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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

Approved
SNA
17/6/26

THE REPORT OF THE SPORTS (AMENDMENT) BILL,
(NATIONAL ASSEMBLY BILLS NO. 5 OF 2026)

 THE NATIONAL ASSEMBLY PAPERS LAID			
DATE: 18 JUN 2026			
<table border="1"><tr><td>DAY.</td></tr><tr><td><i>THUR</i></td></tr></table>		DAY.	<i>THUR</i>
DAY.			
<i>THUR</i>			
TABLED BY:	<i>HON. DANIEL WANJAMBA, MP</i> <i>CHAIRPERSON</i>		
CLERK-AT THE-TABLE:	<i>V. WAMBUI</i>		

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI



JUNE 2026

TABLE OF CONTENTS

LIST OF ABBREVIATIONS AND ACRONYMS.....	2
ANNEXURES.....	3
CHAIRPERSON'S FOREWORD	4
CHAPTER ONE.....	5
1. <i>PREFACE</i>	5
1.1. Establishment and Mandate of the Committee	5
1.2. Subjects under the Committee	5
1.3. Committee Membership.....	6
1.4. Committee Secretariat	7
CHAPTER TWO.....	8
2.0 BACKGROUND.....	8
CHAPTER THREE	9
3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL	9
3.1 Legal Framework on Public Participation	9
CHAPTER FOUR	14
4.0 COMMITTEE OBSERVATIONS	14
CHAPTER FIVE	15
5.0 COMMITTEE RECOMMENDATION.....	15
6.0 SCHEDULE OF AMENDMENTS	16

LIST OF ABBREVIATIONS AND ACRONYMS

CAF	– County Assemblies Forum
CEO	– Chief Executive Officer
COG	– Council of Governors
CoK	– Constitution of Kenya

ANNEXURES

- Annexure 1: Adoption Schedule
- Annexure 2: Minutes
- Annexure 3: Advertisement inviting the public to submit memoranda on the Bill
- Annexure 4: Letter inviting stakeholders for meetings with the Committee
- Annexure 5: Submissions of memoranda by Stakeholders

CHAIRPERSON'S FOREWORD

This Report contains the proceedings of the Departmental Committee on Sports and Culture in its consideration of the Sports (Amendment) Bill, 2026 (National Assembly Bill No. 5 of 2026), sponsored by Hon. Irene Mayaka, M.P. The Bill was read a First Time in the National Assembly on 11th March 2026 and subsequently committed to the Committee for consideration and reporting to the House. The principal objective of the Bill is to amend the Sports Act, Cap. 223, to provide measures for the prevention, prohibition and criminalization of the manipulation of sports competitions and to strengthen integrity within the sports sector.

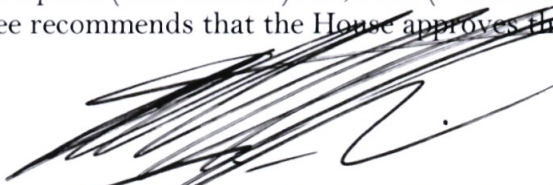
In considering the Bill, the Committee undertook stakeholder consultations and facilitated public participation in accordance with Article 118 of the Constitution and the Standing Orders of the National Assembly. Accordingly, the Committee published an advertisement inviting members of the public and relevant stakeholders to submit memoranda on Friday, 13th March 2026, with a deadline of Friday, 27th March 2026 at 5.00 p.m.

The Committee received submissions from the Office of the Attorney-General, the Law Society of Kenya, the Association of Gaming Operators – Kenya, the National Olympic Committee of Kenya, the Ministry of Youth Affairs, Creative Economy and Sports, the Football Kenya Federation, and the Anti-Doping Agency of Kenya. The views and recommendations received informed the Committee's deliberations and recommendations on the Bill.

Following its consideration of the Bill and the submissions received from stakeholders, the Committee considered and passed the Bill with amendments on Saturday, 6th June 2026.

The Committee expresses its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the logistical, technical and procedural support accorded to it during its sittings and throughout the consideration of the Bill.

On behalf of the Departmental Committee on Sports and Culture, and pursuant to the provisions of Standing Order 199(6), it is my pleasant duty and privilege to present this Report to the House on the Committee's consideration of the Sports (Amendment) Bill, 2026 (National Assembly Bill No. 5 of 2026), and to report that the Committee recommends that the House approves the Bill with amendments.



HON. DANIEL SITATI WANYAMA, MP, CBS
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

CHAPTER ONE

1. PREFACE

1.1. Establishment and Mandate of the Committee

1. The Departmental Committee on Sports and Culture is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216**. The mandates pursuant to the **Standing Order 216 (5)** are as follows:
 - a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - b) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation; ba) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - c) *study and review all legislation referred to it;*
 - d) *study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - e) *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - f) *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments) fa) examine treaties, agreements and conventions;*
 - g) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - h) *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - i) *examine any questions raised by Members on any matter within its mandate.*

1.2. Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider the following subjects: - *Sports; Culture; Language; Creative Economy including promotion of music; Arts; Film promotion and Development; National Heritage and Betting & Lotteries.*
3. In executing its mandate, the Committee oversees the following government ministries, departments and agencies, namely:
 - a) State Department for Sports under the Ministry of Youth Affairs, Creative Economy and Sports;
 - b) State Department for Youth Affairs and Creative Economy and State Department for Sports under the Ministry of Youth Affairs, Creative Economy and Sports; and
 - c) State Department for Culture and Heritage under the Ministry of Gender, Culture, the Arts and Heritage.

1.3. Committee Membership

4. The Departmental Committee on Sports and Culture was constituted by the House on 27th October 2022 and comprises of the following members:

Chairperson

Hon. Daniel Wanyama Sitati, MP, CBS
Webuye West Constituency
UDA Party

Vice-Chairperson

Hon. James Githua Wamacukuru, MP, CBS
Kabete Constituency
UDA Party

Members

Hon. Naomi Jillo Waqo, MP, CBS
Marsabit County (CWR)
UDA Party

Hon. Stephen Mutinda Mule, MP
Matungulu Constituency
WDM-K Party

Hon. Robert Ngui Basil, MP
Yatta Constituency
WDM-K Party

Hon. Caroli Omondi, MP
Suba South Constituency
ODM Party

Hon. Hon. Ndakwa David Athman, MP
Malava Constituency
UDA Party

Hon. Paul Ekwom Nabuin, MP
Turkana North Constituency
ODM Party

Hon. BSP. (EM) Dr. Jackson Kipkemoi Kosgei, MP
Nominated-
UDA Party

Hon. Muhanda, Elsie Busihile, MP
Kakamega County (CWR)
ODM Party

Hon. Janet Jepkemboi Sitienei, MP
Turbo Constituency
UDA Party

Hon. Charles Ngusya Nguna, MP
Mwingi Constituency
WDM -K Party

Hon. Catherine Nakhabi Omanyoo MP
Busia County (CWR)
ODM Party

Hon. Letipila, Dominic Eli, MP
Samburu North Constituency
UDA Party

Hon. Richard Kipkemoi Yegon, MP
Bomet East Constituency
UDA Party

1.4. Committee Secretariat

5. The Committee's secretariat comprises of the following officers:

Mr. Hassan A. Arale
Clerk Assistant I/Head of Secretariat

Ms. Mary Kinyunye
Clerk Assistant III

Ms. Christine Odhiambo
Principal Legal Counsel II

Mr. Erastus Lotuk
Public Communication Officer/ Protocol Officer I

Mr. V.P Okech Owino
Research Officer II

Mr. Wilson Mwangi
Fiscal Analyst II

Ms. Josephine Osiba
Hansard Reporter II

Mr. Edith Chepngeno
Media Relations Officer III

CHAPTER TWO

2.0 BACKGROUND

The principal object of the Sports (Amendment) Bill, 2026 (National Assembly Bills No. 5 of 2026 is to amend the Sports Act, Cap. 223 to prohibit and criminalize the act of manipulation of sports competitions.

Clause 1 of the Bill provides the short title of the Bill.

Clause 2 of the Bill amends section 2 of the Act by inserting the definition of “manipulation of a sports competition” to include intentional acts aimed at improperly influencing the outcome or conduct of a sporting event, including bribery, collusion, misuse of insider information and deliberate underperformance. It further extends liability to those who facilitate, induce or coerce others to engage in such conduct, thereby capturing both direct and indirect participation in match manipulation.

Clause 3 of the Bill amends section 4 of the Act to provide additional functions of Sports Kenya, which are—

- (a) to receive any reports from any person who suspects acts of manipulation in any sports competition; and
- (b) to conduct investigations of alleged manipulation in sports competitions in collaboration with other investigative agencies.

This clause also amends section 4 of the Act by inserting a new section which provides for a 6-month timeline for the investigation of an alleged act of manipulation of a sports competition.

Clause 4 of the Bill amends section 58 of the Act, which provides for the jurisdiction of the Sports Tribunal, to provide for the determination of appeals from decisions in relation to manipulation of sports competitions as an additional jurisdiction of the Sports Tribunal.

Clause 5 of the Bill inserts a new section 64A into the Act to criminalize the act of manipulation of sports competition. The proposed new section further provides that such manipulation constitutes an offence, and provides for the following sanctions—

- (a) in the case of a person, one year imprisonment or 1 million shillings fine;
- (b) in the case of a professional sportsperson or a sports club, forfeiture of the match or ineligibility to participate in subsequent competitions;
- (c) in the case of a club or a professional sports person, additional sanctions may be imposed, which may include a lifetime ban; and
- (d) where the offender gains a benefit as a result of manipulation of a sports competition, such a benefit shall be forfeited.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL

3.1 Legal Framework on Public Participation

6. Article 118 (1)(b) of the Constitution provides that:
"Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees."
7. The National Assembly Standing Order 127(3) and (3A) stipulates that:
"(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism including-
 - (a) inviting submission of memoranda;*
 - (b) holding public hearings;*
 - (c) consulting relevant stakeholders in a sector; and*
 - (d) consulting experts on technical subjects.**(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House."*

3.2 Memoranda received on the Sports (Amendment) Bill, 2026 (National Assembly Bills No. 5 of 2026)

1. Office of the Attorney General

Clause 2- Delete the definition of "manipulation of a sports competition" and insert the following new definition—"manipulation of a sports competition" means an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.

- **Justification:** The offence in paragraph (a) already exists in the Anti-Bribery Act
- The offence in paragraph (b) is vague
- The offence in paragraph (c) makes it difficult to establish *mens rea*
- The offence in paragraph (d) already exists in the Gambling Control Act
- The offence in paragraph (e) lacks clarity.

Clause 3- Delete

Justification:

- The power to investigate criminal offences is granted to the Directorate of Criminal Investigations
- Sports Kenya lacks capacity to investigate criminal offences.

Clause 4- Delete

Justification: The Bill does not grant Sports Kenya the power to investigate manipulation of sports competitions.

2. Law Society of Kenya

Clause 2- Amend Clause 2 to read as follows: "manipulation of a sports competition" means any act, omission or arrangement, whether completed or attempted, where a person—

- (a) offers, gives, solicits or receives an undue advantage, whether financial or otherwise, with the intent to improperly influence the result, progress, conduct, or any other aspect of a sports competition;
- (b) conspires to manipulate or participates in the manipulation of a sporting event;

- (c) intentionally fails to perform to the best of their abilities, or procures another person to so fail, in order to achieve a pre-determined outcome;
- (d) misuses insider information for betting or manipulation purposes; or facilitates, induces, threatens or coerces a person to engage in any of the conduct described in paragraphs (a) to (d).

Justification:

- The use of the word “action” is too narrow and may exclude deliberate omissions, such as a referee intentionally failing to award a legitimate penalty to influence a result. Consistent with the UNODC–IOC Model Criminal Law Provisions (2016), the definition should expressly cover both acts and omissions.
- The definition should include attempted manipulation because match-fixing schemes are often detected before a competition takes place. Limiting the offence to completed acts prevents early intervention and is inconsistent with Article 3(4) of the Macolin Convention, which encourages the criminalisation of attempts.

Clause 3-

Amend paragraph (pb) to read: “to receive, assess and refer to the relevant law enforcement agencies reports of alleged manipulation in sports competitions, and to collaborate with the Directorate of Criminal Investigations, the Ethics and Anti-Corruption Commission, the Betting Control and Licensing Board, and other competent authorities in the investigation of such reports.”

Amend section 4(2) to add a consequence provision: “Where an investigation is not concluded within six months, the investigating agency shall submit a written progress report to the Cabinet Secretary, who may direct that the investigation be transferred to the Directorate of Criminal Investigations.”

Insert a new paragraph (pc): “to establish a mechanism for receiving real-time notifications from the Betting Control and Licensing Board of suspicious betting patterns on sporting events involving Kenyan athletes or teams.”

Justification:

- Sports Kenya is a facilities-management and sports-promotion body, therefore the assignment of criminal investigative functions is inconsistent with its statutory mandate and institutional capacity.
- To provide a consequence for the non-compliance with the six-month deadline.
- Collaboration with the BCLB is in line with Article 13 of the Macolin Convention which requires domestic betting operators to report suspicious activity to national sports integrity platforms.

Clause 4- Amend Section 58(b) to read: “other sports-related disputes referred to the Tribunal by any party to the dispute, where the Tribunal determines it has jurisdiction to hear the matter.”

This replaces bilateral consent with a unilateral right to access, subject to the Tribunal's jurisdictional assessment — consistent with Article 48 of the Constitution.

Insert a Kompetenz-Kompetenz clause as new Section 58A:

58A. Power of Tribunal to determine its own jurisdiction

(1) The Tribunal shall have power to rule on its own jurisdiction, including any objection with respect to the existence, validity or scope of the jurisdiction conferred by this Act.

(2) An objection to the Tribunal's jurisdiction shall be raised not later than the filing of the first substantive response to the matter in dispute.

(3) The Tribunal may rule on a jurisdictional objection as a preliminary question or in its decision on the merits.

(4) A ruling by the Tribunal that it has jurisdiction shall not be subject to interlocutory challenge in any court. A party aggrieved by a jurisdictional ruling may apply to the High Court to set aside the Tribunal's final decision on the grounds of lack of jurisdiction, under Section 35 of the Arbitration Act, Cap. 49, which shall apply mutatis mutandis.

Justification:

- Section 58(b) of the principal Act allows the SDT to hear disputes only where all parties agree to refer the matter.
- This provision mirrors Article 16 of the UNCITRAL Model Law and Section 17 of the Arbitration Act, providing the SDT with the same jurisdictional protection as arbitral tribunals.

Clause 5- Amendment 1: Increase the penalty ceiling to reflect gravity: Amend Section 64A(1) to read: "...shall be liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding five million shillings, or both."

Amendment 2: Anchor forfeiture in POCAMLA: Amend Section 64A(4) to read: "Where an offender gains any proceeds or benefit as a result of sports manipulation, such proceeds shall be subject to forfeiture in accordance with the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59B), and the court shall make a forfeiture order accordingly."

Amendment 3: Clarify sports sanctions procedure: Amend Section 64A(2) and (3) to add: "Such sanctions shall be imposed by the relevant sports federation or national sports organisation, subject to appeal to the Sports Disputes Tribunal in accordance with Section 58(d) of this Act. The Sports Disputes Tribunal shall have jurisdiction to confirm, vary or set aside any sanction imposed under this section."

Justification:

- 1) To ensure penalty consistency
- 2) To align forfeiture provisions with the Proceeds of Crime and Anti-Money Laundering Act, Cap. 59B and
- 3) To specify who shall impose the sanctions.

3. National Olympics Committee- Kenya

Clause 2- Widen the scope of the definition to include "threat to integrity in sports and age cheating"

Justification- To include emerging threats which are not covered in any law.

Clause 3- Amend the Anti-Doping Act, rename ADAK and give it the mandate to handle all sports integrity matters and amend to allow own-volition investigations.

Justification:

- 1) Sports Kenya is structurally, legally and operationally unsuited to handle integrity investigations regarding match fixing.
- 2) ADAK already functions as an investigatory and quasi-judicial body.
- 3) To allow investigations where no report is made.

Clause 4- Expand the mandate of the Anti-Doping Agency to include investigation.

Justification: The Anti-Doping Act already provides for appeals to the Sports Dispute Tribunal.

4. Association of Gaming Operators- Kenya

Clause 2- Amend the definition to include "a person who misuses insider information for betting or gaming purposes with the intent to manipulate the outcome of the sporting event"

Justification: To ensure clarity

Clause 3- Insert a new subsection—“Where the investigations relate to a betting and gaming transaction or entity, the Gambling Regulatory Authority and an official from AGOK will be included as interested parties in such determinations”

Justification: To ensure fair hearing and inclusion of the regulator.

Clause 4- Insert a new subsection—“Where an appeal relates to a betting and gaming transaction or entity, the Gambling Regulatory Authority and an official from AGOK will be included as interested parties in such determinations”

Justification: To ensure fair hearing and inclusion of the regulator.

Clause 5- Insert a new subsection—“Where such proceeds were as a result of a betting and gaming transaction, the Gambling Regulatory Authority and an official from AGOK will be included as interested parties in such determinations and recovery or forfeiture of the proceeds”

Justification: To ensure determination through existing channels available with the regulator.

5. Ministry of Youth Affairs, Creative Economy and Sports

Clause 3- Delete

Justification: The draft Sports Bill, 2026 proposes the establishment of the Sports Integrity Unit which will be mandated to promote integrity, transparency, accountability and ethical conduct in sports. The functions of the Integrity Unit will include receiving and investigating allegations of integrity breaches in sports.

Clause 5- Enhance the penalty to three years imprisonment or three million shillings fine.

Justification: To curb the implications of the offences and enhance deterrence.

6. Football Kenya Federation

Clause 3- Investigative powers should be with the National Police Service.

Justification: Sports Kenya lacks the investigative powers.

Clause 4- Delete

Justification: The power should be left to the Judiciary.

Clause 5- Amend to provide stricter penalties.

Justification: In Uganda the term for imprisonment is 5 years.

7. Anti-doping Agency of Kenya

Clause 4- Insert a new subsection expressly providing that the Sports Dispute Tribunal shall have jurisdiction to hear and determine anti-doping rule violation cases and disputes.

Justification: To provide express statutory clarity.

GENAERAL

1. Kenya Academy of Sports

In an oral submission submitted by Dr. Doreen Odhiambo, the Chief Executive Officer of Kenya Academy of Sports on Friday 5th June 2026 in a retreat held in Hilton Garden inn Hotel in Machakos County, that;

- 1) Harmonize the Bill with the ongoing review of the Sports Act and the National Sports Policy Act and the National Sports Policy
- 2) Inclusion of the Kenya Academy of Sports in the institutional framework.

Justification: For policy coherence and the Kenya Academy of Sports is strategically positioned to contribute to prevention efforts.

