in sports development; and
- (c) meets the requirements of Chapter Six of the Constitution.

6. Section 34 of the principal Act is amended—

Amendment of section 34 of No. 25 of 2013.

- (a) in paragraph (c) by inserting the words “county sports organisations” immediately after the words “higher learning”; and
- (b) by inserting the following new paragraph immediately after paragraph (c)—
  - (ca) identify and recommend talents in sports to national sports organisations.

7. Section 35 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)— Amendment of section 35 of No. 25 of 2013.

(1A) A person shall be qualified for appointment under subsection (1) (g) and (k) if the person —

- (a) holds at least a certificate in

secondary education or its equivalent;

- (b) has undertaken a course, whose duration is at least two years, in sports; and
- (c) meets the requirements of Chapter Six of the Constitution.

8. Section 37 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)— Amendment of section 37 of No. 25 of 2013.

(1A) A person shall be qualified for appointment as the chief executive officer if the person—

- (a) holds at least a degree from a university recognised in Kenya;
- (b) has undertaken a course, whose duration is at least two years, in sports;
- (c) has experience in administration of at least five years; and
- (d) meets the requirements of Chapter Six of the Constitution.

9. The principal Act is amended by inserting the following new section immediately after section 37— Insertion of new section 37A in No. 25 of 2013.

Functions of the chief executive officer.

**37A.** (1) The chief executive officer shall, subject to the general direction and control of the Council, be responsible for the day-to-day operations and administration of the affairs of the Academy.

(2) Without prejudice to the generality of subsection (1), the chief executive officer shall be responsible for —

- (a) the implementation of the policies and programmes, objectives, performance targets and service standards of the Academy;

- (b) the proper management of the funds and property of the Academy;
- (c) the organization and control of the staff of the Academy;
- (d) the formulation, development and implementation of the strategic plan, business plan, annual plan and operations plan for achieving the objectives of the Academy; and
- (e) the performance of any other function necessary for the implementation of this Act as may be assigned by the Council.

**10.** Section 40 of the principal Act is amended—

Amendment of section 40 of No. 25 of 2013.

- (a) in subsection (1) by deleting the word “five” appearing immediately after the words “once in every” and substituting therefor the word “three”;
- (b) in subsection (3) by deleting the word “five-year” appearing immediately after the words “based on the” and substituting therefor the word “three-year”; and
- (c) in subsection (4) by deleting the word “five-year” appearing immediately after the words “on the approved” and substituting therefor the word “three-year”.

**11.** Section 41 of the principal Act is amended in subsection (1) by deleting the word “five-year” appearing immediately after the words “based on the” and substituting therefor the word “three-year”.

Amendment of section 41 of No. 25 of 2013.

**12.** Section 45 of the principal Act is amended in subsection (2) by deleting paragraph (d).

Amendment of section 45 of No. 25 of 2013.

13. Section 46 of the principal Act is amended — Amendment of section 46 of No. 25 of 2013.

- (a) in subsection (2) by deleting paragraph (b);
- (b) inserting the following new subsection immediately after subsection (3)—

(3) The Registrar shall not register a body as a sports club unless the body is registered as No. 17 of 2015. company under the Companies Act.

- (c) by inserting the following new subsection immediately after subsection (5) -

(5A) Every sports club, county sports association and national sports organization shall make provision for the settlement of internal disputes in its constitution.

14. The principal Act is amended by inserting the following new section immediately after section 54 — Insertion of new section 54A in No. 25 of 2013.

Decentralisation of services of the Registrar.

**54A.** The Public Service Commission shall appoint such registrars in each county as shall be necessary for the effective performance of the functions of and ease of access to services of the Registrar in the counties.

15. Section 58 of the principal Act is amended — Amendment of section 58 of No. 25 of 2013.

- (a) by renumbering the existing provision subsection (1); and
- (b) by inserting the following new subsection immediately after subsection (1) —

(2) In determining a dispute involving the selection for a Kenyan team or squad or of a persons or club to participate in a sport event, the Tribunal shall make its determination at least one month prior to the commencement date of the event in which the team or squad is to participate.

16. Section 64 of the principal Act is amended by deleting the words “five hundred thousand shilling, or Amendment of section 64 of No. 25 of 2013.

imprisonment for a term not exceeding three” appearing immediately after the words “a fine not exceeding” and substituting therefor the words “one million shillings or to imprisonment for a term not exceeding six”.

