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13/11/2024

Rt. Hon. Speaker

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REPUBLIC OF KENYA




THIRTEENTH PARLIAMENT | THIRD SESSION

THE SENATE

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON THE SPORTS (AMENDMENT) BILL 2024
(SENATE BILLS NO.33 OF 2024)

PAPERS LAID	
DATE	20.11.2024
TABLED BY	Senate Majority Leader
COMMITTEE	Labour & Social Welfare
CLERK AT THE TABLE	A. Mwachae

 15/11/24

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

OCTOBER, 2024

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LIST OF ABBREVIATIONS/ACRONYMS

COG	Council of Governors
CPA	Certified Public Accountant

PRELIMINARIES

Establishment and Mandate of the Committee

The Senate Standing Committee on Labour & Social Welfare is established pursuant to standing order 228 of the Senate Standing Orders. 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, sports, public entertainment, public amenities, and recreation.

The Committee oversees four ministries as follows –

- a) The Ministry of Labour and Social Protection;
 - i. State Department for Labour and Skills Development; and
 - ii. State Department for Social Protection and Senior Citizens Affairs.
- b) The Ministry of Public Service, Performance and Delivery Management;
 - i. State Department for Public Service; and
 - ii. State Performance and Delivery Management.
- c) The Ministry of Youth Affairs, Creative Economy and Sports;
 - i. State Department for Youth Affairs and Creative Economy; and
 - ii. State Department for Sports
- d) The Ministry of Gender, Culture, the Arts and Heritage;
 - i. State Department for Gender and Affirmative Action; and
 - ii. State Department for Culture, the Arts and Heritage.

The Committee also oversees the Pensions Department in the National Treasury & Economic Planning which includes the following institutions –

- i. The Retirement Benefits Authority;
- ii. The Local Authorities Provident Fund;
- iii. Public Service Superannuation Scheme; and
- iv. The Civil Servants Accident Claim Fund.

The Committee also oversees the following Commissions and State Corporations –

- i. The Public Service Commission;
- ii. The Salaries and Remuneration Commission;
- iii. National Gender & Equality Commission;
- iv. The Commissioner of Sports & Sports Registrar; and
- v. Permanent Presidential Music Commission.

Membership of the Committee

The Committee membership is as follows –

- | | | |
|-----|---|--------------------|
| (1) | Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| (2) | Sen. George Mungai Mbugua, MP | - Vice Chairperson |
| (3) | Sen. (Rtd.) Justice Stewart Madzayo, CBS, EGH, MP | - Member |
| (4) | Sen. Mohamed Faki Mwinyihaji, CBS, MP | - Member |
| (5) | Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| (6) | Sen. Alexander Munyi Mundigi, MP | - Member |
| (7) | Sen. Crystal Kegehi Asige, MP | - Member |
| (8) | Sen. Miraj Abdullahi Abdulrahman, MP | - Member |
| (9) | Sen. Gloria Orwoba, MP | - Member |

CHAIRPERSON'S FOREWORD

The Sports Amendment Bill, 2024 (Senate Bills No. 33 of 2024) is an ordinary Bill that was published in the Kenya Gazette Supplement No. 123 on 20th of June, 2024. The Bill was read a first time on 6th August, 2024 and thereafter stood committed to the Standing Committee on Labour and Social Welfare for consideration.

The Bill proposes to amend the Sports Act (Cap 223), to provide for the establishment and administration of the County Sports Associations Fund for each county.

Hon. Speaker,

Pursuant to Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committee published an advertisement in the Daily Nation and Standard Newspapers inviting members of the public to submit written memoranda to the Committee on the Bill. The advertisement was also posted on the Parliament website and social media platforms. Following the call for submissions, the Committee received written memoranda from stakeholders.

The Committee proceeded to consider the Bill extensively, scheduled and held meetings with various targeted stakeholders including the Kenya Tchoukball Federation, State Department for Sports, The Kiambu County Aquatics Association, Director, County Government of Embu, Kenya Judo Association, Kiambu County Chess Association, Council of Governors, Ministry of Youth Affairs, Creative Economy and Sports.

The Committee received and considered amendments to the Bill from the above-mentioned stakeholders and held a total of six (6) meetings to consider the Bill. The Minutes of the Committee in considering the Bill are attached to this Report.

The Committee recommends that the Senate passes the Sports Amendment Bill, 2024 (Senate Bills No. 33 of 2024) with amendments as attached in this Report.

Hon. Speaker,

I wish to take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this assignment.

Hon. Speaker,

It is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on Labour and Social Welfare on the Sports Amendment Bill, 2024 (Senate Bills No. 33 of 2024).

Signed



Date:

Wednesday, 30th October, 2024

SEN. JULIUS MURGOR RECHA, CBS, MP
CHAIRPERSON, STANDING COMMITTEE ON
LABOUR AND SOCIAL WELFARE

CHAPTER ONE: INTRODUCTION

1.0 Overview of the Sports Amendment Bill 2024 (Senate Bills No.33 of 2024)

1. The Bill proposes to amend the Sports Act (Cap 223), to provide for the establishment and administration of the County Sports Associations Fund for each county.
2. The Sports Amendment Bill 2024 (Senate Bills No. 33 of 2024) is an ordinary Bill that was published in the Kenya Gazette Supplement No. 123 on 20th of June, 2024. The Bill was read a first time on 6th August, 2024 and thereafter stood committed to the Standing Committee on Labour and Social Welfare for consideration.
3. The Bill provides for the following key area—

PART VIA (Clauses 54A-54J) provides for the establishment of the County Sports Association Fund. Additionally, it prescribes the sources of the fund, its objects and purposes, the administration of the fund. This section sets out criteria that the Associations must fulfil in order to apply for funding as well as the procedure for application.

4. The clauses further prescribe the procedure and conditions for disbursement of funds from the Fund, while stipulating that unutilized funds shall be retained at the end of the financial year.

1.1 Legislative Framework

5. The Sports Act, Cap.233, under Part VI provides for registration of county sports associations but does not provide for their funding by the respective county governments.
6. Public Finance Citation Management (Sports, Arts and Social Development Fund) Regulations, 2018, object and purpose include, among others— (a) promotion of social development including universal health care; (b) financing the development of sports and recreation facilities including stadia, gymnasiums, buildings, tracks; (c) enhancing support and access to funding for sportspersons and sports organisations to enable their participation in sporting events and competitions;

and (d) facilitation for the acquisition and provision of equipment to sports and recreation facilities.

7. The proceeds of the Fund shall be apportioned as follows— (a) an amount not exceeding sixty percent to social development including universal health care; (b) an amount not exceeding thirty-five percent to the promotion and development of sports; (c) an amount not exceeding twenty percent to the promotion and development of arts; and (d) an amount not exceeding five percent to government strategic interventions whose expenditure shall be subject to approval by Cabinet.

8. Shortcomings of the current law; The two legislations have failed to address the issue of funding for county sports associations hence the need for a new legislation that is specific to the county sports associations funding.

CHAPTER TWO: OVERVIEW OF PUBLIC PARTICIPATION ON THE BILL

2.0 Committee Undertakings

9. The Committee held a total of six (6) meetings on the Bill, where it met with various stakeholders and considered the submissions. The Minutes of the Bill are annexed to this Report as *Appendix 1*.
10. The Committee published an advertisement in the daily newspapers of 12th August, 2024, inviting members of the public to submit written memoranda on the Bill. The advertisement was also posted on the Parliament website and social media platforms. A copy of the advertisement is annexed to this Report as *Appendix 4*.
11. Subsequently, during consideration of the Bill, the Committee resolved to invite additional submissions from the key stakeholders, including -
 - a) County Assemblies Forum;
 - b) Council of Governors; and
 - c) Ministry of Youth Affairs, Creative Economy and Sports.
12. In response to the said invitations, the Committee received submissions from the stakeholders. Copies of the written submissions are attached to this Report as *Appendix 5*.
13. The Committee considered the submissions and came up with the Committee Stage Amendments which are attached to this Report as *Appendix 2*.
14. Additionally, a matrix analysing the stakeholder submissions clause-by-clause is annexed as *Appendix 6*. The Committee proceeded to consider the Bill extensively, together with the stakeholder submissions received thereon.

2.1 Overview of Stakeholder Submissions on the Bill

15. **Kenya Judo Association** submitted as follows
 - a) To insert the definition of the term “County Sports Fund Board” to mean the Board in charge of the County Sports Association Fund;
 - b) Include provisions on how the Fund will be apportioned as follows -

- i. an amount not exceeding 30% for development of sports facilities; and
- ii. an amount not exceeding 10% to be allocated to each sports discipline;
- c) Make a provision for an increase of funding from 1% to 2% from the County Revenue Fund over time;
- d) Registration of county sports associations should be done at the county level;
- e) The office of the Sports Registrar should be devolved to all counties; and
- f) Provide a monitoring and evaluation of sports development.

16. **Council of Governors** submitted as follows;

- a) The fund should be known as “County Sports Fund”. The fund is established to cater for a devolved function. It should align with all county government plans including County Integrated Development Plan and the Annual Development Plan;
- b) Clause 54 (b) to include an amount not exceeding 30% of the proceeds of the Sports, Arts and Social Development Fund as a source of funds for the Fund. This is to cater for the sports function at the county level;
- c) Amend subclause (1) of clause 54(c) to read;
- d) The object of the Fund is to provide funding for development of sports activities and facilities in the counties;
- e) Delete 54D (2). This is to align with section 107 of the County Governments Act and the provisions on budget cycle under the Public Finance Management Act;
- f) County governments should also licence and accredit county sports associations; and
- g) The unbundling and transfer of the sports function to the county governments is yet to be done.

17. **CPA John Odhiambo Ogara** submitted as follows;

- a) Deletion of paragraph (a) in clause 54(B). The 1% as per 54B (a) only caters for recurrent expenditures given the number of sports associations representing various sports;
- b) Clause 54 F should use another date instead of 30th August. appearing at the introductory subclause (1). This is because section 32(1) of the PFM National Government Regulations reserves the said date to the CS National Treasury to issue a budget circular;

- c) In subclause (3) introduce a requirement for a letter from the national federation to which the county sports association is affiliated to confirming the leadership of the county sports association. This is to avoid leadership wrangles; and
 - d) There is a need to capture: financial year of the fund; and auditing of the financial statements of the fund.
18. **Kenya Tchoukball Federation** submitted that it supports the Bill fully and calls for funding of all sports.
19. **Director of Sports, County Government of Embu** in its submissions noted the following –
- a) The County governments have not been given any powers under the Sports Act to identify or register or regulate County Sports Associations. Sports as a devolved function should be managed by the county government with structured policy guidelines from the national government. The administration of the proposed County Sports Association Fund will therefore be difficult when there are no structures at the County level for identification, registration, regulation and management of the County Sports Associations;
 - b) The Sports Registrar office should devolve its functions to counties;
 - c) The Sports Act should be overhauled to include counties in sports regulation, development and management;
 - d) A national Sports Fund should be put in place instead of individual county sports associations; and
 - e) Regulations on Sports Registrar should be developed, The Office of the Sports Registrar should be devolved and the registration of sports associations should be streamlined and made easier.
20. **Paul Tindi Odera** noted in his submissions that –
- a) A new innovative County sports funding model under the following objectives: Provision of world-class services and facilities and to enable social and elite athletes and coaches to achieve excellence in sports; development of State of the Art High; and
 - b) Performance Centers for the Community, Coaches and Athletes; and creation and development of profitable, sustainable and empowered performance centres in sport.
21. **The Kiambu County Aquatics Association** submitted as follows –

- a) The Office of the Sports Registrar should be devolved;
 - b) That County sports associations should have a role to play in management of stadiums; and
 - c) The proposed fund should embrace public participation when disbursing funds.
22. **Ministry of Youth Affairs, Creative Economy and Sports** in its submission requested the Senate to wait for the outcome of the ongoing process of reviewing the National Sports Policy and the Sports Act before processing the Bill.
23. **Athletics Kenya** submitted as follows –
- a) Sports is a devolved function but has not been properly devolved;
 - b) There should be a clause in the Sports Act to develop a common policy framework that is uniform to all counties, geared at achieving talent identification;
 - c) This clause should contain the county sports organisation structure, schemes of service and development of sports in the counties and para sports; and
 - d) There should also be a clause for the establishment of sports professional bodies
24. **County Football Association** in its submissions –
- a) Stated that the Bill was very strong on the administration framework, but weak on governance and oversight;
 - b) Inclusivity and representation requires to be looked into and the promotion of disability sports;
 - c) Creation of sponsorships and partnerships with companies and the use of Public Private Partnerships (PPS) and infrastructure – the monetizing of sporting assets to fund sports;
 - d) A capacity building model is required to be instituted;
 - e) The funding model needs to be sustainable to enable the respective counties carry out various activities, this is dependent on the county and amount of own source revenue collected;
 - f) Proper coordination between the National and County governments;

- g) Called for talent development through additional facilitation and financing of leagues and institutions, and strengthening the oversight mechanism; and
- h) The funds need to be protected from misuse and political interference.

25. **The Boxing Federations in their submissions –**

- a) Noted that some counties do not recognize that sports is a shared function and that Sports development should begin at the county level highlighting that Nairobi county has not allocated funds for sports;
- b) That One percent from the County revenue fund is a very small percentage therefore a revision should be considered to around four percent;
- c) Boxing as a sport has historically been neglected despite bringing gold to the country; and
- d) The ban on boxing in schools has contributed to the decline of the sport since that is where new talent is discovered and developed. A reinstatement of the same will contribute towards the growth of the discipline.

26. **The Para Sports and Paralympics** representatives submitted as follows –

- a) Training facilities in the counties do support suit para-sports, thereby putting them at a disadvantage;
- b) The media has let down Paralympics as they do not give them adequate media coverage for their sporting events; and
- c) That County Chief Officers should be in charge of administration of the fund.

27. **The Swimming and Taekwondo** representatives submitted as follows –

- a) The Sports Fund only facilitates the travel of Sports people but does not facilitate players to train. Players should therefore be put in the payroll through the Sports Fund;
- b) That an introduction of a Sports tax on private sporting clubs can be considered to contribute to the fund;

- c) That player development should be part of what the fund does as currently the Sports, Arts and Social Development Fund usually only facilitates the travel for sports people but does not provide a payroll; and
 - d) A sitting allowance should be provided for the board and secretariat of the various county fund boards.
28. The representatives for **American Football in Kenya** submitted that they acknowledge that the sport was new in the country and therefore required a lot of equipment. Called for waivers on donated equipment that is coming into the country.
29. **The Cycling Association** submitted that the Association called for the creation of more cycling lanes for safety and also for the provision of cycling facilities like parking and public bathrooms within the city centre to encourage citizens to commute seamlessly thereby also encouraging growth of the cycling sector.

CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.1 Committee Observations on the Bill

30. Having considered the Sports Amendment Bill 2024 (Senate Bills No.33 of 2024) and the submissions received thereon, the Committee observed that the Bill seeks to provide for the establishment and administration of the County Sports Associations Fund for each county so as provide funding to County registered associations.

3.2 Committee Recommendations

31. Arising from the above observations, the Committee recommends that the Senate passes the County Assemblies Pensions Scheme Bill, 2024 (Senate Bills No.14 of 2024) with the following amendments –
 - (a) THAT clause 3 of the Bill be amended by deleting the word “from” appearing immediately after the word “monies” in the proposed paragraph (c) in section 54B;
 - (b) THAT clause 3 of the Bill be amended by deleting the words “sports facilities” appearing at the end of paragraph (a) and substituting therefor the words “registered county sports associations” in the proposed section 54C; and
 - (c) THAT clause 3 of the Bill be amended deleting paragraph (d); and inserting the following a new section immediately after section 54H, to provide for the usual administration of the funds.

LIST OF APPENDICES

Appendix 1: Minutes of the sittings;

Appendix 2: Committee Stage Amendments of the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024)

Appendix 3: Sports Amendment Bill 2024 (Senate Bills No.33 of 2024)

Appendix 4: Advertisement as published in the Daily Nation and Standard Newspapers;

Appendix 5: Public Participation Submissions –

- i. Ministry of Youth Affairs, Creative Economy and Sports, State Department for Sports
- ii. Council of Governors
- iii. Kenya Tchoukball Federation
- iv. CPA John Odhiambo Ogara
- v. The Kiambu County Aquatics Association
- vi. Director, County Government of Embu
- vii. Paul Tindi Odera
- viii. Kenya Judo Association
- ix. Kiambu County Chess Association
- x. Duncan Chemiryo, Sports Caucus

Appendix 6: Public Participation Matrix

APPENDIX 1



**MINUTES OF THE SEVENTY – SECOND (72ND) MEETING OF THE
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD
IN COMMITTEE ROOM 5, FIRST FLOOR, MAIN PARLIAMENT
BUILDINGS ON WEDNESDAY, 30TH OCTOBER, 2024 AT 1.00 P.M.**

MEMBERS PRESENT

- | | |
|--|--------------------|
| 1. Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member |
| 4. Sen. Alexander Munyi Mundigi, MP | - Member |
| 5. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 6. Sen. Crystal Asige, MP | - Member |
| 7. Sen. Gloria Orwoba, MP | - Member |

APOLOGIES

1. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP - Member
2. Sen. Erick Okong'o Mogeni, SC, MP - Member

SECRETARIAT

- | | |
|-----------------------|--------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel |
| 3. Mr. Joseph Otieno | - Audio Officer |

MIN/SEN/SCLSW/433/2024: PRAYERS

The Chairperson called the meeting to order at 1.00 pm, followed by a word of prayer and introductions.

MIN/SEN/SCLSW/434/2024: ADOPTION OF AGENDA

The Agenda was adopted having been proposed by Sen. Mohammed Faki, MP and seconded by Sen. Miraj Abdulrahman, MP as follows –

1. Prayers;
2. Adoption of the Agenda;
3. **Confirmation of Minutes of the 67th, 68th, 69th and 70th Sittings of the Committee;**
4. **Matters Arising;**
5. **Consideration and adoption of the Committee amendments of the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024);**
6. **Consideration and Adoption of the Report on the Public Fundraising Appeals Bill, 2024 (Senate Bills No. 36 of 2024);**
7. **Consideration and Adoption of the Report on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024); and**
8. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/435/2024 CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS OF THE 67TH, 68TH, 69TH & 70TH SITTINGS;

1. The Minutes of the 67th Sitting held on Saturday, 26th October, 2024 at 2.30 pm. were confirmed to be a true reflection of the proceedings having been proposed by Sen. Mohammed Faki, MP and seconded by Sen. George Mungai Mbugua, MP;
2. The Minutes of the 68th Sitting held on Sunday, 27th October, 2024 at 10.00 a.m. were confirmed to be a true reflection of the proceedings having been proposed by having been proposed by Sen. Mohammed Faki, MP and seconded by Sen. George Mungai Mbugua, MP;
3. The Minutes of the 69th sitting held on Monday, 28th October, 2024 at 10.00 am. were confirmed to be a true reflection of the proceedings having been proposed by Sen. Miraj Abdulrahman, MP and seconded by Sen. Crystal Asige, MP; and
4. The Minutes of the 70th sitting held on Monday, 28th October, 2024 at 2.30 pm. were confirmed to be a true reflection of the proceedings having been proposed by Sen. Miraj Abdulrahman, MP and seconded by Sen. Crystal Asige, MP.

MIN/SEN/SCLSW/436/2024 MATTERS ARISING;

There were no matters arising.

MIN/SEN/SCLSW/437/2024 CONSIDERATION AND ADOPTION OF THE REPORT ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024);

1. Sen. Gloria Orwoba, MP, a Member of the Committee and the Sponsor of the Bill raised concerns over the contents of the report and the Committee deliberated on the possibility of including a minority report on the Bill.
2. The Committee resolved that the Secretariat should prepare a paper on how the Bill is contrasting with the Menstrual Hygiene Management Policy (2019 – 2030) and share with Senator Gloria Orwoba, MP. The Committee also resolved that the Hansard of the deliberations of the Meeting of the Committee that took place on Saturday, 26th October, 2024 from 10.00 am be availed to her.
3. The Committee considered the Report on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024 and adopted it after being proposed by Sen. Mohammed Faki, CBS, MP., and seconded by Sen. George Mungai Mbugua, MP.

MIN/SEN/SCLSW/438/2024 CONSIDERATION AND ADOPTION OF THE REPORT ON THE SPORTS (AMENDMENT) BILL, 2024 (SENATE BILLS NO. 33 OF 2024);

The Committee considered the Report on the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024 and adopted it after being proposed by Sen. Mohammed Faki, CBS, MP., and seconded by Sen. Crystal Asige, MP.

MIN/SEN/SCLSW/439/2024 CONSIDERATION AND ADOPTION OF THE REPORT ON THE PUBLIC FUNDRAISING APPEALS BILL, 2024 (SENATE BILLS NO. 36 OF 2024);

The Committee considered the Report on the Public Fundraising Appeals Bill, 2024 (Senate Bills No. 36 of 2024) and adopted it after being proposed by Sen. Crystal Asige, MP., and seconded by Sen. George Mungai Mbugua, MP.

MIN/SEN/SCLSW/440/2024 ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/441/2024 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 2.29 pm.

SIGNED..........DATE Tuesday, 12th November, 2024

CHAIRPERSON: SEN. JULIUS MURGOR RECHA, CBS, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE SEVENTIETH (70TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD VIRTUALLY ON MONDAY, 28TH OCTOBER, 2024 AT 2.30 P.M.

MEMBERS PRESENT

- | | |
|---|----------------------|
| 1. Sen. Alexander Munyi Mundigi, MP | - Member (Ag. Chair) |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 5. Sen. Crystal Asige, MP | - Member |

APOLOGIES

- | | |
|--|---------------|
| 1. Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| 2. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 3. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member |
| 4. Sen. Gloria Orwoba, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Mr. Reinhardt Choge | - Clerk Assistant |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Ms. Ndindi Kibathi | - Research Officer |
| 5. Mr. Joseph Otieno | - Audio Officer |

MIN/SEN/SCLSW/418/2024: PRAYERS

The Chairperson called the meeting to order at 2.49 p.m. followed by a word of prayer.

MIN/SEN/SCLSW/419/2024: ADOPTION OF AGENDA

The Agenda was adopted having been proposed by Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP and seconded by Sen. Crystal Asige, MP as follows –

1. Prayers;
2. Adoption of the Agenda;
3. **Consideration and Adoption of the Report on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024);**
4. **Consideration and Adoption of the Report on the Public Fundraising Appeals Bill, 2024 (Senate Bills No. 36 of 2024);**
5. **Consideration and adoption of the Committee amendments of the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024);**
6. Any Other Business; and
7. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/420/2024 **CONSIDERATION AND ADOPTION OF THE REPORT ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024);**

The Agenda item was deferred to the next meeting.

MIN/SEN/SCLSW/421/2024 **CONSIDERATION AND ADOPTION OF THE REPORT ON THE PUBLIC FUNDRAISING APPEALS BILL, 2024 (SENATE BILLS NO. 36 OF 2024);**

The Agenda item was deferred to the next meeting.

MIN/SEN/SCLSW/422/2024 **CONSIDERATION AND ADOPTION OF THE COMMITTEE AMENDMENTS OF THE SPORTS (AMENDMENT) BILL, 2024 (SENATE BILLS NO. 33 OF 2024);**

The Committee considered the proposed amendments to the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024), and adopted them having been proposed by Sen. Miraj Abdulrahman, MP and seconded by Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP.

MIN/SEN/SCLSW/423/2024 **ANY OTHER BUSINESS**

There was no other business.

MIN/SEN/SCLSW/424/2024

ADJOURNMENT AND DATE OF THE NEXT
MEETING

The meeting was adjourned at 3.30 pm.

SIGNED..........DATE..... *Wednesday 30th October, 2024*.....

CHAIRPERSON: SEN. JULIUS MURGOR RECHA, CBS, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE SIXTY - FIFTH (65TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN DESERT ROSE ROOM, SERENA BEACH HOTEL ON SATURDAY, 26TH OCTOBER, 2024 AT 10.00 A.M.