2. Wesley Kanyeria

In a written submission dated 27th March 2026 Wesley Kanyeria submitted that,
There is need for a stand-alone Bill on e-sports

Justification- E-sports is currently not provided for in the existing Sports Act.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS

In facilitating public participation on the Bill, the Committee observed that–

- 1) The Bill addresses a significant legislative gap in the regulation of sports integrity. While existing laws may be used to prosecute certain forms of fraud and corruption, they do not specifically criminalise the manipulation of sports competitions. The Bill therefore establishes a clear and targeted legal framework for addressing match-fixing and related conduct;
- 2) The Bill promotes the integrity, credibility and fairness of sporting competitions. Match-fixing undermines the fundamental principles of fair play and erodes public confidence in sports. The proposed offences will serve as a deterrent and help safeguard the reputation of sporting activities in the country;
- 3) The Bill strengthens the protection of athletes, officials and sports organisations from corruption. Criminalisation of match-fixing will discourage attempts by criminal networks, betting syndicates and other actors to improperly influence the outcome or course of sporting events;
- 4) While the Bill seeks to give power to Sports Kenya to investigate and prosecute sports-related corruption, the Committee notes that Sports Kenya lacks the capacity to conduct criminal investigations. It would therefore be ideal to amend the Bill to provide that the investigations shall be conducted by the Directorate of Criminal Investigations;
- 5) The sports associations and federations should continue to conduct independent investigations into allegations of manipulation of sports competitions and take appropriate disciplinary action, while cooperating with law enforcement agencies in the conduct of the investigations; and
- 6) There is need to provide for stricter penalties in the Bill to act as a deterrent and to reinforce public confidence in sports betting and related activities. As sports betting continues to expand, there is a need for robust legal safeguards to prevent manipulation and ensure that sporting contests remain genuine and unpredictable.

CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

The Committee having considered the Sports (Amendments) Bill (National Assembly Bill No. 5 of 2026) clause by clause and after considering the submissions by the stakeholders, the Committee recommends that the Bill **proceeds** to the Second Reading with **amendments as proposed in the schedule. The proposed amendments are set out in Chapter Six of this report.**

6.0 SCHEDULE OF AMENDMENTS

Upon considering the Sports (Amendments) Bill (National Assembly Bill No. 5 of 2026) and submissions from stakeholders, the Committee proposes the following amendments:

Clause 2

That, clause 2 of the Bill be amended by deleting the proposed definition of the term “manipulation of a sports competition” and substituting therefor the following new definition—

“manipulation of a sports competition” means an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue advantage for oneself or for others.

Justification

The amendment of the definition of the term “manipulation of a sports competition” is necessary to remove duplication of offences as contained in existing legislation, as well as to ensure that the elements of the offence as defined will be attainable.

Clause 3

That, the Bill be amended by deleting clause 3 and substituting therefor the following new clause—

Insertion of a new section into Cap 223. **3.** The principal Act is amended by inserting the following new section immediately after section 54—

Investigation of manipulation of a sports competition. **54A.** (1) Where there are reasonable grounds to suspect that an offence of manipulation of a sports competition has been committed under this Act, the matter shall be investigated by—

- (a) the Directorate of Criminal Investigations in accordance with this Act and any other applicable law; and
- (b) the relevant sports organization in accordance with its constitution, rules, regulations, codes of conduct or disciplinary procedures.

(2) The investigations under subsection (1) shall be independent of each other and neither investigation shall be dependent upon the commencement, progress, suspension, conclusion or outcome of the other.

(3) For the purposes of an investigation under this section, a relevant sports organization may—

- (a) require any athlete, coach, technical official, referee, administrator, club, league, intermediary, support personnel or any other person subject to its jurisdiction to provide information, records or explanations relevant to the investigation;
- (b) interview any person subject to its jurisdiction;

- (c) cooperate and exchange information with law enforcement agencies, regulatory bodies, betting regulators, sports organizations and other competent authorities, subject to any applicable law relating to confidentiality and data protection; and
- (d) take any other reasonable investigative measures authorized by its rules and regulations.

(4) Upon conclusion of a disciplinary investigation, a relevant sports organization may impose such disciplinary sanctions as may be provided under its rules and regulations, including—

- (a) reprimands or warnings;
- (b) fines;
- (c) suspension from participation in sporting activities;
- (d) temporary or permanent bans from participation in any sport or sports-related activity;
- (e) deregistration or cancellation of registration;
- (f) re-registration subject to such conditions as the organization may determine; or
- (g) any other disciplinary measure authorized under its governing instruments.

(5) The imposition of a disciplinary sanction by a relevant sports organization under this section shall be without prejudice to any criminal liability arising under this Act or any other written law.

(6) In conducting investigations under this section, both the Directorate of Criminal Investigations and the relevant sports organization shall afford any person under investigation the right to be heard before any adverse finding or sanction is made, except where interim measures are necessary to protect the integrity of a sports competition.

Justification

The proposed amendment establishes a two-tier framework for the investigation of manipulation of sports competitions by providing for independent investigations by both the Directorate of Criminal Investigations and the relevant sports organization. The Committee noted that manipulation of sports competitions may constitute both a criminal offence and a breach of sporting rules, necessitating separate but concurrent processes to ensure effective enforcement and accountability. The amendment further empowers sports organizations to take disciplinary action, including the imposition of fines, bans, deregistration or re-registration, to protect the integrity of sport and deter misconduct.

Clause 4

That, the Bill be amended by deleting clause 4.

Justification

The deletion of clause 4 is necessary noting that the amendment to clause 3 removes the proposed obligation of Sports Kenya to conduct investigations.

Clause 5

That, clause 5 be amended in the proposed new section 64A by deleting subsection (1) and substituting therefor the following new subsection—

“(1) A person who participates directly or indirectly or aids, enables or assists in the manipulation of a sports competition commits an offence and shall be liable on conviction to—

- (a) a fine not exceeding three times the value that was the subject of a manipulation of a sports competition or ten million shillings, whichever is higher; or
- (b) imprisonment for a term not exceeding five years; or
- (c) both such fine and imprisonment.”

Justification

The amendment seeks to provide stricter penalties for the offence of manipulation of a sports competition so as to provide effective deterrence for the commission of the offence.

SIGNED..... DATE.....
HON. DANIEL WANYAMA SITATI, MP, CBS
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 18 JUN 2026	
DAY: THUR	
TABLED BY:	HON. DANIEL WANYAMA, MP CHAIRPERSON
CLERK-AT THE TABLE:	V. WAMBUI

ANNEXURE 1:

ADOPTION SCHEDULE



THE NATIONAL ASSEMBLY
13TH PARLIAMENT - FIFTH SESSION - 2026
DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE
REPORT ADOPTION SCHEDULE

DATE: 5/6/2026 VENUE: Hilton Garden Inn

No.	NAME	SIGNATURE
1.	The Hon. Daniel Wanyama Sitati, M.P.CBS – Chairperson	
2.	The Hon. James Githua Wamacukuru, M.P. CBS – Vice Chairperson	
3.	The Hon. Naomi Jillo Waqo, M.P. CBS	
4.	The Hon. Muhanda, Elsie Busihile, M.P.	
5.	The Hon. Stephen Mutinda Mule, M.P.	
6.	The Hon. Janet Jepkemboi Sitienei, M.P.CBS	
7.	The Hon. Robert Ngui Basil, M.P.	
8.	The Hon. Charles Ngusya Nguna, M.P.	
9.	The Hon. Caroli Omondi, M.P.	
10.	The Hon. Catherine Nakhabu Omanyoo, M.P.	
11.	The Hon. Letipila, Dominic Eli, M.P.	
12.	The Hon. Paul Ekwom Nabuin, M.P.	
13.	The Hon. Richard Kipkemai Yegon, M.P.	
14.	The Hon. BSP. (EM) Dr. Jackson Kipkemai Kosgei, M.P.	
15.	The Hon. Ndakwa David Athman, M.P.	

ANNEXURE 2:

MINUTES

MINUTES OF THE 19TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON SATURDAY, 6TH JUNE, 2026 AT 2:30 PM IN HILTON GARDEN INN, MACHAKOS.

PRESENT

1. **The Hon. Daniel Wanyama Sitati, M.P** - Chairperson
2. The Hon. Caroli Omondi, M.P.
3. The Hon. Stephen Mule Mutinda, M.P
4. The Hon. Catherine Omanyo Nakhabi, M.P.
5. The Hon. Richard Yegon Kipkemoi, M.P.
6. The Hon. Naomi Jillo Waqo, M.P. CBS
7. The Hon. Ndakwa David Athman, M.P
8. The Hon. Muhanda, Elsie Busihile, M.P.

ABSENT WITH APOLOGY

1. The Hon. Githua Wamacukuru, M.P. -Vice Chairperson
2. The Hon. Janet Sitienei Jepkemboi, M.P.
3. The Hon. Charles Ngusya Nguna, M.P.
4. The Hon. Letipila, Dominic Eli, M.P.
5. The Hon. Paul Nabuin Ekwom, M.P.
6. The Hon. Robert Ngui Basil, M.P
7. The Hon. BSP.(EM) Dr. Jackson Kipkemoi Kosgei, M.P

IN-ATTENDANCE

Committee Secretariat

1. Mr. Hassan A. Arale - Clerk Assistant I
2. Mary Kinyunye - Clerk Assistant
3. Ms. Christine Odhiambo - Principal Legal Counsel II
4. Mr. Wilson Mwangi - Fiscal Analyst II
5. Mr. Vitus O. Owino - Research Officer II
6. Ms. Ivyin Maritim - Media Relations Officer III
7. Ms. Sharon Muchangi - Intern
8. Mr. John Sankei - Intern

AGENDA

1. Prayers
2. Preliminaries
3. Introductions
4. Adoption of the reports:
 - a) **The Sports (Amendment) Bill, NA Bill No. 5 of 2025 by Hon. Irene Mayaka, M.P.**
 - b) **The County Library Services Bill Senate No. 40 of 2024 by Senator Joyce Chepkoech Korir.**
 - c) **The Report of the Creative Economy support Bill (Senate No. 30 of 2024) co-sponsored by Senator Eddy Gicheru Oketch and the Hon. Irene Mayaka, M.P.**

5. Any Other Business
6. Adjournment.

MIN.NO.DC/SC/2026/: PRAYER AND PRELIMINARIES

The meeting commenced at 2.30 p.m. with a word of prayer, followed by introductions. The Chairperson informed the Committee that the main agenda of the meeting was to adapt the three reports on the above Bills.

MIN.NO.DC/SC/2026/: ADOPTION OF THE AGENDA

The agenda was adopted without amendments, having been proposed and seconded Hon. Catherine Omanyo Nakhabi, M.P. and Hon. Stephen Mule Mutinda, M.P respectively.

MIN.NO.DC/SC/2026/: CONSIDERATION AND ADOPTION OF REPORTS

The Committee considered the report of the following three Bills and adopted as follows, that,

- 1) The report of the County Library Services Bill, 2024 (Senate Bill No. 40 of 2024) was adopted as the true reflection of the Committee deliberations after it was proposed by Hon. Caroli Omondi, M.P and seconded by Hon. Stephen Mule Mutinda, MP.
- 2) The report of the Creative Economy Support Bill (Senate No. 30 of 2024) was adopted as the true reflection of the Committee deliberations after it was proposed by Hon. Caroli Omondi, M.P and seconded by Hon. Richard Yegon Kipkemoi, MP.
- 3) The report of the Sports (Amendment) Bill, 2026 (National Assembly Bills No. 5 of 2026) was adopted as the true reflection of the Committee deliberations after it was proposed by Hon. Richard Yegon Kipkemoi, M.P and seconded by Hon. Stephen Mule Mutinda, MP.

MIN.NO.DC/SC/2026/: ADJOURNMENT

There being no other business, the meeting was adjourned at 3.30 pm and the next meeting will be called on notice.

SIGNED: DATE: *17th June 2022*

THE HON. DANIEL WANYAMA SITATI, M.P. CBS
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

ANNEXURE 3:

**ADVERTISEMENT INVITING THE PUBLIC TO
SUBMIT MEMORANDA ON THE BILL**

Cybercrime Police say the man caused a company to lose Sh52,549,798 by accessing its computers

Computer 'wizard' denies Sh200m theft

According to the prosecution, Albert Kipkechem has eight national ID cards and a Kenyan and DR Congo passports

BY RICHARD MUNGUTI

A man believed to be a member of a cybercrime syndicate who police say was found with two passports and eight national identity cards has been charged with stealing Sh200 million from a company and a financial institution.

Mr Albert Komen Kipkechem, alias Jonathan Kiptum Barmasai, who is also implicated in cybercrime, will remain in custody until March 17 when the court determines his bond application. He will be held at Capitol Hill police station, Nairobi.

Prosecuting counsel, Joyce Olajo, told a magistrate's court that Mr Kipkechem is a flight risk. The prosecution opposed his release on bond, saying he is likely to interfere with witnesses and evidence.

"Apart from the Sh96.6 million cyber fraud matter, police are investigating Kipkechem's elaborate fraudulent schemes that

have caused financial institutions to lose more than Sh100 million," the prosecution said.

The court was told that police have almost completed investigations that are likely to result in additional charges against the accused and his accomplices.

Mr Kipkechem is accused of accessing the systems of Eclecities International and committing computer fraud.

DR Congo passport

Ms Olajo told the court that Mr Kipkechem fraudulently caused a loss of Sh52,549,798 to Eclecities International by accessing its computer system without authorisation between June 6 and 20, 2025.

He is also accused of breaching the security systems of Craft Silicon, leading to a Sh44,160,649 loss.

Mr Kipkechem denied the charges and applied to be freed on bond.

A team of five lawyers pleaded

for his release, saying the fact that Mr Kipkechem was found with eight national identity cards does not make him a flight risk.

The lawyers said the prosecution had not presented compel-



ID. NO.:	23016180
Date of Birth:	07/07/1982
Nationality:	Kenyan
Mobile:	0706150433
Employer:	Unknown

He is a partner at Browitz technologies and works closely with Albert Komen Kipkechem, alias Jonathan Kiptum Barmasai, after his arrest. PHOTO: POOL

ling reasons to warrant the denial of bond.

However, the prosecution opposed the application, saying companies and financial institutions had lost colossal sums

52.5m

The amount in shillings Albert Komen Kipkechem is said to have stolen by hacking into the systems of Eclecities International

to hackers. Ms Olajo said the accused holds a Kenyan and Democratic Republic of Congo passports, "which makes it easy for him to slip through East African border posts".

She added that the accused has eight Kenyan identity cards bearing his photo but different names.

Evading law

"He faces criminal charges of irregularly accessing the computer systems of a company, contrary to the Computer Misuse and Cybercrimes Act, which attract harsh penalties," Ms Olajo said.

She added that though the accused is a Kenyan, he is also a holder of a DR Congo passport, making him a flight risk.

Ms Olajo said multiple identities make it virtually impossible for government security agencies

to monitor his movements effectively.

The court was informed that the accused has demonstrated the capacity to travel or conduct financial transactions using aliases.

"This corroborates the fear that he is a high-level flight risk. He could use these documents to flee the jurisdiction of the court and evade the law," the prosecutor said.

The defence lawyers asked the court to allow Mr Kipkechem to remain at Capitol Hill police station "as that will enable us to obtain more instructions from our client easily".

Investigating officer Andrew Ngowa filed an affidavit opposing the accused's release on bond.

The chief inspector, who is attached to the Economic and Commercial Crimes Unit at the Directorate of Criminal Investigations, said Mr Kipkechem could abscond, given the numerous identification documents in his possession.

Mr Kipkechem will be returned to court on March 17, 2026 for further directions.

rmunguti@ke.nationmedia.com



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - FIFTH SESSION (2026)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE SPORTS
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2026)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution of Kenya requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and National Assembly Standing Order 127(3) requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Sports (Amendment) Bill (National Assembly Bill No. 5 of 2026) was read a First Time on 11th March 2026 and referred to the Departmental Committee on Sports and Culture for consideration and report to the House;

IT IS NOTIFIED that the Sports (Amendment) Bill (National Assembly Bill No. 5 of 2026) is a Bill sponsored by Hon. Irene Mayaka, M.P. which seeks to amend the Sports Act, Cap. 223 to prohibit and criminalize manipulation of sports competitions.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on Public Participation Bill (National Assembly Bill No. 44 of 2025) to the Departmental Committee on Sports and Culture.

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke to be received on or before Friday, 27th March 2026 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

13th March 2026

"For the Welfare of Society and the Just Government of the People"



THIRTEENTH PARLIAMENT - FIFTH SESSION (2026)

THE NATIONAL ASSEMBLY
IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE
SUPPLEMENTARY ESTIMATES No. I FOR FINANCIAL YEAR 2025/2026

INVITATION TO SUBMIT MEMORANDA

WHEREAS Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS, pursuant to the provisions of Article 223 of the Constitution and section 44 of the Public Finance Management Act, Cap 412A, Supplementary Estimates No.1 for Financial Year 2025/2026 were submitted to the National Assembly on Tuesday, 3rd March 2026, comprising a Programme Based Budget, Recurrent Estimates, Development Estimates; and a Memorandum on the Supplementary Estimates;

AND FURTHER WHEREAS, the Speaker of the National Assembly has referred Supplementary Estimates No. 1 for Financial Year 2025/2026 to the Budget and Appropriations Committee for consideration and reporting to the House;

IT IS NOTIFIED to the general public that:-

(1) The Supplementary Estimates No. 1 for Financial Year 2025/2026:-

- (a) seek parliamentary approval of expenditures incurred under Article 223 of the Constitution amounting to Kshs. 185.8 billion;
- (b) provide for additional expenditures to cater for shortfalls in personnel emoluments, operations, and maintenance;
- (c) provide for unforeseen expenditures related to enhanced security operations, climate-related shocks, and other emerging priorities; and
- (d) accommodate revisions in Appropriations in Aid and disbursements to donor-funded programmes.

(2) The Supplementary Estimates No. 1 for Financial Year 2025/2026 are expected to impact the fiscal framework by:-

- (a) increasing projected Estimates of Revenue from 17.2 percent to 17.9 percent of the fiscal framework by;
- (b) increasing projected Expenditure and net lending from 22.2 percent to 24.1 percent of GDP;
- (c) expanding the overall fiscal deficit, inclusive of grants, to 6.1 percent of GDP;
- (d) increasing ministerial recurrent expenditure by Kshs. 20.1 billion;
- (e) increasing ministerial development expenditure by Kshs. 86.3 billion; and
- (f) increasing the Consolidated Fund Services expenditure by Kshs. 29.2 billion.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and the National Standing Orders, the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Supplementary Estimates to the Budget and Appropriations Committee.

The Memoranda should clearly indicate the name and contact details of the person or organization submitting it. The Memoranda should be hand-delivered to the Office of the Clerk, First Floor, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke, and received on or before Thursday, 19th March 2026 at 5.00 pm.

For ease of reference, the Supplementary Estimates I for Financial Year 2025/2026 and attendant documents are available at the National Assembly Table Office, First Floor, Main Parliament Building and on the Parliament Website Parliament.go.ke and The Kenyan Parliament Website.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

13th March 2026

"For the Welfare of Society and the Just Government of the People"

ANNEXURE 4:

**LETTER INVITING STAKEHOLDERS FOR
MEETINGS WITH THE COMMITTEE**



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

Ref: NA/DDC/S&C/2026/ (22)

28th May, 2026

Hon. Shadrack John Mose, CBS

Solicitor General
Office of the Attorney-General and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Mr. Elijah Mwangi, CBS

Principal Secretary
State Department Sports
Ministry of Youth Affairs, Creative Economy and Sports
NAIROBI

Dr. Doreen Odhiambo

Chief Executive Officer
Kenya Academy of Sports
NAIROBI

Mr. Denise Gicheru

Ag. Chief Executive Officer
Football Kenya Federation
P.O. Box 49911-00100
NAIROBI

Francis Mutuku

Secretary General
National Olympics Committee
P.O.Box 46888-00100
Olympic House, Upper Hill
NAIROBI

Ms. Peninah Wahome

Ag. Chief Executive Officer
Anti-Doping Agency of Kenya
P.O Box 66458 -00800
ADAK Offices at Parklands plaza
Chiromo Road, Westlands, Nairobi
NAIROBI

Mr. Sasa Kreneta

Chairperson

Association of Gaming Operators, Kenya (AGOK)

Utalii House, Utalii Street

10th Floor, Suite 1020

NAIROBI

Mr. Bernard Murunga Wafula

The Chairperson

Sports Disputes Tribunal

NSSF Building, Block A

Eastern Wing, 7th Floor

NAIROBI

Ms. Susan Kamau

Chief Administrative Officer

Athletics Kenya

Riadha House

NAIROBI

Dear *Ms. Kamau,*

RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE TO SUBMIT VIEWS ON THE SPORTS (AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO.5 OF 2025) SPONSORED BY THE HON. IRENE MAYAKA, M.P.