17. The principal Act is amended by inserting the following new section immediately after section 72 –

Legislation by county  
governments.

**72A.** Each county government shall enact county specific legislation or put in place such measures and policies for the efficient management and administration of sports within the respective county.

### MEMORANDUM OF OBJECTS AND REASONS

The principal purpose of the Bill is to amend the Sports Act, No. 25 of 2013 to provide for the respective functions of the National Government and those of county governments.

The Bill proposes to insert a new Part 1A to provide for the respective roles of the National Government and those of the county governments regarding the management of sports. Sections 6, 35 and 37 of the Sports Act provide for the composition of the Board of Sports Kenya, the Kenya Academy of Sports Council and the Chief Executive Officer of the Kenya Academy of Sports, respectively. However, qualification for appointment of persons not in the public service to be members of the Board of Sports and the Kenya Academy of Sports Council, as well as qualification a person to be appointed the Chief Executive Officer have not been provided. The Bill proposes to provide for such qualifications and the functions of the Chief executive Officer the Kenya Academy of Sports Council.

Additionally, the Bill proposes to amend section 40 of the Sports Act to provide that the Cabinet Secretary shall prepare a sports investment programme once every three years as opposed to once every five years. Regarding the registration of sports clubs, the Bill proposes to amend section 46 of the Act to require sports clubs to be first registered as companies under the Companies Act before they are registered as sports clubs and that sports organisation to make provisions in their constitution for settlement of internal disputes. To ensure access to services at the county level, it is proposed that Public Service Commission decentralise the services of the Sports Registrar to all the 47 counties and that county governments put in place such measures including legislation to provide sports issues at the county level.

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

The Bill does not delegate legislative powers nor does it limit the fundamental rights and freedoms.

#### **Statement on how the Bill concerns county governments**

Paragraph 17 of Part 1 of the Fourth Schedule to the Constitution provides that the National Government is responsible for '*promotion of sports and sports education*'. On the other hand, paragraph 4 of Part 2 the Fourth Schedule to the Constitution provides that county governments responsible for '*cultural activities, public entertainment, and public amenities, including – ... (h) sports and cultural activities and facilities.*'

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

**Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution**

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated 12th November, 2020.

AARON CHERUIYOT,  
*Senator.*

*Section 2 of No. 25 of 2013 that the Bill proposes to amend —*

## **2. Interpretation**

(1) In this Act, unless the context otherwise requires—

“Academy” means the Kenya Academy of Sports established under section 33;

“Board” means the Board of Sports Kenya constituted in accordance with section 6(1);

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to sports;

“club members” includes officials and member athletes;

“Council” means the Council of the Institute constituted in accordance with section 35;

“Director-General” means the Director-General of Sports Kenya appointed under section 8 or a person authorized to act on his behalf;

“Fund” means the Sports, Arts and Social Development Fund established under regulation 3 of the Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018;

“lottery” means a lottery as defined in the Betting, Lotteries and Gaming Act (Cap. 131);

“national sports organization” includes an umbrella body responsible for Olympic, non-Olympic, Paralympic or Deaflympic sports or multi-sport organization responsible for all sports disciplines or recreational bodies or body responsible for a particular sport nationally;

“professional sports” means sports for which a contract for engagement and remuneration has been entered into by a club or sports organization and the professional sports persons;

“professional sports person” means a person who is, on the basis of a contract for engagement and remuneration, preparing or training for the purposes of participating in the relevant sports competition;

“recreation” means voluntary participation in a physical or mental activity for enjoyment, improvement of general health, well-being and the development of skills of an individual;

“Registrar” means the Sports Registrar appointed under section 45;

“sport” includes all forms of physical or mental activity which, through casual or organized participation, or through training activities, aims at expressing or improving physical and mental well-being, forming social relationships or obtaining results in competition at all levels, and includes any other activity as the Cabinet Secretary may, from time to

time and after consultation with the technical department responsible for sports, prescribe;

“sports agencies” includes the sports institutions and sports organizations;

“sports institutions” means the Sports Kenya, the Kenya Academy of Sports and the Sports Disputes Tribunal established under this Act;

“sporting event” means a sporting contest, competition, tournament or game open to participation and attendance by the public;

“Sports Kenya” means the Sports Kenya established by section 3;

“sportsperson’s representative” means a person who is duly authorized and registered as such according to the constitution of the respective sports organisation;

“Tribunal” means the Sports Disputes Tribunal established under section 55;

(2) Until after the first general elections under the Constitution, references in this Act to the expression “Cabinet Secretary” and “Principal Secretary” shall be construed to mean “Minister” and “Permanent Secretary”, respectively.