MEMBERS PRESENT

- | | |
|---|--------------------|
| 1. Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 4. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member |
| 5. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 6. Sen. Alexander Munyi Mundigi, MP | - Member |
| 7. Sen. Crystal Asige, MP | - Member |
| 8. Sen. Gloria Orwoba, MP | - Member |

APOLOGIES

- | | |
|--------------------------------------|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
|--------------------------------------|----------|

SECRETARIAT

- | | |
|-------------------------|-----------------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Mr. Reinhardt Choge | - Clerk Assistant |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Ms. Ndindi Kibathi | - Research Officer |
| 5. Mr. Jack Lemeteki | - Media Relations Officer |
| 6. Mr. Joseph Otieno | - Audio Officer |
| 7. Mr. John Pere | - Sergeant at Arms |
| 8. Ms. Sandra Mwandishi | - Aide to Sen. Crystal Asige, MP. |

MIN/SEN/SCLSW/389/2024: PRAYERS

The Chairperson called the meeting to order at 10.06 am followed by a word of prayer.

MIN/SEN/SCLSW/390/2024 ADOPTION OF AGENDA

The Agenda was adopted having been proposed by Sen. Gloria Orwoba, MP and seconded by Sen. George Mbugua, MP as follows:

1. Prayers;
2. Adoption of the Agenda;
3. Consideration of the Public Participation Matrix on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024);
4. Consideration of the Public Participation Matrix on the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024);
5. Any Other Business; and
6. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/391/2024 CONSIDERATION OF THE PUBLIC PARTICIPATION MATRIX ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024);

1. The Committee reviewed the deliberations on the matter in the previous day, briefing the Sponsor, Sen. Gloria Orwoba, on the proceedings; and advised the Sponsor to withdraw and redraft the Bill due to the following reasons –
 - i. That the Bill had not undergone prepublication scrutiny as the proposal as the Speaker had approved its publications pursuant to Standing Order 131 (3);
 - ii. The Bill focused in the provision of Sanitary towels to all public institutions and correctional facilities;
 - iii. The Committee received more than 90 submissions on the Bill with a majority being for the rejection of the Bill, as they were against the formation of additional forty-eight (48) committees which did not seem to have proper guidance or leadership;
 - iv. The Submissions also raised concerns on the level of government or Ministry the committees and program will be domiciled despite mentioning a Cabinet Secretary in the Bill;
 - v. Most submissions also seem to be against the creation of more beurocratic structures by creating 48 committees to procure and distribute sanitary towels;
 - vi. The drafting Bill had not been guided by the existing Menstrual Hygiene Management Policy that should have guided the drafting of the Bill;
 - vii. The Bill does not clearly state where the funding will be drawn from – whether national or at county level;
 - viii. The formation of body-corporate committees may make the Bill a money Bill;
 - ix. The Bill had not addressed the roles of all the stakeholders in the Sector;
 - x. The Bill has also not addressed the standardization of products keeping in mind the different products that different beneficiaries may require.

2. Sen. Gloria Orwoba responded to the issues raised by the Committee as follows –
 - i. On the matter of the Bill not undergoing prepublication scrutiny, the Senator stated that the Bill had been referred to the Health Committee for prepublication scrutiny but the Speaker approved the Bill for publication when the time for pre-publication scrutiny lapsed;
 - ii. The Bill has been guided by the existing Menstrual Hygiene Management Policy and addresses the role of different stakeholders;
 - iii. On the Issue of the Bill being a money bill, the Bill has undergone the concurrence process and has a co-sponsor in the National Assembly;
 - iv. On the matter of funding, Senator Orwoba stated that the intention of the Bill is to end period poverty by repealing Section 39 (1) (K) of the Basic Education Act and have a stand-alone Bill that takes care of the provision of free sanitary towels;
 - v. The Bill makes mention of section 18 of the Basic Education Act on the mandate of County Education Boards; and
 - vi. The sponsor informed the Committee that withdrawing the Bill for redrafting would take a very long process and time, given the timelines that Bill take to become Acts

3. The Committee noted that the Bill makes mention of section 39 of the Basic Education Act which mandates the CS to provide free sanitary towels to school going girls. The Committee notes that the objective of the provision of free sanitary towels to school going children was to improve the retention rates of the girl child in school, while the Bill seems to have increased the beneficiaries to women in all public institutions and correctional facilities. The Bill however does not indicate where the additional funding for the new beneficiaries will come from; and the Committee therefore resolved that due to the concerns raised, the Bill be withdrawn and redrafted to align with the Menstrual Hygiene Policy 2019.

MIN/SEN/SCLSW/392/2024

CONSIDERATION OF THE COMMITTEE
AMENDMENTS OF THE SPORTS
(AMENDMENT) BILL, 2024 (SENATE BILLS NO.
33 OF 2024);

1. The Committee considered the draft Committee amendments on the Sports (Amendment) as follows -

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
54B	COG	Include an amount not exceeding 30% of the proceeds of the Sports, Arts and Social Development Fund as a source of funds for the Fund.	This is to cater for the sports function at the county level. The criteria for apportioning funds by the Sports, Arts and Social Development Fund should be reviewed.	Approved.

MIN/SEN/SCLSW/393/2024

ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/394/2024

ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 11.30 am.

SIGNED..........DATE Sunday, 27th October, 2024.....

CHAIRPERSON: SEN. JULIUS MURGOR RECHA, CBS, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE SIXTY – THIRD (63RD) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN DESERT ROSE ROOM, SERENA BEACH HOTEL ON FRIDAY, 25TH OCTOBER, 2024 AT 10.00 A.M.

MEMBERS PRESENT

- | | |
|---|----------------------|
| 1. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member (Ag. Chair) |
| 2. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 5. Sen. Crystal Asige, MP | - Member |

APOLOGIES

- | | |
|--------------------------------------|--------------------|
| 1. Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 4. Sen. Gloria Orwoba, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Mr. Reinhardt Choge | - Clerk Assistant |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Ms. Ndindi Kibathi | - Research Officer |
| 5. Mr. Jack Lemeteki | - Media Relations Officer |
| 6. Mr. Joseph Otieno | - Audio Officer |
| 7. Mr. John Pere | - Sergeant at Arms |
| 8. Ms. Sandra Mwandishi | - Aide to Sen. Asige, MP |

MIN/SEN/SCLSW/377/2024: PRAYERS

The Chairperson called the meeting to order at 10.11 am followed by a word of prayer.

MIN/SEN/SCLSW/378/2024: ADOPTION OF AGENDA

The Agenda was adopted having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. Miraj Abdulrahman, MP as follows –

1. Prayers;
2. Adoption of the Agenda;
3. Consideration of the Public Participation Matrix on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 Of 2024);
4. Consideration of the Public Participation Matrix on the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 Of 2024);
5. Any Other Business; and
6. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/379/2024 CONSIDERATION OF THE PUBLIC PARTICIPATION MATRIX ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024);

1. The Committee resolved to generally consider the Bill and public Hearing submissions and consider the Bill in details the following day when the Sponsor of the Bill will be present.
2. The Committee noted the following –
 - i. That the Bill had not undergone prepublication scrutiny as the proposal as the Speaker had approved its publications pursuant to Standing Order 131 (3);
 - ii. The Bill focused in the provision of Sanitary towels to all public institutions and correctional facilities;
 - iii. The Committee received more than 90 submissions on the Bill with a majority being for the rejection of the Bill, as they were against the formation of additional forty-eight (48) committees which did not seem to have proper guidance or leadership;
 - iv. The Submissions also raised concerns on the level of government or Ministry the committees and program will be domiciled despite mentioning a Cabinet Secretary in the Bill;
 - v. The drafting Bill had not been guided by the existing Menstrual Hygiene Management Policy that should have guided the drafting of the Bill;
 - vi. The Bill does not clearly state where the funding will be drawn from – whether national or at county level;
 - vii. The formation of body-corporate committees may make the Bill a money Bill
 - viii. The Bill makes mention of section 39 of the Basic Education Act which mandates the CS to provide free sanitary towels to school going girls. The

Committee notes that the objective of the provision of free sanitary towels to school going children was to improve the retention rates of the girl child in school, while the Bill seems to have increased the beneficiaries to women in all public institutions and correctional facilities. The Bill however does not indicate where the additional funding for the new beneficiaries will come from.

- ix. The Bill had not addressed the roles of all the stakeholders in the Sector;
- x. The Bill has also not addressed the standardization of products keeping in mind the different products that different beneficiaries may require.
- xi. The sponsor has the option of withdrawing the Bill for redrafting;

The Committee resolved to discuss with the Petitioner to withdraw the Bill and redraft it taking into consideration the Menstrual Hygiene Management policy.

MIN/SEN/SCLSW/380/2024 CONSIDERATION OF THE PUBLIC PARTICIPATION MATRIX ON THE SPORTS (AMENDMENT) BILL, 2024 (SENATE BILLS NO. 33 OF 2024);

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
2	Kenya Judo Association	Insert definition of the term "County Sports Fund Board" to mean the "the Board in charge of the County Sports Association Fund."		Not approved. County CECM and Administrator are in charge of the Fund.
54A	Council of Governors (COG)	The fund should be known as "County Sports Fund).	The fund is established to cater for a devolved function. It should align with all county government plans including County Integrated Development Plan and the Annual Development Plan.	Not approved. The Fund is meant to cater for activities of county sports associations only.
54B	CPA John Odhiambo Ogara	Delete paragraph (a).	The 1% as per 54B (a) can only cater for recurrent expenditures given the number of sports associations representing various sports.	Not approved. The sources of funds for the Fund should be ring fenced.
	COG	Include an amount not exceeding 30% of the	This is to cater for the sports function	Approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		proceeds of the Sports, Arts and Social Development Fund as a source of funds for the Fund.	at the county level. The criteria for apportioning funds by the Sports, Arts and Social Development Fund should be reviewed.	
54C	COG	Amend subclause (1) to read— (1) The object of the Fund is to provide funding for development of sports activities and facilities in the counties.	This is to align with Part 2 of the Fourth Schedule to the Constitution.	Not approved. The Bill is meant to cater for activities of county sports associations only.
	Kenya Judo Association.	Include provisions on how the Fund will be apportioned as follows— (a) an amount not exceeding 30% for development of sports facilities; (b) an amount not exceeding 10% to be allocated to each sports discipline; (c) staggered funding of sports should be encouraged.		Not approved. The funding ceilings are already provided for under clause 54F.
54D	COG	Delete 54D (2) (c).	This is to align with section 107 of the County Governments Act and the provisions on budget cycle under the Public Finance Management Act.	Not approved. There is need for provision of work plans.
54F	CPA John Odhiambo Ogara	Use another date instead of 30 th August. appearing at the introductory subclause (1).	Section 32(1) of the PFM National Government, Regulations	Not approved.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			reserves the said date to the CS National Treasury to issue a budget circular.	The budgeting cycle should be adhered to.
		In subclause (3) introduce a requirement for a letter from the national federation to which the county sports association is affiliated confirm the leadership of the county sports association.	This is to avoid leadership wrangles.	Not approved. Not all county sports associations are affiliated to national sports federations.

OTHER SUBMISSIONS

	STAKEHOLDER	SUBMISSIONS	COMMITTEE RESOLUTION
1.	Kenya Tchoukball Federation	Supports the Bill fully and calls for funding of all sports.	The Committee will engage stakeholders in the sports industry to address issues affecting the sports industry.
2.	Director Sports County Government of Embu	(1) The County governments have not been given any powers under the Sports Act to identify or register or regulate County Sports Associations. (2) Sports as a devolved function should be managed by the county government with structured policy guidelines from the national government. (3) The administration of the proposed County Sports Association Fund will therefore be difficult when there are no structures at the County level for identification, registration,	

		<p>regulation and management of the County Sports Associations.</p> <p>(4) The Sports Registrar office should devolve its functions to counties.</p> <p>(5) The Sports Act should be overhauled to include counties in sports regulation, development and management.</p> <p>(6) A national Sports Fund should be put in place instead of individual county sports associations.</p> <p>(7) Regulations on Sports Registrar should be developed.</p> <p>(8) Office of the Sports Registrar should be devolved.</p> <p>(9) The registration of sports associations should be streamlined and made easier.</p>
3.	Paul Tindi Odera	<p>He proposed a new innovative County sports funding model under the following objectives:</p> <p>(a) Provision of world-class services and facilities and to enable social and elite athletes and coaches to achieve excellence in sports;</p> <p>(b) development of State-of-the-Art High Performance Centers for the Community, Coaches and Athletes; and</p> <p>(c) creation and development of profitable, sustainable and empowered performance centers in sport.</p>
4.	The Kiambu County Aquatics Association	<p>Fully endorses the Sports (Amendment) Bill, 2024 and believe that this legislative framework is essential for the revitalization and advancement of sports across Kenya, with significant positive implications for the development of aquatics sports in Kiambu County.</p>

5.	Kiambu County Chess Association	<p>(1) Office of the Sports Registrar should be devolved.</p> <p>(2) County sports associations should have a role to play in management of stadia.</p> <p>(3) The proposed fund should embrace public participation when disbursing funds.</p>
6.	CPA John Odhiambo Ogara	<p>There is need to capture:</p> <p>(a) financial year of the fund; and</p> <p>(b) auditing of the financial statements of the fund.</p>
7.	CoG	<p>(1) The unbundling and transfer of the sports function to the county governments is yet to be done.</p> <p>(2) 30% of the proceeds of the Sports, Arts and Social Development Fund should be apportioned and given to counties as conditional grants.</p> <p>(3) The establishment of county sports associations fund is progressive.</p> <p>(4) County governments should also license and accredit county sports associations.</p> <p>(5) The Fund should align with County Integrated Development Plan and the Annual Development Plan.</p>
8.	Ministry of Youth Affairs, Creative Economy and Sports.	Ministry of Youth Affairs, Creative Economy and Sports requested the Senate to wait for the outcome of the ongoing process of reviewing the National Sports Policy and the Sports Act before processing the Bill.
9.	Kenya Judo Association	(1) Make a provision for increase of funding from 1% to 2% from the County Revenue Fund over time.


	<p>(2) Registration of county sports associations should be done at the county level.</p> <p>(3) The office of the Sports Registrar should be devolved to all counties.</p> <p>(4) Make a provision for a County Sports Board Fund.</p> <p>(5) Provide a monitoring and evaluation of sports development.</p>	
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MIN/SEN/SCLSW/381/2024 ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/382/2024 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 12.42 pm.

SIGNED.......... DATE Sunday, 27th October, 2024
 CHAIRPERSON: SEN. JULIUS MURGOR RECHA, CBS, MP
 STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE FIFTY SECOND (52ND) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN COMMITTEE ROOM 1, BUNGE TOWER ON THURSDAY, 5TH SEPTEMBER, 2024 AT 11.00 A.M.

MEMBERS PRESENT

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|--|-------------------------------|
| 1. Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member (Virtual Attendance) |
| 4. Sen. Alexander Munyi Mundigi, MP | - Member |
| 5. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 6. Sen. Crystal Asige, MP | - Member (Virtual Attendance) |
| 7. Sen. Gloria Orwoba, MP | - Member |

APOLOGIES

- | | |
|---|----------|
| 1. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 2. Sen. Erick Okong'o Mogeni, SC, MP | - Member |

SECRETARIAT

- | | |
|------------------------|----------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Mr. Reinhardt Choge | - Clerk Assistant III |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Ms. Ndindi Kibathi | - Research Officer III |
| 5. Ms. Nigma Adow | - Research Officer III |
| 6. Mr. Francis Mutulu | - Media Relations Officer |
| 7. Ms. Swaluha Yusuf | - Public Relations Officer |
| 8. Mr. Joseph Otieno | - Audio Officer |
| 9. Ms. Daphne Wambugu | - Intern |

IN – ATTENDANCE

- | | |
|--------------------------|----------------------------------|
| 1. Sen. Edwin Sifuna, MP | - Sponsor of the Bill |
| 2. Mr. Bernard Kipyator | - Athletics Coach |
| 3. Mrs. Boyani Linet | - Nairobi City County Government |
| 4. Mrs. Mary Muriuki | - Sportsperson |

- | | |
|-----------------------------|--|
| 5. Mrs. Wanjiku Wanjiru | - Nyeri County Boxing Association |
| 6. Mr. Hassan Mwaniki | -Taita Taveta County Football Association |
| 7. Mr. Charles Njoroge | - Nairobi County Football Association |
| 8. Mr. Michael Esakwa | - Former CEO Football Kenya Federation |
| 9. Mr. James Langat | - Chairman Nandi CFA |
| 10. Mrs. Virginia Mueni | - Chair Machakos CFA |
| 11. Mr. Duncan Chemingo | - Kenya Judo Federation |
| 12. Mr. Alfred Simiyu | - Wheelchair Basketball Federation |
| 13. Mr. Kipchumba Koech | - Baringo County Football |
| 14. Mr. James Bunei | - Baringo County Football |
| 15. Mrs. Angela Achieng | - KCF |
| 16. Mr. Paul Bitok | - KVF |
| 17. Mr. Wycliffe Chege | - Nairobi County Boxing Association |
| 18. Mr. George Mutuli | - Mutuli and Monari Advocates LLP |
| 19. Mr. Stephen Mwangi | - Nyeri County Boxing Association |
| 20. Mr. Ronald Khainga | - Nairobi County Boxing Association |
| 21. Mrs. Caroline Wangari | - Kenya Tchoukball Federation |
| 22. Mr. Nesmus Mbatia | - Pamoja Arts and Multi-Sports Academy |
| 23. Mr. Edwin Murua | - Kenya Wheelchair Basketball Federation |
| 24. Mrs. Catherine Githinji | - NCCA |
| 25. Mr. John Eshiwani | - Individual |
| 26. Mr. Timothy Umeme | - Individual |
| 27. Mr. David Wachira | - Nyandarua Boxing |
| 28. Mr. Benjamin Njoga | - Athletics Kenya |
| 29. Mr. Derrick Odhier | - American Football |
| 30. Mr. John Barasa | - Nairobi County |
| 31. Mr. Elvira Lwanga | - Sports Officer Nairobi City County |
| 32. Mr. Kennedy Wambua | - American Football |
| 33. Mr. Julius Rono | - Great Rift Athletics Development Association |
| 34. Mr. Justus Koech | - Great Rift Athletics Development Association |
| 35. Mr. Kipchumba Koech | - Baringo County Football Association |
| 36. Mrs. Lydia Aswani | - Kenya Jump Rope Federation |
| 37. Mr. Collins Ajuok | - Senate – Deputy Minority Whip Office |
| 38. Mr. Omogo Otieno | - Nairobi Senate Office |
| 39. Mr. Alfred Mokeira | - Senate |

MIN/SEN/SCLSW/320/2024: PRAYERS

The Chairperson called the meeting to order at 11.16 am followed by a word of prayer and introductions.

MIN/SEN/SCLSW/321/2024: ADOPTION OF AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Gloria Orwoba, MP and seconded by Sen. George Mbugua, MP as follows-

1. Prayers & Introductions;
2. Adoption of the Agenda;
3. **Public Hearing Submissions on the Sports (Amendment) Bill, 2024 (Senate Bills No.33 of 2024);**
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCLSW/322/2024 PUBLIC HEARING SUBMISSIONS ON THE
SPORTS (AMENDMENT) BILL, 2024 (SENATE
BILLS NO.33 OF 2024);**

a) Presentation by Athletics Kenya

1. There are no clear structures in the Sporting sector;
2. Talent development should start at the grass-root level;
3. Sports men and women should be remunerated and facilitated;
4. Sports is a devolved function but has not been properly devolved;
5. There should be a clause in the Sports Act to develop a common policy framework that is uniform to all counties, geared at achieving talent identification;
6. This clause should contain the county sports organization structure, schemes of service and development of sports in the counties and parasports; and
7. There should also be a clause for the establishment of sports professional bodies.

b) Presentation by the County Football Associations

1. The Associations stated that the Bill was very strong on the administration framework, but weak on governance and oversight;
2. Inclusivity and representation requires to be looked into and the promotion of disability sports;
3. Creation of sponsorships and partnerships with companies and the use of Public Private Partnerships (PPS) and infrastructure – the monetizing of sporting assets to fund sports;
4. A capacity building model is required to be instituted;
5. The funding model needs to be sustainable to enable the respective counties carry out various activities, this is dependent on the county and amount of own source revenue collected;
6. Proper coordination between the National and County governments;
7. Called for talent development through additional facilitation and financing of leagues and institutions, and strengthening the oversight mechanism
8. The funds need to be protected from misuse and political interference.

c) Presentation by the Boxing Federations

1. Some counties do not recognize that sport is a shared function and that Sports development is at the county level, Nyeri county being an example;

2. Nairobi county has no funds for sports;
3. One percent from the County revenue fund is a very small percentage therefore a revision should be considered to around four percent;
4. Boxing despite bringing gold to the country has been neglected; and
5. Unlike the previous years where Kenya used to shine in the boxing sport, the ban on boxing in schools has contributed to the decline of the sport since that is where new talent is discovered and developed. A reinstatement of the same will contribute towards the growth of the discipline.

d) Presentation by the Kenya Judo Association

1. Thanked the Sponsor of the Bill for the amendment;
2. Called for the right resources given to the right people in the right place so as to promote sports;
3. Called for the decentralization of the office of the Registrar of Sports;
4. The term limits for administrators should be a maximum of two terms;
5. There should be a capping of funds allocated to every association; and
6. Change of the name to County Sports Fund Board.

e) Presentation by the Kenya Wheelchair Basketball Federation

1. Training facilities in the counties do not suit para-sports, thereby putting them at a disadvantage;
2. The media has let down Paralympics as they do not give them adequate media coverage for their sporting events; and
3. County Chief Officers should be in charge of administration of the fund.

f) Presentation by Swimming and Taekwondo

1. Public schools are lagging behind in nurturing sports, and recommends that sports facilities such as swimming pools should be domiciled in public schools to encourage growth of the discipline;
2. The Sports Fund only facilitates the travel of Sports people but do not facilitate players to train. Players should therefore be put in the payroll through the Sports Fund;
3. Administrators do volunteer work in Federations;
4. An introduction of a Sports tax on private sporting clubs can be considered to contribute to the fund;
5. Player development should be part of what the fund does as currently the Sports, Arts and Social Development Fund usually only facilitates the travel for sports people but does not provide a payroll; and
6. A sitting allowance should be provided for the board and secretariat of the various county fund boards.

g) Presentation by Kenya Tchoukball

The Upcoming sports need to be treated equally to the more developed sports.

h) Presentation by American Football in Kenya

Noted that the sport was new in the country and therefore required a lot of equipment. Called for waivers on donated equipment that is coming into the country.

i) Presentation by the Cycling Association

Called for the creation of more cycling lanes for safety and also for the provision of cycling facilities like parking and public bathrooms within the city centre to encourage citizens to commute seamlessly thereby also encouraging growth of the cycling sector.

j) Additional Stakeholder Comments

There is ignorance of information on the ground. A cure is needed to ensure that the right sports are invested on dependent on the regions strongholds.

k) Members Observations

1. The Sports, Arts and Social Development fund should contribute a percentage of its earnings towards the county funds; and
2. Collaboration between the National and County governments is vital as this can also improve other sectors such as tourism by having a sports tourism segment.

l) Sponsor of the Bill

1. The aim of the Bill was to solve the problem of facilitating county registered sporting federations and associations to run their operations, by providing funds from county budgets;
2. There is need to have Sports registrars in the 47 counties;
3. Development of Sport infrastructure is the mandate of the county government, and Counties must invest in relevant sports, for example Counties along the coastal and lake region should invest in public swimming pools; and
4. The proposal to have a capping limit per association is a valid concern as this will ensure equitable distribution.

MIN/SEN/SCLSW/323/2024 ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/324/2024 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 1.01 p.m.

SIGNED..........DATE Monday, 16th September, 2024

CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE FORTY-SEVENTH (47TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN COMMITTEE ROOM 7, FIRST FLOOR, BUNGE TOWER ON WEDNESDAY, 14TH AUGUST, 2024 AT 11.00 A.M.

MEMBERS PRESENT

- | | |
|---|--------------------|
| 1. Sen. Julius Murgor Recha, CBS, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 4. Sen. Alexander Munyi Mundigi, MP | - Member |
| 5. Sen. Crystal Asige, MP | - Member |

APOLOGIES

- | | |
|--|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 2. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member |
| 3. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 4. Sen. Gloria Orwoba, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Mr. Reinhardt Choge | - Clerk Assistant III |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Ms. Nigma Adow | - Research Officer III |
| 5. Ms. Ndindi Kibathi | - Research Officer III |
| 6. Mr. Francis Mutulu | - Media Relations Officer |
| 7. Ms. Joy Kyallo | - Parliamentary Budget Officer |
| 8. Ms. Swaluha Yusuf | - Public Relations Officer |
| 9. Mr. John Pere | - Sergeant at Arms |
| 10. Mr. Joseph Otieno | - Audio Officer |

MIN/SEN/SCLSW/287/2024: PRAYERS

The Chairperson called the meeting to order at 11.28 am followed by a word of prayer and introductions.