The Departmental Committee on Sports and Culture is established pursuant to Standing Order 216 of the National Assembly Standing Orders, and is mandated to *inter alia*, 'study and review all legislation referred to it.'

The **Sports (Amendment) Bill (National Assembly Bill No. 5 of 2026)** is a Bill sponsored by **Hon. Irene Mayaka, M.P** is before the Committee for consideration and reporting to the House. The Bill seeks to amend the Sports Act, Cap.223 to prohibit and criminalize manipulation of sports competitions.

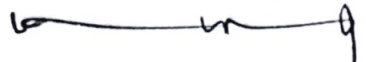
Article 118(1)(b) of the Constitution of Kenya and National Assembly Standing Order 127(3) require Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Due to the great public interest in the Bill, the Committee has resolved to meet critical stakeholders to make submissions on the Bill.

In line with the above mandate and in compliance with the provisions of Article 118 (1) (b) of the Constitution, the Committee resolved to invite you for deliberations on the Bill. The Meeting is scheduled for **Friday, 5th June 2026, at 11:00 am, at the Hilton Garden Inn, Machakos County.**

You are requested to prepare your written submissions in a matrix format that indicates the section of the Act, specific clause, proposed amendment and justification. Twenty (20) hard copies of the submissions to be availed to the meeting.

The liaison officers on this subject are **Mr. Adan Gindicha**, Head of Department (Social Sector) Tel No. 0720450112 or email: adan.gindicha@parliament.go.ke and **Mr. Hassan A. Arale**, Head of Secretariat Tel No. 0721480578 or email: hassan.arale@parliament.go.ke.

Yours *Sincerely,*



PETER K. CHEMWENO, OGW
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: -

Hon. Salim Mvurya, EGH
Cabinet Secretary
Ministry of Youth Affairs, Creative Economy and Sports
NAIROBI

Hon. Dorcas Agik Oduor, SC, OGW, EBS
The Attorney General
The State Law Office and the Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Mr. Hussein Mohammed Rashid
President
Football Kenya Federation (FKF)
P.O. Box 49911-00100
NAIROBI

CPA. Dr Aurelia Rono, CBS
Principal Secretary for
The State Department for Parliamentary Affairs
Office of the Prime Cabinet Secretary
Kenya Railways, Block A, Haile Selassie Avenue
NAIROBI

ANNEXURE 5:

**SUBMISSIONS OF MEMORANDA BY
STAKEHOLDERS**

**THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE
NATIONAL ASSEMBLY OF KENYA
THIRTEENTH PARLIAMENT - FIFTH SESSION (2026)**

**MEMORANDUM IN RESPONSE TO THE INVITATION TO SUBMIT
MEMORANDA**

In the Matter of the Sports (Amendment) Bill (National Assembly Bill No. 5 of 2026)
AND
In the Matter of the Sports Bill, 2026

SUBMITTED TO: The Clerk of the National Assembly, P.O. Box 41842-00100,
Nairobi

EMAIL: cna@parliament.go.ke

DATE: 27th March 2026

1. INTRODUCTION AND EXECUTIVE SUMMARY

This memorandum is submitted pursuant to the Invitation to Submit Memoranda issued by the Clerk of the National Assembly on 13th March 2026, in accordance with Article 118(1)(b) of the Constitution of Kenya and National Assembly Standing Order 127(3), in respect of the Sports (Amendment) Bill (National Assembly Bill No. 5 of 2026) and the Sports Bill, 2026.

While the Sports Bill, 2026 (hereinafter 'the Bill') represents a commendable and progressive effort to modernize Kenya's sports regulatory framework, this memorandum respectfully submits that the Bill's treatment of electronic sports (esports) is fundamentally inadequate and, in several critical respects, structurally incompatible with the nature of the esports industry globally and in Kenya.

The Bill acknowledges esports as an 'emerging sport' but then proceeds to regulate it through the same institutional architecture designed for traditional, physically embodied sports governed by independent national and international federations. This approach fundamentally misunderstands the esports ecosystem, which is defined not by federations but by intellectual property ownership vested in private publishers and game developers. The Bill's application of traditional sports governance models to esports will, if uncorrected, create legal ambiguity, stifle Kenya's growing esports industry, and undermine the very objectives the Bill seeks to advance.

This memorandum makes the following principal submissions:

- i. The Bill's current treatment of esports is insufficient and technically inaccurate in its characterization of the esports ecosystem.
- ii. Anti-doping frameworks applicable to esports are fundamentally different from those applicable to traditional sports, and WADA's framework is largely inapplicable to esports.

- iii. The infrastructure requirements for competitive esports are specialized, distinct, and unaddressed by the Bill.
- iv. The role of publishers, intellectual property rights, and privately operated competitive leagues fundamentally limits the regulatory jurisdiction of any national federation in esports.
- v. The definition of 'professional' in esports does not align with the contractual model prescribed by the Bill.
- vi. A separate, bespoke legislative framework, an Esports Act, is necessary to adequately address and develop Kenya's esports ecosystem.

2. BACKGROUND: THE ESPORTS ECOSYSTEM – A STRUCTURAL OVERVIEW

Before examining the Bill's specific shortcomings, it is necessary to establish an accurate understanding of how the esports industry operates, as this is foundational to all subsequent submissions.

2.1 The Role of Publishers and Intellectual Property

Unlike traditional sports such as football, athletics, or basketball where the rules of the game are held in the public domain and governed by independent international federations (FIFA, World Athletics, FIBA), esports competitions are conducted within video game titles that are protected by intellectual property law. Each game is privately owned by a publisher or developer. Examples relevant to competitive esports globally include:

- Riot Games (publishers of League of Legends and VALORANT)
- Valve Corporation (publishers of Counter-Strike 2 and Dota 2)
- Activision Blizzard (publishers of Call of Duty)
- Epic Games (publishers of Fortnite)
- Electronic Arts (publishers of EA FC/FIFA series)

These publishers hold absolute intellectual property rights over their game titles. By operation of End User Licence Agreements (EULAs) and Terms of Service, every player either amateur or professional competes at the pleasure and within the rules set by the publisher. No federation, government body, or national authority has jurisdiction to alter gameplay mechanics, competition formats, or tournament structures within a privately owned title without the express consent of the publisher.

2.2 Publisher-Run Competitive Leagues

Publishers do not merely create games they actively run their own professional competitive ecosystems, independent of any national or international sports federation. This is a defining characteristic of esports with no parallel in traditional sports:

- Riot Games operates the VALORANT Champions Tour (VCT) and the League of Legends World Championship both professional circuits with regional leagues (including for Africa, of which Kenyan players are eligible) governed

entirely by Riot Games' own rulebooks, player agreements, and disciplinary mechanisms.

- Valve Corporation operates major Dota 2 and Counter-Strike tournaments including The International and the ESL/BLAST circuit, with their own eligibility and integrity frameworks.
- In these publisher-run systems, players compete as individuals or as members of privately owned esports organizations (teams), and publisher approval is a prerequisite for participation and not federation registration.

Critically, national esports federations whether recognized under this Bill or otherwise, have no authority to compel publishers to recognize their governance structures, alter tournament formats, or include federation-registered players in publisher tournaments. A Kenyan national esports federation cannot require Riot Games to recognize its player registration system or to subject VCT participants to federation rules.

2.3 Esports Teams as Private Commercial Entities

Esports organizations (teams) are private commercial entities and/or companies that recruit players, participate in publisher leagues, and generate revenue through sponsorship, merchandise, and prize money. They operate under contracts with players, sponsors, and publishers. Their relationship with any national federation is structurally different from a football club's relationship with Football Kenya Federation (FKF), because the publisher and not the federation controls access to competition.

2.4 The Amateur-to-Professional Pipeline

The path to professional esports differs materially from traditional sports. A player may:

- i. Compete in open online qualifiers run directly by publishers with no federation involvement;
- ii. Attract the attention of a professional esports organization through performance in public-facing ranked ladders maintained by publishers;
- iii. Be signed directly to a professional team contract; or
- iv. Win significant prize money at major international tournaments thereby meeting any economic definition of a 'professional sportsperson' without ever having interacted with a national federation.

This means that a Kenyan player competing at the VALORANT Champions Tour (VCT) Americas or EMEA league one of the highest levels of global competitive play may be a professional esports player in every meaningful sense (earning income from gaming, under contract with a professional organization, competing internationally) without having registered with any Kenyan or global esports federation. The Bill's framework does not contemplate this reality.

3. SPECIFIC DEFICIENCIES IN THE BILL AS THEY RELATE TO ESPORTS

3.1 The Bill's Definition and Treatment of Emerging Sports is Insufficient

Section 2 of the Bill defines 'emerging sports' as:

"competitive, organized sporting activities that are technology-driven, digitally mediated, or non-traditional in format, including but not limited to electronic sports (e-sports), virtual reality sports, drone sports, and any other forms of technologically enabled or hybrid sports recognized under this Act."

While naming esports is a positive step, this definition and the Bill's treatment of emerging sports fail to account for the legal and structural peculiarities of the esports ecosystem outlined above. The Bill treats esports as though it were simply a digital version of a traditional sport, regulable through the same federation-centric model. It is not.

Section 31 of the Bill provides for the exclusive registration of one national sports organization per sports discipline. Applying this to esports is problematic: which 'discipline' does a Kenyan esports federation regulate when Valve Corporation independently hosts the ESL Pro League with its own rulebook, player contracts, and competitive integrity framework? The imposition of a single national federation model onto a multi-title, publisher-governed ecosystem creates unworkable legal complexity.

3.2 Anti-Doping in Esports: WADA is Not the Appropriate Framework

Section 49(b) of the Bill includes among the objectives of the National Sports Integrity Unit the prevention of 'doping and use of prohibited substances.' Read in the context of the Bill's application to all sports including esports, this provision inadequately addresses the unique and complex anti-doping challenges in competitive esports.

3.2.1 How Doping Occurs in Esports: The Parallel to Traditional Sports

The fundamental logic of doping in esports is identical to that in traditional sports: a competitor uses a substance to gain a physiological or psychological advantage over opponents that would not be available through training and skill alone. The difference lies not in the motivation but in the target organ system. Where traditional sports doping targets the musculoskeletal system enhancing strength, endurance, oxygen-carrying capacity, or recovery, esports doping targets the central nervous system and cognitive function, which are the determinants of competitive performance in digitally mediated sport.

In competitive esports, performance is determined by a constellation of cognitive and psychomotor attributes: reaction time (the speed at which a player perceives and responds to in-game stimuli, often measured in milliseconds); hand-eye coordination and fine motor precision; sustained concentration and attention over multi-hour competition sessions; working memory and rapid tactical decision-making under pressure; and emotional regulation in high-stakes competitive moments. Any substance that materially enhances one or more of these attributes confers a competitive advantage that is directly analogous to EPO boosting an endurance athlete's VO2 max.

The following categories of substances are documented or suspected to be used as performance enhancers in competitive esports, and each has a direct parallel in traditional sports doping:

- Prescription stimulants (Adderall/amphetamine salts, Ritalin/methylphenidate): Used clinically for ADHD, these substances dramatically enhance sustained attention, working memory, processing speed, and impulse control. In esports, their performance-enhancing effect is directly comparable to stimulant use in endurance sports (where amphetamines were historically used to suppress fatigue). A player using Adderall during an eight-hour tournament day can maintain peak cognitive sharpness throughout, while competitors experience natural cognitive fatigue. This is not speculative: professional esports players have publicly acknowledged stimulant use, and the practice is sufficiently widespread to have prompted publisher-level intervention.
- Modafinil and wakefulness-promoting agents: Prescribed for narcolepsy and shift-work sleep disorder, modafinil promotes sustained wakefulness without the agitation profile of classical stimulants. In esports, where events can run across multiple days with minimal sleep, modafinil confers the same advantage that EPO confers in multi-stage cycling races: it extends the competitive window beyond what is naturally sustainable, allowing doped players to perform at higher levels in later rounds when opponents are fatigued.
- Beta-blockers (propranolol, atenolol): In traditional sports, beta-blockers are prohibited in precision disciplines such as archery, shooting, and golf because they reduce tremor and suppress the physiological stress response, enabling steadier aim and calmer performance under pressure. In esports — particularly first-person shooter titles where precise mouse movements and steady aim are decisive and beta-blockers offer an equivalent advantage. They suppress the adrenaline-induced hand tremor and elevated heart rate associated with high-stakes competitive moments (a phenomenon well-known in esports as “tilting” or performance anxiety), enabling players to execute technically demanding in-game actions with mechanical precision that would not be achievable in their natural physiological state under competitive stress.
- Cognitive nootropics and unregulated supplements: A broad and rapidly evolving category of substances including racetams, lion’s mane mushroom extract, phosphatidylserine, and high-dose omega-3 formulations marketed specifically to gamers are claimed to enhance memory, processing speed, and neural recovery. While the scientific evidence for many of these is contested, the esports market for “gamer supplements” is substantial and growing, and some products occupy a regulatory grey zone between legal supplement and cognition-altering drug. Any effective anti-doping framework for esports must be adaptive enough to capture emerging substances in this category as scientific evidence develops.
- Recreational cannabis and anxiolytics: Some esports players report using cannabis or benzodiazepine-adjacent substances to manage competition anxiety. While cannabis is prohibited under WADA for in-competition use in traditional sports, its role as a cognitive modulator in esports is complex: it may impair reaction time in some contexts while reducing anxiety-driven performance degradation in others. This dual profile requires context-specific analysis that WADA’s framework, designed around physical performance, is not equipped to provide.

The testing methodology appropriate for esports doping also diverges from traditional sports. Blood and urine testing at tournament venues is cumbersome and creates significant logistical challenges in an industry where competitions are often conducted online. Hair follicle testing, saliva testing, and player biological passport approaches adapted for cognitive biomarkers are more appropriate but require dedicated scientific development. The Bill's generic reference to anti-doping does not contemplate any of these detection methodologies.

3.2.2 Why WADA is Largely Inapplicable to Esports

The World Anti-Doping Agency (WADA) and its Prohibited List are designed for physically embodied sport and substances that provide unfair advantage in physical performance, endurance, or recovery. While WADA's Code technically applies to any sport recognized by the International Olympic Committee (IOC) or international federations that adopt it, esports presents the following distinct challenges:

- The International Esports Federation (IESF) is the closest equivalent to an international esports governing body and has adopted its own anti-doping framework that references WADA but recognizes that the Prohibited List requires significant adaptation for a cognitively driven activity.
- The Esports Integrity Commission (ESIC) the body ensuring the integrity of esports has developed its own esports centred doping framework applicable to those who choose to be its members.
- The primary performance-enhancing concern in esports is not anabolic steroids or blood doping, but cognitive enhancers and stimulant substances such as Adderall (amphetamine salts), modafinil, Ritalin (methylphenidate), and beta-blockers which affect reaction time, concentration, fatigue, and anxiety, not physical muscle performance.
- Some substances on WADA's Prohibited List have no meaningful performance-enhancing effect in esports. Testing for them is neither proportionate nor scientifically justified in the esports context.
- Conversely, some substances not prohibited under WADA (such as certain nootropics, high-dose caffeine products, or emerging cognitive supplements) may constitute significant performance enhancement in esports.
- Publisher-run leagues maintain their own anti-doping policies: Riot Games, Valve, and ESL have internal rules on substance use during sanctioned events. These frameworks are contractual rather than regulatory in nature.

3.2.3 Additional Esports-Specific Integrity Threats

The Bill does acknowledge some esports-adjacent integrity concerns in Section 49(b), including 'manipulation through technology or equipment,' 'hacking, cheating software, match manipulation, unlawful online betting, digital harassment, and data misuse.' However, these are listed generically without the specificity required to effectively regulate them in the esports context. The following esports-specific integrity threats require bespoke legislative attention:

- Use of aimbots, wallhacks, or other unauthorized third-party software during competition constitute cheating analogous to doping but require technical investigation capabilities, not drug testing;

- Account boosting and account sharing where a skilled player plays on another's account to artificially inflate rankings, is a form of fraud with no traditional sports analogue;
- Stream sniping which is exploiting broadcasted gameplay to gain real-time intelligence against opponents;
- Hardware manipulation and use of unauthorized or modified peripherals, mice, or input devices;
- Distributed Denial of Service (DDoS) attacks against opponents during matches;
- Match-fixing through in-game item trading and skin betting markets, which constitute an entirely distinct form of sports betting corruption.

These matters require a specialized regulatory and investigative framework that draws on cybersecurity expertise, not merely sports administration.

3.3 Infrastructure Requirements for Competitive Esports are Unaddressed

The Bill addresses physical sports infrastructure extensively through Sports Kenya's mandate (Section 55) and the Second Schedule, which designates national stadiums. For esports, however, entirely different and unaddressed infrastructure is required for Kenya to build a competitive esports ecosystem:

3.3.1 Game Server Infrastructure and Latency

The single greatest competitive disadvantage facing Kenyan esports players is network latency and the time delay (measured in milliseconds) between a player's input and the game server's response. In competitive esports, latency differentials as small as 20–30 milliseconds can be decisive. Kenyan players competing in games where the nearest servers are located in Europe or the Middle East may experience latencies of 80–150 milliseconds, compared to European competitors playing at 5–20 milliseconds. This is not a matter of skill but of geography and infrastructure.

For Kenya to produce world-class competitive esports players and host internationally recognized esports events, the following infrastructure issues must be addressed:

- i. Advocacy for and incentivization of publishers to establish dedicated game servers within Kenya or the East African region and this requires engagement between the Government of Kenya and major publishers at a diplomatic and commercial level;
- ii. Development of low-latency broadband and fibre infrastructure connecting esports venues and training facilities;
- iii. Investment in Internet Exchange Points (IXPs) to ensure regional internet traffic is routed domestically rather than internationally, reducing latency for all users;
- iv. Standards for esports venues including minimum internet connection speeds, hardware specifications, and anti-cheat software requirements for sanctioned events.

The Bill is entirely silent on these infrastructure requirements. Subsection 80(b) provides for a 'national high performance centre' through the Kenya Academy of Sports, but this provision does not contemplate the technical infrastructure, server

pings, anti-cheat environments, fiber connectivity required for a world-class esports training facility.

3.3.2 Hardware, Software and Technical Standards

Internationally sanctioned esports events require standardized hardware (PC specifications, peripherals) and verified software environments (anti-cheat, game client versions). The regulatory framework must empower the relevant authority to set and enforce technical standards for esports venues and events, which the Bill currently does not contemplate.