*Section 4 of No. 25 of 2013 that the Bill proposes to amend —*

#### **4. Functions of Sports Kenya**

The functions of Sports Kenya shall be to—

- (a) promote, co-ordinate and implement grassroots, national and international sports programs for Kenyans, in liaison with the relevant sports organizations and facilitate the active participation of Kenyans in regional, continental and international sports, including in sports administration;
- (b) manage and maintain the sports facilities specified in the First Schedule and any other facilities which the Cabinet Secretary may, by notice in the *Gazette*, declare to be sports facilities for the purposes of this Act;
- (c) establish, manage, develop and maintain the sports facilities, including convention centers, indoor sporting and recreational facilities for the purposes of this Act;
- (d) adopt, develop, plan, set stadia standards and licence and regularly inspect stadia for sporting and recreational use;
- (e) establish and maintain a sports museum;
- (f) participate in the promotion of sports tourism;

- (g) provide the necessary amenities or facilities for persons using the services or facilities provided by Sports Kenya;
- (h) operate sports facilities on public grounds in such manner as it deems necessary;
- (i) collaborate with county governments, learning institutions and other stakeholders concerned with sports and recreation, in the search, identification and development of sporting talent, provision of sports equipment, facilities and technical training,
- (j) identify and recommend talents in sports to national sports organizations;
- (k) inculcate the sense of patriotism and national pride through sports and recreation, create awareness on matters of national interest through sporting events, create awareness on the benefits of regular participation in sports for healthy living and provide advisory and counseling services to athletes;
- (l) determine the national colours to be used in national and international competitions, in consultation with the relevant national sports organizations;
- (m) facilitate the preparation and participation of Kenyan teams in various international events and the hosting of similar events in the country and recommend members of steering committees for international sports competitions, in consultation with the relevant national sports organizations;
- (n) recommend to the relevant authorities issuance of work permits and visas to foreign athletes and technical sports personnel, in consultation with the relevant national sports organizations;
- (o) approve, at the request of the respective national sports organizations, the clearance of foreign sports technical personnel before engagement by national sports organizations and other sporting bodies;
- (p) organize and co-ordinate training, conduct research, maintain a resource centre and provide and engage consultancy services for sports development programmes, in consultation with the respective national sports organizations;
- (q) with the approval of the Cabinet Secretary, prescribe charges or fees in respect of—
  - (i) access to, or use of, any of the resources or facilities of Sports Kenya;
  - (ii) the provision of programs, services, information or advice by Sports Kenya; and

- (iii) the admission of persons to events and activities organized by Sports Kenya;
- (r) recommend, in liaison with the relevant sports organisations, tax exemption for sportspersons; and
- (s) perform such other functions related to the implementation of this Act as may be directed by the Cabinet Secretary.

*Section 6 of No. 25 of 2013 that the Bill proposes to amend —*

#### **6. Constitution of the Board of Sports Kenya**

(1) The management of Sports Kenya shall vest in a Board, which shall consist of—

- (a) a non-executive chairperson, who shall be a person who holds a degree from a university recognised in Kenya and is knowledgeable in sports, finance or commerce, appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for sports;
- (c) the Principal Secretary in the Ministry for the time being responsible for finance;
- (d) the Attorney-General;
- (e) the Principal Secretary in the Ministry responsible for education;
- (f) the Chief Executive Officer of the Academy of Sports;
- (g) the secretary to the Sports Disputes Tribunal;
- (h) four persons appointed by the Cabinet Secretary on nomination by—
  - (i) the sports organizations recognized as the national coordinating bodies for the promotion and development of high performance Olympic, Paralympic and Deaflympic sports in Kenya; and
  - (ii) the national multi-sport sports organization that is responsible for the adherence to all the codes for sports and recreational bodies.
- (j) the Director-General of Sports Kenya, who shall be the Secretary.

(2) In appointing or nominating persons to be members of the Board under this section, the appointing or nominating authority shall have regard to the principle of gender equity and affirmative action.

(3) The Chairperson and members of the Board appointed under subsection (1) (i) shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(4) The appointment of the Chairperson and members of the Board appointed under subsection (1)(i) shall be by notice in the *Gazette*.