MIN/SEN/SCLSW/288/2024: ADOPTION OF AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Crystal Asige, MP and seconded by Sen. George Mbugua, MP as follows-

1. Prayers;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 32nd, 41st, 43rd and 44th Sittings of the Committee;
4. Matters arising;
5. Consideration and adoption of the report on the County Assemblies Pension Bill, 2024 (Senate Bills No. 14 of 2024);
6. Consideration of Pending Legislative Business before the Committee (Committee Paper 70);
 - a) Briefing on the Public Fundraising Appeals Bill, 2024 (Senate Bills No. 36 of 2024);
 - b) Briefing on the Sports Amendment Bill, 2024 (Senate Bills No. 33 of 2024);
 - c) Briefing on the Petition by Sen. Okoiti Omtatah, MP, regarding compensation of police officers injured in the line of duty;
 - d) Consideration of the Legislative Proposal on the National Employment Authority (Amendment) Bill, 2024;
7. Any Other Business; and
8. Adjournment.

MIN/SEN/SCLSW/289/2024 CONFIRMATION OF MINUTES OF THE 32ND, 41ST, 43RD AND 44TH SITTINGS OF THE COMMITTEE

The Agenda item was deferred to a later meeting.

MIN/SEN/SCLSW/290/2024 CONSIDERATION AND ADOPTION OF THE COUNTY ASSEMBLIES PENSION BILL, 2024 (SENATE BILLS NO. 14 OF 2024)

The Agenda item was deferred to the next meeting.

MIN/SEN/SCLSW/291/2024 CONSIDERATION OF PENDING LEGISLATIVE BUSINESS BEFORE THE COMMITTEE (COMMITTEE PAPER 70)

- a) Presentation on the Public Fundraising Appeals Bill, 2024 (Senate Bills No. 36 of 2024)
 1. Members were briefed on above Bill, sponsored by the Senate Majority Leader which was published on 12th July, 2024 as an ordinary bill, and read a first time on 1st August, 2024.
 2. The principal object of the Bill is to provide for the establishment of regulatory mechanisms at the national and county levels which oversee the conduct of fundraising appeals, to provide for the licensing and regulation of fundraisers; the

promotion of transparency and accountability in the conduct of fundraising appeals and also the regulation of the conduct by State and public officers in the participation in public fundraising appeals and in the administration of this legislation.

3. The Committee was informed that the advert inviting members of the Public to submit written submissions and for a public hearing had already been put in the Daily Nation and the Standard, and letters to targeted stakeholders make their submissions were being processed to appear before the Committee on Monday, 26th August, 2024.

b) Briefing on the Sports Amendment Bill, 2024 (Senate Bills No.33 of 2024)

Members were informed that the Bill was read a first time on 8th August, 2024 and the Secretariat were processing the advert inviting members of the Public and targeted stakeholders to make submissions on the Bill on Thursday, 5th September, 2024.

c) Briefing on the Petition by Sen. Okoiti Omtatah, MP, regarding compensation of police officers injured in the line of duty

1. The Committee deliberated on the Petition by Sen. Okoiti Omtatah, MP regarding the compensation of Police Officers injured in the line of duty, which was referred to the Committee on Wednesday, 24th July, 2024 and noted the following –
 - (i) That the House adopted a Motion on Wednesday, 24th July, 2024, on the Current State of the Nation where it tasked the Standing Committee on National Security, Defense and Foreign Relations, in the Security Sector reforms, among other duties, to engage the National Police service to fast-track insurance compensation to police officers who either lost their lives or suffered injuries, as a result of the demonstrations; and
 - (ii) The Standing Committee on National Security, Defense and Foreign Relations have started proceedings on the same.
2. The Committee therefore resolved that for neater handling of the matter, the Standing Committee on National Security, Defense and Foreign Relations should handle the Petition.

d) Consideration of the Legislative Proposal on the National Employment Authority (Amendment) Bill, 2024

1. The Committee considered the legislative proposal was sponsored by Sen. Maureen Tabitha Mutinda whose main purpose is to provide for the decentralization of the authority to establish branches in counties in Kenya, noted that this was already catered for in existing legal frameworks; and

2. The Committee resolved to notify the Speaker that the amendment sought in the National Employment Authority Bill, 2024 has been taken care of in existing legal frameworks.

MIN/SEN/SCLSW/292/2024 ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/293/2024 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 12.40 p.m.

SIGNED..........DATE Tuesday, 3rd September, 2024

CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

APPENDIX 2

28th October, 2024

The Clerk of the Senate

Parliament Buildings

NAIROBI

**RE: COMMITTEE STAGE AMENDMENTS TO THE SPORTS (AMENDMENT)
BILL, 2024 (SENATE BILLS NO. 33 OF 2024)**

NOTICE is given that Sen. Recha Julius Murgor, the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Sports (Amendment) Bill, 2024, Senate Bills No. 33 of 2024, at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended—

- (a) in the proposed paragraph (c) in section 54B by deleting the word “from” appearing immediately after the word “monies”;
- (b) in the proposed section 54C by—
 - (i) deleting the words “sports facilities” appearing at the end of paragraph (a) and substituting therefor the words “registered county sports associations”;
 - (ii) deleting paragraph (d); and
- (c) by inserting the following new sections immediately after section 54H—

Financial year. 54 HA. The financial year of the Authority shall be the period of twelve months ending on the thirtieth June in each year.

Annual Estimates. 54 HB. (1) At least three months before the commencement of each financial year, the administrator shall cause to be prepared estimates of the revenue and expenditure of the Fund for that year.

(2) The annual estimates shall make provision for all estimated expenditure of the Fund for the financial year concerned.

(3) The annual estimates prepared by the administrator under subsection (2) shall be submitted to the county executive committee member for tabling in the County Assembly.

Annual Report.

54 HC. (1) The administrator of the Fund shall prepare financial statements for the Fund for each financial year in a form prescribed by the Accounting Standards Board under the Public Finance Management Act, Cap. 412A.

(2) In preparing a financial statement for the Fund, the administrator shall ensure that the report contains information on the financial and non-financial performance of the Fund.

(3) Not later than three months after the end of each financial year, the administrator of the Fund shall submit the financial statements prepared under this section to the Auditor General.

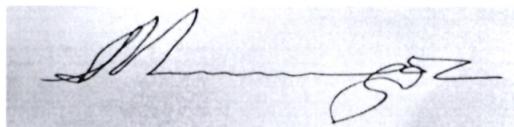
(4) The administrator shall submit a copy of the report prepared under this section to the county executive committee member.

Accounts and
Audit.

54HD. (1) The Fund shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

(2) The annual accounts of the Fund shall be prepared, audited and reported upon in accordance with the provisions of the Public Audit Act (Cap. 412B).

Dated: **Monday, 28th October, 2024.**



.....
Sen. Recha Julius Murgor,
Chairperson,
Committee on Labour and Social Welfare.

APPENDIX 3

SPECIAL ISSUE

Kenya Gazette Supplement No. 123 (Senate Bills No. 33)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2024

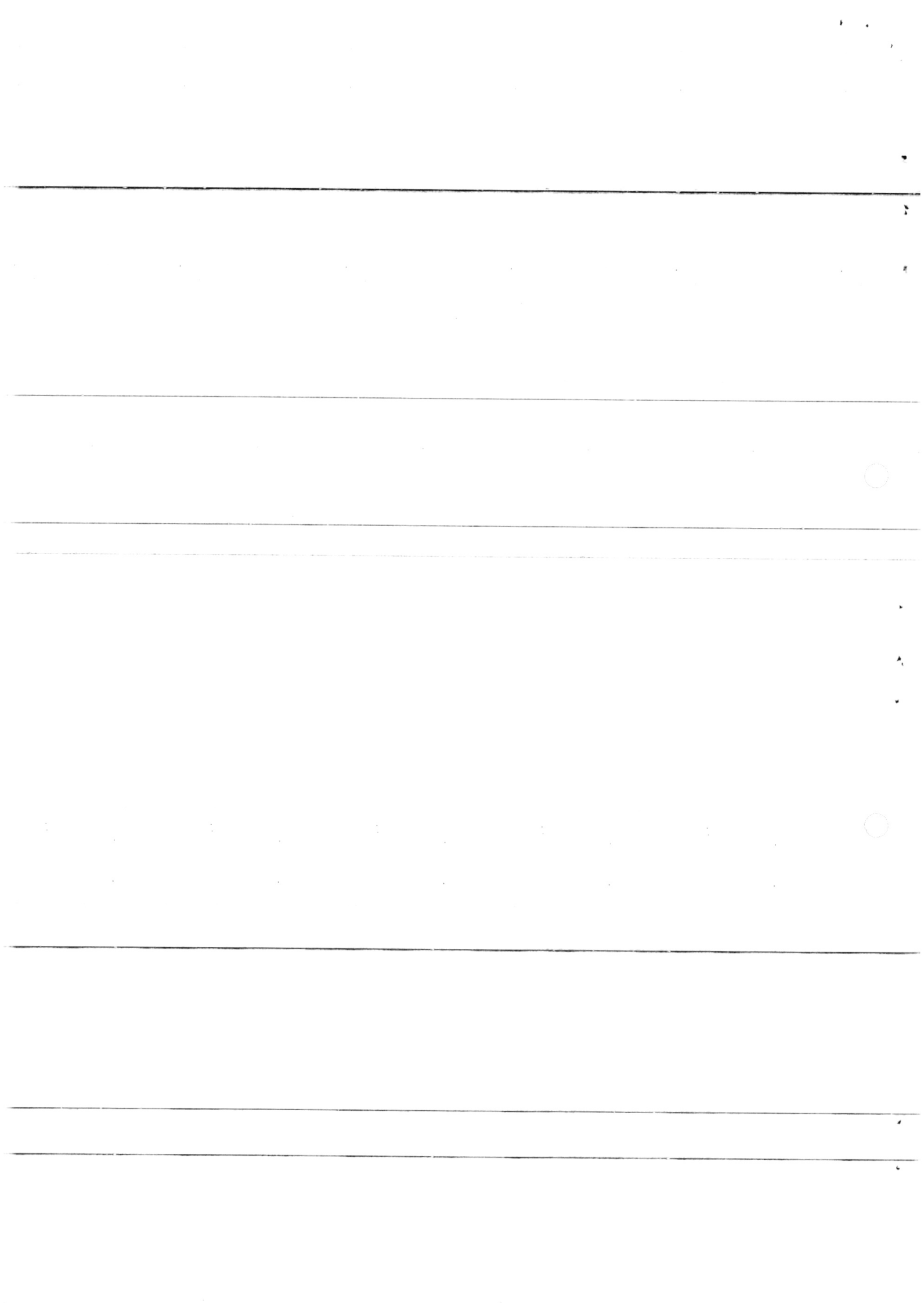
NAIROBI, 20th June, 2024

CONTENT

Bill for Introduction into the Senate—

PAGE

The Sports (Amendment) Bill, 2024 625



SPORTS (AMENDMENT) BILL, 2024**A Bill for****AN ACT of Parliament to amend the Sports Act; and for connected purposes**

ENACTED by Parliament of Kenya, as follows—

1. This Act may be cited as the Sports (Amendment) Act, 2024. Short title.

2. The Sports Act, in this Act referred to as “the principal Act” is amended by inserting the following new definition immediately after the definition of the word “council”—

Amendment to section 2 of No. 25 of 2013.

“county executive committee member” means the county executive committee member responsible for matters related to sports in the county.

3. The Principal Act is amended by inserting the following new part immediately after Part VI—

Insertion of a new Part VIA.

PART VIA — ESTABLISHMENT OF A COUNTY SPORTS ASSOCIATIONS FUND.

54A. There is established, for each county, a fund to be known as the County Sports Associations Fund.

Establishment of a County Sports Associations Fund.

54B. (1) There shall be paid into the County Sports Associations Fund—

- (a) one percent of all monies paid into the county revenue fund;
- (b) such monies or assets as may accrue or received by the fund; and
- (c) all monies from loans, grants or donations from the national government or international agencies for purposes of supporting county sports associations;

Sources of the Fund.

54C. (1) The object of the Fund is to provide funding to support registered county sports associations.

Objects and purpose of the Fund.

- (2) Without prejudice to the generality of paragraph (1), the Fund shall provide for—
- (a) facilitation for the acquisition and provision of equipment to sports facilities;
 - (b) support for the identification, nurturing and development of talent in sports;
 - (c) facilitation of training and capacity building programmes for persons involved in sports; and
 - (d) financing the development of sports facilities ~~including~~ stadia, gymnasiums, buildings and tracks.

Administration of the Fund.

54D. (1) The administrator of the Fund shall be the accounting officer responsible for matters relating to sports in the county or any other person designated by the county executive committee member, in writing, for that purpose.

- (2) The administrator of the fund shall—
- (a) open and operate a separate bank account or accounts at the Central Bank of Kenya or a bank to be approved by the County Treasury;
 - (b) supervise and control the administration of the Fund;
 - (c) prepare a work plan in respect of a financial year to be approved by the county executive committee member;
 - (d) cause to be kept proper books of ~~accounts and other books and records~~ relating to all activities and undertakings financed from the Fund;
 - (e) prepare, sign and transmit, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the

Fund and submit a copy to the County Treasury; and

- (f) prepare a quarterly report on financial and non-financial activities of the Fund in accordance with the provisions of the Public Finance Management Act, 2012.

(2) Every statement of account shall include details of the balance between the assets and liabilities of the Fund, and shall indicate the financial status of the Fund as at the end of the quarter concerned.

(3) The administrator of the fund shall ensure that monies held in the fund, including any earnings or accruals, is spent only for the purposes for which the fund is established.

Funding eligibility criteria.

Cap 223.

54E. A registered county sports association, shall be eligible to apply for funding from the Fund if it—

- (a) is registered as a county sports association under the Sports Act;
- (b) has an annual work plan aligned to the strategic plan of the association and the medium-term plan approved by the governing body of the county sports associations;
- (c) has, in the case of an infrastructure development project, prepared project designs, plans and bills of quantities, approved by the governing body and the requisite regulatory approvals from relevant government institutions; and

(d) meets any other criteria prescribed by the Board.

Application for funding.

54F. (1) The Administrator of the Fund shall by the 30th August of each year issue a budget circular for the Fund to the eligible persons indicating—

- (a) the ceilings for funding under sports, and sports development;
- (b) priority programmes, projects and activities to be funded in that financial year; and
- (c) any other information that may be considered necessary.

(2) ~~A person who wishes to receive~~ funding from the Fund and meets the criteria set out under section 54E shall at least six months before the commencement of a financial year apply to the Administrator of the Fund in such a manner as may be prescribed by the Board.

(3) An application for funding under paragraph (2) shall be accompanied by—

- (a) the certificate of registration issued under the Sports Act (Cap 223);
- (b) the minutes of a properly constituted meeting of the governing body of the association containing the resolution to apply for funding from the Fund;
- (c) an annual work plan aligned to the strategic plan of the association and the medium-term plan approved by the governing body of the sports association;
- (d) the project designs, plans and bills of quantities, approved by the governing body and the requisite regulatory approvals from relevant government institutions, where applicable;
- (e) a statutory declaration of programmes funded through other sources;
- (f) the details and signatories of the bank account in the name of the association where the funds shall be channelled; and

Disbursement of funds.

(g) any other information as may be required.

54G. (1) The funds under the Fund shall be disbursed under the following conditions—

(a) all disbursements from the Fund shall be approved by the county executive committee member;

(b) disbursements from the Fund shall be utilised to support the objects and purpose of the Fund;

(c) the county executive committee member shall set out other conditions and requirements for release of funds, to ensure efficient and effective management of resources.

(2) A recipient shall—

(a) submit quarterly and annual progress reports of the programmes, projects and activities funded by the Fund; and

(b) allow monitoring and evaluation of the programmes, projects and activities funded by the Fund.

(3) A recipient shall return any unutilized funds disbursed in accordance with paragraph (1) where —

(a) the purpose for which the funds were disbursed was not undertaken; or

(b) the purpose for which the funds were disbursed was undertaken but the funds were not fully utilized; or

(c) savings are realized as a result of change in circumstances.

(4) Unutilized funds returned under paragraph (2) shall be recorded as receipts of the Fund.

(5) A recipient who fails to comply with paragraph (2) and (3) shall not be eligible for any subsequent disbursement until full compliance.

Retention of receipts

54H. All receipts, earnings and accruals to the Fund, and the balance of the Fund at the close of each financial year, shall be retained by the Fund for use for the purpose for which the Fund is established.

Regulations.

54J. The county executive committee member shall, within a period not exceeding twelve months, make rules generally for better carrying out of the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The purpose of this Bill is to amend the Sports Act (Cap 223). The proposed amendments primarily focus on the establishment and administration of the County Sports Associations Fund. The proposed County Sports Associations Fund is a pivotal instrument aimed at promoting sports development and enhancing community well-being within the counties.

The County Sports Associations Fund is primarily focused on nurturing and supporting county sports associations, with the intention of fostering the development of sports at the grassroots level. Secondly, the Bill seeks to define the administrative framework for the County Sports Associations Fund.

Additionally, the Bill outlines a comprehensive strategy for funding the County Sports Associations Fund, which includes a percentage of county revenue, financial accruals from departmental activities, government loans, grants, and donations, as well as contributions from sources explicitly designated for county sports associations. The legislation prescribes the specific utilization of the fund, emphasizing its allocation towards supporting duly registered county sports associations on an annual fiscal basis, thereby strategically directing resources towards grassroots sports development.

Lastly, the Bill grants regulatory oversight powers to the County Executive Committee member responsible for sports, enabling them to formulate essential rules that cover vital aspects such as eligibility criteria, fund disbursement procedures, and rigorous accountability measures. This comprehensive approach ensures the effective establishment, operation, and governance of the County Sports Associations Fund and fostering the growth and development of sports at the local level.

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

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms. Its provisions are designed to facilitate the efficient administration of the County Sports Associations Fund within the framework of existing legal and constitutional safeguards.

Statement of how the Bill concerns County Governments

The Bill primarily concerns county governments in Kenya, as it establishes the County Sports Associations Fund, which falls under the purview of county-level sports administration which is a function detailed

in the Fourth Schedule of the Constitution. It outlines the responsibilities of county government officials and seeks to enhance the capacity of counties to support sports development within their jurisdictions.

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. It primarily deals with the establishment of a fund, administrative procedures, and regulatory frameworks. While it specifies funding sources and utilization, it does not alter the national budgeting process or impose taxation measures. It ensures that existing budget allocations are directed toward sports associations within the county, without creating new taxation or expenditure obligations.

Dated the 4th December, 2023

EDWIN WATENYA SIFUNA
Senator

Section 2 of Act No. 25 of 2013 which it is proposed 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);

“Board of Trustees” deleted by Act No. 7 of 2019, s. 2;

“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 54 of Act No. 25 of 2013 which it is proposed to amend

54. Intervention by Cabinet Secretary in management

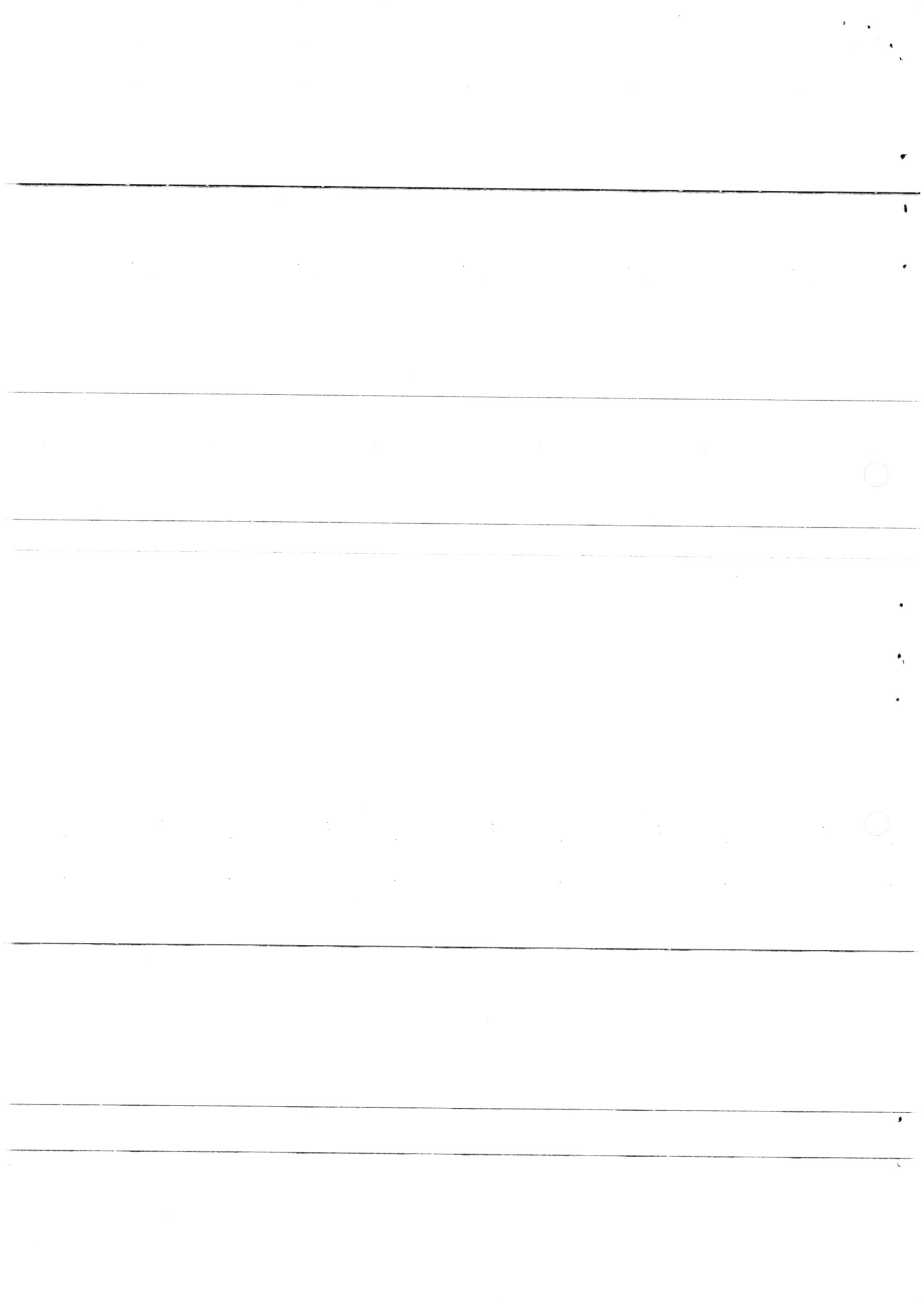
(1) Where a sports organisation fails to comply with the recommendations of an inspection, the Cabinet Secretary may—

(a) appoint any person or committee to assume the management, control and conduct of the affairs of a sports organization, to exercise the powers and functions of the sports organization to the exclusion of its officials, including the use of its corporate seal, where the sports organization concerned has been unable to conduct its affairs in a proper manner; or

(b) remove any official of a sports organization who, in the opinion of the Cabinet Secretary, has caused or contributed to any contravention of any provision of this Act, or any regulations or directions made thereunder or to any deterioration in the financial stability of the sports organization or has conducted himself in a manner which is detrimental to the interest of the relevant sporting discipline, or which has brought the sporting discipline into disrepute.

(2) The appointment of a person or committee under this section shall be for such period as the Cabinet Secretary shall specify in the instrument of appointment, but shall not exceed six months.

(3) A person or committee shall, upon assuming the management, control and conduct of the affairs of a sports organization, discharge his or its duties with diligence and in accordance with sound management and financial principles.



APPENDIX 4

NEWS GENERAL

Parliament warns ministries over half-baked bills taken to House

MPs role in public participation is limited to receiving and processing feedback



LUKE AWICH
@AchiAwich

Parliament has fired a warning to ministries over what MPs term half-baked bills being abandoned in the august House.

