

SPECIAL ISSUE

Kenya Gazette Supplement No 15 (Vihiga County Acts No 5)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

VIHIGA COUNTY ACTS, 2019

NAIROBI, 6th March, 2020

CONTENT

Act—

PAGE

The Vihiga County Sports Management Act, 2019

1

THE VIHIGA COUNTY SPORTS MANAGEMENT ACT, 2019

No 5 of 2019

Date of Assent 2nd December, 2019

Date of commencement See Section 1

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title
- 2—Interpretations
- 3—Objects and Purpose of the Act

**PART II—ESTABLISHMENT OF THE COUNTY SPORTS
MANAGEMENT STRUCTURE**

- 4—Establishment of Sports Management Committee
- 5—Composition of Sports Management Committee
- 6—Functions of the Sports Management Committee
- 7—Establishment of the Secretariat
- 8—Functions of Secretariat

**PART III—ESTABLISHMENT AND ADMINISTRATION OF
VIHIGA COUNTY SPORTS FUND**

- 9—Establishment of the Fund
- 10—Administrator of the Fund
- 11—Functions of the Administrator

PART IV—COUNTY SPORTS PLAN

- 12—The Sports Plan
- 13—Role of the County Government.

PART V—ELIGIBILITY FOR SPONSORSHIP

- 14—Eligibility criteria for sponsorship
- 15—Sponsorship of local sports teams and youth groups
- 16—Disbursements from the Fund

PART VI—FINANCIAL PROVISIONS

- 17—Sources of Funding

- 18—Estimates
- 19—Administrative Costs
- 20—Maintaining of books
- 21—Financial Year
- 22—Accounts Audit
- 23—Maintenance of, development of and protection of the stadia

PART VII—GENERAL PROVISIONS

- 24—Tenure of office
- 25—Remuneration
- 26—Meeting of the committee
- 27—Removal from office
- 28—Vacation from office
- 29—Filling of vacancy

PART VIII—MISCELLANEOUS PROVISIONS

- 30—Common Seal
- 31—Management of information
- 32—Regulations
- 33—Internal grievances mechanism

THE VIHIGA COUNTY SPORTS MANAGEMENT ACT 2019

AN ACT of the County Assembly of Vihiga to provide for the management, promotion and regulation of sports in the Vihiga County and for related purposes

ENACTED by the County Assembly of Vihiga as follows---

PART I—PRELIMINARIES

Short title

1 This Act may be cited as Vihiga County Sports Management Act, 2019 and shall come into operation upon publication in the *Kenya Gazette*

Interpretations

2 In this Act, unless the context otherwise requires—

“Accounting Standards Board” means the Public Sector Accounting Standards Boards established under section 192 of the Public Finance Management Act,

“Administrator” means the Sports Management Fund Administrator appointed in accordance with Section 10 of this Act,

“Committee” means the County Sports Management Committee established under section 4,

“County means” Vihiga County

“County Assembly” means County Assembly of Vihiga,

“County Government” means County Government of Vihiga,

“Effective date” means the day upon which this Act comes to operation,

“Executive Committee” means Executive Committee pursuant to Article 179 of the Constitution of Kenya,

“Executive member” means the member of the County Executive Committee responsible for Sports,

“Former department” means the department or unit responsible for sports within the county public service existing immediately before the effective date,

“Fund” means the County Sports Fund established by section 10,

“Local Sports Team” means sports team that is domiciled in the County with not more than seventy percent of its members being residents of the County and is affiliated to a recognised federation of association

“Sports” includes all forms of physical or mental activity which, through casual or organized participation, or through training activities, aim at expressing or improving physical and mental well-being, forming social relationship or obtaining results in a competition at all levels

Purpose of the Act

3 Objects and Purposes of the Act---

- (a) to establish an efficient structure for management of sports by promoting cooperation amongst agencies with the role in sports, and enhancing their capabilities to maintain the provision of essential services during periods of sports,
- (b) to require the preparation and implementation of a Sports Plan in accordance with the requirements of this Act,
- (c) to vest in persons and agencies to act during times of sports in accordance with the sports plan approved under this Act, and require the observance and implementation of directives given and initiatives taken by persons authorized under this Act, and
- (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

Establishment of Sports Management Committee

4 There shall be established the County Sports Management Committee

Composition of Sports Management Committee

5 (1) The committee shall consist of---

- (a) non-executive appointed by the County Executive Committee Member responsible for sports member in consultation with the Executive committee who shall be the chairperson,
- (b) a person with disability from the most representative sports association for people with disability to be appointed by the Executive Committee Member for the time being responsible for Sports,
- (c) at least two youth representative from both gender appointed by the Executive Committee Member for the time being responsible for Sports,

- (d) four representatives from the most representative County Sports Federation to be appointed by the Executive Committee Member for the time being responsible for Sports,
- (e) the County Director of Sports who shall be the secretary,
- (f) the Chief Officer for the time being responsible for matters relating to finance,
- (g) the Chief Officer for the time being responsible for matters relating to sports, and
- (h) a Fund Administrator who shall also be the secretary to the Committee who shall be appointed by the County Executive Committee Member for Finance in consultation with the County Executive Committee Member for Sports

