

THE SIAYA COUNTY SPORTS MANAGEMENT BILL, 2021

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SCHEDULE

THE SIAYA COUNTY SPORTS MANAGEMENT BILL, 2020
AN ACT of the County Assembly of Siaya to provide for the
Management, Promotion and Regulation of Sports in Siaya County
and for connected purposes.

ENACTED by the County Assembly of Siaya as follows:-

PART I – PRELIMINARY

1. This Bill may be cited as the Siaya County Sports Management Bill, 2020.

Short title

2. In this Bill, unless, the context otherwise requires –

Interpretations

“**Committee**” means the county Sports Management Committee established by Section 4:

“**Director**” means the Director of the Directorate of Sports Management appointed under Section 7:

“**Directorate**” means Directorate of Sports Management established by Section 4;

“**Fund**” means the County Sports Fund established by section 10;

“**Sports Plan**” means the County Sports Plan referred to in section 9;

“**Local Sports Team**” means sports team that is domiciled in the county with not more than seventy percent of its members being residents of Siaya County and is affiliated to a recognized federation association or sports organization.

3. The objects and purposes of the Act are to-

Object and purpose
of the Bill

a) establish an efficient structure for the management of sports by promoting cooperation amongst agencies with a role in sports, and enhancing their capacities to maintain the provision of essential services during period of sports;

b) require the preparation and implementation of a Sports Plan in accordance with the requirements of this Bill;

- c) vest authority in persons and agencies to act during times of sports in accordance with the Sports Plans approved under this Bill, and to require the observance and implementation of directives given and initiatives taken by persons authorized under this Bill;
- d) Otherwise enhance the capacity of the County Government, relevant agencies and the community to effectively manage the sports.

PART II – COUNTY SPORTS MANAGEMENT STRUCTURE

4. (1) There is established the County Sports Management Committee.

Sports Management
Committee

(2) The Committee shall consist of-

- a) Non-Executive Member appointed by the County Executive Committee Member responsible for Sports with approval of County Assembly who shall be the Chairperson;
- b) Representative of persons leaving with disability from the most representative sports for persons with disability appointed by the Executive Committee Member for the time being responsible for sports with approval of County Assembly;
- c) Two youth representative from both gender actively playing for any local sports team appointed by the Executive Committee Member for the time being responsible for sports with approval of County Assembly;
- d) Three representatives from the most representative County Sports Federation appointed by the Executive Committee Member for the time being responsible for sports with approval of County Assembly;

Composition of
Sports Management
Committee

- e) The County Director of Sports who shall be the Secretary;
- f) A funds administrator who shall also be the secretary to the Board who shall be appointed by the County Executive Member of finance in consultation with the Executive Committee Member for the time being responsible for sports with approval of County Assembly;

3. The Executive Committee Member for the time being responsible for sports and the County Assembly shall in the appointment of members ensure compliance with two thirds gender principle.

5. (1). The Committee shall-

- a) SET policies on Sports Management;
- b) Approve the sports plans;
- c) Review, approve and endorse recommendations of the Director, oversee the application of the County Sports Plan and give any order or direction necessary for the Sports Plan to be implemented;
- d) Implement the national governments policy on Sports response; and
- e) Discharge any other responsibility or exercise any other power as provided by this Act or the county sports plan.
- f) Consider, verify and approve funding for local sports teams and youth activities;
- g) Receive any gifts, grants, donations or endowments made to sports fund and make disbursements therefrom in;
- h) Attract lawful paid activities at the County Sports facilities for the purposes of raising revenue to sustain the facilities;
- i) Raise funds through sports lotteries, investments or any other lawful means;

- j) Ensure that any sports activity carried out for the purpose of the Fund complies with the law;
 - k) Formulate guidelines to achieve the objective of the Fund;
 - l) Provide oversight on the administration and management of the fund.
 - m) Approve the opening and operation of bank account for the Fund;
 - n) Ensure that money held in the Fund, including earnings or accruals is spent only for the purposes for which the Fund is established; and
 - o) Perform such other functions as the committee may deem necessary for the proper discharge of its mandate.
- (2). The Committee shall report quarterly to the County Executive Member responsible for Sports and County Assembly on the status of Sports of the county.
- (3).The conduct and regulation of the business and affairs of the Committee shall be as provided in the schedule.
- (4). Expected as provided in the schedule, the committee may regulate its own procedure.

PART III: THE COUNTY DIRECTORATE OF SPORTS

6. (1). There is established, the Directorate of Sports management which shall be a department in the county public service.