National Assembly Majority leader Kimani Ichung'wah has accused state departments of neglecting their public sensitisation duty before sending bills to the House.

"Parliament cannot sensitise members of the public; it is the responsibility of the ministries that own the bills," Ichung'wah said.

Parliament's role in public participation is limited to receiving and processing feedback from the public after they have been adequately informed by the responsible ministries.

The Kikuyu MP said the half-baked bills have fuelled public anger against

the government, especially after members of the public misinterpret the intent of the bills.

"Ministries author bills, send those bills to the House and then abandon them," Ichung'wah said.

"They do not take time to sensitise members of the public on the policies underpinning those bills. When people read things and interpret them in their way—sometimes not very accurately—the misinformed members of the public use whatever has been published to incite others."

Ichung'wah spoke on the day the National Assembly halted processing of the Livestock Bill, 2024, which was found inadequate.

The Bill, according to MPs, had significant public misgivings and inadequate input from the Ministry of Agriculture and Livestock.

The proposed legislation that was at the first reading had received huge public outcry, with Kenyans complaining of lack of prior sensitisation.



National Assembly Majority leader Kimani Ichung'wah in his office
/EZEKIEL AMING'A

The House Business in response to the outcry halted processing of the bill until the ministry addresses the glaring gaps.

"We have seen a lot of misinforma-

tion and disinformation being peddled online about this Livestock Bill," Ichung'wah said.

"I have written to the Principal Secretary of the State Department

of Livestock, asking them to conduct further public sensitisation on the bill and the policy underpinning it. Once this process is complete, we will await further guidance on whether the ministry wants to proceed with the bill in its current form or make changes based on public feedback."

Going forward, Ichung'wah said he will not allow ministries to abandon bills in the House after failing without conducting due sensitisation.

The decision, he said, is meant to cure a situation like that of the withdrawn Finance Bill, 2024, that was faulted for not incorporating views of Kenyans.

Apart from the Finance Bill, Parliament has in the past backtracked on a number of controversial bills following public protests.

Ichung'wah was in June forced to withdraw the Land Laws (Amendment) Bill, 2023, which sought to have owners of freehold land within or close to urban areas pay an annual levy in addition to land rates.

In the same month, Mbeere North MP Geoffrey Ruku made a U-turn and withdrew his bill on regulation of demonstrations.

The Assembly and Demonstration Bill, 2024, proposed to tighten regulations on public demonstrations across Kenya.

The bill sought to grant extensive powers to law enforcement authorities to curb protests deemed disruptive to public order.

COUNTY GOVERNMENT OF WAJIR

DEPARTMENT OF FINANCE AND ECONOMIC PLANNING

PUBLIC PARTICIPATION ON THE WAJIR COUNTY ANNUAL DEVELOPMENT PLAN (CADP) FOR THE FINANCIAL YEAR 2025/2026

Pursuant to Section 104(1) of the County Government Act 2012 on obligation to plan by the County, and Section 125(2) and 126 (1) & (2) of the Public Finance Management Act 2012, the County Government of Wajir through the Department of Finance and Economic Planning invites members of the public, interested parties and all stakeholders to make submissions towards the formulation of the FY 2025/2026 County Annual Development Plan (CADP). The main objective of the Plan is to identify the annual strategic priorities, programmes and projects that reflect the county government's spending plans and be the basis for county budgeting process for the FY 2025/2026. Members of the public, interested parties and other stakeholders are invited to public participation to be held in all the Sub-Counties on Monday August 19, 2024 from 9:00 AM as below:

SUB COUNTY	VENUE	TIME
1. Wajir North	Sub-County Admin. Office	9.00 AM
2. Eldas	Eldas Sub-County Admin. Office	9.00 AM
3. Wajir West	Griftu Sub-County Admin. Office	9.00 AM
4. Wajir East	ICT Hall	9.00 AM
5. Wajir South	Habaswein Comm. Library	9.00 AM
6. Tarbaj	NG-CDF Hall	9.00 AM

Members of the public can also send written memoranda to the undersigned or through email addresses: info@wajir.go.ke / treasury@wajir.go.ke / economicplanning@wajir.go.ke on or before **Monday August 19, 2024**. All are welcome.

CPA MOHAMED HASSAN HUSSEIN
COUNTY EXECUTIVE COMMITTEE MEMBER - FINANCE AND ECONOMIC PLANNING

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT | THIRD SESSION

THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA AND PUBLIC HEARING

INVITATION FOR SUBMISSION OF MEMORANDA AND PUBLIC HEARING
THE SPORTS (AMENDMENT) BILL, 2024 (SENATE BILLS NO. 33 OF 2024)

The **Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024)** was read a First Time in the Senate on Tuesday, 6th August, 2024 and thereafter stood committed to the Standing Committee on Labour and Social Welfare for consideration. The Committee is required, under standing order 145(5) of the Senate Standing Orders, to facilitate public participation on the Bill and to take into account the views and recommendations of the public when the Committee makes its report to the Senate.

The principal object of the Bill is to amend the Sports Act (Cap. 223) to provide for the establishment and administration of a County Sports Associations Fund, in each county, to provide funding to support county sports associations. The Fund is focused on nurturing and supporting county sports associations in order to encourage the development of sports at the local level. The Bill outlines a strategy for funding the County Sports Associations Fund and the utilization of the Fund. The Bill also grants powers to the County Executive Committee member responsible for sports in each county to formulate rules to cover aspects such as the eligibility criteria, fund disbursement procedures and accountability measures.

In accordance with the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Standing Committee on Labour and Social Welfare now invites interested members of the public to submit any representations that they may have on the Bill by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk_senate@parliament.go.ke and copied to laboursocialwelfarecommittee@parliament.go.ke to be received on or before **Monday, 2nd September, 2024 at 5.00 p.m.**

In addition, the Committee will hold a public hearing on the Bill on **Thursday, 5th September, 2024 at 11.00 a.m.** in **Committee Room 2, Bunge Tower, Parliament Buildings, Nairobi**. Members of the public are welcome to attend this hearing.

The Bill and a digest that summarizes the contents and context of the Bill may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

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

APPENDIX 5

SPECIAL ISSUE*Kenya Gazette Supplement No. 123 (Senate Bills No. 33)*

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT**SENATE BILLS, 2024****NAIROBI, 20th June, 2024**

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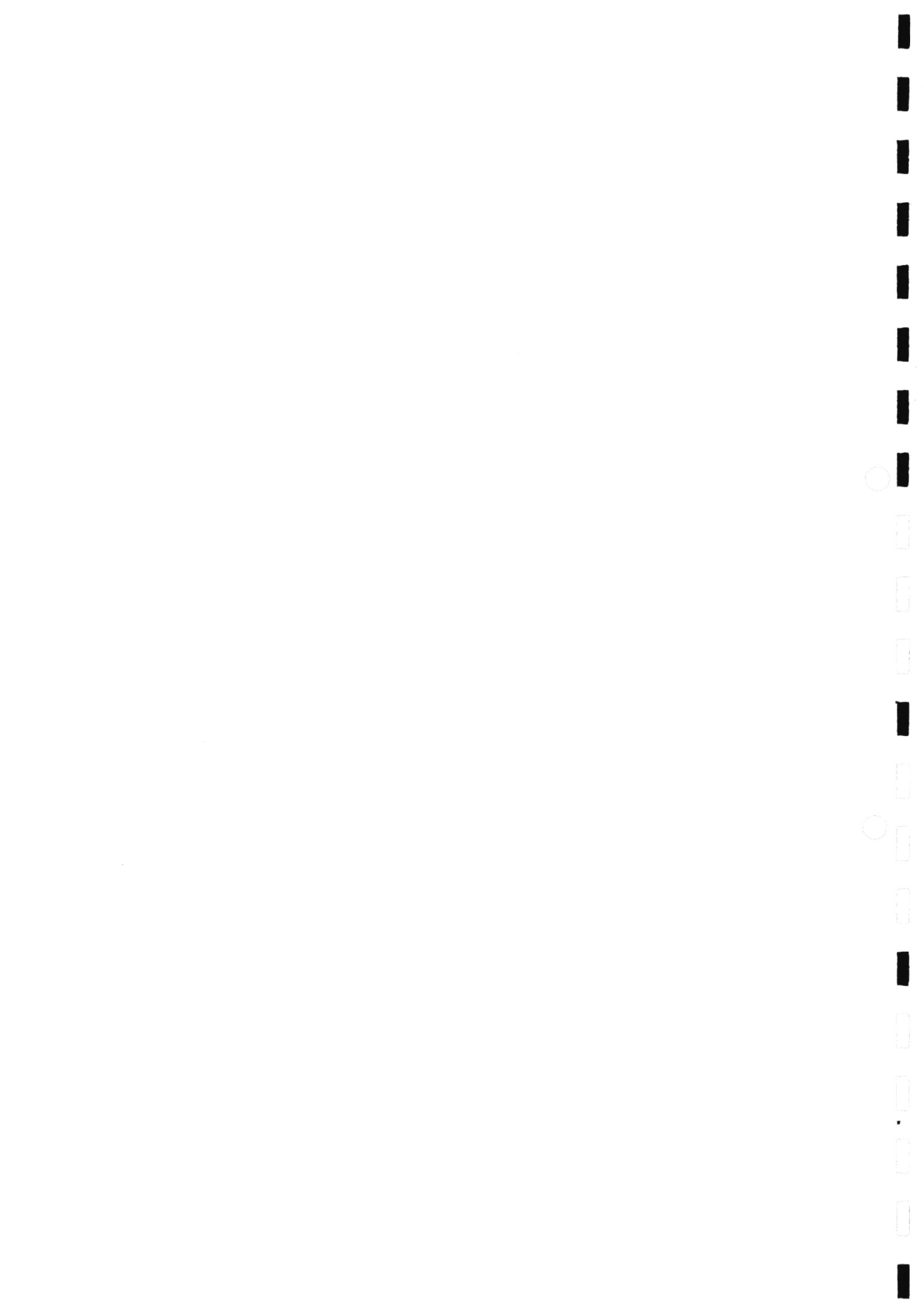
SPORTS (AMENDMENT) BILL, 2024**A Bill for****AN ACT of Parliament to amend the Sports Act; and for connected purposes****ENACTED** by Parliament of Kenya, as follows—

1. This Act may be cited as the Sports (Amendment) Act, 2024.
2. The Sports Act, in this Act referred to as “the principal Act” is amended by inserting the following new definition immediately after the definition of the word “council”—

“county executive committee member” means the county executive committee member responsible for matters related to sports in the county.

“County Sports Fund Board” means the Board incharge of the County Sports Association Fund.

3. The Principal Act is amended by inserting the following new part immediately after Part VI—



PART VIA — ESTABLISHMENT OF A COUNTY SPORTS ASSOCIATIONS FUND.

54A. There is established, for each county, a fund to be known as the County Sports Associations Fund.

Sources of the Fund.

54B. (1) There shall be paid into the County Sports Associations Fund—

- (a) one percent of all monies paid into the county revenue fund; with a consideration of increase to 2% over time.

Clarification - Definition of County Revenue from National government and or plus revenue collected from the county.

- (b) such monies or assets as may accrue or received by the fund; and
- (c) all monies from loans, grants or donations from the national government or international agencies for purposes of supporting county sports associations

54C. (1) The object of the Fund is to provide funding to support registered county sports associations.

Amendment to the Sport Regulations Act.

Registration of the county sports associations should be done at the county level with no objection letter from the Sport National Governing Body.

The Office of the registrar should be decentralised to the counties and shall register county associations and clubs

- (2) Without prejudice to the generality of paragraph (1), the Fund shall provide for—
- (a) Facilitation for the acquisition and provision of equipment to sports facilities;
- (b) spend on administration cost; affiliation fees to the national body, coaches and umpire's examination fees and registration.
- (c) support for the identification, nurturing and development of talent in sports;



- (d) facilitation of training and capacity building programmes for persons involved in sports; and
- (e) financing the development of sports facilities including stadia, gymnasiums, buildings and tracks. The amount will not exceed 35% of the budget.
- (f) The amount of total funding allocated will not exceed 10% per single sport of the Funds provided.
- (g) A sport that is funded in one year will skip the subsequent year if the funds are limited.

54D. (1) The administrator of the Fund shall be the accounting officer responsible for matters relating to sports in the county or any other person designated by the county executive committee member, in writing, for that purpose. The fund will be managed by a County Sports Board.

Composition of the County Sports Board Fund

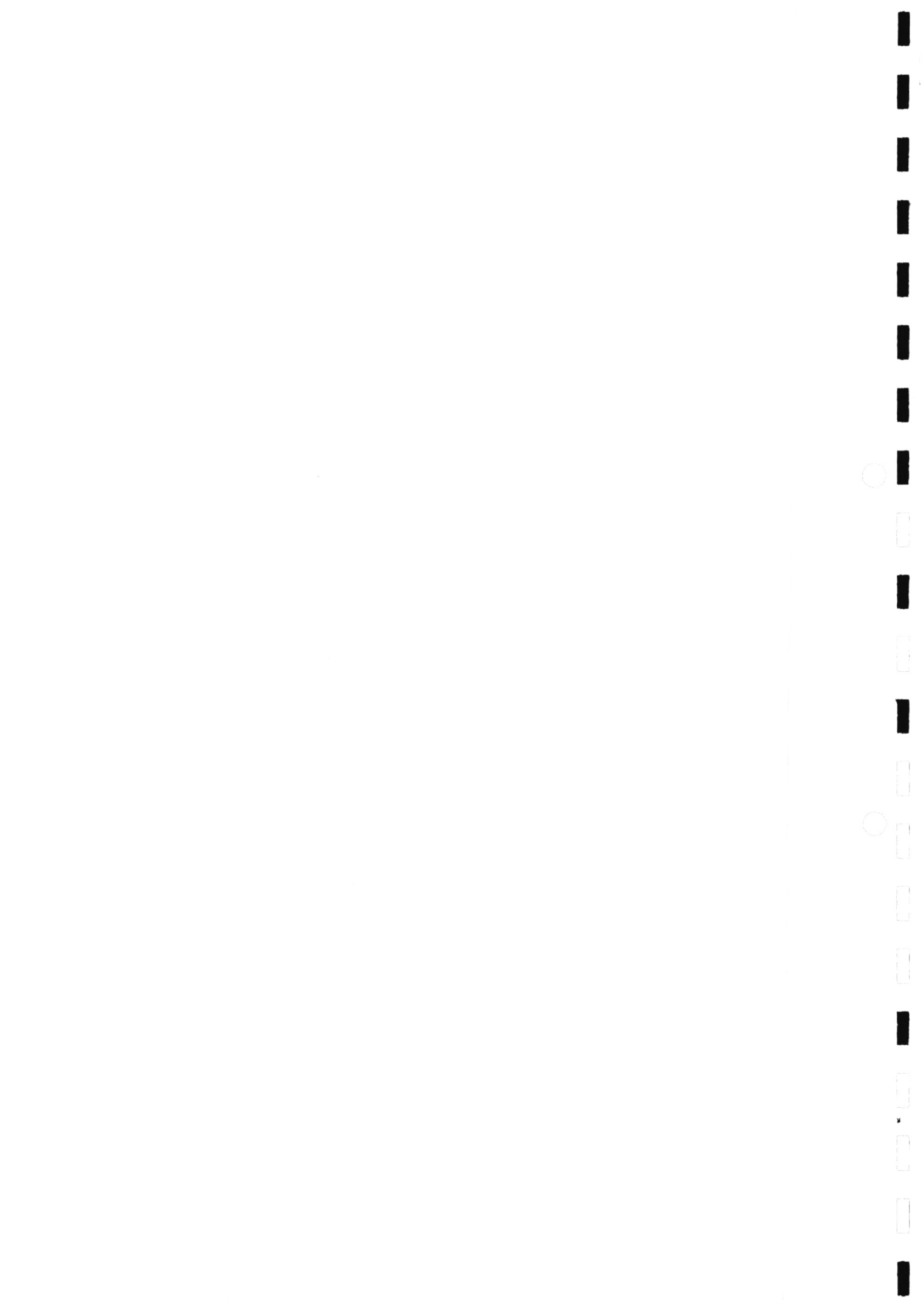
- (a) It Shall comprise of 9 Members.
 - (b) The chairperson of the board must be a Sport Person.
 - (c) 5 persons from Sports associations in the board. No Two (2) persons shall present a single sport.
 - (d) 4 other people including the CEC of Sports and Legal Officer of the County.
 - (e) The Term Limit of the board will be 2 terms which will be renewable after 4 years.
- (2) The functions of the County Sports Fund Board shall be to—
The County Sports Fund Board shall have all the powers necessary for the performance of the functions of the board under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—
- (a) manage, control and administer the assets of the Board in such manner and for such purposes as best promotes the purposes for which the Board is established;
 - (b) receive any gifts, grants, donations or endowments made to the Board or any other monies in respect of the Board and make disbursements therefrom in accordance with the provisions of this Act;
 - (c) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Board;
 - (d) invest any monies of the Board not immediately required for the purposes of this Act in the manner provided in section 11.
 - (e) make grants or lend money, and provide scholarships to sportspersons and staff of the Board; and
 - (f) do any other thing necessary, or expedient for the discharge of its functions under the Act.

- (3) The administrator of the fund shall—
- (a) open and operate a separate bank account or accounts at the Central Bank of Kenya or a bank to be approved by the County Treasury;
 - (b) supervise and control the administration of the Fund;
 - (c) prepare a work plan in respect of a financial year to be approved by the county executive committee member; **County Sports Fund Board**
 - (d) cause to be kept proper books of accounts and other books and records relating to all activities and undertakings financed from the Fund;
 - (e) prepare, sign and transmit, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Treasury; and
 - (f) prepare a quarterly report on financial and non-financial activities of the Fund in accordance with the provisions of the Public Finance Management Act, 2012. **The reports will be made Public in the County Website.**
- (4) Every statement of account shall include details of the balance between the assets and liabilities of the Fund, and shall indicate the financial status of the Fund as at the end of the quarter concerned.
- (5) The administrator of the fund shall ensure that monies held in the fund, including any earnings or accruals, is spent only for the purposes for which the fund is established.

54E. A registered county sports association, shall be eligible to apply for funding from the Fund if it—

- (a) is registered as a county sports association under the Sports Act;
- (b) has an annual work plan aligned to the strategic plan of the association and the medium-term plan approved by the governing body of the county sports association **County Sports Fund Board**;
- (c) has, in the case of an infrastructure development project, prepared project designs, plans and bills of quantities, approved by the governing body and the requisite regulatory approvals from relevant government institutions; and
- (d) meets any other criteria prescribed by the Board.

54F. (1) The Administrator of the Fund shall by the 30th August of each year issue a budget circular for the Fund to the eligible persons indicating—



- (a) the ceilings for funding under sports, and sports development;
- (b) priority programmes, projects and activities to be funded in that financial year; and
- (c) any other information that may be considered necessary.

(2) A person **or An Organization** who wishes to receive funding from the Fund and meets the criteria set out under section 54E shall at least six months before the commencement of a financial year apply to the Administrator of the Fund in such a manner as may be prescribed by the Board.

(3) An application for funding under paragraph (2) shall be accompanied by—

- (a) the certificate of registration issued under the Sports Act (Cap 223);
- (b) the minutes of a properly constituted meeting of the governing body of the association containing the resolution to apply for funding from the Fund;
- (c) an annual work plan aligned to the strategic plan of the association and the medium-term plan approved by the governing body of the sports association;
- (d) the project designs, plans and bills of quantities, approved by the governing body and the requisite regulatory approvals from relevant government institutions, where applicable;
- (e) a statutory declaration of programmes funded through other sources;
- (f) the details and signatories of the bank account in the name of the association where the funds shall be channeled; an
- (g) **a schedule of all allocation that will be shared every financial year be provided to the public**
- (h) any other information as may be required.

54G. (1) The funds under the Fund shall be disbursed under the following conditions—

- (a) all disbursements from the Fund shall be approved by the **county executive committee member; County Sports Fund Board**
- (b) disbursements from the Fund shall be utilised to support the objects and purpose of the Fund;
- (c) the **County Sports Fund Board** **county executive committee member** shall set out other conditions and requirements for release



of funds, to ensure efficient and effective management of resources.

2) A recipient shall—

- (a) submit quarterly and annual progress reports of the programmes, projects and activities funded by the Fund; and
- (b) allow monitoring and evaluation of the programmes, projects and activities funded by the Fund.

(3) A recipient shall return any unutilized funds disbursed in accordance with paragraph (1) where —

- (a) the purpose for which the funds were disbursed was not undertaken; or
- (b) the purpose for which the funds were disbursed was undertaken but the funds were not fully utilized; or
- (c) savings are realized as a result of change in circumstances.

(4) Unutilized funds returned under paragraph (2) shall be recorded as receipts of the Fund.

(5) A recipient who fails to comply with paragraph (2) and (3) shall not be eligible for any subsequent disbursement until full compliance.

Retention of
Receipts

54H. All receipts, earnings and accruals to the Fund, and the balance of the Fund at the close of each financial year, shall be retained by the Fund for use for the purpose for which the Fund is established.

Regulations.

54I. The county executive committee member **county sports fund board shall create rules and regulations** shall, within a period not exceeding twelve months, make rules generally for better carrying out of the provisions of this Act.

Monitoring
and
Evaluation

54J. **The county executive committee shall provide a monitoring and evaluation system of sports development at the grass root level in the county as a resulting of injection of the fund.**



MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The purpose of this Bill is to amend the Sports Act (Cap 223). The proposed amendments primarily focus on the establishment and administration of the County Sports Associations Fund. The proposed County Sports Associations Fund is a pivotal instrument aimed at promoting sports development and enhancing community well-being within the counties.

The County Sports Associations Fund is primarily focused on nurturing and supporting county sports associations, with the intention of fostering the development of sports at the grassroots level. Secondly, the Bill seeks to define the administrative framework for the County Sports Associations Fund.

Additionally, the Bill outlines a comprehensive strategy for funding the County Sports Associations Fund, which includes a percentage of county revenue, financial accruals from departmental activities, government loans, grants, and donations, as well as contributions from sources explicitly designated for county sports associations. The legislation prescribes the specific utilization of the fund, emphasizing its allocation towards supporting duly registered county sports associations on an annual fiscal basis, thereby strategically directing resources towards grassroots sports development.

Lastly, the Bill grants regulatory oversight powers to the County Executive Committee member responsible for sports, enabling them to formulate essential rules that cover vital aspects such as eligibility criteria, fund disbursement procedures, and rigorous accountability measures. This comprehensive approach ensures the effective establishment, operation, and governance of the County Sports Associations Fund and fostering the growth and development of sports at the local level.

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

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms. Its provisions are designed to facilitate the efficient administration of the County Sports Associations Fund within the framework of existing legal and constitutional safeguards.

Statement of how the Bill concerns County Governments

The Bill primarily concerns county governments in Kenya, as it establishes the County Sports Associations Fund, which falls under the purview of county-level sports administration which is a function detailed



in the Fourth Schedule of the Constitution. It outlines the responsibilities of county government officials and seeks to enhance the capacity of counties to support sports development within their jurisdictions.

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. It primarily deals with the establishment of a fund, administrative procedures, and regulatory frameworks. While it specifies funding sources and utilization, it does not alter the national budgeting process or impose taxation measures. It ensures that existing budget allocations are directed toward sports associations within the county, without creating new taxation or expenditure obligations.