It is specifically submitted that the Bill or its subsidiary legislation should establish a “Tier 1 Esports Venue Standard” as the minimum benchmark for any venue seeking accreditation to host sanctioned national or international esports competitions in Kenya. This standard should prescribe, at minimum:

- i. Network redundancy: a minimum of three independent high-speed internet connections from separate infrastructure providers, with automatic failover capability, to ensure that a single connection failure cannot disrupt sanctioned competitive play. This mirrors standards adopted by Tier 1 esports venues in France, Germany, South Korea, and the United Arab Emirates;
- ii. Hardware parity: identical hardware specifications for all competing stations within a venue including processing unit (CPU/GPU) specifications, display refresh rate and resolution, peripheral input devices, and audio equipment to ensure that no player derives a performance advantage from superior equipment rather than superior skill. Hardware parity is the esports equivalent of standardized equipment rules in traditional sports such as rowing or cycling;
- iii. Verified software environments: all competition machines must operate on publisher-approved, integrity-verified software builds with active anti-cheat systems enabled and independently audited prior to each sanctioned event;
- iv. Maximum acceptable latency thresholds: prescribed maximum ping values (measured in milliseconds) for official competition servers, below which play cannot be sanctioned as a national or international event establishing an objective, measurable benchmark analogous to track surface standards in athletics.

The development and enforcement of Tier 1 Venue Standards should be vested in the relevant authority and developed in consultation with publishers, accredited tournament organizers, and international esports standards bodies. The Cabinet Secretary should be empowered to gazette and periodically revise these standards as technology evolves.

3.4 The Limits of Federation Jurisdiction in Esports

This is perhaps the most structurally significant deficiency in the Bill. Section 31 of the Bill provides for the exclusive registration of one national sports organization per sports discipline, and the Bill's broader framework vests regulatory authority in the National Sports Regulatory Authority (NSRA) to register and regulate sports organizations.

In traditional sports, this model works because the rules of the sport are publicly owned and the international federation's authority is universally recognized. In

esports, the publisher owns the game and sets all the rules. The following limitations on federation jurisdiction must be acknowledged and codified:

3.4.1 Publishers Cannot be Compelled to Recognize Federations

A Kenyan National Esports Federation, however, properly constituted under this Bill, cannot compel Riot Games, Valve, or any other publisher to:

- i. Recognize federation membership as a prerequisite for participation in their tournaments;
- ii. Comply with federation selection criteria for national teams;
- iii. Subject their competitive ecosystem to federation oversight or disciplinary jurisdiction;
- iv. Pay federation levies on prize pools or event revenues generated in Kenya.

Publisher participation in any national framework must therefore be voluntary and commercial, not regulatory. The Bill must reflect this reality and provide a framework for voluntary publisher engagement rather than purporting to impose regulatory authority the State cannot practically exercise.

3.4.2 The Three-Tier Competitive Structure: Federation-Sanctioned, Publisher-Sanctioned, and Third-Party Licensed Events

The Bill must draw a clear legislative distinction between three structurally distinct categories of esports competition, each carrying different implications for regulatory jurisdiction, participant rights, and the role of any national federation:

- Federation-sanctioned esports events in line with the International Esports Federation: competitions organized by or under the authority of a national esports federation, such as national championships, inter-county esports competitions, or Kenya's representation at multi-sport events where esports is a recognized discipline. In this category, the federation exercises its fullest regulatory authority setting eligibility criteria, enforcing codes of conduct, and selecting national representatives over game titles where it has obtained the necessary permissions or where the game is openly available for competition without publisher approval of the organizer.
- Publisher-sanctioned events: competitions organized directly by publishers themselves (e.g., the VALORANT Champions Tour operated by Riot Games, The International operated by Valve Corporation, or the Call of Duty League operated by Activision Blizzard). In these competitions, the publisher is simultaneously the IP owner, the regulatory authority, and the event operator. The publisher's rulebook is the sole operative governance document. Player eligibility, conduct standards, prize distribution, and competitive integrity are all determined unilaterally by the publisher under its terms of service and competition rules. No national federation has regulatory standing in these competitions, and the federation's role if any is limited to player welfare support and representational advocacy.
- Third-party licensed events: competitions organized by private tournament organizers and commercial entities that obtain a tournament license or broadcast license directly from the publisher. This is among the most significant and overlooked categories in the esports ecosystem, and one that

the Bill entirely fails to contemplate. Major examples include ESL Gaming (operating CS2 tournaments under Valve's ESL/BLAST circuit licensing arrangements), DreamHack, and regional tournament organizers who obtain publisher approval to run competitive events in specific game titles. The defining legal characteristic of this category is that the organizing authority for the event flows directly from the publisher to the private organizer by contract entirely bypassing any federation. A publisher grants a tournament license to a private entity, and that license defines the governance framework for the event. No national federation has standing to override, vary, or subject that licensed competition to its own rules, because the source of regulatory authority is the publisher's intellectual property rights, not any state-recognized sports governance structure.

This three-tier structure has critical implications for fair market conduct in the esports industry. Private tournament organizers operate in a commercially competitive market for publisher licenses. Multiple organizers may compete to obtain the right to run tournaments in the same title in the same territory. If a national federation were permitted to assert regulatory authority over privately licensed events for example, by requiring that all esports competitions in Kenya use federation-registered players, it would effectively function as a monopolistic gatekeeper in a market that international publishers have structured to be commercially competitive. This would distort the market, deter publisher licensing activity in Kenya, and undermine the commercial ecosystem that sustains professional esports. The Bill must therefore explicitly provide that a national esports federation's regulatory powers do not extend to third-party licensed events, and that the rights and obligations governing such events are determined solely by the publisher license agreement and applicable commercial law.

A Kenyan player competing in a publisher-sanctioned or third-party licensed professional event represents Kenya's esports excellence but does not fall under federation jurisdiction in relation to that specific competition. The federation's role in such cases should be limited to:

- i. Welfare and support services for players competing professionally;
- ii. Advocacy on behalf of Kenyan players with publishers;
- iii. Development of pathways from grassroots to professional competition;
- iv. Representation at international multi-sport events (such as the Asian Games or Commonwealth Games esports programme) where esports is included as an official discipline.

3.4.3 Recognition and Accreditation of Private Esports Tournament Organizers and Gaming Dens by the National Sports Regulatory Authority

The Sports Bill, 2026 provides a framework for the licensing and accreditation of commercial sports organizations under Sections 10(b) and (c) (functions of the Authority to license sports education institutions and sports professional bodies) and Section 97 (which requires any sports organization seeking to operate for commercial purposes including managing professional sports teams, leagues, or events to register as a legal entity and apply for accreditation from the Authority as a "Commercial Sports Organisation"). These provisions, while a positive step for the general commercialization of sport, do not address the unique position of private esports

tournament organizers and are insufficiently tailored to accommodate their operating model.

A private esports tournament organizer is a commercial entity that: (a) holds a license from a publisher to operate competitive events in one or more game titles; (b) may operate across multiple jurisdictions simultaneously; (c) derives its authority to govern competition from the publisher's intellectual property rights rather than from any state recognition; and (d) is subject to the publisher's operational standards, not those of a national federation. The Bill's current accreditation framework does not distinguish between a conventional sports promoter (whose authority derives from federation recognition) and a publisher-licensed tournament organizer (whose authority derives from IP licensing). This distinction is critical and must be legislated.

It is submitted that the Bill should be amended to provide for a dedicated "Esports Tournament Organizer" accreditation category under the Authority's licensing framework, with the following characteristics:

- Accreditation by the National Sports Regulatory Authority (pursuant to an amended Section 10 of the Bill) would be a baseline requirement for any private entity seeking to operate a public esports tournament in Kenya. This would ensure minimum standards for player welfare, prize money security, transparency of competition rules, and anti-cheating enforcement are met, regardless of whether the organizer holds a publisher license. Accreditation does not confer regulatory authority over the competition's rules or format — those remain within the publisher's domain — but it establishes baseline participant protections and accountability to the state.
- Accreditation must explicitly not be withheld on the basis of a private organizer's non-affiliation with or non-recognition by a national esports federation. To condition the NSRA's accreditation of a publisher-licensed tournament organizer on federation approval would be to effectively hand the federation a veto over commercially licensed esports activity in Kenya — a veto that has no basis in intellectual property law and that would constitute an unreasonable restriction on free market conduct. The accreditation standard must be competence-based and conduct-based, not federation-affiliation-based.
- The accreditation framework should require private tournament organizers to: disclose their publisher license (or confirm open-format competition status for titles where no license is required); demonstrate financial capacity to pay prize money; maintain a published participant code of conduct and disciplinary process; provide player welfare information and access to dispute resolution; and comply with applicable Kenyan data protection laws in the collection and use of participant data. These requirements are directly consistent with the Authority's licensing powers under Sections 10(b), 10(c), and 43 of the Bill, which the Committee is requested to interpret broadly and amend specifically to capture esports tournament organizers as a distinct licensable category.
- The Authority should maintain a public register of accredited esports tournament organizers (consistent with Section 46 of the Bill's model for sports person representative registries), which would serve publishers, players, and

sponsors as a credibility and due diligence signal when entering into agreements with organizers operating in Kenya.

3.4.4 The Representative Structure of the National Esports Federation: The Case for a Multi-Stakeholder Model

The deficiencies in the Bill's treatment of esports extend beyond jurisdiction over publishers and competition formats. The Bill's implicit framework for how a national esports federation should be constituted mirrors the representative structure of traditional sports where county-level associations aggregate upward to form a single national body. While appropriate for physically grounded sports ecosystems, this model is structurally misaligned with the digital, decentralized, and borderless nature of esports.

Esports participation, competition, and talent development occur primarily online, independent of geographic location. A player may train, compete at the highest level, and achieve professional status without any interaction with county-based structures. Predicating national representation on geographic aggregation therefore excludes a substantial portion of active esports participants whose engagement exists entirely within digital environments. More critically, the traditional county-aggregation model fails to provide representation pathways for the stakeholders who actually drive the esports ecosystem:

- i. Tournament Organizers (TOs), who design and run competitive activity and whose publisher licenses as established in Section 3.4.2 above derive from IP rights rather than federation recognition, have no defined pathway into the governance of a county-aggregation federation;
- ii. Esports Clubs and Teams, which function as the operational equivalent of traditional sports clubs but are commercial entities operating primarily online across multiple titles and multiple counties simultaneously, do not fit within a geographically defined membership structure;
- iii. Gaming Clans and Community Organizations, which represent grassroots participation and the primary talent pipeline in esports, are informal, digitally constituted communities that have no analogue in county-level sports administration;
- iv. Players themselves particularly independent professional players who compete in publisher-sanctioned circuits without club affiliation, as discussed in Section 3.5 have no mechanism for representation or voice within a county-aggregation model.

A national federation that does not represent its core participants lacks legitimacy. Policies developed without input from tournament organizers and clubs will be disconnected from operational reality. Stakeholders will continue to operate outside federation structures, weakening national coordination. Investment, innovation, and publisher engagement will be hindered by a governance structure that does not reflect industry function.

It is therefore submitted that the Sports Bill, 2026 should be amended to require the National Sports Regulatory Authority to approve, for esports, a representative structure that reflects the multi-stakeholder and digital nature of the ecosystem, and which is not limited to county-based membership models. Specifically, the Bill or its

subsidiary legislation should prescribe a hybrid representative model with the following characteristics:

- Defined membership classes based primarily on ecosystem function rather than geography, with representation derived first from industry stakeholders and secondarily from geographic or county associations where functional. Minimum membership categories should include: licensed Tournament Organizers; registered Esports Clubs and Teams; recognized Gaming Clans and Community Organizations; Player Representatives or Players' Associations; and County or Regional Associations (where properly constituted);
- Clear eligibility and accreditation criteria for each membership class, with transparent mechanisms for recognition and participation, so that the federation's composition can be verified and contested through defined processes rather than informal capture;
- Structured representation in decision-making organs (General Assembly and Executive Committee) ensuring that no single membership category dominates governance, that Tournament Organizers and Clubs hold formal seats, and that player representation is institutionalized rather than incidental;
- Defined minimum criteria for any county or regional esports associations that seek recognition, clarifying that such associations serve a grassroots development function and do not act as the sole gateway to national representation, given the digital nature of the ecosystem;
- Obligations tied to each membership class, covering integrity standards, competition rules adherence, and player welfare, ensuring that federation membership confers responsibilities as well as rights.

To give legislative effect to this, the Bill should be amended to include a provision that: "In the case of esports, the National Sports Regulatory Authority shall approve a representative structure that reflects the multi-stakeholder and digital nature of the esports ecosystem, and shall not be limited to county-based membership models."

3.5 The Definition of 'Professional' in Esports Does Not Require a Contract

Section 87(1) of the Bill provides that every sports organisation shall ensure its sports persons have access to legal representation and contract negotiation support. Section 81 more broadly addresses sports person contracts and representation.

In traditional sports, a 'professional sportsperson' is typically someone under a formal employment contract with a club or team. In esports, this definition is inadequate. A player may be considered a professional and may be earning significant income as such in any of the following ways without a formal employment contract:

- i. As a freelance competitor participating in open tournament circuits and earning prize money;
- ii. As a content creator and streamer whose competitive play is their primary income source;
- iii. As an independent contractor signed to a short-term tournament-by-tournament arrangement with an esports organization;

- iv. As a player in a publisher's amateur-to-professional pipeline (e.g., Riot Games' Valorant Challengers circuit) where participation does not require a contract with any esports organization.

The Bill's contract-centric approach to player welfare and representation, while appropriate for traditional sports and for formally contracted esports players, must be supplemented with provisions addressing the welfare of professional esports players who participate independently and without formal contracts. These players remain vulnerable to exploitation, prize money non-payment, and platform bans without any current regulatory protection.

Furthermore, where formal esports player contracts do exist, the Bill contains no minimum content requirements specific to the distinct physical and professional risks of esports. The following mandatory minimum terms should be prescribed for all professional esports player contracts, whether with an esports organization or a commercial team competing in publisher-sanctioned leagues:

- i. Explicit medical coverage for Repetitive Strain Injuries (RSI): esports players routinely perform thousands of precise input actions per minute over multi-hour sessions, placing severe strain on wrists, elbows, shoulders, and the cervical spine. RSI is the occupational health risk most specific to esports. All professional contracts must require health insurance covering RSI treatment, physiotherapy, and where necessary occupational rehabilitation;
- ii. Transparent and capped buyout clauses: the esports industry has a well-documented history of predatory "buyout" clauses that prevent players from moving between organizations or accepting publisher invitations to compete. Buyout clauses must be clearly defined, subject to a prescribed maximum amount proportionate to the player's remaining contract value, and must not operate to prevent a player from accepting a direct publisher invitation;
- iii. Mental health support provisions: professional esports careers typically peak between ages 16 and 25, creating significant pressure from an early age. Contracts must include access to mental health support services;
- iv. Minimum training hour limits and mandatory rest periods to mitigate RSI and mental health risks, consistent with evidence-based ergonomic standards for intensive computing activity.

3.6 Protection of User-Generated Content and Moral Rights of Kenyan Creators

The Bill makes no provision for one of the most economically significant and legally complex features of the modern digital gaming ecosystem: User-Generated Content (UGC). UGC encompasses levels, maps, character skins, modifications (mods), in-game artwork, and other creative works produced by players and community members within a game's technical environment. In titles such as Minecraft, Roblox, Fortnite's Creative Mode, and the modding ecosystems of Counter-Strike, UGC represents enormous creative and economic value generated by Kenyan users on global platforms.

The standard practice of global publishers is to include, within their Terms and Conditions (T&Cs) and End User Licence Agreements (EULAs), broad intellectual property assignment clauses that purport to vest all rights in UGC in the publisher. Under these standard-form agreements, a Kenyan user who creates a highly popular

game modification or skin has, by accepting the T&Cs, purportedly assigned all intellectual property in that work to the publisher without negotiation, without compensation, and without retaining any attribution or moral rights. These clauses are accepted by users in conditions of profound informational and bargaining inequality.

It is submitted that the legislation should provide that the Terms and Conditions or EULA of any intellectual property holder or game publisher operating in Kenya cannot override or extinguish the inherent copyright and moral rights of a Kenyan user over original content they generate, notwithstanding any contrary provision in such T&Cs. This principle is grounded in the Copyright Act (Cap. 130, Laws of Kenya) and Kenya's obligations under the Berne Convention, which recognize moral rights including the right of attribution and the right of integrity as inalienable. Any commercial exploitation by a publisher of UGC created by a Kenyan user, beyond what is reasonably necessary for the operation of the game, should require a separate, fairly negotiated license with appropriate remuneration to the creator.

3.7 Digital Games Distribution: The Case for a Specialized Oversight Unit

The commercial health of Kenya's domestic games and esports industry depends critically on fair access to global digital distribution channels. The dominant platforms including Steam (Valve), the Epic Games Store, the Google Play Store, the Apple App Store, and console stores operated by Sony, Microsoft, and Nintendo are privately operated global monopolies in their respective segments. They exercise significant gatekeeping authority over the ability of Kenyan developers to publish, price, and promote games to global audiences. Their terms, commission structures (typically 15-30% of all sales), content review processes, and delisting powers are currently unmonitored at a national level in Kenya, and no formal grievance mechanism exists for local developers who suffer unfair treatment.

It is submitted that the proposed Esports Act or associated legislation should establish a Digital Games and Distribution Oversight Unit, appropriately housed within the Kenya Copyright Board (KECOBO) or the Competition Authority of Kenya (CAK) rather than within a sports regulatory body. Disputes regarding licensing terms, platform access, revenue-sharing arrangements, and delisting of games are matters of intellectual property law and competition law, not sports administration. A general sports regulator lacks the specialist expertise to adjudicate these disputes equitably. This Unit should be mandated to: monitor the terms on which global distribution platforms operate in Kenya; provide a formal grievance and dispute resolution mechanism for Kenyan developers; engage with global platform operators on behalf of Kenyan developers; and report annually to the relevant Cabinet Secretary on the state of digital game distribution in Kenya.

3.8 Kenyan Game Developers as the Economic Foundation of the Esports Industry

The Sports Bill, 2026 focuses primarily on competitive gaming and the participation of Kenyans as players in an ecosystem built on intellectual property owned by foreign publishers. This framing risks entrenching Kenya's position as a consumer of foreign creative technology rather than a producer of original intellectual property. A durable and economically sovereign digital sports industry requires Kenya to move from being a participant in globally owned competitive ecosystems to being an architect of

them. Kenyan game developers the individuals and studios who create the game titles within which competition occurs are the primary economic actors in the digital sports value chain, and their economic success determines whether Kenya retains the value created by digital sporting activity within its borders.

It is submitted that the legislation should explicitly recognize Kenyan game developers as primary stakeholders and prescribe the following measures in their support:

- i. A Kenyan Game Developer Support Programme providing grants, co-working infrastructure, and technical mentorship to developers creating original competitive game titles with esports potential, housed within an appropriate creative economy or academy body;
- ii. Tax and fiscal incentives for Kenyan-developed game titles that achieve domestic or regional esports competition status, recognizing that the economic return from a Kenyan-owned competitive title – through licensing fees, tournament royalties, and merchandise – remains in Kenya, unlike revenue from participation in foreign-owned titles;
- iii. Inclusion of game development within the curricula of accredited sports education institutions, integrating programming, digital design, and business education to produce graduates capable of building Kenya's game development industry;
- iv. A national esports calendar that reserves designated slots for competitions conducted in Kenyan-developed game titles, creating a domestic market and visibility pathway for local game intellectual property.