*Section 34 of No. 25 of 2013 that the Bill proposes to amend —*

#### **34. Functions of the Academy**

The functions of the Academy shall be to—

- (a) establish and manage sports training academies;
- (b) organize, administer and co-ordinate sports courses for technical and sports administration personnel;
- (c) promote research and development of talent in sports, in collaboration with institutions of higher learning, national sports organizations and other stakeholders;
- (d) collect, collate, store and disseminate tangible and intangible historical sports material to the public, sports organizations, researchers and institutions of learning;
- (e) receive and analyze data on training requirements from sports organizations;
- (f) link with other institutions and organizations for regular updates on the current sports trends; and
- (g) perform any other function that may directly or indirectly contribute to the attainment of the foregoing.

*Section 35 of No. 25 of 2013 that the Bill proposes to amend —*

#### **35. Constitution of the Council**

(1) The management of the Academy shall vest in a Council which shall consist of—

- (a) a chairperson, who shall be a person knowledgeable in sports, finance or commerce, appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for sports;
- (c) the Principal Secretary in the Ministry for the time being responsible for finance;
- (d) the Attorney-General;
- (e) the Director General, Sports Kenya;
- (f) the Chief Executive Officer of the Academy appointed under section 37 who shall be the Secretary;

- (g) two other persons who have experience in the management of training Academics, corporate sector or sports, appointed by the Cabinet Secretary;
- (h) four other persons appointed by the Cabinet Secretary on nomination by—
  - (i) the sports organizations recognized as the national coordinating bodies for the promotion and development of high performance Olympic, Paralympic and Deaflympics sports in Kenya; and
  - (ii) the national multi-sport sports organization that is responsible for the adherence to all the codes for sports and recreational bodies.

(2) The members of the Council under subsection (1)(b) to (d) may attend the meetings of the Council in person or designate a representative, in writing to attend on their behalf.

(3) Any member of the Council, appointed under subsection (1)(g) and (h) shall, subject to the provisions of this Act, hold office for a period not exceeding three years, on such terms as may be specified in the instrument of appointment and shall be eligible for reappointment for a further and final term of three years.

(4) Appointment to the Council under subsection (1)(g) and (h) shall be by name and notice in the *Gazette*.

(5) The chairperson or a member of the Council, other than an *ex officio* member, may—

- (a) at any time resign from office by notice in writing to the Cabinet Secretary;
- (b) be removed from office by the Cabinet Secretary if the member—
  - (i) has been absent from three consecutive meetings of the Council without the permission of the chairperson;
  - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;
  - (iii) is convicted of fraud, forgery, uttering a forged document, or for any offence under the Anti-Corruption and Economic Crimes Act (No. 3 of 2003);
  - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or
  - (v) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge the duties of a member of the Council.

*Section 37 of No. 25 of 2013 that the Bill proposes to amend —*

**37. Chief Executive Officer of the Academy and other members of staff**

(1) There shall be a Chief Executive Officer of the Academy who shall be appointed by the Council, through a competitive recruitment process.

(2) The Chief Executive Officer shall hold office for such period and on such terms and conditions of employment as the Council may determine.

(3) The Chief Executive Officer shall be an *ex officio* member of the Council and shall not have the right to vote at a meeting of the Council.

(4) The Council may appoint such other officers and staff as may be necessary for the proper and efficient performance of its functions.

(5) The officers and staff appointed under this section shall, hold office on such terms and conditions as may be determined by the Council and specified in their instruments of appointment.

*Section 40 of No. 25 of 2013 that the Bill proposes to amend —*

**40. Preparation of a Sports Investment Programme**

(1) The Cabinet Secretary shall, once in every five years and in consultation with the Board of Trustees, cause to be prepared a sports investment programme.

(2) The sports investment programme prepared under subsection (1) shall outline the development and maintenance priorities relating to specified stadia facilities, training programmes, activities and such other detail as may be specified.

(3) Every sports institution shall not later than six months before the end of each financial year, cause to be prepared and submitted to the Cabinet Secretary for approval an annual sports program based on the five-year sports investment program in respect of the ensuing financial year.

(4) The annual work programmes prepared or implemented by Sports Kenya, Academy, Sports Disputes Tribunal, the Registrar and the sports organizations shall be based on the approved five-year sports investment programme.