Dated the 4th December, 2023

EDWIN WATENYA SIFUNA
Senator



Section 2 of Act No. 25 of 2013 which it is proposed 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);

“Board” means the County Sports Fund Board

“Board of Trustees” deleted by Act No. 7 of 2019, s. 2;

“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 54 of Act No. 25 of 2013 which it is proposed to amend

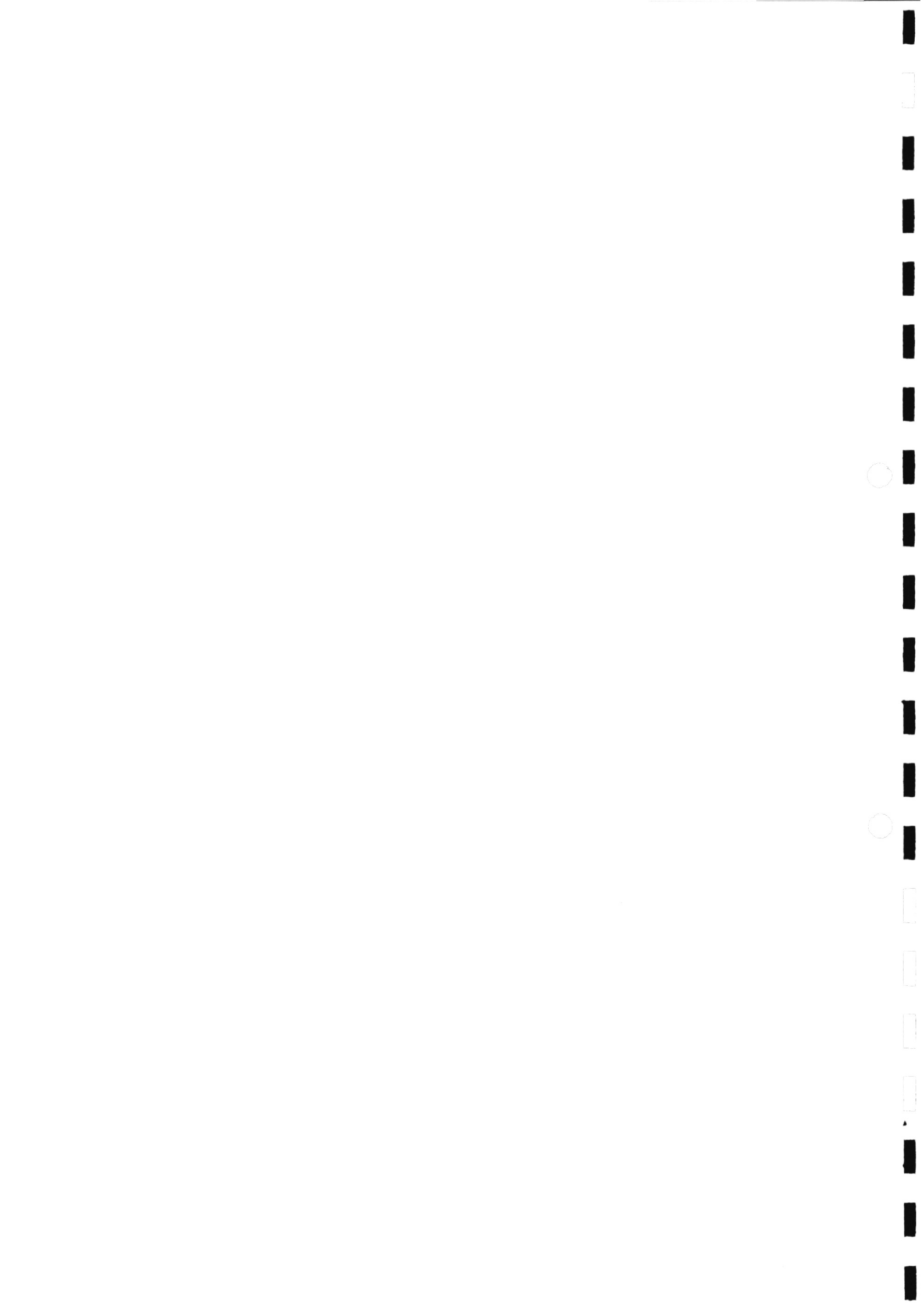
54. Intervention by Cabinet Secretary in management

(1) Where a sports organisation fails to comply with the recommendations of an inspection, the Cabinet Secretary may—

- (a) appoint any person or committee to assume the management, control and conduct of the affairs of a sports organization, to exercise the powers and functions of the sports organization to the exclusion of its officials, including the use of its corporate seal, where the sports organization concerned has been unable to conduct its affairs in a proper manner; or
- (b) remove any official of a sports organization who, in the opinion of the Cabinet Secretary, has caused or contributed to any contravention of any provision of this Act, or any regulations or directions made thereunder or to any deterioration in the financial stability of the sports organization or has conducted himself in a manner which is detrimental to the interest of the relevant sporting discipline, or which has brought the sporting discipline into disrepute.

(2) The appointment of a person or committee under this section shall be for such period as the Cabinet Secretary shall specify in the instrument of appointment, but shall not exceed six months.

(3) A person or committee shall, upon assuming the management, control and conduct of the affairs of a sports organization, discharge his or its duties with diligence and in accordance with sound management and financial principles.



The Sports Cursus
Duncan Chemiryo
P.O. Box 35913-00200
Tel. 0721713416
Tel. 0722176120
Email. dunkiche@yahoo.com
NAIROBI, KENYA.
30th August, 2024

The Senate
Parliament Buildings
Nairobi, Kenya

Dear Senate

RE: SENATE SPORTS AMENDMENT BILL KENYA GAZETTE SUPPLEMENT NO. 123 (SENATE BILLS NO. 33)

I hope this letter finds you well. I am writing on behalf of our team to formally request the opportunity to participate in the upcoming public hearing on the **Senate Sports Amendment Bill Kenya Gazette Supplement No. 123 (Senate Bills No. 33)** on **5th September 2024**.

I represent a diverse group of stakeholders deeply invested in the development and integrity of sports in our nation. We have carefully reviewed the proposed amendments and believe that our insights and experiences can contribute meaningfully to the discussions surrounding this critical legislation.

Our organization has a long-standing commitment to give and input to your already suggested draft and we are keen to provide constructive feedback that aligns with the best interests of athletes, sports institutions, and the broader community.

We respectfully request the opportunity to present our views and recommendations during the public hearing. We believe that our participation will enhance the deliberative process and help ensure that the final legislation effectively addresses the needs and challenges facing the sports sector.

Please let us know the procedures for participation and any additional requirements we need to fulfill to be included in the hearing. We are prepared to provide any necessary documentation or statements in advance if required.

Attached is our list of attendance and the our draft of amendment bill

Thank you for considering our request. We look forward to the opportunity to contribute to this important legislative process.

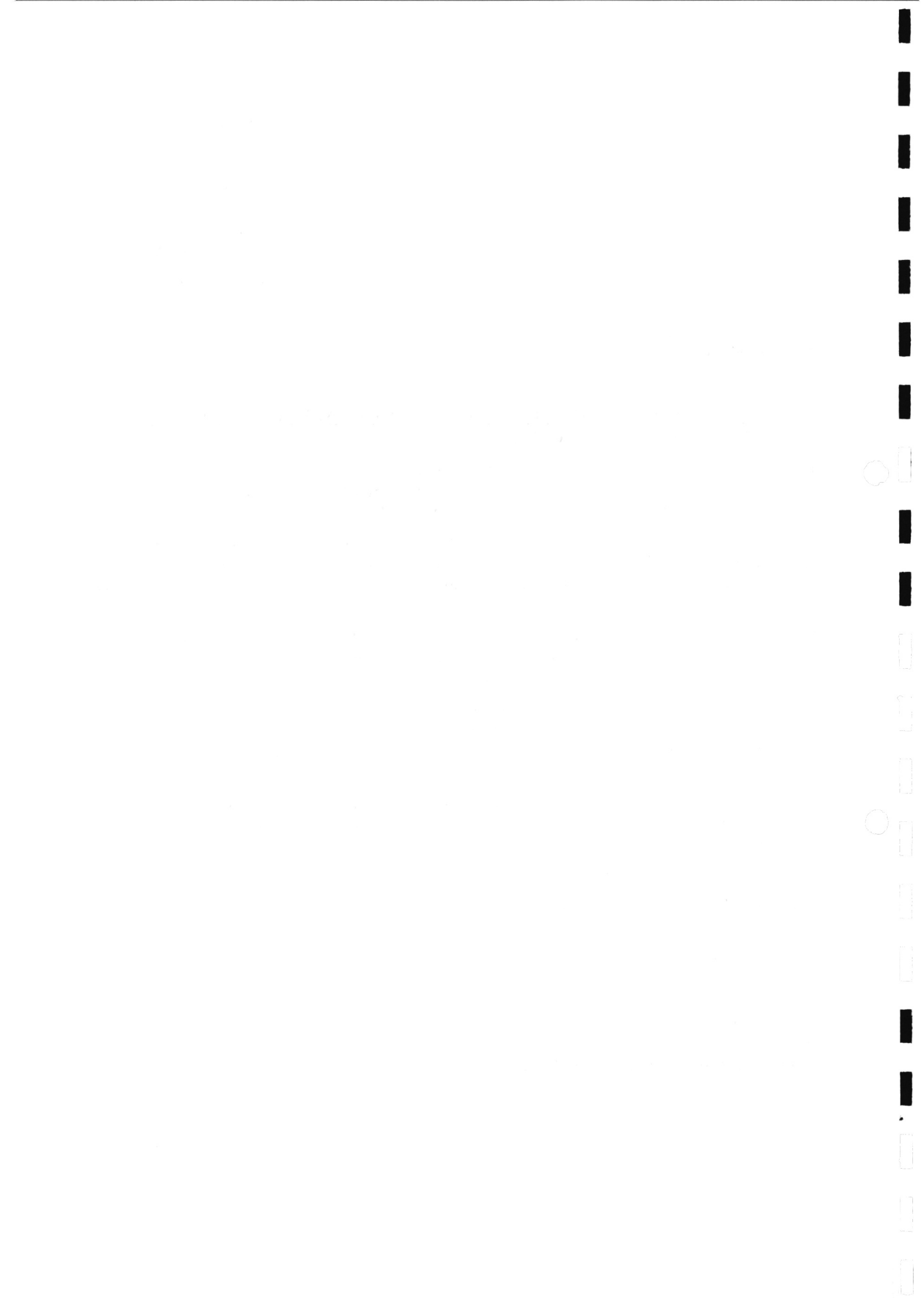
Yours Faithfully,



Duncan Chemiryo

Sports Cucus Secretary.

Deputy President – Kenya Judo Federation.



DATE: 30/8/2024

EVENT: CAUCUS MEETING - SPORTS AMENDMENT BILL

VENUE: STADIUM HOTEL - NAIVASITA ROOM

	NAME	FEDERATION	PHONE NO	EMAIL
1	Sophus Kileenge	Kenya Bowling Fed	0722527316	sophus3457k@gmail.com
2	Decker Kariuki	Baseball Federation of Kenya	0722590809	deckerkaruki@yahoo.com
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5	YUSUF K KIPKOECH	Kenya Roll Ball Federation	0720493177	yusufkipruto@yahoo.com
6	SAMUEL A. LITABA	Kenya Woodball Federation	0722630668	supahsam63@gmail.com
7	CHARLES O. DPONDO	Kenya Ing of War Ass.	0723922004	charlesojambooperlo@gmail.com
8	THOMAS ODUNDO	KENYA RUGBY	0722748135	thomas.odundo@kru.co.ke
9	Duncan Clements	Kenya Judo Federation	0721713416	dunkiche@yahoo.com
10	Maurice Ouma	Kenya Archery	0722274498	mauriceouma@gmail.com
11	Angela Achweny	Kenya Cycling Federation	0721740644	kenyacycling@gmail.com
12	PAUL BITOK	K. Volleyball "	0725877367	pbitor2002@yahoo.com

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THE UNIVERSITY OF CHICAGO

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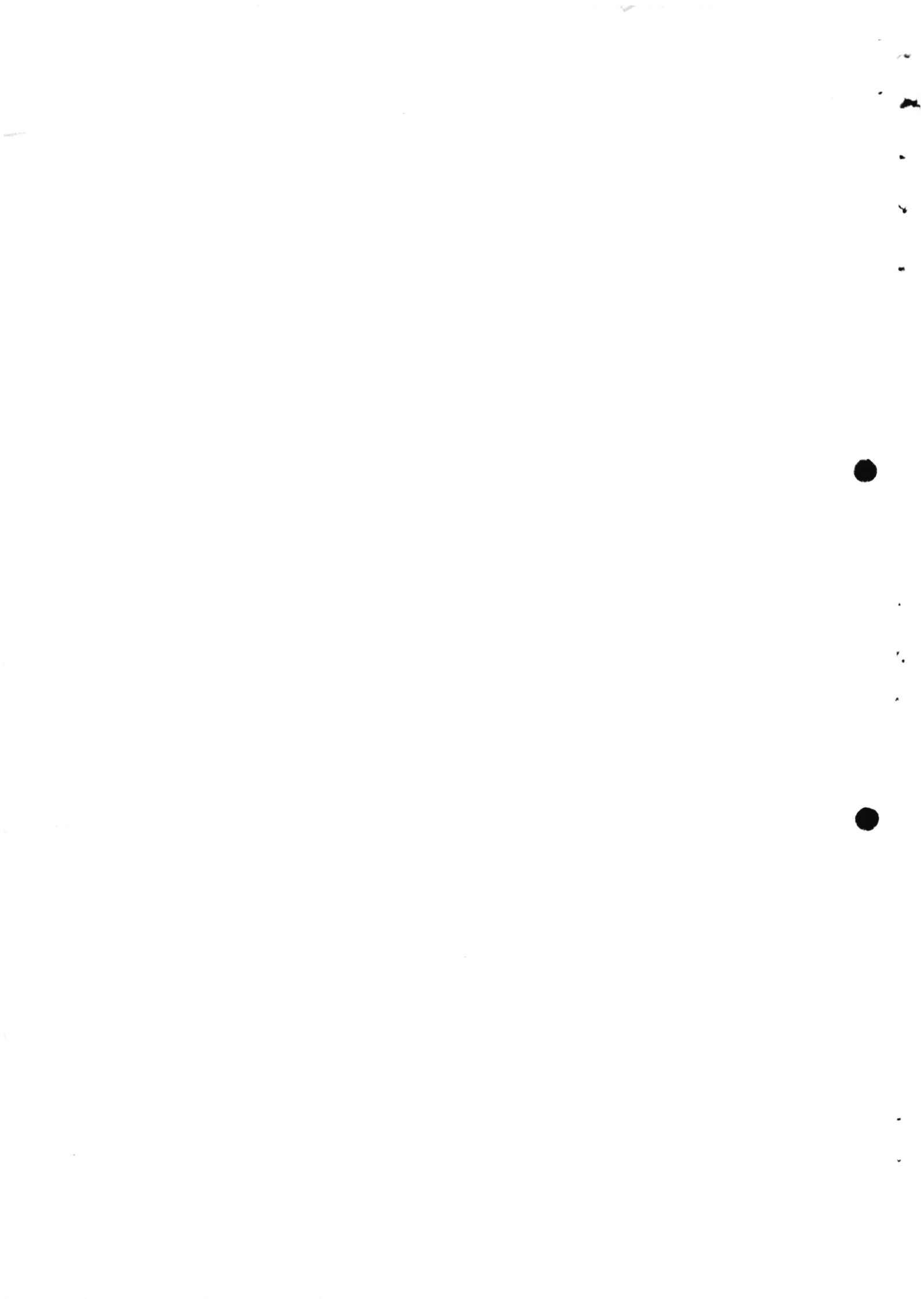


DATE: 30/8/2024

EVENT: CAUCUS MEETING - SPOLIS INVOLVEMENT BILL

VENUE: ST. PAUL'S HOTEL - UNIVERSITY ASSOCIATION

NAME	FEDERATION	PHONE NO	EMAIL
1. Spencey Nderega	Kenya Bowling Fed	0722521316	spencey2021@gmail.com
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THE SENATE

SUBMISSIONS OF MEMORANDA

The sports (AMENDMENT) BILL 2024 (SENATE Bill No.33 of 2024)

Submissions from

Wanjiku D. Wanjiku

Nyeri county boxing Association

CHAIRPERSON

0717336223

CLAUSE 1

Is sports a Devolved function?

Sports is a concurrent function of both the National Government and County Government.

In Nyeri County we have been having a problem with the administration as they believe that sports is not a devolved function.

They quote that a function or power not assigned by the constitution or national legislation to a County is a function or power of the national government.

However, in the 4th schedule, Distribution of functions between the national and County government, Devolution as guaranteed has obligated the national government to devolve resources for sports to the counties.

The county function on sports, cultural activities and facilities in Nyeri county is only concentrated on the two latter functions, that is cultural activities and facilities e.g., building of perimeter walls around football grounds neglecting sports especially on identifying, nurturing and exposing of sports talents.

The only sports activity that they believe is DEVOLVED is county assembly sports activities e.g., kicosca etc

The general mandate or objections of devolution should be pursued within the respect Of inter- dependency, consultation and collaboration between the two levels of government particularly in the sector where both level share responsibilities the so-called **CONCURRENT** functions.

CLAUSE 2

In the amendment bill part VI A – establishment of a county sport association fund **CLAUSE (54)B -b**

54(B)

b) One percent of all money paid into the county revenue fund.

- ✓ My suggestion is to increase the percentage to 3% the money will cater for building of social halls, community playgrounds, identification of talents, nurturing, exposure through tournaments, payment of couches, trainings (capacity buildings etc.)

3) CLAUSE 54 E

A registered county sports Association shall be eligible to apply for funding from the fund if

- a) Is registered as a County Sports Association under the **Sports Act**.

The current sports **registrar** has been the weakest link in matters registration of clubs, Associations and federations.

The process has so many bureaucracy and processes that clearly illustrate why she has registered very few since she took office.

- i) My suggestion is that counties should be able and allowed to register their Associations that are actively involved in tournaments
or
- ii) The public service to assign **county sports registrar** to register sports club and associations within their jurisdiction.

It is very tiring and expensive for interim officials to get up to date documents to register associations only for the registrar to check on them after their expiry.

CLAUSE 54D


The administrator of the fund shall publish and publicly declare the amounts available each financial year.

Associations eligible and the amount ceilings, money used should be made public.

All documents therein should be public.

With this submission the sports development will come to reality. The county sports fund is a game changer if well utilized in a transparent, accountable manner.

Yours faithfully



Wanjiku D. Wanjiku

SUBMISSIONS TO THE SENATE COMMITTEE ON LABOUR AND SOCIAL WELFARE

Title: Submission on the Sports (Amendment) Bill 2024, Senate Bills No. 33 of 2024

By: Michael Esakwa – Former CEO Football Kenya Federation | Sports Consultant

Date: 5th September 2024

1. Introduction

1.1. Background

Review of the Sports Act, 2013

The Sports Act, 2013, has significantly contributed to structuring sports management in Kenya. However, several gaps have been identified within the Principal Act:

- **Inadequate Enforcement Mechanisms:** The Act lacks robust mechanisms for ensuring compliance by sports bodies and stakeholders, leading to challenges in accountability and transparency.
- **Limited Focus on Grassroots Development:** While the Act places substantial emphasis on national-level sports, it does not adequately address grassroots development, which is crucial for nurturing talent.
- **Insufficient Funding Models:** The repeal of the National Sports Fund has created challenges in funding, further limiting support for sports development.

Given the evolving needs at the grassroots level and the challenges faced by county sports associations, amendments to this Act are necessary.

The proposed amendments in the Sports (Amendment) Bill, 2024, primarily aim to establish a **County Sports Associations Fund**. This fund is designed to **support county sports associations, foster grassroots sports development, and enhance the administrative framework for county-level sports activities.**

This Presentation to the Senate Committee on Labour and Social Welfare analyzes the proposed amendments, to **identify potential gaps, opportunities, and challenges** in their implementation, and provide **recommendations for refinement**, benchmarking against global best practices.

1.2. Purpose of Submission

To give input on the proposed amendments, highlighting potential gaps and challenges, and offer recommendations to strengthen the Bill.

To align the amendments with Kenya's legal framework and global best practices, ensuring sustainable sports development across the 47 Counties of Kenya.

2.0 Analysis of the Proposed Amendments

2.1. Establishment of County Sports Associations Fund (Section 54A)

Strengths: The creation of a dedicated fund at the county level is a significant step towards promoting grassroots sports and empowering County Sports Associations.

Challenges: Without proper oversight and clear guidelines, there is a risk of mismanagement of funds. The current provisions lack robust accountability mechanisms.

2.2. Sources and Utilization of the Fund (Sections 54B & 54C)

Strengths: The Bill outlines diverse sources of funding, including county revenue, grants, and donations, which is crucial for the Fund's sustainability.

Challenges: The reliance on county revenue may lead to inconsistencies in fund availability, especially during economic downturns. There is also a need for clarity on how funds will be prioritized and allocated.

2.3. Administration and Eligibility Criteria (Sections 54D & 54E)

Strengths: The assignment of a fund administrator and clear eligibility criteria for County Sports Associations provide a structured approach to fund management.

Challenges: The current Bill does not specify the qualifications and oversight mechanisms for the fund administrator. Additionally, there is a lack of inclusivity provisions to ensure that marginalized groups benefit from the Fund.

3. Identification of Gaps and Challenges

3.1. Governance and Oversight

Gap: Although the Bill establishes a framework for administering the Fund, it lacks explicit provisions for oversight mechanisms to prevent the misuse of

funds. Without robust oversight, there is a significant risk of funds being diverted or mismanaged.

Furthermore, the Bill does not establish a dedicated oversight body to monitor the Fund's utilization, which increases the potential for corruption and mismanagement.

Recommendation: Introduce a County Sports Oversight Committee responsible for auditing and monitoring fund activities, aligned with the Public Audit Act 2015.

3.2. Inclusivity and Representation

Gap: The Bill lacks specific provisions to ensure that women, youth, and persons with disabilities are adequately represented and supported.

The Bill does not clearly define how inclusivity in sports, particularly for marginalized groups (e.g., women, youth, persons with disabilities), will be ensured in the disbursement and utilization of funds.

Recommendation: Amend the Bill to mandate a **minimum of 30%** of the Fund's budget be allocated to programs targeting these groups.

3.3. Sustainable Funding Models

Gap: The over-reliance on county revenue without exploring alternative funding models could jeopardize the Fund's long-term sustainability.

Relying primarily on county revenue and external sources, such as loans and grants, may lead to sustainability challenges. Economic downturns or shifts in political priorities could result in insufficient funding for sports development.

Recommendation: Encourage Public-Private Partnerships (PPPs) and explore alternative funding sources, such as crowdfunding and sponsorships, in line with the Public Private Partnerships Act 2013.

3.4. Inter-Governmental Coordination

Gap: The Bill does not clearly outline how national and county governments will coordinate their efforts in sports development.

This lack of clarity could hinder consistency in sports policies and development initiatives across the country.

Recommendation: Establish a County-National Sports Coordination Committee to harmonize sports policies and initiatives across all levels of government.

3.6 Capacity Building: The Bill emphasizes the provision of equipment and infrastructure but is less detailed on capacity building and training for sports management professionals, which is crucial for sustainable sports development.

4.0 Opportunities

Grassroots Development: The establishment of a dedicated fund provides an opportunity to revitalize grassroots sports, which has the potential to discover and nurture talent from local communities.

Public-Private Partnerships: The framework provides a platform for leveraging public-private partnerships (PPP) to attract investment in sports infrastructure and development.

Enhanced Accountability: With proper implementation, the structured fund administration could lead to enhanced accountability and transparency in the use of sports funds.

Economic Growth: By fostering sports development, counties can create employment opportunities, boost local economies through sports tourism, and improve community well-being.

5.0 Recommendations for Further Refinement

5.1. Strengthening Governance and Oversight

Proposal: Add a clause establishing the County Sports Oversight Committee. This committee should be empowered to conduct regular audits, evaluate fund management, and report its findings to both the County Assembly and the Senate.

5.2. Ensuring Inclusivity in Funding

Proposal: Amend the Bill to mandate that a significant portion of the Fund be earmarked for initiatives promoting sports among women, youth, and persons with disabilities.

Additionally, the Bill should include specific provisions to ensure equitable access to funding and resources for marginalized groups, including women, youth, and persons with disabilities.

5.3. Enhancing Capacity Building

Proposal: Allocate a portion of the Fund's budget to capacity-building programs, including training for sports administrators and coaches.

Additionally, incorporate provisions for mandatory capacity-building programs for sports administrators and managers to ensure the effective use of funds.

5.4. Sustainable Funding and Partnerships

Proposal: Introduce clauses that encourage the exploration of alternative funding models, including PPPs Sponsorships, Green Bonds, and Carbon Credit to complement the County Sports Associations Fund and ensure long-term sustainability.

The County Executive Committee Member responsible for sports should report on these efforts annually.

5.5. Clarifying Inter-Governmental Coordination

Proposal: Establish a County-National Sports Coordination Committee to ensure alignment of county sports initiatives with national policies. This committee should meet quarterly and report its activities to the Senate.

Additionally, define the roles and responsibilities of both national and county governments in sports development to avoid overlaps and ensure harmonized sports policies across the country.