3.9 Safeguarding of Minors in Esports: The Youth Esports Protection Framework

The demographic profile of competitive esports is substantially younger than that of traditional professional sport. Competitive gaming talent frequently emerges in players aged 13 to 17, and it is entirely possible – and increasingly common globally – for a child to be earning substantial prize money and attracting professional contracts before the age of majority. The Bill's general safeguarding provisions (Sections 82, 86, and 88) address minors in a broad sports context but do not contemplate the specific and acute risks facing children in the esports environment, including online predatory recruitment, digital addiction, social media harassment, exposure to gambling-adjacent mechanics (loot boxes, skin betting), and financial exploitation by managers or organizations.

It is submitted that the legislation should mandate a dedicated Youth Esports Protection Framework with the following minimum requirements:

- i. Mandatory parental or guardian co-signature for all professional esports contracts entered into by persons under 18 years of age, with independent legal advice required before execution, mirroring protections applied in the entertainment and traditional sports industries for child performers and athletes;
- ii. Strict adherence to international age-rating standards – including the Pan European Game Information (PEGI) system and the Entertainment Software Rating Board (ESRB) system – for all sanctioned competitions. No minor

should be permitted to compete professionally in a game title rated for an age bracket above their own;

- iii. Limits on competitive hours for players under 18, including maximum daily competition and training hours that do not conflict with compulsory education obligations, and mandatory off-season rest periods;
- iv. Protection of prize money earned by minor players through trust or escrow mechanisms preventing exploitation by parents, guardians, or organizations, consistent with the Children Act (Cap. 141) and general trust law principles;
- v. Mandatory online safety and digital literacy training for all minor esports participants and their guardians, addressing the risks of online harassment, predatory recruitment, and exposure to gambling-adjacent mechanics in the gaming environment.

3.10 International Mobility: The Esports Talent Passport

The global nature of competitive esports creates acute international mobility requirements that differ fundamentally from those of traditional sports. A professional Kenyan esports player competing in publisher-sanctioned regional or global circuits may need to travel internationally multiple times within a single competitive season, often at short notice and to multiple jurisdictions, accompanied by coaches, analysts, and technical support personnel who fall outside existing immigration categories. Existing Kenyan immigration and work permit frameworks provide no suitable category for incoming international esports professionals, nor do they facilitate the rapid outbound travel of Kenyan players for international competitions. France, Germany, the United Kingdom, and South Korea have each introduced, or are in the process of introducing, dedicated visa or work permit pathways for esports professionals. Kenya should do likewise.

It is submitted that the legislation should direct the Cabinet Secretary, in consultation with the Cabinet Secretary responsible for immigration, to develop an “Esports Talent Passport” or equivalent dedicated short-term work and participation permit for recognized esports professionals, providing:

- i. A fast-track inbound permit category for international esports players, coaches, analysts, broadcast personnel, and technical staff traveling to Kenya for accredited esports tournaments, with streamlined processing timelines commensurate with the short-notice nature of esports event calendars;
- ii. Recognition of publisher-issued player credentials such as official Riot Games, Valve, or IESF player identification documents as supporting documentation for permit applications, reducing administrative burden on individual players and organizations;
- iii. Formal certification of accredited player status by the relevant national authority the equivalent of a sports credential — that Kenyan players can present to foreign immigration authorities when traveling to compete internationally.

Immigration complexity is consistently cited by tournament organizers as a primary deterrent to selecting African venues for major international events. An Esports Talent Passport framework would be a tangible signal of Kenya’s commitment to becoming the premier esports hub on the African continent.

4. PROPOSED LEGISLATIVE RESPONSES

4.1 Immediate Amendments to the Sports Bill, 2026

In the event that the Committee determines to proceed with the Sports Bill, 2026 without a separate esports statute, the following targeted amendments are respectfully proposed:

1. Amendment to Section 2 (Definitions): Insert a comprehensive definition of 'esports ecosystem' acknowledging the role of publishers, intellectual property, publisher-run leagues, and the distinction between federation-sanctioned and publisher-sanctioned competition.
2. New Section after Section 31: Insert a provision titled 'Limits of Federation Jurisdiction in Esports,' explicitly acknowledging that national esports federations do not have regulatory authority over privately owned game titles or publisher-run competitive leagues, and that their jurisdiction is limited to federation-sanctioned events and welfare functions.
3. Amendment to Section 31 and New Provision on Federation Representative Structure: Amend the Bill to require that, in the case of esports, the National Sports Regulatory Authority must approve a representative structure reflecting the multi-stakeholder and digital nature of the ecosystem, and which is not limited to county-based membership models. The provision should mandate a hybrid model with defined membership classes for Tournament Organizers, Esports Clubs and Teams, Gaming Clans and Community Organizations, Player Representatives or Associations, and County or Regional Associations (where functional), with structured representation in the federation's governing bodies, clear eligibility and accreditation criteria for each class, and an express prohibition on county associations serving as the sole gateway to national representation.
4. Amendment to Section 49 (National Sports Integrity Unit Objectives): Replace the generic anti-doping reference with a provision explicitly recognizing that esports anti-doping requires a separate framework addressing cognitive performance enhancers, with WADA's framework applying only to the extent appropriate and as determined by the Authority in consultation with the relevant publisher and IESF guidelines.
5. New Part on Esports-Specific Infrastructure: Insert a new Part requiring the Cabinet Secretary, in collaboration with the Communications Authority of Kenya, to develop a national esports infrastructure strategy addressing game server latency, venue technical standards, and publisher engagement frameworks.
6. Amendment to Section 55 (Functions of Sports Kenya): Expand to include the development and maintenance of esports-specific high-performance training facilities with prescribed technical standards.
7. Amendment to Section 87 (Sports Person Contracts): Insert a provision recognizing that esports players who compete professionally without a formal employment contract are entitled to welfare protections, and empowering the

Cabinet Secretary to prescribe minimum protections for independent professional esports players.

8. Amendment to Section 113 (Offences): Include esports-specific offences including use of unauthorized software, account fraud, DDoS attacks during sanctioned events, and stream sniping.
9. New Provision on User-Generated Content: Insert a provision protecting the inherent copyright and moral rights of Kenyan users over original content they generate within a game or digital platform, providing that publisher T&Cs cannot override these rights and that commercial exploitation of UGC beyond the operation of the game requires a separate, fairly negotiated license with the creator.
10. Amendment to Section 87 (Sports Person Contracts): Insert mandatory minimum contract terms for professional esports players, specifically including: RSI medical coverage; transparent and capped buyout clauses; mental health support; and maximum training hour limits – in addition to the existing proposal to protect players competing without formal contracts.
11. Amendment to Section 88 (Safeguarding of Minors): Supplement the general safeguarding provisions with a dedicated Youth Esports Protection Framework requiring parental co-signature for minor player contracts, adherence to PEGI/ESRB age-rating standards, competitive hour limits, prize money trust protections, and mandatory digital literacy training for minors and their guardians.
12. New Provision on International Mobility: Direct the Cabinet Secretary, in collaboration with the Cabinet Secretary responsible for immigration, to develop an Esports Talent Passport or dedicated short-term work and participation permit for recognized esports professionals, covering both inbound international participants at Kenyan events and outbound Kenyan players traveling to compete internationally.
13. New Provision on Domestic Game Development and Digital Distribution: Direct the Cabinet Secretary, in collaboration with KECOBO and the Competition Authority, to establish a Digital Games and Distribution Oversight Unit to monitor global platform distribution practices affecting Kenyan developers, and prescribe support measures for domestic game developers as primary stakeholders in the esports value chain.

4.2 Proposal for a Dedicated Esports Act

This memorandum's principal legislative recommendation is that Parliament enact a separate, dedicated Esports Act of Kenya, to be developed in parallel with or consequent upon the Sports Bill, 2026. A separate statute is warranted for the following reasons:

- i. The esports industry operates on fundamentally different structural, commercial, and legal principles from traditional sports. A single section or part of a sports bill cannot adequately address these differences.

- ii. Kenya's esports industry is growing rapidly and requires a bespoke enabling framework to attract investment, support players, and position Kenya as a regional esports hub.
- iii. The regulatory complexity of publisher relationships, IP licensing, and digital infrastructure requires specialized provisions that are better housed in a dedicated statute.

The proposed Esports Act of Kenya should address the following subject matter:

Part I – Preliminary:

- i. Definitions including: esports, publisher, game title, competitive ecosystem, publisher-sanctioned event, federation-sanctioned event, third-party licensed event, esports tournament organizer, esports organisation, professional esports player (including independent/contractless players), user-generated content, digital distribution platform, streaming, content creation, esports venue, Tier 1 Venue Standard.
- ii. Objects including: promotion of Kenya as a regional esports hub; protection of player welfare including minors; enabling a commercially vibrant esports ecosystem; fostering domestic game development and IP ownership; protecting the copyright and moral rights of Kenyan digital creators; and facilitating international mobility for esports professionals.

Part II – Governance and Jurisdiction:

- i. Establishment of a National Esports Regulatory Body or designation of a specialized division within the NSRA with esports-specific expertise.
- ii. Multi-stakeholder representative structure for the National Esports Federation, with defined membership classes (Tournament Organizers, Esports Clubs and Teams, Gaming Clans, Player Representatives, County Associations), structured governance representation for each class, clear eligibility and accreditation criteria, and an express provision that the federation's structure is not limited to county-based aggregation models.
- iii. Explicit codification of the limits of federation regulatory authority vis-a-vis publishers.
- iv. Framework for voluntary publisher engagement, including incentives for publishers to establish servers in Kenya, engage with the national federation, and support player development programmes.
- v. Registration of esports organisations as distinct from traditional sports clubs, and registration of esports tournament organizers as a distinct accreditation category.
- vi. Digital Games and Distribution Oversight Unit, housed within KECOBO or the Competition Authority, with a mandate to monitor global platform distribution practices, provide a grievance mechanism for Kenyan developers, and engage with global platform operators on fair access terms.

Part III – Esports Infrastructure:

- i. National Esports Infrastructure Strategy mandating collaboration between the Cabinet Secretary, Communications Authority, and relevant publishers to reduce network latency.

- ii. Tier 1 Esports Venue Standard prescribing minimum requirements including network redundancy (at least three independent high-speed connections), hardware parity across all competition stations, verified software environments, and maximum acceptable latency thresholds as a prerequisite for hosting sanctioned national or international events.
- iii. Standards for licensed esports venues including minimum connectivity, hardware, and anti-cheat requirements.
- iv. Incentives for private investment in esports infrastructure.
- v. Advocacy framework for securing publisher server deployment in Kenya.

Part IV – Player Welfare and Development:

- i. Welfare protections for all professional esports players, whether contracted or independent, including mandatory minimum contract terms: RSI medical coverage, capped and transparent buyout clauses, mental health support, and maximum training hour limits.
- ii. Youth Esports Protection Framework: mandatory parental co-signature for minor player contracts; adherence to PEGI/ESRB age-rating standards for sanctioned competitions; competitive hour limits; prize money trust protections; and mandatory digital literacy and online safety training.
- iii. Age-appropriate protections for minor esports players, including restrictions on competitive hours and mental health safeguards.
- iv. Educational dual-career pathways recognizing that esports careers are often short.
- v. Prohibition of exploitative contracts, including provisions on intellectual property assignment, exclusivity, and revenue sharing in player agreements.
- vi. Recognition of streaming and content creation as an integral part of an esports player's professional activities.

Part V – Esports-Specific Integrity Framework:

- i. Esports anti-doping framework focusing on cognitive performance enhancers, referencing but not wholesale adopting the WADA Prohibited List.
- ii. Anti-cheating provisions including prohibition of unauthorized software, hardware modification, and account fraud.
- iii. Cybersecurity integrity provisions addressing DDoS attacks, account hacking, and data manipulation.
- iv. Match-fixing provisions addressing in-game item betting and skin markets.
- v. A specialized Esports Integrity Unit with technical investigation capabilities.

Part VI – Commercial Framework:

- i. Regulation of esports organizations including minimum financial requirements, player contract standards, and governance obligations.
- ii. Broadcasting and streaming rights framework, recognizing that publisher IP rights govern primary broadcasting arrangements.
- iii. Sponsorship and advertising standards including protections against gambling advertising directed at minor players.

- iv. Prize money protection including escrow requirements for tournament organizers.

Part VII – International Representation:

- i. Framework for national team selection for multi-sport events where esports is included as a discipline (Asian Games, Commonwealth Games, Olympic Esports Games).
- ii. Engagement with IESF, publisher-specific international bodies, and regional esports organizations.
- iii. Esports Talent Passport or equivalent dedicated short-term work and participation permit, covering inbound international participants at Kenyan events and outbound Kenyan players traveling internationally, with publisher-issued credentials recognized as supporting documentation.

Part VIII – Digital Creators, UGC and Domestic Developer Support:

- i. Protection of Kenyan users' copyright and moral rights in user-generated content, providing that publisher T&Cs cannot override these rights and that commercial exploitation of UGC beyond game operation requires a separately negotiated license with fair remuneration.
- ii. Kenyan Game Developer Support Programme providing grants, infrastructure, and mentorship to developers creating original competitive game titles; tax incentives for Kenyan-developed titles achieving esports status; inclusion of game development in accredited sports education curricula; and reservation of national esports calendar slots for competitions in Kenyan-developed titles.

5. CONCLUSION AND RECOMMENDATIONS

Kenya has the talent, the passion, and the growing digital infrastructure to become a leading esports nation in Africa and globally. The Sports Bill, 2026 is an important step forward for Kenyan sports governance, but its current treatment of esports – while well-intentioned – risks creating an unworkable regulatory framework that misunderstands the industry it seeks to govern.

This memorandum respectfully makes the following recommendations to the Departmental Committee on Sports and Culture:

- a) That the Committee acknowledge in its report that the esports ecosystem is structurally distinct from traditional sports by virtue of intellectual property ownership by publishers, publisher-run competitive leagues, and the limits of federation jurisdiction.
- b) That the Sports Bill, 2026 be amended to explicitly codify the limits of national federation authority over publisher-sanctioned esports competitions and to recognize the role of publishers as primary regulators of competition within their own titles.
- c) That the anti-doping provisions of the Bill as they relate to esports be amended to recognize that WADA's framework requires significant adaptation for esports, and to empower the relevant authority to develop a

bespoke esports anti-doping and cognitive performance enhancement framework.

- d) That the Bill be amended to require the development of a National Esports Infrastructure Strategy addressing network latency, publisher server deployment, and esports venue standards.
- e) That the Bill extend welfare protections to professional esports players who compete without formal employment contracts.
- f) That the Committee recommend to the House the development and introduction of a dedicated Esports Act of Kenya, to comprehensively and accurately govern Kenya's esports ecosystem in a manner consistent with the global nature of the industry.
- g) That the Bill be amended to require the National Sports Regulatory Authority to approve, for esports, a representative structure reflecting the multi-stakeholder and digital nature of the ecosystem and not limited to county-based aggregation models – with defined membership classes for Tournament Organizers, Esports Clubs and Teams, Gaming Clans, Player Representatives, and County Associations, structured governance representation for each, and an express prohibition on county associations serving as the sole gateway to national representation.
- h) That the Bill be amended to protect the copyright and moral rights of Kenyan users in user-generated content created within publisher-operated platforms, and to provide that publisher T&Cs cannot extinguish these rights.
- i) That the Bill or associated legislation establish a Digital Games and Distribution Oversight Unit within KECOBO or the Competition Authority to monitor global distribution platform practices affecting Kenyan developers and provide a formal grievance mechanism.
- j) That the legislation recognize Kenyan game developers as primary stakeholders in the digital sports value chain and prescribe specific support measures, including the Kenyan Game Developer Support Programme and fiscal incentives for Kenyan-developed titles that achieve esports competition status.
- k) That professional esports player contracts be subject to mandatory minimum terms addressing RSI medical coverage, capped buyout clauses, mental health support, and training hour limits, and that the legislation mandate a dedicated Youth Esports Protection Framework for minor players.
- l) That the Cabinet Secretary be directed to develop an Esports Talent Passport or dedicated short-term work and participation permit in collaboration with the immigration authorities, to reduce the bureaucratic friction that deters international tournament activity in Kenya and restricts the international mobility of Kenyan players.
- m) That national Tier 1 Esports Venue Standards be established, prescribing minimum requirements for network redundancy, hardware parity, software integrity, and maximum latency thresholds for all venues hosting sanctioned national or international esports competitions.

- n) That in developing the proposed Esports Act, the relevant Ministry undertake meaningful consultation with Kenyan esports players, esports organizations, publishers operating in the Kenyan market, game developers, infrastructure providers, immigration authorities, and international esports bodies including the IESF.
- o) That in developing the proposed Esports Act, the relevant Ministry undertake meaningful consultation with Kenyan esports players, esports organizations, publishers operating in the Kenyan market, infrastructure providers, and international esports bodies including the IESF.

We are available to appear before the Committee to present this memorandum and to respond to questions at the Committee's convenience.

Submitted on 27th March 2026.

Wesley Kanyeria
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Kanyeriawesleytheuri114@gmail.com

Stacey Bonareri
Advocate
stacylorrain@gmail.com



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL

Our Ref: AG/LDD/5708/1/4

5th June 2026

Mr. Samuel Njoroge, CBS

Clerk of the National Assembly

Clerk's Chambers

Parliament Buildings

P.O. Box 41842-00100

NAIROBI

RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE TO SUBMIT VIEWS ON THE SPORTS (AMENDMENT)BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2025) SPONSORED BY THE HON. IRENE MAYAKA, M.P.

Reference is made to your letter under reference NA/DDC/S&C/2026/ (22) dated 29th May 2026 requesting this Office to make submissions on the Sports (Amendment)Bill (National Assembly Bill No. 5 of 2025) sponsored by Hon. Irene Mayaka, M.P.

We have reviewed the Sports (Amendment) Bill (National Assembly Bill No. 5 of 2025) and our comments on the Bill are contained in the matrix below.

Clause	Provision	Proposal	Justification
2	"manipulation of a sports competition" means the action where a person— (a) offers, gives, solicits or receives an undue advantage, whether financial or otherwise, with the intent to improperly influence the result, progress, conduct, or any	Delete	• The offence already exists in the Anti-bribery Act. • The definition amounts to the offence of giving or receiving a bribe under section 5 and 6 of the Anti-bribery Act.

STATE LAW OFFICE

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STATE DEPARTMENT FOR JUSTICE

CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337

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ISO 9001:2008 Certified



	other aspect of a sports competition;		
2	"manipulation of a sports competition" means the action where a person— (b) conspires to manipulate or participates in the manipulation of a sporting event;	Delete	The definition is vague since manipulation of a sporting event is used to define manipulation of a sports competition.
2	"manipulation of a sports competition" means the action where a person— (c) intentionally fails to perform to the best of their abilities to achieve a pre-determined outcome;	Delete	The definition will make it difficult to establish <i>mens rea</i> and meet evidentiary standards during prosecution.
2	"manipulation of a sports competition" means the action where a person— (d) misuses insider information for betting or manipulation purposes;	Delete	- Duplication of existing laws. - The offence already exists in section 110 of the Gambling Control Act. The provision criminalizes obtaining money by cheating, which covers manipulating or using undisclosed internal information to win wagers.

