

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2016**

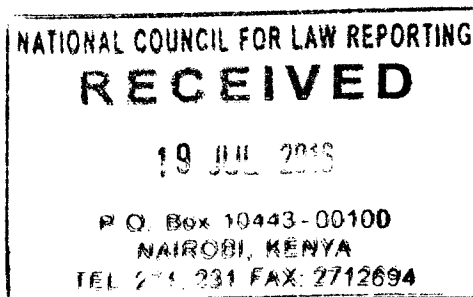
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**NAIROBI, 19th May, 2016**

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**THE ANTI-DOPING (AMENDMENT) BILL, 2016**

**A Bill for**

**AN ACT of Parliament to amend the Anti-Doping Act  
and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Anti-Doping (Amendment) Act, 2016 and shall come into force upon publication in the Gazette.

Short title.

2. The Anti-Doping Act, 2016, hereinafter referred to as the “principal Act” is amended in section 2—

Amendment of section 2 of No. 5 of 2016.

(a) by deleting the definition of the word “attempt”.

(b) by deleting the definition of the word “health care practitioner”;

(c) by deleting the definition of the word “national level athlete” and substituting therefor the following new definition –

“national level athlete” means athletes who compete in sport at the national level, as defined by each national anti-doping organisation, consistent with the International Standard for Testing and Investigations. In Kenya, national-level athletes are defined as any athletes who –

(i) participate in the national leagues, county leagues, events or competitions organized by their federations or by any sports organisation or club;

(ii) are affiliated to a federation, national league, county league, sports organisation or club; or

(iii) participate in competitions or events organized by schools, colleges or other institutions;

(d) by deleting the definition of the word “out-of-competition testing”;

(e) by deleting the definition of the word “prohibited association” and substituting therefor the following new definition –

“prohibited association” means association by an athlete or other person subject to the authority of an anti-doping organisation in a professional or sport-related capacity with any athlete support person who, if subject to the authority of an anti-doping organization, is serving a period of ineligibility, or, if not subject to the authority of an anti-doping organisation, and where ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such person;

- (f) by deleting the definition of the word “trafficking” and substituting therefor the following new definition —

“trafficking” means selling, giving, transporting, sending, delivering or distributing, or possessing for any such purpose, a prohibited substance or prohibited method (either physically or by any electronic or other means) by an athlete, athlete support person or any other person subject to the jurisdiction of an anti-doping organisation to any third party;

Provided, however, this definition shall not include the actions of “*bona fide*” medical personnel involving a prohibited substance used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving prohibited substances which are not prohibited in out-of-competition testing unless the circumstances as a whole demonstrate such prohibited substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance;

- (g) by inserting the following new definition in the proper alphabetical sequence—

“out-of-competition” means any period when not in-competition;

3. Section 3 of the principal Act is amended in paragraph (b) —

- (a) by deleting subparagraph (i) and inserting therefor the following new subparagraph —

Amendment of  
section 3 of No. 5  
of 2016.

- (i) athletes and athlete support personnel who are members or licence holders of any national federation in Kenya, or of any member or affiliate organisation of any national federation in Kenya including any clubs, teams, associations or leagues;
- (b) by deleting subparagraph (ii) and substituting therefor the following new subparagraph —
  - (ii) athletes and athlete support personnel who participate in such capacity in events, competitions and other activities organized, convened, authorized or recognized by any national federation in Kenya, or by any member or affiliate organisation of any national federation in Kenya including any clubs, teams, associations or leagues, wherever held.

4. Section 5 of the principal Act is amended by inserting the following new subsection immediately after subsection (2) —

*Amendment of section 5 of No. 5 of 2016.*

“(2A) The Agency shall be the only organisation permitted to carry out anti-doping activities in Kenya and its authority shall be recognized by all national federations in Kenya.”

5. Section 7 of the principal Act is amended by inserting the following new paragraphs immediately after paragraph u —

*Amendment of section 7 of No. 5 of 2016.*

- (ua) promote anti-doping education;
- (ub) undertake results management in accordance with the Agency’s rules and the Code;
- (uc) oversee all activities of the Therapeutic Use Exemption Committee;
- (ud) implement the Anti-Doping Administration and Management System.

6. Section 22 of the principal Act is amended in subsection (3) by deleting the word “Authority” and substituting therefor the word “Agency”.

*Amendment of section 22 of No. 5 of 2016.*

**7.** Section 23 (2) of the principal Act is amended by deleting paragraph (e) and substituting therefor the following new paragraph —

Amendment of section 23 of No. 5 of 2016.

(e) a sports administrator who shall have retired at least two years prior to the appointment.