Establishment of the
Directorate

- (2). The Directorate shall –
- a) be the secretariat of the Committee, and
 - b) be under the direct management and supervision of the Committee

- (3). The Directorate shall –

Functions of the Directorate

- a) assess and review all Sports and make appropriate recommendations to the Committee;
- b) prepare and subject to the Committee's approval implement the sport plan;
- c) in collaboration with Sports Kenya coordinate and monitor the implementation of the national and county sports policy;
- d) Ensure that areas in the county in need of sports facilities are identified and measures for their development are undertaken by the departments of the county.
- e) undertake any activity relating to raising the capacity within the county to participate in sports;
- f) ensure that the sports plan is publicized and that all sectors of the community are made aware of the benefits of Sports;
- g) Ensure that a coordinated inter-agency approach is undertaken in relation to all sporting activities.
- h) implement the decisions of the committee and give proper effect to the provisions of this Act and the Sports Plan;
- i) in collaboration with Sports Kenya ensure that preparedness activities are undertaken as required, including public awareness raising, training, simulation exercises, sports planning and establishment of facilities and communications;
- j) identify building and places which could be used as sporting centers or camps in case of and make arrangements for water supply and sanitation for such buildings or places;
- k) Put in place collaboration measures with Sports Kenya or National government agencies.
- l) Advise the county government on all matters relating to sports response.

- m) ensure that such relevant agencies or institutions as may be determined by the Director, prepare their own supports plans;
- n) In collaboration with Supports Kenya assist institutions in the county and the community generally to identify, implement and participate in sports activities and programs.
- o) collate the sports plans prepared under Part 4 and refer them to the committee for approval; and
- p) undertake such activities as are necessary to prepare for responses to sports
- q) In collaboration with Sports Kenya set up and maintain county stadia and sporting facilities.
- r) Promote sports tournaments

(4). The Committee shall, in consultation with the County Public Service board determine such number of staff as may be required for the proper execution of the function of the Directorate.

7. (1) the Sports Directorate shall be headed by a Director of Sports Management.
- (2) The Director shall be appointed by the County Public Service Board through a competitive and transparent process.
- (3) A person shall be appointed as a Director if that person-
- a) Is a Kenyan citizen;
 - b) Is a holder of at least a first university degree in a course relevant to matters of sports management;
 - c) Satisfies the requirement of Chapter Six of the Constitution; and

Director of Sports

- d) Has knowledge, experience and a distinguished career of not less than five years in the relevant field.
- (4). The Director shall be the overall head of the Directorate and shall be responsible for: -
- a) day to day running and operation of the Directorate;
 - b) administration, organization and control of staff of the Directorate
 - c) management of funds, property and affairs of the Directorate;
 - d) implementation of policies and programs of the Directorate and reporting thereon to the committee;
 - e) development of Operational Sports Plans for achieving the objectives of the Directorate; and
 - f) Performance of any other function necessary for the implementation of this Act, as may be determined by the Committee.

PART IV- COUNTY SPORTS PLAN

8. (1) There shall be prepared a Sports Plan for Sports for the county to be called the Siaya County Sports Plan.

The Sports Plan

(2) The Sports plan shall be prepared by the Directorate having regard to the National Government Sports Policy and shall be approved by the Siaya county Assembly.

(3) The sports plan shall include;

- a) Measures to be taken for the organization, coordination and promoting of sporting activities in the County.
- b) Measures to be taken for the Management, protection and preservation of the sports facilities of the County Government.
- c) measures to be taken for the integration of Sports in the development sports plans;

- d) Measures to be taken for the organization of the annual county sports association activities
 - e) the regulations of sporting activities and the minimum standards to be observed in provision of sports facilities;
 - f) roles and responsibilities of different county government departments and other such agencies not being part of the county government structure
- (4) The Sports plan shall be reviewed and updated annually.
- (5) The county Government shall make appropriate provisions for financing the measures carried out in the Sports Plan.

9. The County Government shall

Role of the county
government

- a) ensure that officers and employees are trained for sports;
- b) ensure that resources relating to Sports are so maintained as to be readily available for use;
- c) ensure that all construction of sports projects under it or within its jurisdiction conform to the laid down standards and specifications;
and
- d) Carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the Sport Plan.

**PART V – ESTABLISHMENT AND ADMINISTRATION OF
SIAYA COUNTY SPORTS FUND**

10. (1).There is established a fund to be known as Siaya County Sports Fund
- (2) The fund shall be financed from –
- (a) Such monies appropriated from the County Revenue;

County Sports Fund

(b) Such monies or assets as may accrue to the Directorate in the course of the exercises of its power or the performance of its functions under this Act;

(c) Grants made by the national government or other county governments;

(d) Loans, aid or donation from national or international agencies; and

(e) All monies from any other resource provided or donated or lent to the directorate.

(3) The Fund shall be used towards meeting expenses for implementation of the Sports Plan.