2	"manipulation of a sports competition" means the action where a person— (e) facilitates, induces or threatens a person to engage in manipulation of a sports competition".	Delete	The definition lacks clarity since manipulation of a sports competition event is used to define manipulation of a sports competition.
2.	The Sports Act, (in this Act referred to as the "principal Act") is amended in section 2 by inserting the following new definition in its proper alphabetical sequence— "manipulation of a sports competition" means the action where a person— (a) offers, gives, solicits or receives an undue advantage, whether financial or otherwise, with the intent to improperly influence the result, progress, conduct, or any other aspect of a sports competition; (b) conspires to manipulate or	Delete the definition of "manipulation of sports competitions" and substitute therefor the following new definition— "manipulation of sports competition" means an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.	To give clarity and align the definition with internationally recognised standards such as those in the Council of Europe Convention on the Manipulation of Sports Competitions.

	participates in the manipulation of a sporting event; (c) intentionally fails to perform to the best of their abilities to achieve a pre-determined outcome; (d) misuses insider information for betting or manipulation purposes; or (e) facilitates, induces or threatens a person to engage in manipulation of a sports competition”.		
3.	The principal Act is amended in section 4 by- (a) inserting the following new paragraphs immediately after paragraph (p)- (pa) to receive any reports from any person who suspects acts of manipulation in any sports competition; (pb) to conduct manipulation investigations of alleged in sports competition in	Delete	- The power to investigate criminal offences is granted to the Directorate of Criminal Investigations under section 35(b) of the National Police Service Act. - Sports Kenya is is an

	collaboration with other investigative agencies. (b) inserting the following new subsection immediately after subsection (1)- (2) the investigations referred to in subsection (1) (pb) shall be conducted within six months of receiving the report on manipulation of a sports competition.		administrative and sports developmental body with no capacity to investigate criminal offences.
4	The principal Act is amended in Section 58 by- (b) inserting the following new paragraph immediately after paragraph (c)- "(d) appeals from decisions of Sports Kenya in relation to manipulation of sports competitions."	Delete	The Bill does not grant Sports Kenya the power to adjudicate offences relating to manipulation of sports competitions hence there is no need for appeals against its decisions.

We thank you and assure you of our continued support.


SHADRACK J. MOSE, CBS
SOLICITOR-GENERAL



THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

**VIEWS ON THE SPORTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 5 OF 2025) SPONSORED BY THR HON. IRENE MAYAKA, M.P**

BY

THE MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS

SUBMITTED TO THE CLERK OF THE NATIONAL ASSEMBLY.

WHEREAS a Bill entitled “An Act of Parliament to amend the Sports Act and for connected purposes (National Assembly Bill No.5 of 2025)

AND WHEREAS pursuant to Article 118 of the Constitution and Standing Order 127 (3) of the Departmental Committee on Sports and Culture inviting the undersigned vide a letter dated 28th May, 2026 to deliberate on the specific clauses and any other matter in relation to the Bill during the Committee meeting that is scheduled for Friday, 5th June, 2026.

NOW THEREFORE, The Ministry of Youth Affairs, Creative Economy and Sports being a stakeholder hereby submits the following views on the Sports (Amendment) Bill 2026.

I. GENERAL

Honourable Chair and Members, the Ministry of Youth Affairs, Creative Economy and Sports acknowledges the proposals as contained in the Draft Bill and we do not have issues with the proposed amendments save for the following clauses:

II. SPECIFIC

Clause	PROVISION	COMMENT
Clause 4 (pa)(pv)	(a) Inserting the following new paragraphs immediately after paragraph (p) (pa) to receive any reports from any person who suspects acts of manipulation in any sports competition; (pb) to conduct investigation of alleged manipulation in sports competition in collaboration with other investigative agencies (b) inserting the following new subsection immediately after subsection (2) the investigations referred to in subsection (1) (pb) shall be conducted within six months of	The Draft Sports Bill, 2026 is a comprehensive legislative Bill that seeks, among other reforms, to establish the National Sports Integrity Unit as a specialized division within the National Sports Regulatory Authority. The Unit will be mandated to promote integrity, transparency, accountability, and ethical conduct in sports, while addressing issues such as doping, match manipulation, corruption, and other integrity-related concerns within the sports sector. The functions of the Integrity Unit will include, receiving and

	receiving the report on manipulation of a sports competition.	investigating allegations of integrity breaches in sport among others.
Clause 64 (1)	A person who participates directly or indirectly or aids, enables or assists in the manipulation of a sports competition commits an offence and shall be liable, on conviction, to imprisonment for a term not exceeding one year or to a fine not exceeding one million shillings or both.	It is noted that for the offence of manipulation of a sports competition, a person is liable to on conviction, to imprisonment for a term not exceeding one year or to a fine not exceeding one million shillings or both. Accordingly, we propose an amendment to the proposed clause by enhancing the penalty to imprisonment for a term not exceeding three years or to a fine not exceeding three million shillings to curb implications of such offense on the nation and in order to enhance deterrence. The same is also in line with the Sentencing Guidelines by the Judiciary.

We thank you for the opportunity to discuss on the provisions of the Bill.
It is our submission that the Committee considers our proposals.

Dated the2026

Signed:

Elijah Mwangi, CBS

PRINCIPAL SECRETARY



SUBMISSIONS ON THE PROPOSED SPORTS (AMENDMENT) BILL NO. 5 OF 2026

Clause	Organization	Amendment	Justification	Committee Recommendation
Clause 3	Football Kenya Federation	• Add: Powers of Sports Kenya (Ineffective) • The powers to receive reports, complaints, investigate and eventually forward the file to the ODPP for prosecution. This power should be with the National Police Service. In the long run we set a Specialized Police Unit for Clean Sports (Integrity related issues within our	Match manipulation is cross boarder in nature. Sports Kenya may not have the capacity to investigate the complaints within our territory and beyond. National Police Service has the cross boarder powers to investigate through agencies like Interpol and FBI.	

		sporting ecosystem.)		
Clause 4		Expand jurisdiction of Sports Disputes Tribunal (ineffective) Section 58- Sports Disputes Tribunal should not have jurisdiction to hear appeals from Sports Kenya. These powers to try crimes such as match manipulation should be left to the criminal justice system within the judiciary.	The criminal nature of the 'offence' of match manipulation and its inter-relation to crimes such as Proceeds of Crime and Money Laundering, Corruption and Bribery the same should be preserved to the Judiciary through normal courts.	
Clause 5		• Prescribes the offence of match manipulation. The proposal is to have strict fines and imprisonment terms as opposed to the current proposal.	• In the Ugandan National Sports Act, the imprisonment term is 5 years. • Benchmark is also the Macolline Convention in Europe;	

			• UNODC Global Report on Corruption in Sports.	
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SUBMISSION OF COMMENTS TO PARLIAMENT ON THE SPORTS (AMENDMENT) BILL, 2026

NAME OF THE INSTITUTION : NATIONAL OLYMPIC COMMITTEE OF KENYA				
SPECIFIC COMMENTS				
S/No.	n of the Draft Amendment	Comments	Recommendation	Rationale for the Recommendation
1.	S2 Definition	Adds the definition of “manipulation of a sports competition” which we believe is too narrow	Widen the scope to “threat to integrity in sports & Age Cheating”	There are other threats to integrity in sports besides manipulation as defined in the Bill. These include doping, corruption, fraud, and other forms of deception or breach of trust in sport, failure to safeguard athletes, Age cheating etc. While doping is covered under the Anti-Doping Act, 2016, the other known and emerging threats are not covered or addressed by any law. A wider scope would address all the present and future threats including manipulation of a sports competition.
2.	S3 Sports Kenya Mandate	Sports Kenya is structurally, legally and operationally unsuited to handle integrity investigations regarding competition manipulation and match-fixing. Their everyday work focuses on running stadiums, managing sports grounds and building infrastructure. They do not have the legal setup or the practical experience for such investigations. Anti-Doping Agency of Kenya (ADAK) on the other hand already has a working intelligence and investigation unit that knows how to track sports cheating, gather evidence and handle whistleblowers.	Make amendments to the Anti-Doping Act, 2016 instead of the Sports Act. Rename ADAK and give it the mandate to handle all sports integrity matters including anti-doping and match manipulation. Renaming the agency to something different such as The National Sports Integrity and Anti-Doping Authority (NASIADA) would enable the body to reflect this double role.	ADAK already functions as an investigatory and quasi-judicial body, meaning they are already experienced in conducting investigations, handling legal evidence and defending their decisions before tribunals. They can take on competition manipulation immediately without costing taxpayers money to set up a brand-new unit from scratch. It is therefore more sustainable and efficient. It avoids confusion and incompatible roles. Under the Sports Act, Sports Kenya's job is building and fixing stadiums. Giving them the role to regulate sports manipulation is a completely different role to what they are built for.

3.	S3 Sports Kenya Mandate	S3 inserting paragraph (pa) into section 4 of the Act appears to only give the mandate to initiate investigations upon receipt of a report.	The Agency should be able to initiate investigations into threats to sports integrity on its own volition.	Will avoid paralysing the institution should there be a case of a threat to sports integrity but no report has been made by any person.
4.	S4 Dispute Resolution	Providing for appeals on manipulation of competitions to the Sports Disputes Tribunal but it is too narrow in scope.	The mandate should be expanded to all sports integrity issues and the regulating body should be the successor to ADAK as stated in point 2 above.	S31 of the Anti-Doping Act already provides for a robust appeals to SDT.
5.	S3 and S5	Both these sections narrowly cover manipulation of competitions only.	Both these sections can be expanded upon to cover all sports integrity issues and not just manipulation of competitions. They can then be part of the amendments to the Anti-Doping Act instead of the Sports Act.	Covering all threats to sports integrity is more holistic and future proof. The new Agency we have suggested in point 2 above can together with all sports stakeholders come up with integrity codes that have to be adhered to in response to emerging threats.
6.	Section 4(j) Talent Identification	(j) identify and recommend talents in sports to national sports organizations;	(j) together with the Kenya Academy of Sports and the relevant sports organizations, facilitate the identification, nurturing and development of talents in sports;	The current clause risks duplicating the mandate of the Kenya Academy of Sports, which is already charged with talent identification and development. Rephrasing the clause to place Sports Kenya in a collaborative facilitation role — alongside the Kenya Academy of Sports and relevant sports organizations — eliminates overlap, promotes inter-agency coordination, and ensures that talent development is pursued in a structured and complementary manner.

7.	Section 4(m) International Participation	(m) facilitate the preparation and participation of Kenyan teams in various international events and the hosting of similar events in the country and recommend members of steering committees for international sports competitions, in consultation with the relevant national sports organizations;	(m) support the relevant sports federations in the preparation and participation of Kenyan teams in various international events and the hosting of similar events in the country; and recommend members of steering committees for international sports competitions, in consultation with the relevant national sports organizations and NOC-K;	The word facilitate implies primary ownership of a function that properly belongs to the national sports federations Replacing it with support correctly repositions Sports Kenya in an enabling role. This is consistent with the principle that sports federations should lead the preparation and participation of their respective teams in international competition, with Sports Kenya providing support.
8.	Section 4(n) Work Permits & Visas for Foreign Athletes	(n) recommend to the relevant authorities issuance of work permits and visas to foreign athletes and technical sports personnel, in consultation with the relevant national sports organizations;	(n) DELETE — This function should be reserved exclusively for the State Department responsible for Sports , which holds the policy mandate and inter-ministerial authority to engage immigration and labour agencies on matters concerning foreign athletes and technical personnel.	Recommending work permits and visas is an immigration and labour policy function that falls squarely within the mandate of the State Department of Sports. Sports Kenya is an agency whose role is operational and infrastructural. Assigning it a function involving engagement with immigration authorities creates jurisdictional confusion and may undermine the authority of the State Department. This clause should be removed from the Sports Kenya mandate and, if necessary, expressly vested in the State Department.



Stay Clean, Win Right

**ANTI-DOPING
AGENCY
OF KENYA**

When replying please quote:

Ref: ADAK/LEG/1/Vol.I/(90)

Date: Tuesday, 19th May 2026

Samuel Njoroge, CBS

Clerk of the National Assembly,
Office of the Clerk,
The National Assembly,
P.O Box 41842-00100
NAIROBI.

Dear Sir,

RE: ADAK SUBMISSIONS ON THE SPORTS (AMENDMENT) BILL, 2026

Reference is made to your letter forwarding the Sports (Amendment) Bill, 2026 and inviting stakeholders to submit comments and proposals on the Bill.

The Anti-Doping Agency of Kenya (ADAK) has reviewed the proposed amendments and hereby submits its comments and proposals for consideration by the Departmental Committee on Sports and Culture and the National Assembly.

ADAK is established under the Anti-Doping Act, 2016 and is mandated to coordinate anti-doping activities in Kenya in line with the World Anti-Doping Code and International Standards issued by the World Anti-Doping Agency (WADA). In undertaking this mandate, the Agency regularly interfaces with the Sports Disputes Tribunal (SDT), particularly in the adjudication of Anti-Doping Rule Violation (ADRV) cases.

In this regard, ADAK respectfully proposes the following amendments:

Specific Clause/Provision	Proposed Amendment	Justification
Clause 4 of the Bill – Amendment to Section 58 of the Sports Act	Amend Section 58 by inserting a new subsection expressly providing that the Sports Disputes Tribunal shall have jurisdiction to hear and determine Anti-Doping Rule Violation cases and disputes arising under the Anti-Doping Act.	The Sports Disputes Tribunal presently handles Anti-Doping Rule Violation matters in practice. However, recent jurisdictional challenges before the courts have demonstrated the need for express statutory clarity on the Tribunal's

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Specific Clause/Provision	Proposed Amendment	Justification
	Act, the World Anti-Doping jurisdiction over anti-doping Code, and ADAK Anti-Doping disputes. Since the Tribunal's Rules adopted thereunder.	jurisdiction is established under Section 58, it is necessary that Anti-Doping Rule Violation matters be expressly captured in the provision in order to eliminate ambiguity, promote legal certainty, strengthen Kenya's anti-doping framework, and ensure compliance with the World Anti-Doping Code and International Standards.
Section 55 – Composition of the Sports Disputes Tribunal	Consider expanding the expertise requirements for appointment to the Tribunal to include persons with demonstrable knowledge or experience in sports law, anti-doping law, international sports arbitration, or sports governance.	Anti-doping disputes are highly specialized, technical, and internationally regulated. Inclusion of members with expertise in sports law and anti-doping law would strengthen the Tribunal's capacity to handle complex anti-doping disputes in a manner consistent with international best practice and Kenya's obligations under the World Anti-Doping Code.
Section 59 – Powers of the Tribunal	Amend the section to expressly empower the Tribunal to apply and enforce the World Anti-Doping Code, International Standards, and ADAK Anti-Doping Rules adopted pursuant to the Anti-Doping Act.	Anti-doping proceedings are governed by a specialized international legal framework. Express recognition of these instruments would strengthen the legal basis upon which the Tribunal adjudicates anti-doping matters and align the Sports Act with Kenya's international obligations.
Section 61 – Appeals	Consider introducing a provision clarifying the appellate pathway to unique international appellate for anti-doping decisions in line structures, including appeals	Anti-doping matters are subject to unique international appellate structures, including appeals

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Specific Clause/Provision	Proposed Amendment	Justification
decisions of the Tribunal	with the World Anti-Doping Code and international frameworks.	before the Court of Arbitration for Sport (CAS) and other anti-doping recognized bodies. Clarifying the appellate framework would minimize jurisdictional conflicts and align Kenya's legal framework with international anti-doping obligations.

ADAK remains committed to supporting Parliament and all stakeholders in strengthening the legal and institutional framework for sports governance and anti-doping regulation in Kenya.

The Agency remains available to provide any further technical input or clarification that may be required during the consideration of the Bill.

Yours Faithfully,



Peninah Wahome
Ag. CHIEF EXECUTIVE OFFICER

Copy: **Hon. Salim Mvurya Mgala, EGH**
Cabinet Secretary,
Ministry of Youth Affairs, Creative Economy, and Sports,
Talanta Plaza,
Nairobi, Kenya.

Mr. Elijah Mwangi, CBS
Principal Secretary,
Department of Sports,
Ministry of Youth Affairs, Creative Economy and Sports,
Talanta Plaza,
Nairobi, Kenya.

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Maj. Gen. (Rtd) Aphaxard Muthuri Kiugu

Board Chairman

Anti-Doping Agency of Kenya

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Nairobi, Kenya.

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Phone: +254 722269584/733837385: P.O Box 66458 – 00800, Nairobi: Email – info@adak.or.ke

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ASSOCIATION OF GAMING OPERATORS - KENYA

(18 Metropolitan Estate, David Waswo Rd, Riverside Drive)

SUBMISSIONS TO THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE ON THE SPORTS (AMENDMENT) BILL, 2026

Date: 5th June 2026

1. INTRODUCTION

The Association of Gaming Operators - Kenya (AGOK) is the representative body of licensed gaming operators in Kenya.

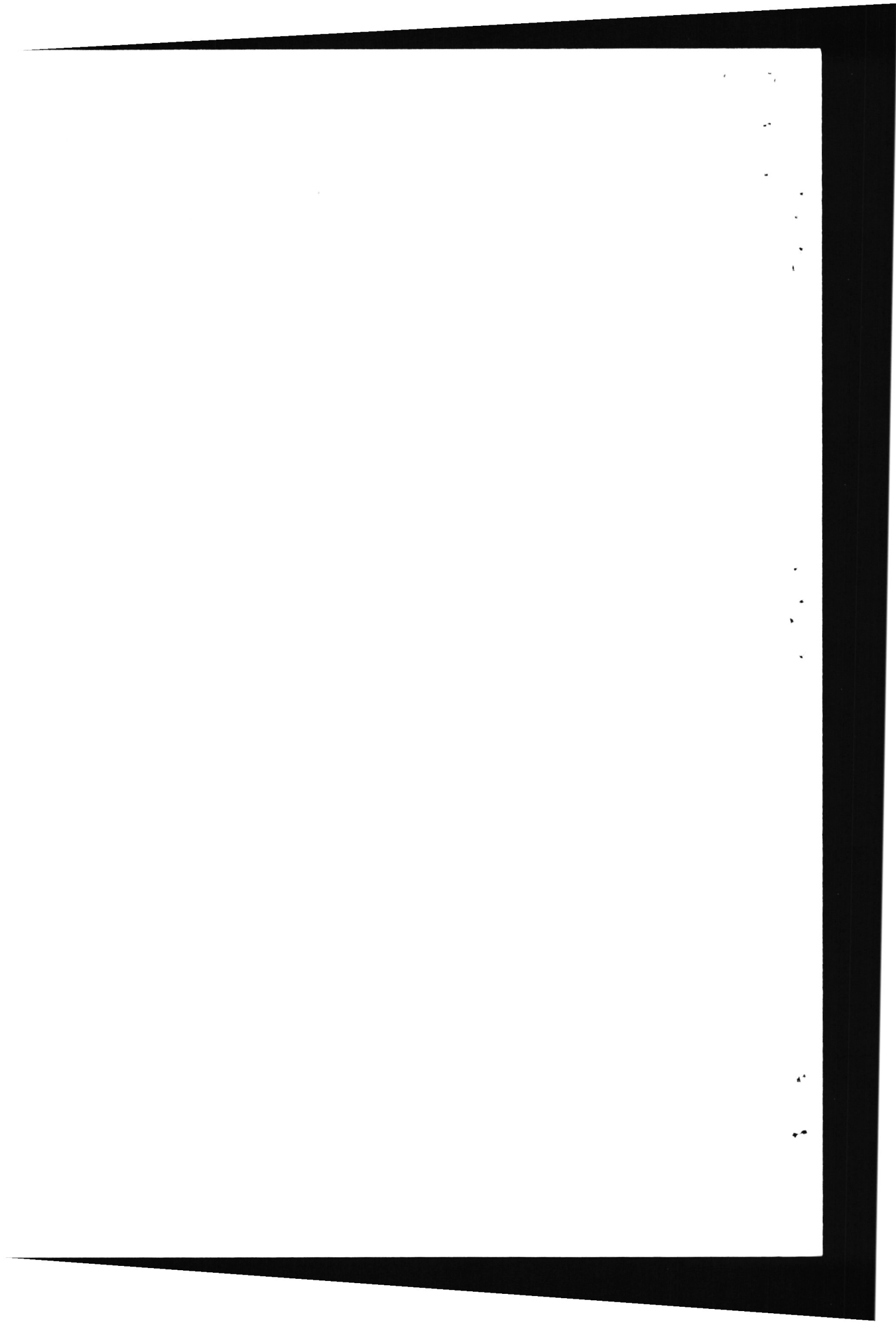
AGOK appreciates the opportunity to participate in the consideration of the Sports (Amendment) Bill, 2026 and commends the Departmental Committee on Sports and Culture for its efforts to strengthen the development and sustainable financing of sports in Kenya.