**8.** The principal Act is amended by deleting section 26.

Deletion of section 26 of No. 5 of 2016.

**9.** Section 27 (6) of the principal Act is amended in paragraph (a) by deleting the words “Athlete Testing Program” and substituting therefor the words “anti-doping program of the Agency”.

Amendment of section 27 of No. 5 of 2016.

**10.** Section 29 of the principal Act is amended in subsection (2) by deleting the expression “section 26” appearing in paragraph (d) and substituting therefor the words “this Act”.

Amendment of section 29 of No. 5 of 2016.

**11.** The principal Act is amended by deleting section 31 and substituting therefor the following new section —

Deletion of section 31 of No. 5 of 2016.

Jurisdiction of the Sports Tribunal.

**31.** (1) The Tribunal shall have jurisdiction to hear and determine all cases on anti-doping rule violations on the part of athletes and athlete support personnel and matters of compliance of sports organisations.”

(2) The Tribunal shall be guided by the Code, the various international standards established under the Code, the 2005 UNESCO Convention Against Doping in Sports, the Sports Act, and the Agency’s Anti-Doping Rules, amongst other legal sources.

(3) The Tribunal shall establish its own procedures.

(4) Disputes involving national and county level athletes, athlete support personnel, sports federations, sports organisations, professional athletes and professional sports persons shall be resolved by the Tribunal both at the first instance and

at appeal, each consisting of three members appointed by the Chairperson of the Tribunal.

(5) Save as otherwise provided for under **Article 4.4.7** of the Code on Therapeutic Use Exemptions, disputes involving International level athletes shall be resolved by the Tribunal at the first instance with an appeal to Court of Arbitration for Sport.

(6) In all disputes, there shall be a right of appeal within thirty working days from the date of communication of the Tribunal's decision by the accused, the Agency, the national anti-doping organisation of the person's country of residence, World Anti-Doping Agency, International Paralympic Committee International Sports Federation, the International Olympic Committee and any other international sports body.

(7) For the avoidance of doubt, the Tribunal shall not have jurisdiction over national crimes related to doping as they relate to recreational athletes and other persons, entities or organisations.

(8) The Cabinet Secretary may prescribe rules to effect this section.

**12.** Section 37 of the principal Act is amended in subsection (2) by inserting the words "and such report shall be published publicly and a copy provided to the World Anti-Doping Agency" immediately after the words " of the Agency".

Amendment of section 37 of No. 5 of 2016.

**13.** The principal Act is amended by inserting the following new sections immediately after section 41 —

Insertion of new sections in No. 5 of 2016.

All persons to be bound by Rules.

**41 A.** All persons shall be bound by the Anti-Doping Rules.

Athletes and athlete support personnel to be bound by Rules.

**41 B.** Each sports federation shall prepare rules requiring all athletes and each athlete support personnel who participates as

coach, trainer, manager, team staff, official, medical or paramedical personnel to agree to be bound by Anti-Doping Rules and the Agency's results' management authority in conformity with the Code as a condition for such participation.

Reports on violations.

**41C.** All persons shall report any information suggesting or relating to an anti-doping rule violation to the Agency, and if it is a national federation, to its international federation.

Co-operation with the Agency.

**41D.** All persons shall cooperate with any investigations conducted by the Agency.

**14.** Section 42 of the principal Act is amended —

(a) in sub-section (5) by deleting the expression “subsection (4)” appearing in the proviso and substituting therefor the expression “subsection (6)”;

(b) by deleting subsection (6) and substituting therefor the following new subsection —

“(6) An athlete or athlete support personnel who violates any of the following anti-doping rules —

- (a) presence of a prohibited substance or its metabolites or markers in an athlete's sample;
- (b) use or attempted use by an athlete of a prohibited substance or a prohibited method;
- (c) evading, refusing or failing to submit to sample collection;
- (d) whereabouts failures;
- (e) tampering or attempted tampering with any part of doping control;
- (f) possession of a prohibited substance or prohibited method;
- (g) trafficking or attempted trafficking in any prohibited substance or prohibited method;

Amendment of section 42 of No. 5 of 2016.

- (h) administration or attempted administration to any athlete in-competition of any prohibited substance or prohibited method, or administration or attempted administration to any athlete out-of-competition of any prohibited substance or prohibited method that is prohibited out-of-competition;
- (i) complicity; or
- (j) prohibited association,

commits an anti-doping rule violation and shall be handled in the manner set out in the Agency's Anti-Doping Rules.”



## **MEMORANDUM OF OBJECTS AND REASONS**

The principal object of this Bill is to make provisions to align the Anti-Doping Act, 2016 with the UNESCO Convention Against Doping in Sport.