6.0 Benchmarking with Global Best Practices

6.1. United Kingdom's National Lottery Funding for Sports

Insight: The UK model provides a sustainable revenue stream for sports development by allocating a portion of National Lottery funds to support both elite and grassroots sports. This approach ensures a steady flow of resources and has been successful in fostering development at all levels of sports.

Application: Kenya can adapt similar models by integrating lotteries and other public funding mechanisms into the County Sports Associations Fund.

6.2. Australia's Sport Australia Framework

Insight: Australia's focus on governance, integrity, inclusivity, and transparency in sports management. It provides a model for implementing

transparent and inclusive sports funding programs, which offers valuable lessons for Kenya.

Application: Incorporate rigorous governance standards and inclusivity criteria within the County Sports Associations Fund framework.

6.3. South Africa's Sports Trust

Insight: South Africa's use of public-private partnerships has been instrumental in funding sports infrastructure and programs.

South Africa's Sports Trust, which brings together government, private sector, and civil society, demonstrates the effectiveness of public-private partnerships in sports development.

Application: Leverage PPPs to enhance sports infrastructure at the county level in Kenya, with clear guidelines on fund allocation and management.

7.0 Conclusion and Call to Action

Summary:

The proposed amendments to the Sports Act, 2024, represent a positive step and significant opportunity towards enhancing sports development at the county level in Kenya. However, to fully realize the potential benefits, the Bill should be refined to address governance gaps, ensure inclusivity, and establish sustainable funding models. Benchmarking against global best practices can provide valuable insights into implementing these amendments effectively.

Call to Action: I urge the Senate Committee on Labour and Social Welfare to consider the proposed refinements and additional clauses, ensuring that the final Bill is robust, inclusive, and aligned with Kenya's legal framework and global best practices.

8.0 Appendices

Appendix A: Proposed Amendments

Thank you for the opportunity and your kind attention attention.

Signed

Michael Esakwa

Former CEO Football Kenya Federation | Sports Consultant

Proposal submitted by Bernard Chepkonga

**MEMORANDUM
PROPOSAL**

ON THE SPORTS [AMENDMENT] BILL, 2024 [SENATE BILLS NO. 33 OF 2024]

PRESENTED TO

CLERK OF THE SENATE P.O.BOX 41842-00100, NAIROBI MAIN PARLIAMENT
BUILDINGS

SUBMITTED BY:

BERNARD CHEP-KONG'A KIPYATOR (Mob/No 0721466149/0783466149).

PROFESSIONAL SPORTS CONSULTANT & ATHLETICS COACH

ON

A handwritten signature in black ink, consisting of several horizontal strokes and a vertical line extending downwards, positioned above a dotted line.

.....
2ND SEPTEMBER, 2024.

1. COUNTY GOVERNMENT SPORTS DEVELOPMENT GUIDELINE LAW

According to the 2010 Constitution, sports is a devolved function to the county government. Unfortunately, it was not devolved with authentic functional guidelines, making difficult for county governments to develop a common, sustainable, and uniform sports development and strategy plan. Currently, sports is one of the fastest-growing global industries, notably due to its increasing global fan base, technological advancements, Science, and commercialization. To ensure uniform and sustainable sports development across the counties in Kenya, there is a need for a **CLAUSE** in the **SPORTS ACT** directing county governments to develop a common sports policy framework that includes the following elements of sports development:

- (a) Talent Identification and Search Mechanism
- (b) County Sports Management Committee
- (c) County Sports Organization Structure
- (d) County Sports Schemes of Service
- (e) County Sports Fund
- (f) County Sports Academies and Training Centers
- (g) Promotion of Sports for People with Disabilities (PWDs)
- (h) Development of Sports Infrastructure in Counties
- (i) Recognize the roles of sport Veterans and volunteers in the Counties
- (j) Promotion of County Sports leagues and Inter-Counties Championships

The more the county governments share the same sports development and strategy plan, the more uniform sports development will be across all counties. However, each county may still have its own tailored to its specific Integrated Development Plan.

2. **ESTABLISHMENT OF SPORTS PROFESSIONAL BODY.**

Unlike other professional bodies such as law Society, Engineers Board of Kenya, Kenya Medical Practitioners and Dentists Council, Media Society of Kenya etc. Sports is no exception. As sports has grown into a Professional Industry with career pathways, there is an increasing need for the **Establishment of a Professional Body to regulate, govern, and provide operational guidelines.** The body shall responsible for following functions and responsibilities:

- (a) The Professional body shall establish governance rules, standards, and regulations, to ensure fair play and integrity within the sport both private and public sports institutions.
- (b) The professional body shall set qualification standards for individuals seeking a license to become professional sports persons.
- (c) The professional body shall set qualification standards and provide clearance for individuals seeking appointment to sports-related positions in both private and public sectors.
- (d) The professional body shall represent interests of its members and advocate for the needs with government bodies, sponsors, and public.
- (e) Formulate and oversee the rules set out that guide organizers on sports on how competitions, tournaments, and other sporting events should be conducted.
- (f) To establish development and training standards by providing education and training programs for athletes, coaches and other stakeholders to enhance skills and knowledge
- (g) The professional body should be able to provide resource support services such as financial assistance, career development resource, and health and wellness programs for athletes and professionals.

- (h) The sports professional body should establish guidelines that promote the sport's increase its visibility and popularity, and manage its public image.
- (i) The professional body shall develop compliance and ethics rules and ensure adherence to the ethical standards and managing issues related to misconduct or violation of rules.
- (j) The body may perform other functions as may be directed relevant authorities.

3. Review of the Sports act on Lacuna in Sports Tribunal.

There is a lacuna in the sports disputes tribunal. The law is silent on the procedure for a disputant who is dissatisfied with the decision of the tribunal. Ultimately, there is a need for a **CLAUSE** in the **SPORTS ACT** to provide guidance on the next cause of action when a disputant is not satisfied with the decision of the tribunal.

4. Review of functions of Sports Registrar

Currently, the functions of sports registrar are overwhelming. In this regard, the office handles the registrations of all national sports organization, sports professional bodies, licensing of sports professional persons, public and private sports clubs including county sports associations and clubs. The review should:

Devolve all county-related registrations of associations and clubs to respective counties, while the registrar at the state department of sports will remain responsible for the registration of only national organizations and clubs or an alternative mechanism to make it easy for registration of sports organizations within the reasonable time.

5. REWARDING OF ATHLETES WHO EXCEL EXEMPLARY IN SPORTS

Sports athletes who participate in international championships are extra ordinary citizens. They fly the country's flag, representing Kenya. Rewarding them appropriately is the most honorable way to recognize their efforts, motivate their spirits, and applaud their contributions for making us proud as a country in global championships and other competitions. In doing so, we will encourage upcoming athletes to excel in their respective sports disciplines, thereby ensuring continuity in performance.

To achieve this goal sustainably, there is a need for a **CLAUSE** in the **SPORTS ACT** that directs the Cabinet Secretary responsible for sports to develop a dynamic policy framework defining rewards for athletes who excel exemplary in their sports disciplines in the following order:

- (a) Winning medals in respective international championships categories
- (b) Breaking World records in international championships and competitions
- (c) Rewarding bonus incentives to those holding national records
- (d) Welfare scheme provisions for veteran athletes

Entrenching into law the rewarding of athletes who win medals to the country and excel in international competitions and tournaments is a great honor for both athletes and the country.

6. REASONABLE BUDGET APPROPRIATION TO MINISTRY FOR SPORTS.

Since sports is the fastest-growing global industry and the majority of those involved in sports and its beneficiaries are the youths, who form a significant portion part of Kenya's population, there is a need for increased attention to this sector. Introduction of sports science in the Competency-Based Curriculum in

schools and technological advancement have informed many, especially the youths, about the significance of sports as a career pathways and a source of livelihood.

Moreover, the national government should allocate more resources to the sports sector to ensure that the state department for sports operationalize sports as an industry that generate income, rather than **treating it as service Ministry**. To achieve this sustainably, there should be a **CLAUSE** in the Sports **ACT** directing the county governments to allocate a reasonable percentage of their budget to sports development. When this is achieved, it will enable equitable development of sports across all counties in Kenya.

7. CONCLUSION.

As a country, we need to prioritize and define a sports policy framework and legislation that are viable, reliable and sustainable, with sufficient patronage support systems in place. This will go a long way to identifying, developing and nurturing talent. Additionally, effective policies and legislation must create an attractive environment for investment to promote Socio-Economic development and improve livelihoods. Similarly, there is a need for a paradigm shift to new strategies that will allow for mass participation in sports and foster performance, ensuring Kenya remains an ideal global power house in sports.

PRESENTED BY: Bernard Chep-Konga. MOBILE NO. 0721 466 149/078 3466 149

PROFESSIONAL SPORTS CONSULTANT & ATHLETICS COACH.



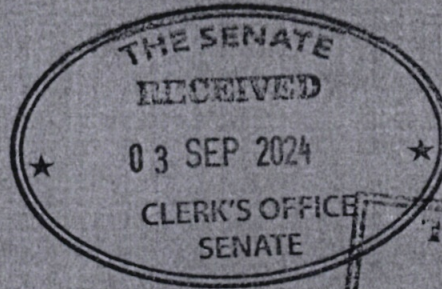
REPUBLIC OF KENYA

**MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS
STATE DEPARTMENT FOR SPORTS
OFFICE OF THE PRINCIPAL SECRETARY**

Email: pssports@moysa.go.ke
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NAIROBI

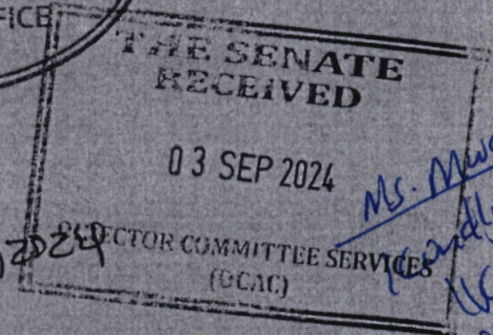
Our Ref: SDSD 10/76 Vol.1



30th August 2024

Mr. J.M Nyegenye, CBS
Clerk of the Senate
Clerks Chambers
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

*DLS
DSEC ✓
Kindly deal
03/09/2024*

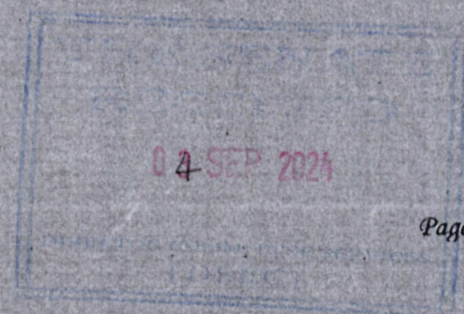


*Ms. Mwanake
Kindly deal
04/09/24*

**RE: STAKEHOLDER ENGAGEMENT ON THE SPORTS (AMENDMENT) BILL, 2024
(SENATE BILLS NO. 33 OF 2024)**

Reference is made to your letter referenced SEN/DSEC/SCLSW/2024/111 dated 19th August 2024 on the above-captioned subject matter.

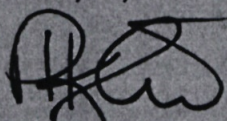
It is noted that the object of the Bill is to amend the Sports Act (Cap. 223) primarily for the establishment and administration of the County Sports Associations Fund; nurturing and supporting County Sports Associations with the intention of fostering the development of sports at the grassroots level and define the administrative framework for the County Sports Associations Fund. It is further noted that the Bill outlines the sources of the Fund as being 1 (one) % of the County Revenue Fund, moneys or assets as may accrue or received by the Fund and monies from loans, grants or donations from the national government or international agencies for purposes of supporting county sports associations registered under the Sports Act.



The State Department acknowledges that the proposal is noble but urges the Senate to note that the Ministry of Youth Affairs, Creative Economy and Sports has embarked on a comprehensive review of the National Sports Policy, 2005 and the Sports Act, 2013.

Accordingly, the Department requests that the Senate allows the ongoing stakeholder consultations, including policy discussions with and directions from the National Treasury on the same to be concluded, for a comprehensive amendment to both the aforesaid Policy and Act.

As always, your continued support and collaboration is highly appreciated.



Peter K. Tum, CBS
PRINCIPAL SECRETARY

Copy to: Hon. Kipchumba Murkomen
Cabinet Secretary
Ministry of Youth Affairs, Creative Economy and Sports
NAIROBI

From: paul <paultindi@gmail.com>
To: clerk <clerk.senate@parliament.go.ke>
Cc: laboursocialwelfarecomm <laboursocialwelfarecomm.senate@parliament.go.ke>
Date: Monday, 2 September 2024 3:47 PM EAT
Subject: Fwd: Memo - County Sports Funding (Senate Bill No 33 of 2024)

CAUTION: This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Good afternoon,
I sent the previous email to the incorrect email address.

----- Forwarded message -----

From: paul Odera <paultindi@gmail.com>
Date: Mon, 2 Sept 2024 at 15:42
Subject: Memo - County Sports Funding (Senate Bill No 33 of 2024)
To: <senate@parliament.go.ke>
Cc: <laboursocialwelfarecomm.senate@parliament.go.ke>

Dear Sirs,
Kindly find attached my contribution to the above bill.

--

Kind Regards,

Paul Tindi Odera Bsc, BphilEd, MscEM

PhD Candidate- University of Western Cape (Transformational Leadership)

Department of Sport and Exercise Science

World Rugby Level 3.

Cell phone: 0722313277

--

Kind Regards,

Paul Tindi Odera Bsc, BphilEd, MscEM

PhD Candidate- University of Western Cape (Transformational Leadership)

Department of Sport and Exercise Science

World Rugby Level 3.

One attachment • Scanned by Gmail

County Sports “Transforming Kenya through Sport”

Memorandum submitted to the
Senate on 2/9/2024

PAUL TINDI ODERA

**Phd Candidate (Sports Coaching and
Leadership), MscEM, BphilEd, Bsc**

Introduction and Problem

Sport is a very powerful quarter of any society. It is also a very important gauge of how a particular society is organized. It is no accident that the most advanced economies in Africa and the world have a strong sporting culture e.g. South Africa, Egypt, China, India U.S.A, Canada, Australia and the United Kingdom.

Kenya cannot hope to take its rightful place as an industrial and economic power if we continue to be a country that rewards corruption and theft, has one of the highest wealth inequalities in the world and has paradigms that perpetuate tribal and racial stereotypes. We must use sport as a tool for nation-building, to build self-esteem and national pride.

Through the establishment of a county sports funding model coaches and athletes will learn that the path to success is hard work and there can be no shortcuts, to respect authority and accept decisions both good and bad and to appreciate the virtues of honesty and integrity. A thriving county sports system will render tribal and racial stereotypes a thing of the past, as each person will value the contribution of the other regardless of their tribe or race.

Currently, there is no clear structure on how counties identify, select and train the county's athletes and coaches at the social and elite levels. Many athletes' and coaches' rise to the top has been left to chance and pure market forces so that only those who have the privilege to access good facilities and good schools get an opportunity to develop their skills and make it to the top of the game.

The county sports fund looks to ensure that those in Kenya who wish to play sports at either a social level or an elite level are exposed to coaching, training, and facilities of a world class standard.

1.3 Objectives.

This memo looks to form the basis of a new innovative County sports funding model under the following objectives:

- Provide world-class services and facilities and to enable social and elite athletes and coaches to achieve excellence in sports.
- State of the Art High Performance Centers for the Community, Coaches and Athletes.
- Create and develop profitable, sustainable and empowered performance centers in sport.

1. World Class Coaches and facilities

- Funding of coaching Professional Development to get local coaches to be certified internationally. Or using international resources to build what we have locally.
- Use Sports Federations to help in bridging the gap on the latest practices.

- Use schools both public and private to support the coaching of sports at junior level.
Better coaches make better athletes. For the athletes to have access to world-class service, we will need to produce world-class coaches.

2. State of Art High-performance centers for the community, athletes, and coaches.

- For the facility to transform athletes into a globally competitive nation, a multi-sport world-class facility that will be necessary at county level. This will be the focal point for training and development of the community, coaches and athletes at the elite level.
- At the Sub County Level, a facility that is not of the same standard, will need to be built.
- At the Ward Level, a sports facility will also need to be established to feed into the Sub County which then feeds to the County.
- Involved Local Sports Federations in the design and implementation of the Performance Centers.

3. Create and develop a sustainable and empowered High-performance Sports Center.

- The national government. Giving tax breaks for those businesses who sponsor sports at the county level.
- The centers at all levels (Ward, Sub County and County) will need to make business sense, for them to have the ability to expand and grow sports at the county level.
- It is an ambitious and expensive undertaking that will need the support of different stakeholders to build the infrastructure, sponsor scholarship programmes, supply kit, mentorship programmes, medical cover and administrative aspects.
- The local business community has been an important partner with sports. Successful partnerships have been built with various companies in the past, however, will require a long-term association with corporate partners in different sectors.
- The international community through International Schools, NGOs, donor partners and multinational companies who deal with sports will be an integral part of ensuring the success of County Sports Funding at Community and Elite performance.
- The wider community which includes the relevant government organizations, community leaders and parents will need to be educated into supporting the young athletes as they navigate the path of professional sport.

Areas of funding

- Land purchase or lease.
- Personnel and staff salary costs.

- Equipment and Maintenance, including physical infrastructure to be built, purchased and maintained on an annual or semi-annual basis.
- Enforcement and surveillance
- Monitoring, evaluation and research
- Community projects, alternative income generation programs, etc.

Appendix 1.

Titan Gym set Equipment list

MONITORING & RECOVERY

Qty 1 Osmocheck Machines for (Hydration testing)
Qty 5 Self Massage Sticks

TESTING

Qty 1 Skinfold Calipers(For measuring body fat)
Qty 1 Yoyo Test Cds
Qty 3 Stopwatches
Qty 1 Weighing Scales
Qty 1 Jump Test Mats (For testing fatigue levels)

CARDIOVASCULAR TRAINING

Qty 3 Concept 2 Rowing machines
Qty 3 Spin Bikes
Qty 4 Battle Ropes
Airdyne AD8 Dual Action Air Cycle (Full Commercial) QTY 4

STRENGTH TRAINING

2 cages and platforms with benches(adjustable for press incline and pull)
8 Olympic bars
E Z bars x3
Bench Pull bars x3
600kg of rubber weights
Set of Dumbbells 4-42 Kg
Big Tyres
Steel Technique Boxes
Bench Press/Incline Bench/Leg Press Machine
Lateral Pull Down Machine
Cross Trainer
Leg Curl Machine
AB Core Machine
Pectoral Fly Machine
Seated Row Bench
10 Kg Swiss Balls QTY 10
Bosu Balls
Hyper Extension Bench
Pull Up Rack
Squat Rack
Leg Curl Machine
STRONGMAN
Qty 7 Power sleds

PLYOMETRIC TRAINING

Plyometric Boxes

Plyometric Hurdles
9 Kg Weighted Vests Qty 6
Aerobic Steps Qty 10

SPEED & AGILITY

Agility Rings
Agility Ladders
Marker Cones
Qty 5 TRX Rubberbands
PB Sliders (used for controlled range of motions to activate muscles and the core)

PHYSIOTHERAPY

Foam Rollers
Ice bath
Universal Armsling
Game Ready machine with all the sleeves
Hydrocollater Heating Unit
Combined ultra sound Machine Qty 1
Targeted Vibration - Pulse Handheld Massager (Black) QTY 2
Standard Hot Packs
Oversize Hot Packs

BANDS & TUBING

Strength Bands QTY 10
Stretch Bands QTY 10
Mini Bands QTY 10
Resistance bands and Resistance Tubing QTY 10
White Boards and Pens for the Gym

ON PITCH EQUIPMENT

RR-F Powahouse SCRUM MACHINE	QTY 1
World Cup Hit Shield Blue/White	QTY 8
Collison King Ruck Net Blue/Black	QTY 3
Senior Collison King Blue	QTY 3
Round Tackle Bag Blue	QTY 6
Collison King Low Tackle Bag Blue	QTY 6
Power House PVC Cover	Nil
6ft Aluminium Tripod Ladder for Hooker Throws.	QTY 1
(5X6) Tackle Matteredess	QTY 1
Agility Poles	QTY 8



KIAMBU COUNTY CHESS ASSOCIATION

P.O. BOX, 1322-00902, Kikuyu

Mobile: +254725042992, +254727771087, +254728008475

Email: kiambucountychessassociation@gmail.com

MEMORANDUM

To the Clerk of the Senate
P.o. Box 42842-00100, Nairobi.

From;- Moses Kwereba Gathua
Chairman, Kiambu County Chess Association
Date;- 1/September/2024

Subject: Sports (Amendment) Bill 2024. (Senate Bills No. 33 of 2024).

The establishment of the fund to cater for the county chess associations is a great idea that will propel the growth of sports in Kenya. Sports being a devolved function has faced major handles at the county level as their exists no mechanism for counties to support the county associations.

County sports associations are registered under the office of the sports registrar and this office has shown major setbacks in registering county associations timely. The capacity at the office of the sports registrar needs to be relooked and it's high time that regional offices are set up too in the spirit of devolution. Considering that the establishment of this fund also aims to fund the process of: identifying, tapping and nurturing sport talent at the county level. It is worth having the sports registrar office visible in all parts of Kenya.

The government's commitment to see regional development has resulted to various stadiums being constructed across the country. However, where these stadiums are complete, County associations are still yet to gain access to these facilities. County associations have a major problem in acquiring offices for their day to day duties owed to the costs involved. My recommendation is that the management of these stadiums through the county and national governments should open doors to the county associations and any rental obligation should be met by the proposed fund. Offices are also key in realising the visions and goals of county associations.

The proposed amendments have given powers to the County Executive Committee officer in charge of sports to set up rules and guidelines of this fund at the county level.

It should be noted that this being a sports fund, participation of sports persons is vital. I would recommend that the county executive officer keeps a record of all registered county sports associations in his/her justification. Public participation should also be prioritised before disbursement of these funds, the county executive committee officer should invite county associations to a county forum. The set up of the county sports council as is being proposed by various counties should entirely compose of members from registered county associations within the county. The proposed amendments sets out the vision of our Constitution which is largely based on devolution as an avenue of Kenya's economic growth.

THE SENATE
RECEIVED
03 SEP 2024
DIRECTOR COMMITTEE SERVICES
(DGAC)



COUNCIL OF GOVERNORS

THE SENATE
RECEIVED
03 SEP 2024
CLERK'S OFFICE
SENATE

Westlands Delta House 2nd Floor, Waiyaki Way.
P.O. BOX 40401-00100,
Nairobi.

Tel: (020) 2403314, 2403313
E-mail: info@cog.go.ke

Our Ref: COG/6/45/VOL.3 (59)

2nd September 2024

Mr. Jeremiah Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
NAIROBI

DLS
DSEC ✓
Ms. Mwanate
Kindly deal.
Wobech
04/09/2024
Kindly Seal
[Signature]
03/09/2024

Dear Mr. Nyegenye,

**LETTER FORWARDING THE LEGISLATIVE MEMORANDUM ON THE SPORTS
(AMENDMENT) BILL, 2024**

The above matter refers.

The Council of Governors appreciates that in realizing the objects of Devolution, the principles of consultation and cooperation under Article 6(2) and Article 189 of the Constitution are inevitable.

Based on these principles, the Council of Governors has reviewed the Sports (Amendment) Bill, 2024 and would like to forward for your consideration the legislative memorandum attached herewith.

Yours sincerely,

Mary Mwiti
Chief Executive Officer

THE SENATE
RECEIVED
04 SEP 2024
DIRECTOR COMMITTEE SERVICES
(DSEC)



MEMORANDUM ON THE SPORTS (AMENDMENT) BILL, 2024

FROM

THE COUNCIL OF GOVERNORS

TO

THE SENATE

8TH AUGUST 2024

A. INTRODUCTION

The Council of Governors,

In recognition of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the National level and the County level;

In further recognition of Article 6 (2) that Governments at the National and County levels are distinct; and

Aware of the need for coordination and consultation between the National Government and County Governments to ensure that legislation responds to the key issues facing devolution, and further reflects the spirit and objects of devolution.

Conscious that Government at either level should perform its functions and exercise its powers in a manner that respects the functional and institutional integrity of government at the either level.