AGOK's submission is limited to a single proposal aimed at encouraging greater private sector investment in sports through the recognition of sports sponsorship expenditure as an allowable deduction for income tax purposes.

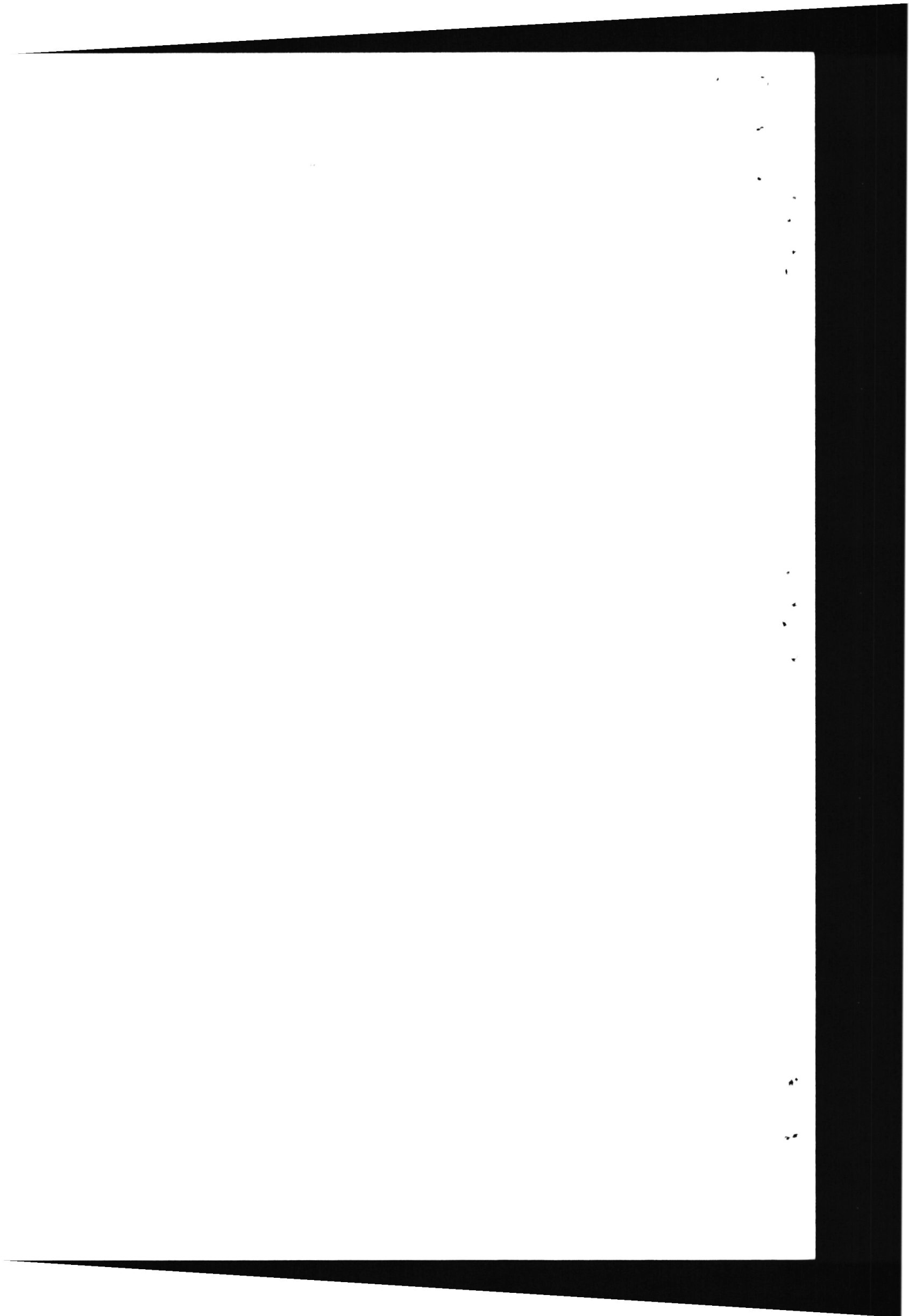
2. PROPOSED AMENDMENT

Clause/Provision	Current Position	Proposed Amendment	Justification
Sports Sponsorship and Funding	The Bill does not contain a provision expressly recognizing expenditure incurred by companies in sponsoring recognized sports organizations, sports federations, sports clubs, athletes or sporting events as an allowable deduction for income tax purposes.	Insert a new provision stating: "Any expenditure incurred by a company in sponsoring recognized sports organizations, sports federations, sports clubs, athletes or sporting events shall be deemed to be expenditure incurred wholly and exclusively in the production of income and shall be allowable as a deduction for purposes of income tax under the Income Tax Act."	Licensed betting and gaming operators are among the largest private sector contributors to sports development in Kenya. Recognizing sports sponsorship expenditure as tax deductible will encourage continued and increased private sector investment in sports, support athlete development, strengthen sports organizations and provide a sustainable source of funding for sports. The proposal does not create a tax exemption but clarifies the treatment of legitimate expenditure incurred in supporting sports development.

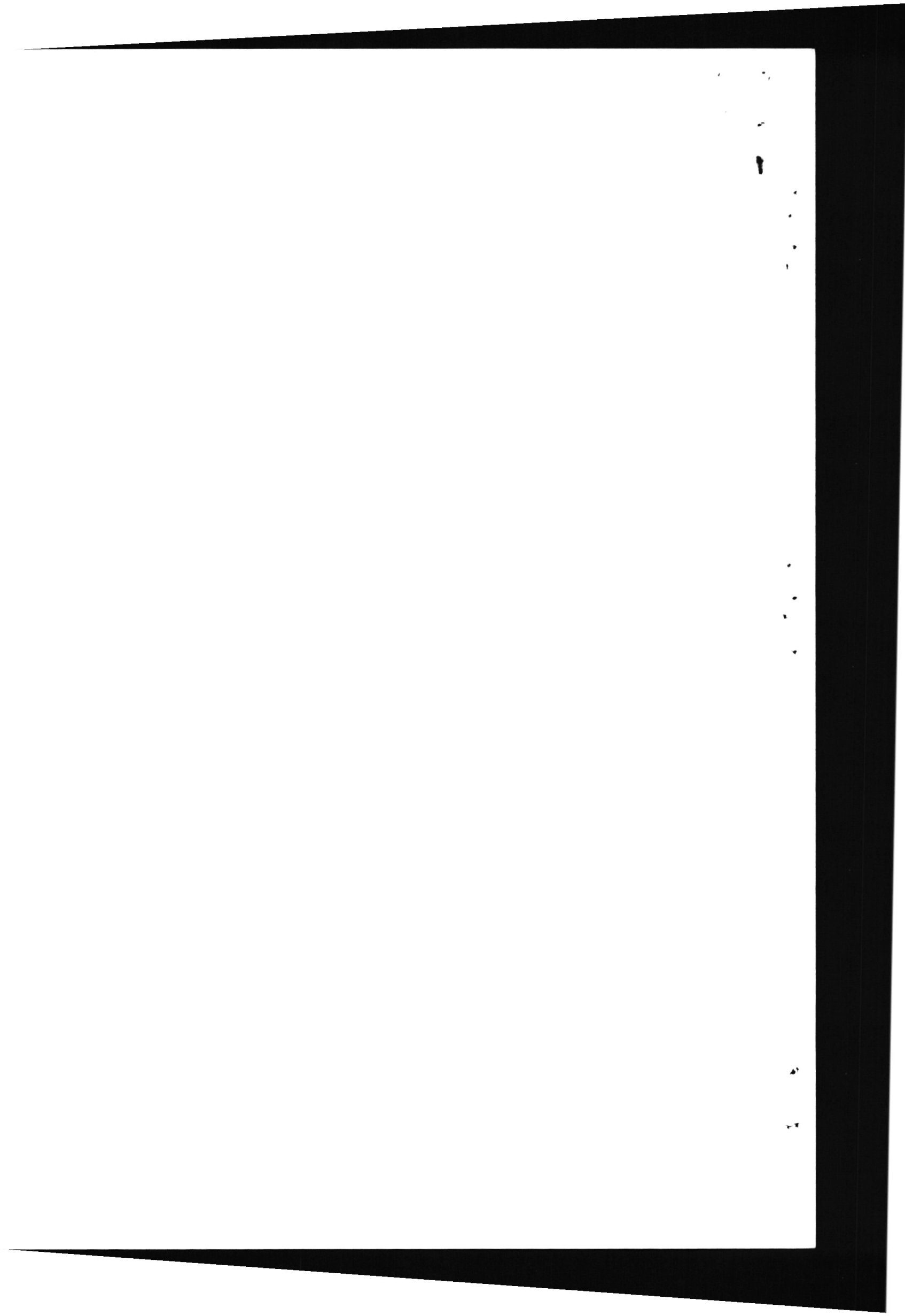
Section 2 of the Bill introduces a new definition of the term, "manipulation of sports competition"	There was no definition of the word/phrase 'manipulation of sports competition'. The definition includes – "a person who missuses insider information for betting or manipulation purposes"	We propose to amend the definition as follows: "a person who misuses insider information for betting or gaming purposes with the intent to <i>manipulate</i> the outcome of the sporting event"	Refining the definition to ensure that there is clarity. Further we propose to also include licensed operators who offer off the course and on the course betting and gaming services as well as the GRA who are the regulators.
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Section 3 of the Bill amends the Act in Section 4 by addition of the following paragraphs immediately after paragraph (p)– (pa) to receive any reports from any person who suspects acts of manipulation in any sports competition; (pb) to conduct manipulation collaboration investigations of alleged in sports competition with other investigative agencies. Section 3 (b) of the Bill amends the Act in Section 4 (1) by inserting sub-section (2) (2) “the investigations referred to in (section 4) subsection (1) (pb) shall be conducted within six months of receiving the report on manipulation of a sports competition”	None	Propose to include the following immediately after the Section 3 (b) of the Bill. “where the investigations relate to a betting and gaming transaction or entity, the GRA and Official from AGOK will be included as interested parties in such determinations”	This will ensure that the entity that is being investigated is offered a fair hearing and also inclusion of the regulator in charge of betting and gaming in Kenya who is also mandated under law to hear and determine disputes will ensure that this Bill does not conflict with the other existing legislations.
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Section 4 (b) of the Bill, amend the Act in Section 58, by including new sub paragraph (d) The Tribunal shall determine- (d) appeals from the decisions of Sports Kenya in relation to manipulation of sports competitions.	None	Propose to include the following immediately after the clause. "where an appeal relates to a betting and gaming transaction or entity, the GRA and Official from AGOK will be included as interested parties in such determinations"	This will ensure that the entity that is being investigated is offered a fair hearing and also inclusion of the regulator in charge of betting and gaming in Kenya who is also mandated under law to hear and determine disputes will ensure that this Bill does not conflict with the other existing legislations.
Section 5 of the Bill amends Section 64 of the Act by inserting a new section 64A (4) <i>"Where the offender gains any proceeds or benefit as a result of sports manipulation, it shall be subjected to forfeiture"</i>	None	Propose to include the following immediately after the clause. "where such proceeds were as a result of a betting and gaming transaction, the GRA and Official from AGOK will be included as interested parties in such determinations and recovery or forfeiture of the proceeds.	This will ensure that the betting transaction is determined through the existing channels available with the regulator in charge of betting and gaming in Kenya who is also mandated under law to hear and determine disputes will ensure that this Bill does not conflict with the other existing legislations.



3. GENERAL COMMENTS

AGOK notes that sports sponsorship is one of the most important sources of private sector funding for sports in Kenya.

Licensed betting and gaming operators have for many years supported athletes, sports clubs, leagues, federations and sporting events through sponsorship arrangements that have contributed significantly to the growth and development of the sports sector.

However, the current legal framework does not expressly recognize such expenditure as an allowable deduction for income tax purposes. AGOK therefore respectfully urges the Committee to incorporate the proposed amendment recognizing expenditure incurred in sponsoring recognized sports organizations, sports federations, sports clubs, athletes and sporting events as an allowable deduction for income tax purposes.

The proposed amendment will encourage continued private sector investment in sports, provide certainty to sponsors and contribute to the long-term sustainability of sports financing in Kenya.

4. CONCLUSION

AGOK appreciates the opportunity to participate in the consideration of the Sports (Amendment) Bill, 2026 and respectfully urges the Committee to adopt the proposed amendment. The Association remains available to provide any further information or clarification that may assist the Committee in its deliberations.

Yours faithfully,

ASSOCIATION OF GAMING OPERATORS - KENYA (AGOK)

SASA KRNETA
CHAIRMAN



MEMORANDUM TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE ON THE PROPOSED SPORTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2025)

1. INTRODUCTION

The Kenya Academy of Sports (KAS) is a State Corporation established under the Sports Act, 2013 with the mandate to pursue elite sports performance through talent development, personnel training and conducting research and innovation in sports.

The Academy appreciates the opportunity to submit its views on this important Amendment Bill, which seeks to strengthen integrity in sports through criminalization of manipulation of sporting competitions and enhancement of institutional mechanisms for addressing unethical conduct within the sports sector.

KAS recognizes that match manipulation, competition fixing, betting-related corruption, and other forms of unethical conduct pose a significant threat to the credibility, fairness, and sustainability of sport both nationally and internationally. Consequently, the Academy welcomes and strongly supports the proposed legislative amendments.

2. GENERAL POSITION OF THE KENYA ACADEMY OF SPORTS

The Kenya Academy of Sports fully supports the objectives and intentions of the Amendment Bill, sponsored by *Hon. Irene Mayaka MP*. It represents a significant milestone in strengthening sports governance and integrity by:

- i. Establishing a clear legal framework for addressing manipulation of sporting competitions;
- ii. Criminalizing match-fixing and related corrupt practices;
- iii. Protecting athletes, officials, clubs and sporting organizations from exploitation and unethical influence;
- iv. Enhancing public confidence in sports competitions and betting-related activities;
- v. Strengthening investigative and enforcement mechanisms through regulatory agencies;
- vi. Expanding access to justice through the Sports Disputes Tribunal; and
- vii. Aligning Kenya's sports governance framework with international best practices and global integrity standards.

The Academy particularly commends the Bill for introducing comprehensive definitions that cover:

- Offering or receiving bribes to influence competition outcomes;
- Deliberate underperformance;
- Collusion and conspiracy to manipulate results;
- Betting-related corruption;
- Misuse of insider information for sporting or financial gain.

These provisions close existing legal loopholes and create enforceable obligations that elevate fair play from a moral principle to a statutory requirement.

3. OBSERVATIONS ON THE PROPOSED AMENDMENTS

a. Criminalization of Manipulation of Sports Competitions

The Academy supports the proposal to criminalize manipulation of sports competitions. Match-fixing and competition manipulation undermine:

- Fair competition;
- Athlete welfare;
- Public trust;
- Sponsorship confidence;
- Sports investments; and
- National sporting reputation.

Recent allegations involving football and athletics both locally and internationally demonstrate the urgent need for robust legal interventions. The proposed sanctions of fines, imprisonment, forfeiture of gains, suspension and lifetime bans are appropriate deterrent measures and are consistent with international sports integrity frameworks.

b. Strengthening the Mandate of Sports Kenya

Whereas the proposal to empower Sports Kenya to receive, process and investigate reports relating to manipulation of sports competitions is well-intended, the Academy suggests that these matters be handled by a different body, preferably Sports Regulatory Authority, as proposed in the Sports Act 2013 Amendment Bill.

The requirement that investigations be completed within six months will promote efficiency, accountability and timely resolution of cases.

However, successful implementation will require:

- Adequate technical capacity;
- Specialized investigators;
- Sports integrity experts;
- Data analytics capabilities;

- Inter-agency collaboration mechanisms; and
- Sustainable funding.

c. Expansion of the Jurisdiction of the Sports Disputes Tribunal

The Academy supports the expansion of the Sports Disputes Tribunal's jurisdiction to hear appeals arising from decisions relating to sports competition manipulation.

This provision strengthens:

- Access to justice;
- Procedural fairness;
- Due process;
- Accountability of institutions; and
- Confidence among athletes and sports organizations.

The Tribunal remains the most appropriate specialized body for resolving disputes arising within the sports sector.

d. Confiscation of Proceeds Derived from Sports Manipulation

The Academy supports provisions allowing confiscation of financial benefits derived from manipulation of sporting competitions.

Such measures ensure that offenders do not profit from unlawful conduct and reinforce the deterrent effect of the legislation.

4. RECOMMENDATIONS BY THE KENYA ACADEMY OF SPORTS

While fully supporting the Bill, the Academy respectfully proposes that the Committee considers integrating the proposed amendments within the broader ongoing review of the Sports Act, 2013 and the National Sports Policy.

a. Harmonization with the Ongoing Review of the Sports Act, 2013

The Ministry of Youth Affairs, Creative Economy and Sports is currently undertaking reforms aimed at strengthening sports governance through the review of the Sports Act, 2013 and the Sports Policy. The Academy recommends that the provisions of the Sports (Amendment) Bill No. 5 of 2025 be aligned and harmonized with the comprehensive review process to avoid:

- Legislative fragmentation;
- Institutional overlaps;
- Policy inconsistencies; and
- Duplication of mandates.

A consolidated legal framework would provide greater coherence and sustainability in addressing integrity challenges across the sports sector.

b. Integration within the National Sports Policy

The ongoing review of the National Sports Policy presents an opportunity to establish a comprehensive and preventive approach to safeguarding integrity in sports. The Academy proposes that anti-manipulation provisions be embedded within a broader Sports Integrity Framework encompassing:

- Ethics and integrity education;
- Anti-corruption measures;
- Safeguarding in sports;
- Anti-doping initiatives;
- Responsible betting awareness;
- Athlete protection mechanisms;
- Whistleblower protection systems; and
- Good governance standards.

c. Inclusion of the Kenya Academy of Sports in the Institutional Framework

The Academy respectfully proposes that it be formally enjoined within the institutional framework for preventing and combating manipulation of sporting competitions. As the national institution mandated to undertake sports education, research, training and capacity development, KAS is strategically positioned to contribute to prevention efforts through:

i. Education and Awareness

Development and delivery of training programmes for:

- Athletes;
- Coaches;
- Other technical officials/administrators;
- Sports federations;
- Parents;
- Sports agents; and
- Betting stakeholders.

ii. Research and Intelligence

Undertaking research on:

- Emerging integrity threats;
- Match-fixing trends;

- Betting-related risks;
- Vulnerability assessments; and
- Evidence-based policy interventions.

iii. Capacity Building

Supporting stakeholders through specialized training on:

- Sports integrity;
- Ethics;
- Governance;
- Safeguarding;
- Reporting mechanisms; and
- Investigative procedures.

iv. Development of Integrity Curricula

Mainstreaming sports integrity education into talent development programmes, sports academies and coach education frameworks.

d. Establishment of a National Sports Integrity Framework

The Academy recommends establishment of a multi-agency National Sports Integrity Framework comprising:

- Ministry responsible for Sports;
- Sports Kenya;
- Kenya Academy of Sports;
- Sports Registrar;
- Sports Disputes Tribunal;
- Directorate of Criminal Investigations;
- Ethics and Anti-Corruption Commission;
- Betting Control and Licensing Board;
- Sports Federations; and
- Other relevant stakeholders.