Clause 1 of the Bill is the short title.

Clause 2 of the Bill seeks to realign the definitions as used in the Act.

Clause 3 of the Bill proposes to amend the Act by deleting the current provision and inserting a new provision that widens the scope of the Act.

Clause 4 of the Bill proposes to insert a new section 2A so as to make the Anti-Doping Agency, the exclusive entity permitted to carry out anti-doping activities in Kenya and for the Agency to be recognized by all national federations in Kenya.

Clause 5 of the Bill proposes to increase the functions of the Anti-doping Agency by allowing the agency to promote anti-doping education, oversee the activities of the Therapeutic Use Exemption Committee and to implement the Anti-Doping Administration and Management System.

Clause 6 of the Bill seeks to provide that any function or power delegated shall be performed and exercised in the name and on behalf of the Agency.

Clause 7 of the Bill seeks to amend the Act to provide that a sports administrator who shall have retired at least two years prior to the appointment shall be a member of the Therapeutic Use Committee.

Clause 8 of the Bill deletes section 26 of the Act to realign it with the proposed amendment to clause 42.

Clause 9 and 10 of the Bill seeks to redefine terms as used in the Act.

Clause 11 of the Bill proposes to amend the Act by deleting the existing provision and inserting new sections to provide for the jurisdiction of the Sports Tribunal with regards to anti-doping matters. The Tribunal will have the authority to hear and determine all cases on anti-doping rule violations on the part of athletes and athlete support personnel and matters of compliance of sports organisations.

Clause 12 of the Bills seeks to provide that the reports of the activities of the Anti-Doping Agency shall be published publicly and a copy provided to the World Anti-Doping Agency.

Clause 13 of the Bill proposes to amend the Act by inserting new sections providing that all persons, athletes and athletes support personnel shall be bound by the Anti-Doping Rules. Further, it provides for reporting of any information suggesting or relating to an anti-doping rule violation

to the Agency, and if it is a national federation, to its international federation and in addition require all persons to cooperate with any investigations conducted by the Agency.

Clause 14 of the Bill proposes to amend the Act by deleting the existing provision and inserting new a subsection to provide for anti-doping rule violations which include among others, the presence of a prohibited substance or its metabolites or markers in an athletes sample, the use or attempted use by an athlete of a prohibited substance or a prohibited method and whereabouts failures.

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 19th May, 2016.

**ADEN DUALE,**  
*Leader of Majority.*

*Definitions in section 2 of No. 5 of 2016 which it is proposed to amend—*

“attempt” means purposely engaging in conduct that constitutes a substantial step planned to culminate in the commission of a prohibited activity;

Provided that there shall be no commission of a prohibited activity based solely on an attempt to commit a prohibited activity if the person renounces the attempt prior to it being discovered by a third party not involved in the attempt;

“health care practitioner” includes any person who has obtained health professional qualifications and is licensed by the relevant regulatory body;

“national-level athlete” means a person, other than an international-level athlete, who is designated by the Agency, or the national anti-doping agency of another country, as being within the Registered Testing Pool of the Agency or that national anti-doping organisation, as the case may be;

“out-of-competition testing” means the collection and testing of a sample from an athlete for the purpose of doping control procedures while the athlete is out-of-competition;

“prohibited association” means association by an athlete or other person subject to the authority of the Agency in a professional or sport related capacity with any athlete support person who if subject to the authority of the Agency, is serving a period of ineligibility; or if not subject to the authority of the Agency, and where ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of Anti-doping Rules if Code-compliant rules had been applicable to such person;

“trafficking” means selling, giving, transporting, sending, delivering or distributing or possessing for any such purpose a prohibited substance or prohibited method by an athlete, athlete support person or any other person subject to the jurisdiction of the Agency to any third party;

*Section 3 of No. 5 of 2016 which it is proposed to amend —*

**3. This Act applies to the —**

Application of the Act.

- (a) Agency;
- (b) the following persons whether or not they are minors —
  - (i) athletes and athlete support personnel who are members or licensees of any national federation or sports organisation in Kenya;

- (ii) athletes and athlete support personnel who participate in such capacity in events, competitions and other activities organized or recognized by any national federation or sports organisation; and
- (iii) other persons present in Kenya over whom the Convention, Code, International Standards or the Anti-doping Rules give the Agency jurisdiction;
- (c) manufacturers, importers, stockists, distributors and sellers of products containing prohibited substances or methods; and
- (d) national federations, national sports organisations, sports organisations, fitness centres and gyms.