Appreciating the value and need for uniform norms and standards for management of functions across the 47 County Governments

The Council hereby submits its memoranda on the Sports Amendment as follows:

a) **GENERAL COMMENTS**

1. Sports is a concurrent function of the two levels of government as set out in the fourth schedule of the Constitution. The national government is assigned the function of promotion of sports and sports education while the county governments are assigned the function of sports and cultural activities and facilities.
2. The unbundling and transfer of the sports function to the county governments has not been done. Therefore, the resources and facilities for undertaking the sports function have not been delineated and assigned to the county governments. However, County Governments have continued to provide for the development of sports and sports facilities and undertake sports activities albeit with insufficient resources.
3. 30% of the proceeds of the Sports, Arts and Social Development Fund should be apportioned and given to County Governments as conditional grant. This should be deducted from the allocation to social development including universal health care.
4. The establishment of a county fund dedicated to sports promotion is progressive. The use of the Fund should be aligned to the plans of the County Governments as provided for the in County Integrated Development Plan and the Annual Development Plan.
5. Support to Sports Associations to be preceded by licensing and accreditation by the County Government.

b) SPECIFIC COMMENTS

CLAUSE/ SUB-CLAUSE OF THE BILL	PROVISION IN THE BILL	PROPOSED AMENDMENT	JUSTIFICATION
VIA) Establishment Of A County Sports Associations Fund	54. (A) There is established, for each county, a fund to be known as the County Sports Associations Fund	Amend to read as follows: 54. (A) There is established, for each county, a fund to be known as the County Sports Fund	The Fund is established to undertake a devolved function. Therefore, the Fund should be established as a County Sports Fund and directly aligned with county development plans, including the County Integrated Development Plans (CIDPs) and Annual Development Plans (ADPs). This will ensure that the fund serves the county's strategic interests and sports promotion objectives.
	54B. (1) There shall be paid into the County Sports Associations Fund	Amend to read: Amend to read as follows: 54B. (1) There shall be paid into the County Sports Fund a. one percent of all monies paid into the county revenue fund; b. A proportion of an amount not exceeding 30% from the proceeds of the Sports, Arts and Social Development Fund c. such monies or assets as may accrue or received by the fund; and all monies from loans, grants or	The fund should function as a county-specific kitty dedicated to sports promotion and development. As part of its sports promotion strategy, the County Government can choose to allocate funds to sports associations to support initiatives aligned with county plans. It should have the autonomy to do so at its discretion. However, counties should not be compelled to fund external associations, especially given their already strained budgets. The Regulations establishing the Sports, Arts and Social Development Fund apportions certain percentages to activities that do not promote sports and hence the need for re-apportioning of the amounts. Further, upon

		donations from the national government or international agencies for purposes of supporting county sports associations.	finalization and transfer of sports functions to County Governments, the funding for Sports, Arts and Social Development will reduce.
Objects and Purpose of the Fund	54C. (1) The object of the Fund is to provide funding to support registered county sports associations.	54C. (1) The object of the Fund is to provide funding for the development of sports activities and facilities in the county associations.	To align with the Part 2 of the Fourth Schedule of the Constitution.
	54D. (2) The administrator of the fund shall: (c) Prepare a work plan in respect of a financial year to be approved by the county executive committee member.	Delete the provision	To align with planning instruments in Section 107 of the County Governments Act and the Budget Cycle provided in the Public Finance Management Act.

CPA – JOHN ODHIAMBO OGARA

E – mail: babamaggy.akeyo@gmail.com

Mobile Phone Number: +254726438978

Date: 1st September, 2024

To The Clerk of the Senate,

E- mail: clerk.senate@parliament.go.ke

Dear Sir/Madam;

RE: SUBMISSIONS ON THE SPORTS (AMENDMENT) BILL 2024

I wish to submit my views on the above stated bill as follows:

S/No	Section	Current content	Proposal	Justification
1.	54 C 2(d)	Financing the development of sports facilities including stadia, gymnasiums, buildings and tracks	Deletion of the entire clause	(i) The 1% as per 54B 1(a) can only caters for recurrent expenditures given the number of sports associations representing various sports.
2.	54 F (1)	The Administrator of the Fund shall by the 30 th of August of each year issue a budget circular for the Fund to the eligible persons indicating;	Use another date after 30 th August.	(i) S32(1) of the PFM Regulations reserves the said date to the CS National Treasury to issue a budget circular.
3.	54 F (3) (a)	The certificate of registration issued under the Sports Act (Cap 223);	Deletion of ; and introduce the phrase: and a letter from the national federation to	(i) To avoid leadership wrangles.

			which the county sports association is affiliated to confirming the leadership of the county sports association	
--	--	--	---	--

In addition to the above, there is need to capture:

1. Financial year of the fund.
2. Auditing of the financial statements of the fund.

Thank you

Yours sincerely,



CPA John Odhiambo Ogara

ICPAK Membership Number: 31078

Current positions in sports management:

1. Secretary – Kenya Volleyball Federation, Kisumu County Branch (Volleyball Association)
2. Deputy Secretary General – Kenya Volleyball Federation (National Office)

The Sports Cursus
Duncan Chemiryo
P.O. Box 35913-00200
Tel. 0721713416
Tel. 0722176120
Email. dunkiche@yahoo.com
NAIROBI, KENYA.
30th August, 2024

The Senate
Parliament Buildings
Nairobi, Kenya

Dear Senate

RE: SENATE SPORTS AMENDMENT BILL KENYA GAZETTE SUPPLEMENT NO. 123 (SENATE BILLS NO. 33)

I hope this letter finds you well. I am writing on behalf of our team to formally request the opportunity to participate in the upcoming public hearing on the **Senate Sports Amendment Bill Kenya Gazette Supplement No. 123 (Senate Bills No. 33)** on **5th September 2024**.

I represent a diverse group of stakeholders deeply invested in the development and integrity of sports in our nation. We have carefully reviewed the proposed amendments and believe that our insights and experiences can contribute meaningfully to the discussions surrounding this critical legislation.

Our organization has a long-standing commitment to give and input to your already suggested draft and we are keen to provide constructive feedback that aligns with the best interests of athletes, sports institutions, and the broader community.

We respectfully request the opportunity to present our views and recommendations during the public hearing. We believe that our participation will enhance the deliberative process and help ensure that the final legislation effectively addresses the needs and challenges facing the sports sector.

Please let us know the procedures for participation and any additional requirements we need to fulfill to be included in the hearing. We are prepared to provide any necessary documentation or statements in advance if required.

Attached is our list of attendance and the our draft of amendment bill

Thank you for considering our request. We look forward to the opportunity to contribute to this important legislative process.

Yours Faithfully,



Duncan Chemiryo
Sports Cursus Secretary.
Deputy President – Kenya Judo Federation.

SPECIAL ISSUE

Kenya Gazette Supplement No. 123 (Senate Bills No. 33)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2024

NAIROBI, 20th June, 2024

CONTENT

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SPORTS (AMENDMENT) BILL, 2024

A Bill for

AN ACT of Parliament to amend the Sports Act; and for connected purposes

ENACTED by Parliament of Kenya, as follows—

1. This Act may be cited as the Sports (Amendment) Act, 2024.
2. The Sports Act, in this Act referred to as “the principal Act” is amended by inserting the following new definition immediately after the definition of the word “council”—

“county executive committee member” means the county executive committee member responsible for matters related to sports in the county.

“County Sports Fund Board” means the Board incharge of the County Sports Association Fund.
3. The Principal Act is amended by inserting the following new part immediately after Part VI—

PART VIA — ESTABLISHMENT OF A COUNTY SPORTS ASSOCIATIONS FUND.

54A. There is established, for each county, a fund to be known as the County Sports Associations Fund.

Sources of the Fund.

54B. (1) There shall be paid into the County Sports Associations Fund—

- (a) one percent of all monies paid into the county revenue fund; with a consideration of increase to 2% over time.

Clarification - Definition of County Revenue from National government and or plus revenue collected from the county.

- (b) such monies or assets as may accrue or received by the fund; and

- (c) all monies from loans, grants or donations from the national government or international agencies for purposes of supporting county sports associations

54C. (1) The object of the Fund is to provide funding to support registered county sports associations.

Amendment to the Sport Regulations Act.

Registration of the county sports associations should be done at the county level with no objection letter from the Sport National Governing Body.

The Office of the registrar should be decentralised to the counties and shall register county associations and clubs

- (2) Without prejudice to the generality of paragraph (1), the Fund shall provide for—

- (a) Facilitation for the acquisition and provision of equipment to sports facilities;
- (b) spend on administration cost; affiliation fees to the national body, coaches and umpire's examination fees and registration.
- (c) support for the identification, nurturing and development of talent in sports;

- (d) facilitation of training and capacity building programmes for persons involved in sports; and
- (e) financing the development of sports facilities including stadia, gymnasiums, buildings and tracks. The amount will not exceed 35% of the budget.
- (f) The amount of total funding allocated will not exceed 10% per single sport of the Funds provided.
- (g) A sport that is funded in one year will skip the subsequent year if the funds are limited.

54D. (1) The administrator of the Fund shall be the accounting officer responsible for matters relating to sports in the county or any other person designated by the county executive committee member, in writing, for that purpose. The fund will be managed by a County Sports Board.

Composition of the County Sports Board Fund

- (a) It shall comprise of 9 Members.
 - (b) The chairperson of the board must be a Sport Person.
 - (c) 5 persons from Sports associations in the board. No Two (2) persons shall present a single sport.
 - (d) 4 other people including the CEC of Sports and Legal Officer of the County.
 - (e) The Term Limit of the board will be 2 terms which will be renewable after 4 years.
- (2) The functions of the County Sports Fund Board shall be to—
The County Sports Fund Board shall have all the powers necessary for the performance of the functions of the board under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—
- (a) manage, control and administer the assets of the Board in such manner and for such purposes as best promotes the purposes for which the Board is established;
 - (b) receive any gifts, grants, donations or endowments made to the Board or any other monies in respect of the Board and make disbursements therefrom in accordance with the provisions of this Act;
 - (c) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Board;
 - (d) invest any monies of the Board not immediately required for the purposes of this Act in the manner provided in section 11.
 - (e) make grants or lend money, and provide scholarships to sportspersons and staff of the Board; and
 - (f) do any other thing necessary, or expedient for the discharge of its functions under the Act.

- (3) The administrator of the fund shall—
- (a) open and operate a separate bank account or accounts at the Central Bank of Kenya or a bank to be approved by the County Treasury;
 - (b) supervise and control the administration of the Fund;
 - (c) prepare a work plan in respect of a financial year to be approved by the county executive committee member; **County Sports Fund Board**
 - (d) cause to be kept proper books of accounts and other books and records relating to all activities and undertakings financed from the Fund;
 - (e) prepare, sign and transmit, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Treasury; and
 - (f) prepare a quarterly report on financial and non-financial activities of the Fund in accordance with the provisions of the Public Finance Management Act, 2012. **The reports will be made Public in the County Website.**
- (4) Every statement of account shall include details of the balance between the assets and liabilities of the Fund, and shall indicate the financial status of the Fund as at the end of the quarter concerned.
- (5) The administrator of the fund shall ensure that monies held in the fund, including any earnings or accruals, is spent only for the purposes for which the fund is established.

54E. A registered county sports association, shall be eligible to apply for funding from the Fund if it—

- (a) is registered as a county sports association under the Sports Act;
- (b) has an annual work plan aligned to the strategic plan of the association and the medium-term plan approved by the governing body of the county sports association County Sports Fund Board;
- (c) has, in the case of an infrastructure development project, prepared project designs, plans and bills of quantities, approved by the governing body and the requisite regulatory approvals from relevant government institutions; and
- (d) meets any other criteria prescribed by the Board.

54F. (1) The Administrator of the Fund shall by the 30th August of each year issue a budget circular for the Fund to the eligible persons indicating—

- (a) the ceilings for funding under sports, and sports development;
 - (b) priority programmes, projects and activities to be funded in that financial year; and
 - (c) any other information that may be considered necessary.
- (2) A person **or An Organization** who wishes to receive funding from the Fund and meets the criteria set out under section 54E shall at least six months before the commencement of a financial year apply to the Administrator of the Fund in such a manner as may be prescribed by the Board.
- (3) An application for funding under paragraph (2) shall be accompanied by—
- (a) the certificate of registration issued under the Sports Act (Cap 223);
 - (b) the minutes of a properly constituted meeting of the governing body of the association containing the resolution to apply for funding from the Fund;
 - (c) an annual work plan aligned to the strategic plan of the association and the medium-term plan approved by the governing body of the sports association;
 - (d) the project designs, plans and bills of quantities, approved by the governing body and the requisite regulatory approvals from relevant government institutions, where applicable;
 - (e) a statutory declaration of programmes funded through other sources;
 - (f) the details and signatories of the bank account in the name of the association where the funds shall be channeled; an
 - ✦ (g) a schedule of all allocation that will be shared every financial year be provided to the public
 - (h) any other information as may be required.

54G. (1) The funds under the Fund shall be disbursed under the following conditions—

- (a) all disbursements from the Fund shall be approved by the county executive committee member; **County Sports Fund Board**
- (b) disbursements from the Fund shall be utilised to support the objects and purpose of the Fund;
- (c) the **County Sports Fund Board** county executive committee member shall set out other conditions and requirements for release

of funds, to ensure efficient and effective management of resources.

2) A recipient shall—

- (a) submit quarterly and annual progress reports of the programmes, projects and activities funded by the Fund; and
- (b) allow monitoring and evaluation of the programmes, projects and activities funded by the Fund.

(3) A recipient shall return any unutilized funds disbursed in accordance with paragraph (1) where —

- (a) the purpose for which the funds were disbursed was not undertaken; or
- (b) the purpose for which the funds were disbursed was undertaken but the funds were not fully utilized; or
- (c) savings are realized as a result of change in circumstances.

(4) Unutilized funds returned under paragraph (2) shall be recorded as receipts of the Fund.

(5) A recipient who fails to comply with paragraph (2) and (3) shall not be eligible for any subsequent disbursement until full compliance.

Retention of
Receipts

54H. All receipts, earnings and accruals to the Fund, and the balance of the Fund at the close of each financial year, shall be retained by the Fund for use for the purpose for which the Fund is established.

Regulations.

54I. The county executive committee member **county sports fund board shall create rules and regulations** shall, within a period not exceeding twelve months, make rules generally for better carrying out of the provisions of this Act.

Monitoring
and
Evaluation

54J. The county executive committee **shall provide a monitoring and evaluation system of sports development at the grass root level in the county as a resulting of injection of the fund.**

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The purpose of this Bill is to amend the Sports Act (Cap 223). The proposed amendments primarily focus on the establishment and administration of the County Sports Associations Fund. The proposed County Sports Associations Fund is a pivotal instrument aimed at promoting sports development and enhancing community well-being within the counties.

The County Sports Associations Fund is primarily focused on nurturing and supporting county sports associations, with the intention of fostering the development of sports at the grassroots level. Secondly, the Bill seeks to define the administrative framework for the County Sports Associations Fund.

Additionally, the Bill outlines a comprehensive strategy for funding the County Sports Associations Fund, which includes a percentage of county revenue, financial accruals from departmental activities, government loans, grants, and donations, as well as contributions from sources explicitly designated for county sports associations. The legislation prescribes the specific utilization of the fund, emphasizing its allocation towards supporting duly registered county sports associations on an annual fiscal basis, thereby strategically directing resources towards grassroots sports development.

Lastly, the Bill grants regulatory oversight powers to the County Executive Committee member responsible for sports, enabling them to formulate essential rules that cover vital aspects such as eligibility criteria, fund disbursement procedures, and rigorous accountability measures. This comprehensive approach ensures the effective establishment, operation, and governance of the County Sports Associations Fund and fostering the growth and development of sports at the local level.

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

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms. Its provisions are designed to facilitate the efficient administration of the County Sports Associations Fund within the framework of existing legal and constitutional safeguards.

Statement of how the Bill concerns County Governments

The Bill primarily concerns county governments in Kenya, as it establishes the County Sports Associations Fund, which falls under the purview of county-level sports administration which is a function detailed

in the Fourth Schedule of the Constitution. It outlines the responsibilities of county government officials and seeks to enhance the capacity of counties to support sports development within their jurisdictions.

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. It primarily deals with the establishment of a fund, administrative procedures, and regulatory frameworks. While it specifies funding sources and utilization, it does not alter the national budgeting process or impose taxation measures. It ensures that existing budget allocations are directed toward sports associations within the county, without creating new taxation or expenditure obligations.

Dated the 4th December, 2023

EDWIN WATENYA SIFUNA
Senator

Section 2 of Act No. 25 of 2013 which it is proposed 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);

“Board” means the County Sports Fund Board

“Board of Trustees” deleted by Act No. 7 of 2019, s. 2;

“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;

“sports person’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 54 of Act No. 25 of 2013 which it is proposed to amend

54. Intervention by Cabinet Secretary in management

(1) Where a sports organisation fails to comply with the recommendations of an inspection, the Cabinet Secretary may—

(a) appoint any person or committee to assume the management, control and conduct of the affairs of a sports organization, to exercise the powers and functions of the sports organization to the exclusion of its officials, including the use of its corporate seal, where the sports organization concerned has been unable to conduct its affairs in a proper manner; or

(b) remove any official of a sports organization who, in the opinion of the Cabinet Secretary, has caused or contributed to any contravention of any provision of this Act, or any regulations or directions made thereunder or to any deterioration in the financial stability of the sports organization or has conducted himself in a manner which is detrimental to the interest of the relevant sporting discipline, or which has brought the sporting discipline into disrepute.

(2) The appointment of a person or committee under this section shall be for such period as the Cabinet Secretary shall specify in the instrument of appointment, but shall not exceed six months.

(3) A person or committee shall, upon assuming the management, control and conduct of the affairs of a sports organization, discharge his or its duties with diligence and in accordance with sound management and financial principles.



REPUBLIC OF KENYA

MEMORANDA OVER THE SENATE SPORT BILLS NO. 33 OF 2024

This is a joined memorandum of three (3) athletics institutions namely: -

1. Athletics Kenya
2. Kenya Mountain Running Association
3. Great Rift Athletics Development Association

Our joined input is informed by the bill of right enshrined in the 2010 constitution of the republic of Kenya and the commences Sport Act of 2013.

As key stakeholders in the sport of athletics, we kindly want to correct the senate advert that the sport is not an open entity for public views since it has key stakeholders that are the athletes /players and by allowing everyone on a public ticket simply violates the **Article 46** of the **Sport Act No. 25 of 2013** that created the office of the Sport Registrar and in the process in **Article 47(2)** empowers the office bearer to register sports organization as either **(a) a Sport Club (b) a County Sports Association or (c) a National Sports Organization.**

Any violation of the sport act attracts a fine of Kshs 500,000 of imprisonment for a term not exceeding 3 years or both as spell out in **Article 65.**

As a fact, sport has been made a cash cow for those who hold key position in both county and national government and upto 80% of funds allocated to sports ended up in misappropriations.

Since its mandatory for all the three (3) top officials in the sporting institutions that is registered under the sport act **Article 47 (2) a,b,c** to comply with clearance of integrity and good conduct like for any leadership post, we propose as follows:-

1. The new bill should be enacted to have all registered sports entities to be **funded** directly thorough their associations/ clubs official accounts.
2. No County Government official should be allowed to procure any sporting equipment's for a sporting entity since it has been made an avenue of corruption.
3. Athlete must be allowed to train freely especially in morning hours in all stadiums track fields.
4. The budgets of County Sport Organization and Clubs should be funded 60 per cent if not more for them to support their functions and the rest can be supported by cooperates entities

Signature:-

Athletics Kenya

Kenya Mountain Running Association

Great Rift Athletics Development Association

.....



Appendix A: Proposed Amendments

Additional clauses to the proposed amendments in the Sports Act, 2024, to address the identified gaps, challenges, opportunities, and recommendations:

These additional clauses aim to provide a comprehensive legal framework that supports the effective and transparent administration of the County Sports Associations Fund while addressing potential challenges and leveraging opportunities for sports development in Kenya.

1.0 Governance and Oversight

Clause 54K: Establishment of County Sports Oversight Committee

1. There shall be established a County Sports Oversight Committee in each county, whose mandate shall include:

- Monitoring and evaluating the use of funds under the County Sports Associations Fund.
- Conducting regular audits of financial activities related to the Fund.
- Investigating complaints related to the misuse of funds and recommending corrective actions.
- Ensuring compliance with the Public Finance Management Act, 2012, and other relevant laws.

2. **The Oversight Committee shall comprise:**

- The County Auditor or their representative.
- A representative of the County Executive Committee Member for Finance.
- A representative from the Ministry of Youth, Creative Economy and Sports or its successor.
- Two members appointed by the County Assembly with expertise in sports management and finance.
- Two representatives from County Sports Associations

3. The Committee shall submit a bi-annual report to the County Executive Committee Member and the County Assembly detailing its findings and recommendations.

2.0 Alignment with the Sports Act, 2013 (Amended)

Clause 54L: Consistency with the Sports Act, 2013 (Amended)

1. The County Sports Associations Fund shall be administered in accordance with the provisions of the Sports Act, 2013 (Amended), particularly: ensuring that only duly registered county sports associations under this Act are eligible for funding.
2. The Fund shall support the objectives of the Sports Act, including the promotion of sports development, talent nurturing, and the construction and maintenance of sports facilities at the county level.

3.0 Inclusivity and Representation

Clause 54M: Ensuring Inclusivity in Funding and Participation

1. The County Sports Associations Fund shall allocate a minimum of 30% of its annual budget to programs and projects that specifically target:
 - The promotion of women's sports.
 - Youth sports development.
 - Sports for persons with disabilities.
2. All applications for funding shall demonstrate how the proposed activities will promote inclusivity and diversity in sports within the county.
3. The Administrator of the Fund shall ensure that marginalized communities and underrepresented groups are actively engaged in sports development initiatives.

4.0 Capacity Building

Clause 54N: Capacity Building and Training Programs

1. The Fund shall allocate a portion of its annual budget, not less than 10%, to capacity-building programs aimed at:

- Training and certifying sports administrators, coaches, officials, and sports medics.
- Enhancing governance and management skills within county sports associations.
- Developing programs for anti-doping education and ethical sports practices.

2. The County Executive Committee Member shall, in consultation with the national sports regulatory body, establish a curriculum for capacity-building programs, ensuring that it meets national and international standards.

5.0 Sustainable Funding Models

Clause 54O: Alternative Funding and Partnerships

1. The County Executive Committee Member responsible for sports shall, in collaboration with the County Treasury, develop strategies to diversify funding sources for the County Sports Associations Fund, including:

- Establishing partnerships with private sector entities through Public-Private Partnerships (PPPs).
- Promoting crowdfunding initiatives for community-based sports projects.
- Attracting sponsorships and donations from local and international organizations.

2. The County Executive Committee Member shall submit an annual report to the County Assembly detailing the alternative funding sources identified and the amount of funds raised through these sources.

6.0 Inter-Governmental Coordination

Clause 54P: Coordination between National and County Governments

1. The County Executive Committee Member shall, in consultation with the Cabinet Secretary responsible for sports at the national level, establish a County-National Sports Coordination Committee.
2. The Coordination Committee shall:
 - Harmonize sports policies and programs between the national and county governments.
 - Facilitate the sharing of resources, expertise, and information between the two levels of government.
 - Ensure that county sports initiatives align with national sports development strategies.
3. The Coordination Committee shall meet at least quarterly and submit its proceedings and recommendations to both the County Executive and the Cabinet Secretary for Sports.

7.0. Enhanced Accountability

Clause 54Q: Transparency and Public Accountability

1. The Administrator of the Fund shall publish all fund allocations, disbursements, and expenditures on the county government's official website, accessible to the public.
2. All recipients of funding from the County Sports Associations Fund shall:
 - Submit quarterly and annual financial reports to the Administrator, detailing the use of funds.
 - Allow public access to audit reports and financial statements related to funded activities.
3. The County Sports Oversight Committee shall hold annual public hearings to receive feedback and address concerns from the public regarding the management of the Fund.

8.0. Incorporation of Best Practices

Clause 54R: Adherence to Global Best Practices

1. The County Executive Committee Member responsible for sports shall ensure that the administration and utilization of the County Sports Associations Fund adhere to global best practices in sports governance, transparency, and inclusivity.