(2) The member under Sub-section (1) (e) (f) (g) may appoint alternate members in writing who must be senior officers to represent them in Committee meetings

(3) The County Executive Committee Member time being responsible for Sports shall in the appointment of members ensure compliance with two thirds gender principle

Functions of the Sports Management Committee

6 (1) The committee shall—

- (a) set policies on sports management,
- (b) approve the County Sports Plan,
- (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 government policy on sports response,
- (e) discharge any other responsibility or exercise any other power as provided by this Act of the County Sports Plan,
- (f) consider, verify and approve funding for local sports teams and youth activities,
- (g) receive any gifts, grants, donation or endowments made to the Fund and make disbursements therefrom in,
- (h) attract lawful paid activities at the County Sports Facilities for purposes of raising revenue to sustain the facilities,

- (i) raise funds through sports lotteries, investments or any other lawful means,
- (j) ensure that any sport activity carried out for the purposes of the Fund complies with the law,
- (k) formulate guidelines to achieve the objects of the Fund,
- (f) provide oversight on the administration and management of the Fund,
- (g) approve the opening and operation of bank accounts for the Fund,
- (h) ensure that money held in the Fund, including any earnings or accruals is spent only for the purposes for which the Fund is established, and
- (i) 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 Committee through the County Executive Committee Member responsible for Sports the status of Sports of the County

(3) The conduct and regulation of the business and affairs of the committee shall be as provided for in the general provisions

(4) Except as provided in the general provisions, the committee may regulate its own procedure

Establishment of the Secretariat

7 (1) There shall be established, the Secretariat of Sports Management

(2) The Secretariat shall—

- (a) be under the direct management and supervision of the committee,
- (b) be headed by the Fund Administrator

Functions of the Secretariat

8 (1) The Secretariat shall—

- (a) assess and review all sports and make appropriate recommendations to the committee,
- (b) prepare and subject to the committee for approval the Sports Plan for implementation,
- (c) in collaboration with Sports Kenya co-ordinate 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 Department 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 coordinate inter agency approach is undertaken in relation to all sporting activities across the County,
- (h) implement the decisions of the committee and give proper effect to the provision of this Act and the Sports Plan,
- (i) identify buildings and places which could be used as sporting centers or camps in case of and make arrangements of water supply and sanitation for such buildings,
- (j) advise the County Government on all matters relating to sports response, and
- (k) ensure that such relevant agencies or institutions as may be determined by the Director, prepare their own sports plans,
- (l) promote sports tournaments across the county

PART III—ESTABLISHMENT AND ADMINISTRATION OF VIHIGA COUNTY SPORTS FUND

Establishment of the Fund

9 There is established a Fund known as Vihiga County Sports Fund

Administrator of the Fund

10 The Administrator shall be responsible for the running of the day-to-day activities of the Fund

Functions of the administrator

11 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 made from the Fund,
 - (ii) the person to whom the payment was made,

- (iii) the purpose for which the payment was made, and
- (iv) whether the person to whom the payment was made has spent the money for that purpose and a 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,
- (e) manage county sports facilities,
- (f) receive from local sports teams, at least six months before the commencement of every financial year, an annual sports programme outlining a comprehensive plan of action for the development rehabilitation and maintenance of sports projects or programmes 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 unless the Executive Committee Member directs otherwise,
- (h) maintain proper records of the Committee's affairs and books of accounts,
- (i) submit quarterly returns and reports of 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 the operations of the Fund, and
- (m) perform any other function that may be assigned by the Management Committee

PART IV—COUNTY SPORTS PLAN

The Sports Plan

12 (1) There shall be prepared a Sports Plan for sports for the County to be called the Vihiga County Sports Plan

(2) The Sports Plan shall be prepared by the Directorate having regard to then County Sports Policy and shall be approved by the County Executive Committee

(3) The Sports Plan shall include—

- (a) measure to be taken for the organization, coordination and promotion of sporting activities in the County,
- (b) measure to be taken for the arrangement, protection and preservation of the sports facilities of the County Government,
- (c) measure to be taken for the integration of various sports activities in the sports plans,
- (d) measure to be taken for the organization of the annual county, sub-county and ward sports association activities,
- (e) the regulation of sporting activities and the minimum standards to be observed in provision of sports facilities, and
- (f) roles and responsibilities of different County Government Departments and other such agencies not being part of the county government structure

(4) The Sport 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

Role of the County Government

13 The County Government shall—

- (a) ensure that officers 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 sports plan

PART V --ELIGIBILITY CRITERIA FOR SPONSORSHIP

Eligibility criteria for sponsorship

14 (1) A Local Sports Team shall qualify for sponsorship if the team—

- (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

Sponsorship of local sports teams

15 (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 Committee the record of expenditure of amounts received from the Fund once every quarter

(3) The Executive Committee Member responsible for Sports shall prescribe the requisite forms in the regulations for the teams that require sponsorship

Disbursement from the funds

16 (1) All disbursement from the Fund shall be approved and minuted by the Secretary of the Committee