11. The administrator shall be responsible for the running of the day – to – day activities of the Fund

Administrator of the
Fund

12. The administrator shall:-

- a) Prepare accounts for the Fund for each financial year;
- b) Not later than three months after the end of each financial year submit financial statements relating to those accounts to the Auditor General which shall include:-
 - I. The date and amount of each payment from the Fund;
 - II. The person to whom payment was made;
 - III. The purpose to which the payment was made; and
 - IV. Whether the person to whom the payment was made has spent the money for that purpose and statement made to that effect
- c) Present the financial statements to the County Assembly;
- d) Manage, control and administer the assets of the Fund in such manner and for such purposes as to best promote the purpose for which the Fund is established;

Functions of the
Administrator

- e) Manage County Sports activities;
- f) Receive from local sports teams, at least six months before the commencement of every financial year, an annual sports programs of the team and estimated costs of every activity;
- g) Ensure that the earnings of, or accruals to the Fund are retained in the Fund;
- h) Maintain proper records of the Committee's affairs and books of accounts;
- i) Submit quarterly returns and reports to the Committee operations to the Executive Committee;
- j) Make periodic payments to eligible local youth and sports teams for activities sponsored by the County Government.
- k) Enter into contracts on behalf of the Fund;
- l) Supervise and manage operations of the Fund; and
- m) Perform any other function that may be assigned by the Advisory Committee.

13. (1) A local sports team or youth group shall qualify for sponsorship if the team or group—

- a) is registered under the relevant law;
- b) has a bank account in its name;
- c) must have been active and in existence for at least one year; and
- d) has at least seventy percent of its membership drawn from the county.

(2) An application for the funds shall be accompanied by a resolution of a properly constituted meeting of the team or the group and the resolution shall be minuted.

14. (1) A local sports team or youth group seeking support from the Fund shall be registered in accordance with the relevant law and be recognized by the respective sports federation or association.

(2) A local sports team or youth group sponsored by the Fund shall submit to the Advisory Committee the record of expenditure of amounts received from the Fund once every quarter.

Eligibility Criteria
for Sponsorship

Sponsorship
of local sports
teams

15. (1) All disbursement from the Fund shall be approved and minutes by the secretary of the Advisory Committee.
- (2) The Board may impose reasonable conditions, on a particular local sports team or youth group.

PART VI – FINANCIAL PROVISIONS

16. (1) Before the commencement of each financial year, the Directorate shall prepare financial estimates for that year.
- (2) The annual estimates shall make provisions for all the estimated expenditure of the Directorate for the financial year concerned and, in particular shall provide for the-
- a) Funding of training, research and development of activities of the Directorate;
 - b) Funding of education, training and capacity building on sports in the county; and
 - c) Such other matters as the Directorate may consider fit.
- (3) The annual estimates shall be approved by the County Assembly.
- (4) Expenditure of the Directorate shall not be incurred except in accordance with the annual estimates approved under subsection (3).

Estimates

17. (1) The Director shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities.

Maintenance of
Books

- (2) Within a period of three months after the end of each financial year, the committee must submit to the auditor – General the accounts of the Directorate in respect of that year together with-
- (a) a statement of the income and expenditure of the Directorate during that year;

- (b) a statement of the assets and liabilities of the Directorate on the last day of that financial year, and
- (c) the annual accounts of the Directorate must be prepared, audited and reported upon in accordance with the provisions of Article 226 and 229 of the Constitution and the law relating to public audit.

18. The financial year of the Directorate shall be the period of the twelve months ending on the thirtieth June in each year.

Financial Year

19. Any person who –

Offences

- a) obstructs any officer or employees of the county government or Directorate in the discharge of their functions under this Act;
- b) refuses to comply with any direction given by or on behalf of the county government in exercise of the functions under this Act;
- c) knowingly makes a false claim for obtaining any assistance or any other benefits under this Act;
- d) fails to discharge their duties as accorded by this Act; or
- e) Interferes or destroys any equipment meant to achieve the objectives of this Act. Commits an offence and is liable upon conviction to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year, or both.

- 20.** (1) notwithstanding anything in any law to the contrary, no body, or Other person shall exercise any power relating to the control, maintenance, development or protection of any county stadia except where such power has been delegated by the Committee.
- 2) Notwithstanding subsection (1), the Committee shall encourage Community and private sector participation in stadia construction, maintenance and Management under its supervision and guidance.

Maintenance of,
development of, and
protection of stadia

- (3) A person who contravenes the provisions of subsection (1) commits an offence and is liable upon conviction to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding one year, or both.

PART VII- PROVISIONS ON DELEGATED POWERS

21. (1) The county executive committee member responsible for public safety shall, on the recommendation of the Committee, make rules generally for the better carrying out of the provisions of this Act.

Rules

(2) Without prejudice to the generally of the foregoing, such rules may provide for;

- a) prescribing anything required to be prescribed under this Act;
- b) the forms and fees for the purposes of this Act.