2. The Fund shall incorporate lessons learned from successful international models. **(such as the United Kingdom’s National Lottery Funding for Sports, Australia’s Sport Australia Framework, and South Africa’s Sports Trust.)**

3. Regular benchmarking exercises shall be conducted to evaluate and improve the effectiveness of the Fund’s operations, with reports submitted to the County Assembly for review.

9.0 Protection Against Political Interference

Clause 54S: Safeguarding the Fund Against Political Interference

1. The County Sports Associations Fund shall operate independently of any political influences or pressures to ensure that funds are allocated based on merit and need.

2. The appointment of the Fund Administrator and Oversight Committee members shall be based solely on qualifications, experience, and expertise in sports management and financial governance.

3. Any person or entity found attempting to exert undue political influence on the Fund’s operations shall be subject to investigation and possible legal action under the relevant laws.

10.0 Periodic Review and Updates

Clause 54T: Periodic Review and Amendment of Regulations

1. The County Executive Committee Member shall conduct a comprehensive review of the regulations governing the County Sports Associations Fund every three years to ensure they remain relevant and effective.
2. The review process shall include consultations with stakeholders, including county sports associations, sports professionals, and the general public.
3. Based on the review findings, the County Executive Committee Member shall propose necessary amendments to the regulations to enhance the Fund's performance and impact.

11.0 Integration with the County Sports Management Act

Clause 54U: Harmonization with the County Sports Management Act

1. The County Sports Associations Fund shall be aligned with the provisions of the County Sports Management Act, ensuring that it supports the objectives and functions of county sports management bodies.
2. The County Executive Committee Member responsible for sports shall coordinate with county sports management bodies to ensure that funding is directed towards priority sports development areas as outlined in county sports plans and strategies.

12.0 Amended Section 54C(2) TO INCLUDE

(e) Facilitation and financing the organization, management, and promotion of county leagues and competitions by registered county sports associations. This includes covering costs related to logistics, equipment, venues, and other essential resources necessary for the successful execution of these sports activities

THE SENATE
RECEIVED
03 SEP 2024
DIRECTOR COMMITTEE SERVICES
(DGAC)

THE SENATE
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03 SEP 2024
CLERK'S OFFICE
SENATE

THE SENATE
RECEIVED
04 SEP 2024
DIRECTOR COMMITTEE SERVICES
(DGAC)

The Sports Cursus
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NAIROBI, KENYA.

30th August, 2024

The Clerk of the Senate
Parliament Buildings
Nairobi, Kenya

Dear Senate

DLS
DSEC ✓
Kindly deal
03/09/2024
Ms. Mwanate
Kindly deal.
Rohat
04/09/2024

RE: SENATE SPORTS AMENDMENT BILL KENYA GAZETTE SUPPLEMENT NO. 123 (SENATE BILLS NO. 33)

I hope this letter finds you well. I am writing on behalf of our team to formally request the opportunity to participate in the upcoming public hearing on the Senate Sports Amendment Bill Kenya Gazette Supplement No. 123 (Senate Bills No. 33) on 5th September 2024.

I represent a diverse group of stakeholders deeply invested in the development and integrity of sports in our nation. We have carefully reviewed the proposed amendments and believe that our insights and experiences can contribute meaningfully to the discussions surrounding this critical legislation.

Our organization has a long-standing commitment to give and input to your already suggested draft and we are keen to provide constructive feedback that aligns with the best interests of athletes, sports institutions, and the broader community.

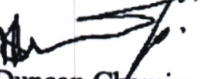
We respectfully request the opportunity to present our views and recommendations during the public hearing. We believe that our participation will enhance the deliberative process and help ensure that the final legislation effectively addresses the needs and challenges facing the sports sector.

Please let us know the procedures for participation and any additional requirements we need to fulfill to be included in the hearing. We are prepared to provide any necessary documentation or statements in advance if required.

Attached is our list of attendance and our draft of amendment bill

Thank you for considering our request. We look forward to the opportunity to contribute to this important legislative process.

Yours Faithfully,



Duncan Chemiryo
Sports Caucus Secretary.

SPECIAL ISSUE*Kenya Gazette Supplement No. 123 (Senate Bills No. 33)*

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT**SENATE BILLS, 2024**

NAIROBI, 20th June, 2024

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SPORTS (AMENDMENT) BILL, 2024**A Bill for****AN ACT of Parliament to amend the Sports Act; and for connected purposes****ENACTED** by Parliament of Kenya, as follows—

1. This Act may be cited as the Sports (Amendment) Act, 2024.
2. The Sports Act, in this Act referred to as “the principal Act” is amended by inserting the following new definition immediately after the definition of the word “council”—

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“County Sports Fund Board” means the Board incharge of the County Sports Association Fund.

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Clarification - Definition of County

Revenue from National government and or plus revenue collected from the county.

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Composition of the County Sports Board Fund

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The County Sports Fund Board shall have all the powers necessary for the performance of the functions of the board under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—
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 - (b) receive any gifts, grants, donations or endowments made to the Board or any other monies in respect of the Board and make disbursements therefrom in accordance with the provisions of this Act;
 - (c) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Board;
 - (d) invest any monies of the Board not immediately required for the purposes of this Act in the manner provided in section 11.
 - (e) make grants or lend money, and provide scholarships to sportspersons and staff of the Board; and
 - (f) do any other thing necessary, or expedient for the discharge of it's functions under the Act.

- (3) The administrator of the fund shall—
- (a) open and operate a separate bank account or accounts at the Central Bank of Kenya or a bank to be approved by the County Treasury;
 - (b) supervise and control the administration of the Fund;
 - (c) prepare a work plan in respect of a financial year to be approved by the county executive committee member; County Sports Fund Board
 - (d) cause to be kept proper books of accounts and other books and records relating to all activities and undertakings financed from the Fund;
 - (e) prepare, sign and transmit, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Treasury; and
 - (f) prepare a quarterly report on financial and non-financial activities of the Fund in accordance with the provisions of the Public Finance Management Act, 2012. The reports will be made Public in the County Website.
- (4) Every statement of account shall include details of the balance between the assets and liabilities of the Fund, and shall indicate the financial status of the Fund as at the end of the quarter concerned.
- (5) The administrator of the fund shall ensure that monies held in the fund, including any earnings or accruals, is spent only for the purposes for which the fund is established.

54E. A registered county sports association, shall be eligible to apply for funding from the Fund if it—

- (a) is registered as a county sports association under the Sports Act;
- (b) has an annual work plan aligned to the strategic plan of the association and the medium-term plan approved by the governing body of the county sports association County Sports Fund Board;
- (c) has, in the case of an infrastructure development project, prepared project designs, plans and bills of quantities, approved by the governing body and the requisite regulatory approvals from relevant government institutions; and
- (d) meets any other criteria prescribed by the Board.

54F. (1) The Administrator of the Fund shall by the 30th August of each year issue a budget circular for the Fund to the eligible persons indicating—

- (a) the ceilings for funding under sports, and sports development;
 - (b) priority programmes, projects and activities to be funded in that financial year; and
 - (c) any other information that may be considered necessary.
- (2) A person or An Organization who wishes to receive funding from the Fund and meets the criteria set out under section 54E shall at least six months before the commencement of a financial year apply to the Administrator of the Fund in such a manner as may be prescribed by the Board.
- (3) An application for funding under paragraph (2) shall be accompanied by—
- (a) the certificate of registration issued under the Sports Act (Cap 223);
 - (b) the minutes of a properly constituted meeting of the governing body of the association containing the resolution to apply for funding from the Fund;
 - (c) an annual work plan aligned to the strategic plan of the association and the medium-term plan approved by the governing body of the sports association;
 - (d) the project designs, plans and bills of quantities, approved by the governing body and the requisite regulatory approvals from relevant government institutions, where applicable;
 - (e) a statutory declaration of programmes funded through other sources;
 - (f) the details and signatories of the bank account in the name of the association where the funds shall be channeled; an
 - (g) a schedule of all allocation that will be shared every financial year be provided to the public
 - (h) any other information as may be required.

54G. (1) The funds under the Fund shall be disbursed under the following conditions—

- (a) all disbursements from the Fund shall be approved by the county executive committee member; County Sports Fund Board
- (b) disbursements from the Fund shall be utilised to support the objects and purpose of the Fund;
- (c) the County Sports Fund Board county executive committee member shall set out other conditions and requirements for release

of funds, to ensure efficient and effective management of resources.

2) A recipient shall—

- (a) submit quarterly and annual progress reports of the programmes, projects and activities funded by the Fund; and
- (b) allow monitoring and evaluation of the programmes, projects and activities funded by the Fund.

(3) A recipient shall return any unutilized funds disbursed in accordance with paragraph (1) where —

- (a) the purpose for which the funds were disbursed was not undertaken; or
- (b) the purpose for which the funds were disbursed was undertaken but the funds were not fully utilized; or
- (c) savings are realized as a result of change in circumstances.

(4) Unutilized funds returned under paragraph (2) shall be recorded as receipts of the Fund.

(5) A recipient who fails to comply with paragraph (2) and (3) shall not be eligible for any subsequent disbursement until full compliance.

Retention of Receipts

54H. All receipts, earnings and accruals to the Fund, and the balance of the Fund at the close of each financial year, shall be retained by the Fund for use for the purpose for which the Fund is established.

Regulations.

54I. The county executive committee member county sports fund board shall create rules and regulations shall, within a period not exceeding twelve months, make rules generally for better carrying out of the provisions of this Act.

Monitoring and Evaluation

54J. The county executive committee shall provide a monitoring and evaluation system of sports development at the grass root level in the county as a resulting of injection of the fund.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The purpose of this Bill is to amend the Sports Act (Cap 223). The proposed amendments primarily focus on the establishment and administration of the County Sports Associations Fund. The proposed County Sports Associations Fund is a pivotal instrument aimed at promoting sports development and enhancing community well-being within the counties.

The County Sports Associations Fund is primarily focused on nurturing and supporting county sports associations, with the intention of fostering the development of sports at the grassroots level. Secondly, the Bill seeks to define the administrative framework for the County Sports Associations Fund.

Additionally, the Bill outlines a comprehensive strategy for funding the County Sports Associations Fund, which includes a percentage of county revenue, financial accruals from departmental activities, government loans, grants, and donations, as well as contributions from sources explicitly designated for county sports associations. The legislation prescribes the specific utilization of the fund, emphasizing its allocation towards supporting duly registered county sports associations on an annual fiscal basis, thereby strategically directing resources towards grassroots sports development.

Lastly, the Bill grants regulatory oversight powers to the County Executive Committee member responsible for sports, enabling them to formulate essential rules that cover vital aspects such as eligibility criteria, fund disbursement procedures, and rigorous accountability measures. This comprehensive approach ensures the effective establishment, operation, and governance of the County Sports Associations Fund and fostering the growth and development of sports at the local level.

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

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms. Its provisions are designed to facilitate the efficient administration of the County Sports Associations Fund within the framework of existing legal and constitutional safeguards.

Statement of how the Bill concerns County Governments

The Bill primarily concerns county governments in Kenya, as it establishes the County Sports Associations Fund, which falls under the purview of county-level sports administration which is a function detailed

in the Fourth Schedule of the Constitution. It outlines the responsibilities of county government officials and seeks to enhance the capacity of counties to support sports development within their jurisdictions.

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. It primarily deals with the establishment of a fund, administrative procedures, and regulatory frameworks. While it specifies funding sources and utilization, it does not alter the national budgeting process or impose taxation measures. It ensures that existing budget allocations are directed toward sports associations within the county, without creating new taxation or expenditure obligations.

Dated the 4th December, 2023

EDWIN WATENYA SIFUNA
Senator

Section 2 of Act No. 25 of 2013 which it is proposed 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);

“Board” means the County Sports Fund Board

“Board of Trustees” deleted by Act No. 7 of 2019, s. 2;

“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 54 of Act No. 25 of 2013 which it is proposed to amend

54. Intervention by Cabinet Secretary in management

(1) Where a sports organisation fails to comply with the recommendations of an inspection, the Cabinet Secretary may—

(a) appoint any person or committee to assume the management, control and conduct of the affairs of a sports organization, to exercise the powers and functions of the sports organization to the exclusion of its officials, including the use of its corporate seal, where the sports organization concerned has been unable to conduct its affairs in a proper manner; or

(b) remove any official of a sports organization who, in the opinion of the Cabinet Secretary, has caused or contributed to any contravention of any provision of this Act, or any regulations or directions made thereunder or to any deterioration in the financial stability of the sports organization or has conducted himself in a manner which is detrimental to the interest of the relevant sporting discipline, or which has brought the sporting discipline into disrepute.

(2) The appointment of a person or committee under this section shall be for such period as the Cabinet Secretary shall specify in the instrument of appointment, but shall not exceed six months.

(3) A person or committee shall, upon assuming the management, control and conduct of the affairs of a sports organization, discharge his or its duties with diligence and in accordance with sound management and financial principles.

DATE: 20/8/2024

EVENT: CAMELS MEETING - SPILLER MEASUREMENT BIKI

VENUE: STAMBOUS HOTEL - MATWASSITA ROOM

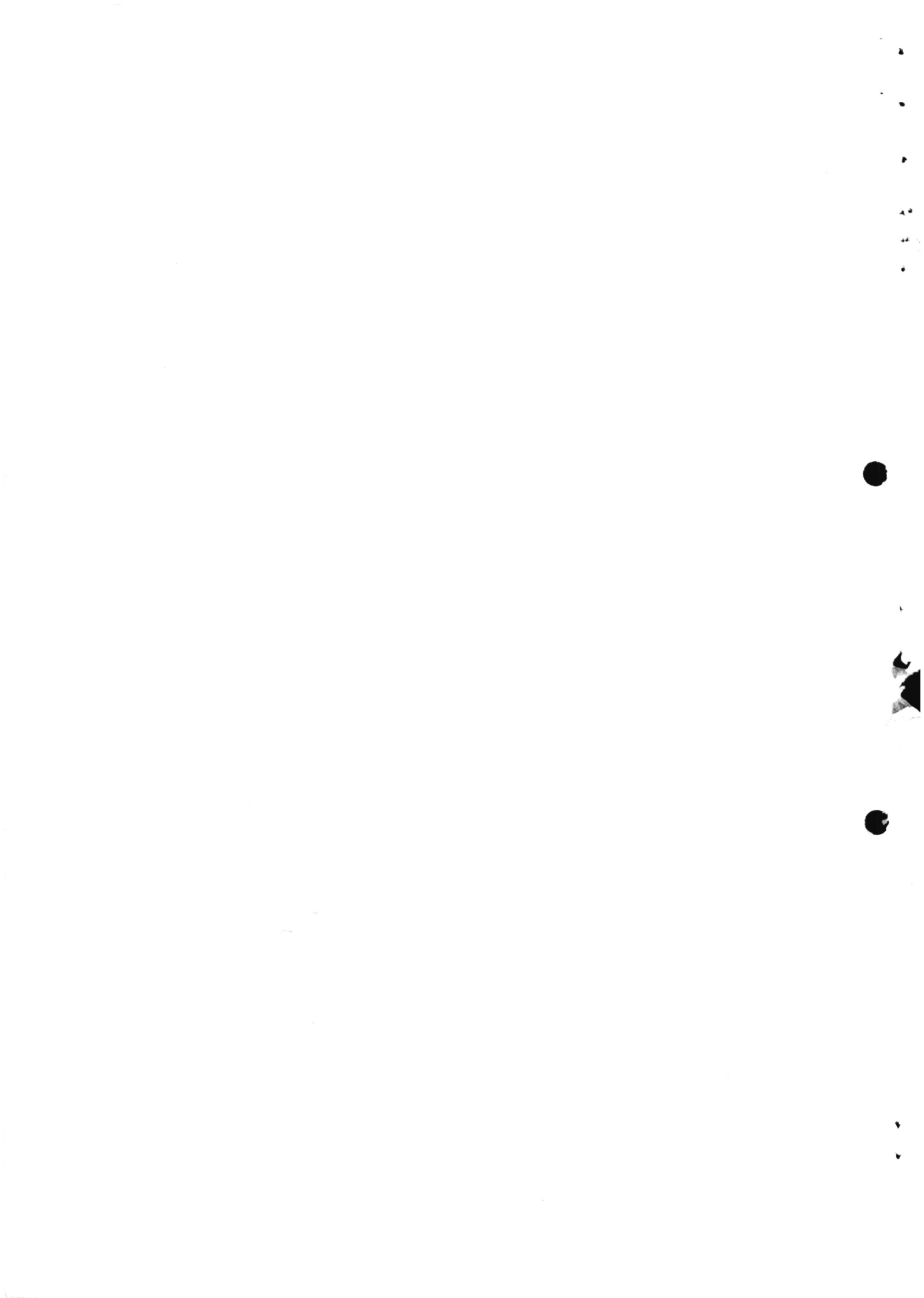
NAME	FEDERATION	PHONE NO	EMAIL
1. Siphung Kibungo	Kenya Bowls Fed	0700521316	siphung325711@gmail.com
2. J. B. B. V. S. K. U. K. U.	Baseball Federation of Kenya	0722538588	shookkathumbi@yahoo.com
3. KENNEDY OBUYA	CRICKET KENYA	0722538588	kennedy.k@kenya.crick.com
4. LIDIANI KAPARO	CRICKET KENYA	0722538588	lidiani.k@kenya.crick.com
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8. JUDITH O. S. V. O. D. O.	Kenya Judo Fed	0722530668	judith.o.s.v.o.d.o@kenya.crick.com
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12. ANGELI ACHWENYI	Kenya Judo Fed	0722530668	angeliaachwenyi@gmail.com

DATE: 30/8/2024

EVENT: CANEWS MEETING - SPORTS MANAGEMENT AINM

VENUE: SIMBAHIA HOTEL - MATHIASIA AUM

NAME	FEDERATION	PHONE NO	EMAIL
1. Sophia Kibungu	Kenya Bowls Fed	0702597314	sophia3151k@gmail.com
2. Jackson Kadirika	Baseball Federation of Kenya	0722578509	jdoo.kadirika@yahoo.com
3. Kennedy Oduya	Cricket Kenya	0722570183	kennedy.oduya@yahoo.com
4. Lidani Kaparo	Cricket Kenya	072925760	lidanilidani@gmail.com
5. Yusuf K. Kipkoeh	Kenya Roll Ball Federation	0720493177	yusufkipkoeh@yahoo.com
6. Samuel A. Kitaba	Kenya Football Federation	0722670668	sopahsam63@gmail.com
7. Charles O. Opondo	Kenya Judo Federation	0722922004	charleso.jamboofed@gmail.com
8. Thomas O. Oundo	Kenya Archery	0722578135	thomas.oundo@kruc.co.ke
9. Isaac Chemiso	Kenya Taekwondo Federation	072970416	isaacche@yahoo.com
10. Naureen Ochi	Kenya Aquatics	0722578135	naureen.ochi@cruc.co.ke
11. Angela Achwem	Kenya Cycling Federation	0721740644	kenyacyclingfederation@gmail.com
12. Vessu Y. Itok	K. Volleyball	0725877167	phitok2002@yahoo.com



APPENDIX 6

THE SENATE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE.

**THE SPORTS (AMENDMENT) BILL, 2024
(SENATE BILLS NO. 33 OF 2024)**

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
2	Kenya Judo Association	Insert definition of the term “County Sports Fund Board” to mean the “the Board in charge of the County Sports Association Fund.”		
54A	Council of Governors (COG)	The fund should be known as “County Sports Fund).	The fund is established to cater for a devolved function. It should align with all county government plans including County Integrated Development Plan and the Annual Development Plan.	
54B	CPA John Odhiambo Ogara	Delete paragraph (a).	The 1% as per 54B (a) can only caters for recurrent expenditures given the number of sports associations representing various sports.	
	COG	Include an amount not exceeding 30% of the proceeds of the Sports, Arts and Social Development Fund as a source of funds for the Fund.	This is to cater for the sports function at the county level. The criteria for apportioning funds by the Sports, Arts and	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			Social Development Fund should be reviewed.	
54C	COG	Amend subclause (1) to read— (1) The object of the Fund is to provide funding for development of sports activities and facilities in the counties.	This is to align with Part 2 of the Fourth Schedule to the Constitution.	
	Kenya Judo Association.	Include provisions on how the Fund will be apportioned as follows— (a) an amount not exceeding 30% for development of sports facilities; (b) an amount not exceeding 10% to be allocated to each sports discipline; (c) staggered funding of sports should be encouraged.		
54D	COG	Delete 54D (2) (c).	This is to align with section 107 of the County Governments Act and the provisions on budget cycle under the Public Finance Management Act.	
54F	CPA John Odhiambo Ogara	Use another date instead of 30 th August. appearing at the introductory subclause (1).	Section 32(1) of the PFM National Government, Regulations reserves the said date to the CS National Treasury to issue a budget circular.	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		In subclause (3) introduce a requirement for a letter from the national federation to which the county sports association is affiliated to confirming the leadership of the county sports association.	This is to avoid leadership wrangles.	

OTHER SUBMISSIONS

	STAKEHOLDER	SUBMISSIONS	COMMITTEE RESOLUTION
1.	Kenya Tchoukball Federation	Supports the Bill fully and calls for funding of all sports.	
2.	Director, County Government of Embu	<p>(1) The County governments have not been given any powers under the Sports Act to identify or register or regulate County Sports Associations.</p> <p>(2) Sports as a devolved function should be managed by the county government with structured policy guidelines from the national government.</p> <p>(3) The administration of the proposed County Sports Association Fund will therefore be difficult when there are no structures at the County level for identification, registration, regulation and management of the County Sports Associations.</p> <p>(4) The Sports Registrar office should devolve its functions to counties.</p>	

		<p>(5) The Sports Act should be overhauled to include counties in sports regulation, development and management.</p> <p>(6) A national Sports Fund should be put in place instead of individual county sports associations.</p> <p>(7) Regulations on Sports Registrar should be developed.</p> <p>(8) Office of the Sports Registrar should be devolved.</p> <p>(9) The registration of sports associations should be streamlined and made easier.</p>	
3.	Paul Tindi Odera	<p>He proposed a new innovative County sports funding model under the following objectives:</p> <p>(a) Provision of world-class services and facilities and to enable social and elite athletes and coaches to achieve excellence in sports;</p> <p>(b) development of State of the Art High Performance Centers for the Community, Coaches and Athletes; and</p> <p>(c) creation and development of profitable, sustainable and empowered performance centers in sport.</p>	
4.	The Kiambu County Aquatics Association	<p>Fully endorses the Sports (Amendment) Bill, 2024 and believe that this legislative framework is essential for the revitalization and advancement of sports across Kenya, with significant positive implications for the development of aquatics sports in Kiambu County.</p>	
5.	Kiambu County Chess Association	<p>(1) Office of the Sports Registrar should be devolved.</p> <p>(2) County sports associations should have a role to play in management of stadiums.</p>	

		(3) The proposed fund should embrace public participation when disbursing funds.	
6.	CPA John Odhiambo Ogara	There is need to capture: (a) financial year of the fund; and (b) auditing of the financial statements of the fund.	
7.	CoG	(1) The unbundling and transfer of the sports function to the county governments is yet to be done. (2) 30% of the proceeds of the Sports, Arts and Social Development Fund should be apportioned and given to counties as conditional grants. (3) The establishment of county sports associations fund is progressive. (4) County governments should also license and accredit county sports associations. (5) The Fund should align with County Integrated Development Plan and the Annual Development Plan.	
8.	Ministry of Youth Affairs, Creative Economy and Sports.	Ministry of Youth Affairs, Creative Economy and Sports requested the Senate to wait for the outcome of the ongoing process of reviewing the National Sports Policy and the Sports Act before processing the Bill.	
9.	Kenya Judo Association	(1) Make a provision for increase of funding from 1% to 2% from the County Revenue Fund over time. (2) Registration of county sports associations should be done at the county level. (3) The office of the Sports Registrar should be devolved to all counties. (4) Make a provision for a County Sports Board Fund.	

	(5) Provide a monitoring and evaluation of sports development.	
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LIST OF STAKEHOLDERS

1. Kenya Tchoukball Federation
2. State Department for Sports
3. CPA John Odhiambo Ogara
4. The Kiambu County Aquatics Association
5. Director, County Government of Embu
6. Paul Tindi Odera
7. Kenya Judo Association
8. Kiambu County Chess Association
9. Duncan Chemiryo, Sports Caucus
10. Council of Governors
11. Ministry of Youth Affairs, Creative Economy and Sports.