Such a framework would enhance coordination, information sharing and collective action against manipulation of sporting competitions and related unethical practices.

e. Protection of Whistleblowers

The Academy recommends inclusion of explicit provisions protecting individuals who report suspected manipulation of sporting competitions.

Whistleblower protection mechanisms should safeguard individuals against:

- Victimization;
- Retaliation;
- Intimidation;
- Harassment; and
- Career-related discrimination.

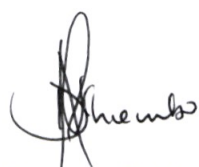
5. CONCLUSION

The Kenya Academy of Sports commends the National Assembly and the Bill Sponsor for introducing the Sports (Amendment) Bill.

The proposed legislation addresses a critical governance challenge facing modern sport and will significantly strengthen integrity, transparency, accountability and public confidence within Kenya's sporting ecosystem.

The Academy fully supports the Bill and its objective of criminalizing manipulation of sporting competitions. However, the Academy respectfully recommends that the proposed amendments be considered within the broader ongoing review of the Sports Act, 2013 and the National Sports Policy, which provide an opportunity to establish a more comprehensive and sustainable institutional framework for addressing match manipulation, safeguarding concerns, corruption, unethical conduct and other integrity-related threats in sport.

The Kenya Academy of Sports further proposes its inclusion within the national sports integrity architecture to support education, research, capacity building and preventive interventions aimed at preserving the integrity and credibility of sport in Kenya.



Dr. Doreen Odhiambo, PhD.,
CHIEF EXECUTIVE OFFICER.

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AK/MOSCAH/VOL. 1/2/2025

Thursday, May 21, 2026

Clerk of the National Assembly
Parliament Buildings
NAIROBI

Attn: Peter K. Chemweno, OGW

Dear

Sir,

**RE: SUBMISSIONS TO THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE
ON THE VIEWS ON THE SPORTS (AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL
NO.5 OF 2026) SPONSORED BY THE HON. IRENE MAYAKA, M.P.**

We acknowledge with receipt of your letter Ref: NA/DDC/S&C/2026/ (21) inviting Athletics Kenya to submit its views and recommendations on the Sports (Amendment) Bill (National Assembly Bill No. 5 of 2026), sponsored by Hon. Irene Mayaka, M.P.

In compliance with your request and within the stipulated timelines, we hereby forward the twenty (20) hard copies of the submissions. We have further transmitted documents via email in accordance with the requirements outlined in your letter.

We trust that our submissions will contribute meaningfully to the Committee's deliberations and to the continued strengthening of Kenya's sports governance.

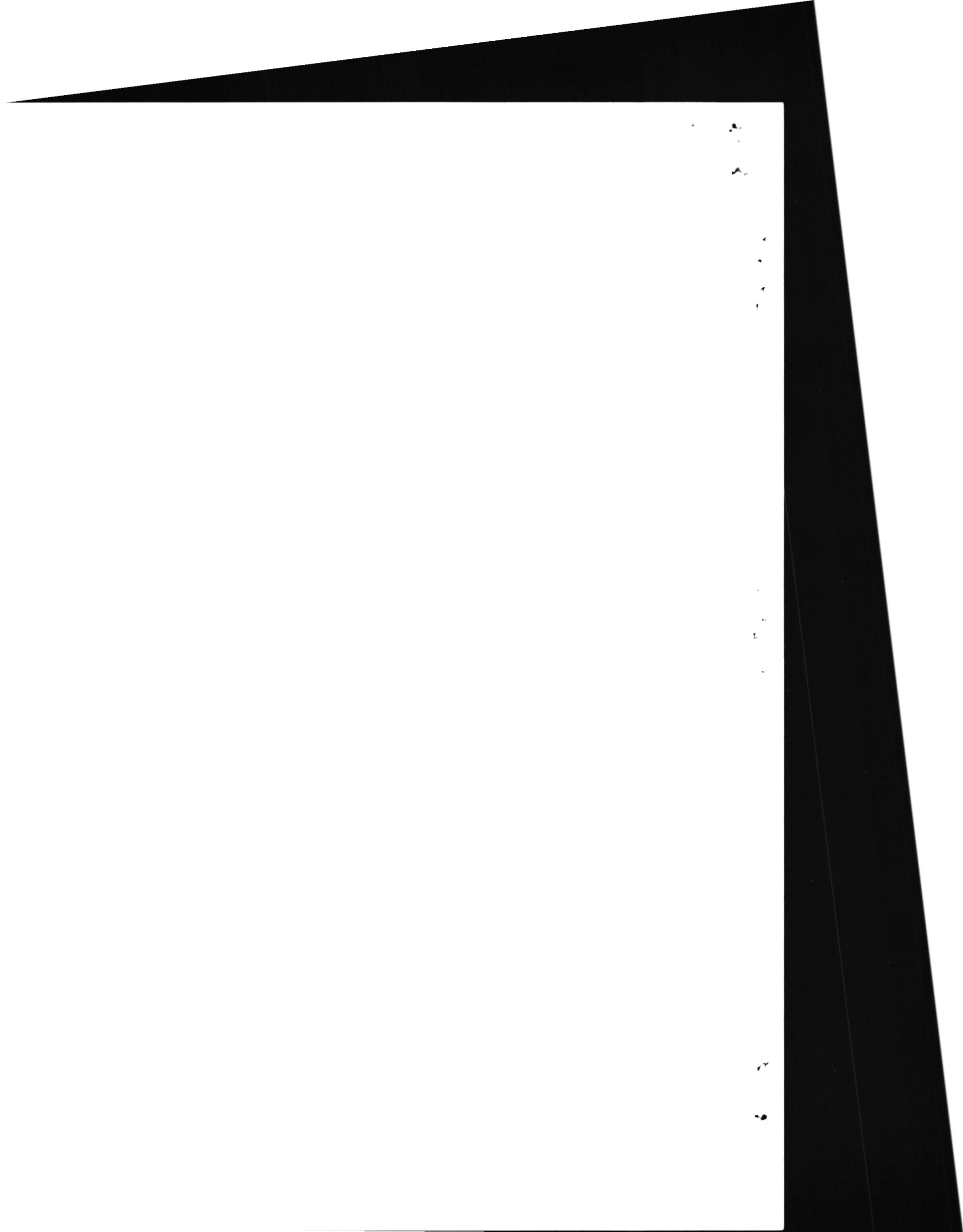
Thank you for your continued support.
Yours faithfully,

SUSAN K. KAMAU
CHIEF ADMINISTRATIVE OFFICER.



Cc:
Hon. Salim Mvurya, EGH
Cabinet Secretary
Ministry of Youth Affairs, Creative Economy and Sports
Nairobi

President Lt. Gen (Rtd) Jackson K. Tuwei (MGH, CBS, DCO)	Senior Vice President Paul Mutwii	Vice Presidents Jinaro Kibet Fatma Awale	CAO Susan Kamau	Hon. Treasurer David Miano	Ass. Treasurer Dimmy Kisalu
PRO Evans Bosire	Members Benjamin Njoga Barnaba Korir Elizabeth Keitany	Life Members Rep Patrick Sang	Ex.officio Commissioner of Sports		





TEMPLATE FOR SUBMITTING COMMENTS ON THE DRAFT NATIONAL SPORTS POLICY AND DRAFT SPORTS BILL, 2026

NAME OF THE INSTITUTION				
ATHLETICS KENYA				
SPECIFIC COMMENTS				
S/No	Section of the Draft Policy/Bill	Comments	Rationale for the Recommendation	Recommendation
1.	There is absence of a clear, enforceable Education, Sport Integration Framework For example in Chapter Four: The Education Sports Nexus (Sections 4.1–4.5) Executive Summary (pp. 7–9) The Report repeatedly affirms that “education constitutes the primary entry point into sport” and that “schools are the foundation	While the Report strongly diagnoses the education and sport disconnect, it does not propose a binding inter-sectoral policy instrument (e.g. a joint Education–Sports Framework or regulation) that compels coordination between: Ministry of Education Ministry of Sports TSC HELB	Reliance on goodwill and coordination committees (see Section 10.4) is weak in a devolved system. There is no mandatory integration mechanism embedded in education sector planning, financing, or performance Despite recognising education as the foundation of sports	1.1 Establish a Binding Inter-Ministerial Framework. Develop a Joint for Education and Sport Policy Framework adopted by Cabinet. Mandate coordination between: Ministry of Education Ministry of Sports Ministry of Health TSC HELB

	of sports growth” (Chapter 4.1).		development, the Report does not establish a binding policy or regulatory framework to operationalise education and sport integration across ministries and agencies, leaving coordination largely discretionary. (Chapter Four; Chapter Ten)	1.2 Institutionalise Coordination Mechanisms Operationalise the proposed Standing Inter-Ministerial Committee on Sport, Education and Health with: Legal anchoring Defined reporting obligations Annual performance targets 1.3 Align Planning & Budgeting Require integration of sports objectives into: Education Sector Plans Medium-Term Plans Performance Contracting
2.	Weak Policy Safeguards for Physical Education under CBC. Chapter 4.2: The Competency Based Curriculum and Physical Education Synthesis of Findings, Chapter Nine (9.3)	The Report identifies the risk, but: - Does not propose minimum instructional time for PE - Does not require ring fenced PE	While the Report acknowledges that CBC rationalisation has weakened the institutional status of Physical Education, it does not propose enforceable policy safeguards to prevent	2.1 Create Minimum Instructional Time Legislate or regulate mandatory PE contact hours per week. 2.2 Protect PE from Displacement

	• PE is no longer examinable and is merged into Creative Arts and Sports. • PE lessons are often displaced by examinable subjects. • Teacher retooling has not been systematically implemented.	staffing or resourcing • Does not propose PE performance indicators in school inspection systems This matters because: PE is described as “the backbone of sports careers” yet lacks enforceable protection.	marginalisation of PE within schools. (Section 4.2; Section 9.3)	Issue policy directive preventing substitution of PE with examinable subjects. 2.3 Ring Fence PE Resources Provide: Dedicated PE teachers / specialists Equipment & facilities standards 2.4 Integrate PE into Quality Assurance Include PE indicators in: School inspections Curriculum audits
3.	Collapse of Talent Pathways After Secondary Education Chapter 4.5: Continuity Beyond Secondary Education Executive Summary (p. 8) Chapter Nine (9.3)	Talent identification works well in schools. Pathways “largely terminate at the end of secondary education.” University and college leagues are fragmented and under resourced. HELB does not recognise sports talent.	There is no national post-secondary sports pathway policy. No requirement for: Sports scholarships HELB scoring for sports excellence Institutionalised tertiary leagues Policy Gap Statement: The Report diagnoses systemic attrition of talent after secondary education but	3.1 National Post-Secondary Sports Pathway Policy Define structured progression linking: Schools → TVETs → Universities → Elite sport 3.2 Sports Scholarships Framework Establish national and county scholarship schemes for talented athletes. 3.3 HELB Reform

			stops short of proposing a national post-secondary sports pathway policy anchored in higher education financing, governance, and performance systems. (Sections 4.5; 9.3)	Revise Means Testing Instrument to recognise: Sports talent Sports excellence Dual career burdens 3.4 Strengthen Tertiary Leagues Institutionalise: University leagues TVET leagues National competition calendars
4.	Unclear Ownership and Regulation of Sports Academies Chapter 4.4: Sports Academies and Talent Pathways Chapter Six (6.3) What the Report says: Ambiguity exists on whether public sports academies fall under: Ministry of Education or Ministry of Sports	The Report proposes elevation of Kenya Academy of Sports into a Council for Sports Education, but: Does not clarify transition arrangements Does not define county-level academy regulation Does not address private academy licensing enforcement Policy Gap Statement:	Although the Report recognises governance ambiguity around sports academies, it does not provide a comprehensive policy framework clarifying ownership, regulatory jurisdiction, and accountability across national and county governments. (Section 4.4; Section 6.3)	4.1 Define Institutional Mandates Clarify: Public academies → Education or Sports? Roles of counties vs national government 4.2 Licensing & Accreditation System Introduce mandatory: Registration Safeguarding compliance Minimum technical standards 4.3 Transition Plan for Council for Sports Education (CSE) Define:

				Migration from Kenya Academy of Sports Accreditation authority County oversight linkages
5.	Weak Operationalisation of Devolution and Unbundling of Functions Chapter Ten, Section 10.5: Unbundling of Sports Functions Public Participation Chapter Eight The report indicates Sport is a concurrent function whereas Overlaps and duplication persist. Council of Governors engagement was necessitated due to “gridlock” Or opposing functions.	No functional assignment matrix is provided. There are no clear guidance on: • Who builds and manages which facilities, • Who regulates grassroots sport • How joint funding should work	While the Report recognises the concurrent nature of sports under devolution, it does not provide a detailed functional unbundling matrix or binding intergovernmental framework to guide planning, budgeting, and accountability between national and county governments. (Section 10.5; Chapter Eight)	5.1 Develop Functional Assignment Matrix Clearly specify: Function National Govt County Govt Policy & standards Grassroots sport delivery National teams & elite sport Community facilities Major stadia (national) County stadia 5.2 Intergovernmental Sports Framework Joint planning Co -funding rules Dispute resolution 5.3 Align Budgeting Frameworks to Prevent national/county duplication in IFMIS & programme structures.

6.	Safeguarding and Welfare Lacks Enforcement Architecture Chapter Six: Sports Medicine, Safeguarding and Welfare Chapter Seven (Commercialisation Risks) The report indicates that Safeguarding standards are inconsistent. Sportsperson welfare is under-institutionalized	There are no clear: Inspection regime at County level enforcement mechanism, Sanctions, and framework linked to funding or licensing	Although the Report identifies safeguarding and welfare as core obligations, it does not articulate a clear enforcement architecture, inspection regime, or sanction framework applicable across schools, academies, and community sport. (Chapter Six)	6.1 National Safeguarding Standards Mandatory for: Schools Academies Clubs Federations 6.2 Inspection & Compliance Regime Establish inspection authority under regulator (e.g. CSE / Sports Registrar). 6.3 Sanctions Framework Link compliance to: Funding eligibility Licensing Competition and participation 6.4 Sports Medicine Policy Injury management protocols Mental health support Minimum medical coverage at competitions
7.	Commercialisation Without a County Level Economic Model Chapter Seven: Commercialisation	Sport is framed as an economic sector, but: No county sport economic model is proposed	The Report recognises sport as an economic sector but does not provide policy guidance	7.1 National Sports Economy Strategy Identify priority value chains: Events

	and Economic Potential of Sport	No guidance on integrating sport into CIDPs, CFSPs, or county investment plans	on how counties should structure sport-related value chains, enterprise development, or local economic integration under devolution. (Chapter Seven)	Broadcasting Merchandising Sports tourism 7.2 County Sports Economic Models Integrate sport into: CIDPs CFSPs Local economic development strategies 7.3 PPP Frameworks Facility management Event hosting Branding & sponsorship 7.4 Safeguard Against Exploitation Athlete contract standards Agent regulation
8.	Part vii — sports organizations governance and elections. Section 95 (2)	The draft bill states that the officials indicated cannot serve more than two terms. It also needs to consider at least 1/3 gender rule for elective positions.	It is in line with the International federation agenda on gender parity in sports as well as Kenya laws on gender rule.	To add 1/3 gender rule.
9.	Part I. Role of the national government. Section 6 (d) set standards on sports infrastructure and facilities, athlete welfare, sports education, training and governance	Infrastructure standards need to be in line with International federation requirements as advised by the National federation.	The national Government is not able to work on sport standards for facilities without meeting the	The section to add a statement that the National Government to establish the sport facilities that meet

			international federations requirements.	International federation certification requirements.
GENERAL COMMENTS				

1.The Draft Taskforce Report presents a comprehensive and insightful analysis of Kenya’s sports sector, clearly identifying structural challenges and proposing forward-looking reforms.
2. Recognition of Strategic Direction
The emphasis on governance strengthening, safeguarding of athletes, and alignment of sports with education and economic development reflects a progressive and timely policy direction.
3. Positive Outlook
With strengthened implementation frameworks and coordinated stakeholder action, the recommendations outlined have strong potential to transform sports into a more structured, inclusive, and impactful sector.
4. Protection of foreign protocol & Heritage of the sport of athletics
The Draft bill need consider and be specific on violations of diplomatic etiquettes where individuals or group of persons communicate to foreign missions outside the established institutions like the Ministry of diaspora and foreign Affairs or National federation.



REPUBLIC OF KENYA

IN THE TRIBUNAL OF KENYA AT NAIROBI COUNTY

COURT NAME: SPORTS DISPUTES TRIBUNAL

CASE NUMBER: SDTSC/E028/2026

DIRECTIONS

BEFORE HON. ALLAN MOLA OWINYI (DEPUTY CHAIRPERSON)

UPON PERUSAL of the Statement of Claim dated 26th April 2026 and the Verifying Affidavit of Ahmed Abdi Mohamed sworn on 26th April 2026 together with the accompanying documents including the List of Witnesses, Witness Statement and List of Documents;

AND UPON PERUSAL of the Notice of Motion dated 26th April 2026, the Supporting Affidavit of Ahmed Abdi Mohamed sworn on 26th April 2026, together with the Certificate of Urgency filed by Nchogu, Omwanza & Nyasani Advocates, Counsel for the Claimant/Applicant, the Tribunal hereby directs and orders as follows: -

This matter is hereby certified as urgent.

The Tribunal grants a temporary order of injunction restraining the Respondents, whether by themselves, their officials, agents, servants or any persons acting under their authority, from effecting the entire Resolutions as passed on 24th April 2026 until the Mention date stated at Order 6 here below.

The Applicant shall serve upon the Respondents and the Interested Parties with the Statement of Claim and the Notice of Motion and all their accompanying documents, together with this Order by 12.00pm on 29th April 2026. The service shall be effected through physical or via electronic means.

The Respondents and the Interested Parties shall file and serve their responses to both the

The Judiciary of Kenya



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Statement of Claim and the Notice of Motion Application on or before 12.00 p.m on 4th May 2026.
Owing to the exigency of this matter, the Parties may also make oral representations during the
Mention.

The Panel constituted to hear this matter shall be:

i Hon. Allan Mola- Panel Chair

ii Hon. Luke Wamugunda

iii Hon. Victor Omwebu

This Matter shall be mentioned on 5th May 2026 at 02.30 p.m. via Microsoft Teams before the
Tribunal to confirm compliance and for further directions.

SIGNED BY:



THE JUDICIARY OF KENYA.
SPORTS DISPUTES TRIBUNAL
SPORTS DISPUTES TRIBUNAL
DATE: 2026-04-27 12:56:43+03

