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CONTENT

Bill for Introduction into the Senate—	PAGE
The Sports (Amendment) Bill, 2021.....	1075

THE SPORTS (AMENDMENT) BILL, 2021**A Bill for****AN ACT of Parliament to amend the Sports Act to provide for the functions of county governments; and for connected purposes**

ENACTED by the Parliament of Kenya, as follows —

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

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

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

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

PART IA— FUNCTIONS OF THE NATIONAL AND COUNTY GOVERNMENTS

Obligation of the National Government and county governments.

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

Functions of the National Government.

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

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

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

Functions of
county
governments.

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

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

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

4. Section 4 of the principal Act is amended—

Amendment of
section 4 of No. 25
of 2013.

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

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

5. Section 6 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)—

Amendment of section 6 of No. 25 of 2013.

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

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

6. Section 34 of the principal Act is amended—

Amendment of section 34 of No. 25 of 2013.

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

7. Section 35 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)—

Amendment of section 35 of No. 25 of 2013.

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

- (a) holds at least a certificate in

secondary education or its equivalent;

(b) has undertaken a course, whose duration is at least two years, in sports; and

(c) meets the requirements of Chapter Six of the Constitution.

8. Section 37 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)—

Amendment of section 37 of No. 25 of 2013.

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

(a) holds at least a degree from a university recognised in Kenya;

(b) has undertaken a course, whose duration is at least two years, in sports;

(c) has experience in administration of at least five years; and

(d) meets the requirements of Chapter Six of the Constitution.

9. The principal Act is amended by inserting the following new section immediately after section 37—

Insertion of new section 37A in No. 25 of 2013.

Functions of the chief executive officer.

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

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

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

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

10. Section 40 of the principal Act is amended—

Amendment of section 40 of No. 25 of 2013.

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

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

Amendment of section 41 of No. 25 of 2013.

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

Amendment of section 45 of No. 25 of 2013.

13. Section 46 of the principal Act is amended —

Amendment of section 46 of No. 25 of 2013.

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

(3) The Registrar shall not register a body as a sports club unless the body is registered as company under the Companies Act.

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

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

14. The principal Act is amended by inserting the following new section immediately after section 54 —

Insertion of new section 54A in No. 25 of 2013.

Decentralisation of services of the Registrar.

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

15. Section 58 of the principal Act is amended —

Amendment of section 58 of No. 25 of 2013.

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

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

16. Section 64 of the principal Act is amended by deleting the words “five hundred thousand shilling, or

Amendment of section 64 of No. 25 of 2013.

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

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

Legislation by county
governments.

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

MEMORANDUM OF OBJECTS AND REASONS

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

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

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

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

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

Statement on how the Bill concerns county governments

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

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

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

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

Dated 12th November, 2020.

AARON CHERUIYOT,
Senator.

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

2. Interpretation

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

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

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

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

“club members” includes officials and member athletes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Functions of Sports Kenya

The functions of Sports Kenya shall be to—

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

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

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

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

6. Constitution of the Board of Sports Kenya

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

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

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

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

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

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

34. Functions of the Academy

The functions of the Academy shall be to—

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

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

35. Constitution of the Council

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40. Preparation of a Sports Investment Programme

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

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

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

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

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

41. Annual estimates

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

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

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

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

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

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

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

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

45. Sports Registrar

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

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

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

- (b) responsible for the registration and regulation of sports organizations and multi-sports bodies representing sports organizations at the national level, in accordance with the provisions of this Act;
- (c) responsible for the matters relating to the licensing of professional sports and professional sports persons in accordance with the provisions of this Act; and
- (d) responsible for the arbitration of registration disputes between sports organizations.

(3) The Registrar shall keep and maintain a register of the registered sports organizations and such other particulars relating to the registered sports organizations as may be prescribed.

(4) The Registrar shall issue licences for professional sports in accordance with the regulations and the requirements that the Cabinet Secretary may prescribe and any other relevant law.

(5) A copy of an entry in the register certified by the Registrar shall, for purposes of any written law, be prima facie evidence of the facts stated in the certificate.

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

46. Registration of sports organizations

(1) A body shall not operate as a sports organization unless it is registered under this Act.

(2) The Registrar shall register sports organizations as either—

- (a) a sports club;
- (b) a county sports association; or
- (c) a national sports organization.

(3) An application for registration of a national sport organization shall—

- (a) be submitted to the Registrar; and
- (b) be in the prescribed form and shall specify—
 - (i) the name of the sports organization;
 - (ii) the category under which it is to be registered;
 - (iii) the office-bearers of the applicant;
 - (iv) the head office and postal address of the applicant;
 - (v) sources of funding of the applicant;
 - (vi) national and international affiliation, if any; and

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

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

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

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

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

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

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

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

58. Jurisdiction of the Tribunal

The Tribunal shall determine—

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

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

64. Offences and penalties

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