

SPECIAL ISSUE

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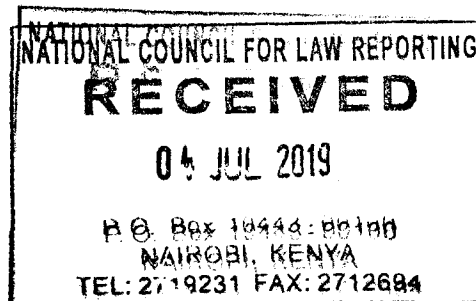
NAIROBI, 18th June, 2019

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THE SPORTS (AMENDMENT) ACT

No. 7 of 2019

Date of Assent: 12th June, 2019

Date of Commencement: 2nd July, 2019

AN ACT of Parliament to amend the Sports Act, 2013

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Sports (Amendment) Act, 2019. Short title.

2. The Sports Act, in this Act referred to as “the principal Act,” is amended in section 2 by— Amendment of section 2 of No.25 of 2013.

- (a) deleting the definition of “Board of Trustees”;
- (b) deleting the words “the National Sports Fund Board of Trustees,” appearing in the definition of “sports institutions”;
- (c) inserting the following new definition in its proper alphabetical sequence—

“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;

3. Section 6 of the principal Act is amended in subsection (1) by deleting paragraph (g).

4. Section 11 of the principal Act is amended by deleting paragraph (c) and substituting therefor the following new paragraph— Amendment of section 11 of No.25 of 2013.

“(c) an amount out of the Fund for the promotion of and development of sports;”

5. The principal Act is amended by repealing Part III. Repeal of Part III of No.25 of 2013.

6. Section 38 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (b)— Amendment of section 38 of No.25 of 2013.

“(ba) an amount out of the Fund for the promotion of and development of sports;”

7. Section 40 of the principal Act is amended by—Amendment of
section 40 of
No.25 of 2013.

- (a) in subsection (3) by deleting the words “comprising estimates of expected maintenance, development and capital expenditure of the respective institution in the said financial year to be financed by the National Sports Fund” appearing immediately after the words “financial year”;
- (b) in subsection (4) by deleting the words “Board of Trustees” appearing immediately after the words “Sports Kenya”.

8. Section 44 of the principal Act is amended by deleting the words “Board of Trustees” appearing immediately after the word “Board”.Amendment of
section 44 of
No.25 of 2013.**9. Section 62 of the principal Act is amended —**Amendment of
section 62 of
No.25 of 2013.

- (a) in subsection (1) by deleting the words “Board of Trustees” appearing immediately after the word “Board”;
- (b) in subsection (2) by deleting the words “Board of Trustees” appearing immediately after the word “Board”;

10. Section 70 of the principal Act is amended by deleting paragraph (c).Amendment of
section 70 of
No.25 of 2013.**11. The Third Schedule to the principal Act is amended—**Amendment to the
Third Schedule of
No.25 of 2013.

- (a) by deleting the words “Board of Trustees” appearing in the heading of the Third Schedule;
- (b) in paragraph 1 —
 - (i) by deleting the words “Board of Trustees” whenever they occur in subparagraph (1);
 - (ii) deleting the words “Board of Trustees” appearing immediately after the word “Board” in subparagraph (2);
 - (iii) deleting the words “Board of Trustees” appearing immediately after the word “Board” in subparagraph (3);
 - (iv) deleting the words “Board of Trustees” appearing immediately after the word “Board” in subparagraph (4);

- (c) in paragraph 2—
 - (i) deleting the words “Board of Trustees” appearing immediately after the word “Board” in subparagraph (1);
 - (ii) deleting the words “Board of Trustees” appearing immediately after the word “Board” in subparagraph (2);
- (d) in paragraph 3—
 - (i) deleting the words “Board of Trustees” appearing immediately after the word “Board” in subparagraph (1);
 - (ii) by deleting the words “Board of Trustees” whenever they occur in subparagraph (2);
- (e) in paragraph 4—
 - (i) by deleting the words “Board of Trustees” whenever they occur in subparagraph (1);
 - (ii) by deleting the words “Board of Trustees” whenever they occur in subparagraph (2);
- (f) in paragraph 5 by deleting the words “Board of Trustees” appearing immediately after the word “Board”;
- (g) in paragraph 6—
 - (i) by deleting the words “Board of Trustees” whenever they occur in subparagraph (1);
 - (ii) by deleting the words “Board of Trustees” whenever they occur in subparagraph (2);
 - (iii) deleting the words “Board of Trustees” appearing immediately after the word “Board” in subparagraph (3);
 - (iv) deleting the words “Board of Trustees” appearing immediately after the word “Board” in subparagraph (4);
 - (v) deleting the words “Board of Trustees” appearing immediately after the word “Board” in subparagraph (5).
- (h) in paragraph 7 by deleting the words “Board of Trustees” appearing immediately after the word “Board”.

12. The Fourth Schedule of the principal Act is amended—

Amendment to the
Fourth Schedule
of No.25 of 2013.

(a) by inserting the phrase “PART I” immediately after the words “TRANSITIONAL PROVISIONS”;

(b) by inserting the following part immediately after paragraph 9—

PART II

Transfer of assets and liabilities.

10. On the coming into operation of this Act all property, assets, rights, liabilities, obligations, agreements and other arrangements existing at the commencement of this Act and vested in, acquired, incurred or entered into by or on behalf of the National Sports Fund Board of Trustees existing immediately before the commencement of this Act, shall upon the commencement of this Act be deemed to have vested in or to have been acquired, incurred or entered into by or on behalf of the Government to the same extent as they were enforceable by or against the National Sports Fund Board of Trustees before the commencement this Act.

Transition of staff.

11. (1) Subject to paragraph (4), a person who, immediately before the commencement of this Act, was an employee of the Government serving in the National Sports Fund Board of Trustees shall serve in the Sports, Arts and Social Development Fund.

(2) Subject to paragraph (4), a person who, immediately before the commencement of this Act, was serving on contract in the National Sports Fund Board of Trustees shall, at the commencement of this Act, serve in the Sports, Arts and Social Development Fund for the unexpired period, if any, of the term.

(3) Despite Regulation (1), employees of the Government in the National Sports Fund Board of Trustees immediately before the commencement of this Act shall, upon the commencement of this Act, be given an option to serve the Sports, Arts and Social Development Fund and if not appointed by the Administrator be redeployed in the Public Service.

(4) Before appointing a person to whom paragraph (1) applies, the Administrator in consultation with the Public Service Commission shall—

- (a) require such person to make an application for employment or appointment to the Sports, Arts and Social Development Fund; and
- (b) using the criteria determined by the Public Service Commission, vet such a person to ensure that he or she is fit and proper to serve in the position applied for as a member of staff of the Sports, Arts and Social Development Fund.

(5) An applicant who was serving on contract under paragraph (1) who fails to meet the vetting criteria under paragraph (4), shall be allowed to serve for the remaining period of the contract or his or her services terminated in accordance with the terms and conditions of his contract.

(6) A person who, immediately before the commencement of this Act, was an employee of the of the Government in the National Sports Fund Board of Trustees immediately before the commencement of this Act who fails to meet the vetting criteria under paragraph (4), may deployed in the public service.

(7) Notwithstanding the provisions of this Act, and for as long as the Administrator has not appointed staff to perform the functions of the Sports, Arts and Social Development Fund, the staff of the National Sports Fund Board of Trustees shall continue to perform those functions and their acts shall be deemed to be those of the Sports, Arts and Social Development Fund.