*Section 41 of No. 25 of 2013 that the Bill proposes to amend —*

**41. Annual estimates**

(1) Every sports institution shall, at least three months before the commencement of each financial year, cause to be prepared and submitted to the Cabinet Secretary an annual budget based on the five-year sports

investment program in respect of the following financial year comprising estimates of expected recurrent, maintenance, development and capital expenditure of the sports institution in the said financial year.

(2) The annual estimates shall make provision for all estimated expenditure of the sports institution for the financial year and in particular, shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the officers, agents or members of staff of the sports institution;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits payable to the members of staff of the sports institution;
- (c) the proper maintenance, repair and replacement of the equipment and other movable property of the sports institution; and
- (d) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the sports institution may deem appropriate.

(3) The annual estimates shall be approved by respective governing bodies of the sports institutions before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and once the annual estimates are approved by the Cabinet Secretary, the respective sports institution shall not increase the sum provided without the written consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purposes of a sports institution except in accordance with the annual estimates approved under subsection (3).

(5) A sports institution shall not undertake any activity that is outside the budget approved under subsection (3) unless the sports institution has obtained the written approval of the Cabinet Secretary, and the Cabinet Secretary for the time being responsible for finance.

*Section 45 of No. 25 of 2013 that the Bill proposes to amend —*

#### **45. Sports Registrar**

(1) There shall be an office of the Sports Registrar which shall be an office within the Public Service.

(2) The Public Service Commission shall appoint the Sports Registrar who shall be—

- (a) in charge of the office of the Sports Registrar;

- (b) responsible for the registration and regulation of sports organizations and multi-sports bodies representing sports organizations at the national level, in accordance with the provisions of this Act;
  - (c) responsible for the matters relating to the licensing of professional sports and professional sports persons in accordance with the provisions of this Act; and
  - (d) responsible for the arbitration of registration disputes between sports organizations.
- (3) The Registrar shall keep and maintain a register of the registered sports organizations and such other particulars relating to the registered sports organizations as may be prescribed.
- (4) The Registrar shall issue licences for professional sports in accordance with the regulations and the requirements that the Cabinet Secretary may prescribe and any other relevant law.
- (5) A copy of an entry in the register certified by the Registrar shall, for purposes of any written law, be prima facie evidence of the facts stated in the certificate.

*Section 46 of No. 25 of 2013 that the Bill proposes to amend —*

**46. Registration of sports organizations**

- (1) A body shall not operate as a sports organization unless it is registered under this Act.
- (2) The Registrar shall register sports organizations as either—
- (a) a sports club;
  - (b) a county sports association; or
  - (c) a national sports organization.
- (3) An application for registration of a national sport organization shall—
- (a) be submitted to the Registrar; and
  - (b) be in the prescribed form and shall specify—
    - (i) the name of the sports organization;
    - (ii) the category under which it is to be registered;
    - (iii) the office-bearers of the applicant;
    - (iv) the head office and postal address of the applicant;
    - (v) sources of funding of the applicant;
    - (vi) national and international affiliation, if any; and

(vii) such other information as the Cabinet Secretary may prescribe.

(4) An application for registration under this section shall be accompanied by—

- (a) a certified copy of the constitution of the applicant; and
- (b) such fees as the Cabinet Secretary may prescribe.

(5) A constitution submitted under subsection (3) shall contain, as a basic minimum, the provisions set out in the Second Schedule.

(6) All national sports organizations registered under this Act shall be open to the public in their leadership, activities and membership.

(7) A certificate of registration issued under this section—

- (a) shall be conclusive evidence of authority to operate throughout the country as may be specified in the certificate of registration; and
- (b) may contain such terms and conditions as the Registrar may prescribe.

*Section 58 of No. 25 of 2013 that the Bill proposes to amend —*

#### **58. Jurisdiction of the Tribunal**

The Tribunal shall determine—

- (a) appeals against decisions made by national sports organizations or umbrella national sports organizations, whose rules specifically allow for appeals to be made to the Tribunal in relation to that issue including —
  - (i) appeals against disciplinary decisions;
  - (ii) appeals against not being selected for a Kenyan team or squad;
- (b) other sports-related disputes that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear; and
- (c) appeals from decisions of the Registrar under this Act.

*Section 64 of No. 25 of 2013 that the Bill proposes to amend —*

#### **64. Offences and penalties**

A person who contravenes any of the provisions of this Act commits an offence and shall be liable, upon conviction, to a fine not exceeding five hundred thousand shillings, or imprisonment for a term not exceeding three years, or both.