3) The principles and standards applicable to the delegated power referred to under Section are those in-

- a) the Statutory Instruments Act, 2013;
- b) the Interpretation and General Provisions Act;
- c) the Constitution and Any National Law;
- d) the General Rules of International Law as specified under Article 2 (5) of the Constitution; and
- e) any treaty and conventional ratified by Kenya under Article 2 (6) of the Constitution.

22. (1) In this section –

(a) “effective date” means the day upon which this Act comes into operation; and

(b) “former department” means the Department or unit responsible for sports within the county public services existing immediately before the effective date.

Transitional

(2) on the effective date, all the funds, assets and other property, both movable and immovable, which immediately before such date were

vested in the former Department, shall by virtue of this subsection, vest in the Committee.

(3) on the effective date, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against the former Department shall, by virtue of this sub-section, be deemed to be vested in, imposed on or enforceable against the Committee.

(4) On the effective date, any person who, immediately before the commencement of this Act was a member of staff of the former department shall be deemed to be a member of staff of the Committee for the unexpired period of his or her service.

(5) Any reference in any written law or in any document or instrument to the former Department shall on and after the appointed day, be constructed to be a reference to the committee.

(6) The annual estimates of the former Department for the financial year in which the effective day occurs shall be deemed to be annual estimates of the Committee for the remainder of that financial year but such estimates may be varied by the Committee in such manner as the Member of the County Executive may approve.

(7) The Administrative Directions made by the former Department or by the Member of the County Executive which are in force immediately before the appointed day shall, on and after such day, have force as if they were directions made by the Committee or the members of the County Executive under this Act.

SCHEDULE
PROVISIONS ON CONDUCT OF AFFAIRS AND BUSINESS OF
THE COMMITTEE

1. The members of the Committee other than *exofficio* members shall, subject to the provisions of this Schedule, hold office for a period of five years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for reappointment for one further them.

Tenure of office

2. A member other than an ex-officio member may.

Vacation of office

a) at any time resign from office by notice in writing to the Governor;

b) be removed from office by the Governor on recommendation of the Committee if the member-

- i. has been absent from three consecutive meeting of the committee without its permission;
- ii. if found to have contravene the provisions of Chapter Six or Thirteen of the Constitution.
- iii. is convicted of a criminal offence that amounts to a felony in Kenya:
- iv. is incapacitated by prolonged physical or mental illness for a period exceeding six months; or
- v. is otherwise unable or unfit to discharge his functions.

3. (1) The Committee shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

Meetings

(2) Notwithstanding sub-paragraph (1), the Chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the committee at any time for the transaction of the business of the Committee.

(3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days' written notice of every meeting of the Committee shall be given to every member of the Committee.

(4) The quorum of the conduct of the business of the Committee shall be half of the total members including the Chairperson or the person presiding.

(5) The members of the Committee shall, during their first meeting after appointment elect one of their numbers to be the Vice chairperson who shall preside whenever the Chairperson is absent, with all the powers of the Chairperson with respect to the meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(7) Subject to sub-paragraph (6), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members thereof.

(8) Subject to the provisions of this Schedule, the Committee may determine its own procedure and the procedure for any committee of the Committee and fro the attendance of other persons at its meeting and may make standing orders in respect thereof.

4. (1) The Committee may establish such committees as it may deem appropriate to perform such functions and responsibilities at it may determine.

Committees of the
committee

(2) The Committee shall appoint the Chairperson of a committee established under sub-paragraph (1) from amongst its members.

(3) The Committee may where it deems appropriate, co-opt any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under sub-paragraph (1) shall be ratified by the Committee.

(5) Without prejudice to the generality of sub-paragraph (1), the Committee shall ensure the establishment of separate committees responsible for-

- a) management issues;
- b) practice issues; and
- c) training and assessment issues

5. (1) A members who has any interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the face thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matters, or be counted in the quorum of the meeting during consideration of the matter.

Disclosure of
interest

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meetings at which it is made.

(3) A member of the Committee who contravenes sub paragraph (1) committees an offence and is liable upon conviction to a fine not exceeding two hundred thousand shillings.

6. Any contract or instrument which, if entered into or executed by a person not being a body corporate would not require to be under seal, may be entered into or executed on behalf of the Committee by any person generally or specially authorized by the Committee for that purpose.

Contract and
instruments

7. (1) The affixing of the common seal of the Committee shall be authenticated by the signature of the Chairperson and the Secretary and any document not required by law to be made under seal and all decisions of the Committee may be authenticated by the signatures of the Chairperson and the Secretary.

Common seals

(2) The Committee shall, in the absence of either the Chairperson of the Secretary in any particular matter, nominate one member of authenticate

the seal of the Committee on behalf of either the Chairperson or the Secretary.

Hon. Francis O. Otiato
Chairperson Justice & Legal Affairs Committee