(2) The Committee may impose reasonable conditions, on a particular local sports team or youth group

PART VI—FINANCIAL PROVISIONS

County Sports Fund

17 (1) The fund shall be financed from—

- (a) such monies appropriated from the County Revenue,
- (b) such monies appropriated or assets as may accrue to the Fund in the course of the exercise of its powers 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 source provided or donated or lent to the directorate

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

Estimates

18 (1) Before the commencement of each financial year, the Committee shall prepare financial estimates for that year

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

- (a) funding of training , research and development of activities of the Committee,
- (b) funding of education, training and capacity building on sports in the county, and
- (c) such other matters as the Committee may consider fit

(3) The annual estimates shall be approved by the County Assembly

(4) Expenditure of the Committee shall not be incurred except in accordance with the annual estimates approved under sub section (3)

Administration costs

19 The administrator may use a maximum of three percent of the approved Budget of the Fund to cover its administrative costs

Maintaining of book

20 (1) The Fund Administrator shall cause to be kept proper books and records of Accounts of the income, expenditure, assets and liabilities

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

Financial year

21 (1) The financial year of the Directorate shall be the period of twelve Months ending the thirtieth June each year

Accounts audit

22 (1) The Committee shall keep proper books of accounts of the income, expenditure, assets and liabilities of the fund, and shall in this regard be subject to the provisions of any other law

(2) The annual accounts of the Committee referred to in sub-section (1) shall be audited and reported upon in accordance with Public Finance Management Act, 2012

Maintenance of, Development of and protection of stadia

23 (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

(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—GENERAL PROVISIONS

Tenure of office

24 Every member of the Committee, shall hold office on a part time basis for a Three years but may be eligible for re-appointment once

Remuneration

25 The committee shall be paid such allowances in accordance with established county Salaries and Remuneration Commission guidelines

Meeting of the Committee

26 (1) The Sports Fund committee shall have four meetings 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

(2) Meetings shall be convened by the chairperson and shall be held at such times and such places as the chairperson determines

(3) The Chairperson shall preside over all the meetings and in his absence the Vice-Chairperson. In the absence of both the chair and vice chairperson, a member elected by members of the committee to preside over the day's meeting

(4) The Chairperson may at any time convene a special meeting of the Committee as the case may be, shall do so within one month of the receipt by the chairperson of a written request signed by at least five other members

Removal from Office

27 (1) A member may be removed from office on recommendation of the County Executive committee or in the case of—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity,
- (b) gross misconduct,
- (c) incompetence or negligence, or
- (d) absence from three consecutive meetings of the Committee without a reasonable explanation,
- (e) violation of the Constitution or any written law

(2) Before the County Executive Committee takes a decision under sub-section (1), a member shall be given an opportunity to defend the allegations made against him/her

Vacation from Office

28 A person ceases to be a member of the committee if the member—

- (a) resigns in writing to the County Executive committee
- (b) is convicted of a criminal offence and sentenced to a term of more than six months,
- (c) is declared bankrupt, or
- (d) dies

Filling of vacancy

29 Where a vacancy occurs in the membership of the Committee, appointment of a new Member shall be done in accordance with the provisions of this Act

Common seal

30 (1) The Common seal of the committee when affixed to a document and authenticated is officially noticed and unless the contrary is proved, an order or authorization of the Committee under this section is presumed to have been given

(2) The common seal shall be under the custody of the Fund Administrator

PART VIII— MISCELLANEOUS PROVISIONS

Management of information

31 (1) The Committee shall publish and publicize all important information within its mandate

(2) A request for information in the public interest by a citizen —

- (a) shall be addressed to the Chief Executive Officer or such other person as the Fund may for the purpose designate and may be subject to the payment of a reasonable fee in instances where the Fund incurs an expense in providing the information, and
- (b) may subject to confidentiality requirements of the Fund
- (3) Subject to Article 35 of the Constitution, the Fund may decline to give information to a person where —
 - (a) the request is unreasonable in the circumstances,
 - (b) the information requested is at a deliberative stage by the fund,
 - (c) failure of payment of the prescribed fee, or
 - (d) the person fails to satisfy any confidentiality requirements by the Fund
- (4) The right of access of information under Article 35 of the Constitution is limited to the nature and extent specified under this section

Regulations

32 The County Executive Committee Member may, in consultation with the Committee and with the approval of the County Assembly, make regulations generally for the effective carrying out of the Provisions of this Act

Internal grievances mechanism

33 (1) The Committee shall establish an internal grievance mechanism to address any complaint brought against the County Sports Fund

(2) The County Executive in consultation with the Committee shall, within ninety days of the commencement of this Act make rules of procedure with respect to the internal grievance mechanism established under Sub-section (1)

(3) The rules of procedure made under Sub-section (2) shall be in accordance with Article 47 of the Constitution and shall make provisions with respect to investigation and determination of any complaint against the Fund

(4) Without prejudice to the generality of Sub-section (3), the rules of procedure shall provide for the—

- (a) procedure to be observed in lodging a complaint,
- (b) manner in which the complaint is to be investigated, and
- (c) manner in which appeals are to be made where an aggrieved party is dissatisfied