*Section 5 of No. 5 of 2016 which it is proposed to amend—*

5. (1) There is established a body known as the Antidoping Agency of Kenya.

Establishment of the Agency.

(2) The Agency shall be a body corporate with perpetual succession and a common seal which shall be capable, in its corporate name, of —

- (a) suing and being sued;
- (b) owning, taking, purchasing or otherwise acquiring, holding, charging and disposing of movable or immovable property;
- (c) receiving and borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all such other acts which may lawfully be done or performed by a body corporate.

(3) The Agency shall be the successor in title to the Anti-doping Agency established under the Anti-doping Agency of Kenya Order, 2015 which shall cease to have effect immediately upon the commencement of this Act.

(4) The transitional provisions set out in section 45 shall have effect upon the commencement of the Act.

*Section 7 of No. 5 of 2016 which it is proposed to amend—*

7. (1) The functions of the Agency shall be to — Functions of the Agency.
- (a) promote participation in sport, free from doping in order to protect the health and well-being of competitors and the rights of all persons who take part in sport;
  - (b) create awareness in order to discourage the practice of doping in sport among the public and the sporting community in particular;
  - (c) develop a national strategy to address doping in sport in collaboration with the Ministry;
  - (d) implement the World Anti-Doping Code and associated International Standards;
  - (e) use WADA-accredited laboratories for analysis of samples and other required specimen;
  - (f) implement anti-doping activities in the country including the testing of collected samples in all sports, sport federations and sport organisations;
  - (g) undertake, co-ordinate or arrange for research to be undertaken in the field of performance-enhancing substances and methods and doping practices in sport;
  - (h) promote and implement the application of various guidelines and international standards in matters related to anti-doping;
  - (i) oversee the processes of the Committee;
  - (j) carry out investigations in matters of doping in sports;
  - (k) provide information to athletes, athlete support personnel and on the procedures for, and developments concerning the collection and testing of samples in accordance with the Code and any standards developed by the World Anti-doping Agency;
  - (l) implement the Prohibited List as published by the World Anti-doping Agency from time to time;
  - (m) select sportspersons who are to be requested to provide samples for testing when necessary;

- (n) collect samples from sportspersons in accordance with approved guidelines and international standards, and secure the safe transit of samples to laboratories accredited by the World Anti-doping Agency, for testing;
  - (o) summon, investigate and call for any document, evidence or person that may be required for the enforcement of the Act;
  - (p) co-operate with state agencies, non-governmental organisations and other persons within Kenya and internationally to achieve the Agency's mandate;
  - (q) take steps aimed at ensuring that the Government and the National Olympic Committee complies with international agreements and other arrangements to which Kenya is a party concerning the use of drugs and doping in sport;
  - (r) maintain data of all prohibited substances in accordance with the directions of the World Anti-doping Agency;
  - (s) maintain the Whereabouts Register and a Registered Testing Pool in the Anti-doping Administration and Management System in accordance with the Code;
  - (t) prosecute anti-doping offences before the Tribunal or the courts; and
  - (u) carry out any other function conferred by or under this Act and any other relevant treaty.
- (2) In the performance of its functions, the Agency shall –
- (a) address the needs of minors;
  - (b) take into account the needs of persons with disabilities or other persons with special needs; and
  - (c) ensure that the rights of everyone involved in the doping control procedures are respected.

*Section 22 of No. 5 of 2016 which it is proposed to amend—*

**22.** (1) The Board may, in writing, delegate the exercise of any of the powers or the performance of any of

Delegation by the Board.

the functions to the Chairperson, member of the Board or a committee of the Board.

(2) A person or a committee of the Board delegated with a function or power shall observe and have regard to all conditions imposed by the Board in respect of such delegation of function or power.

(3) Any function or power delegated under this section shall be performed and exercised in the name and on behalf of the Authority.

*Section 23 of No. 5 of 2016 which it is proposed to amend—*

**23.** (1) There is established the Therapeutic Use Exemption Committee.

Therapeutic Use  
Exemption  
Committee.

(2) The Committee shall comprise of the following –

- (a) a chairperson who is a medical doctor with over seven years' experience in matters related to sport;
- (b) two medical doctors of not less than five years' experience in matters related to sport;
- (c) an international level athlete who has since retired; and
- (d) a sports administrator who has since retired.

(3) The Chairperson and members appointed under this section shall hold office for a term of five years and shall be eligible for reappointment for one further term.

(4) The quorum for the conduct of the business of the Committee shall be three members of whom at least two, shall be doctors.

(5) The Committee shall be guided by the following in the performance of their work –

- (a) the Code;
  - (b) International Guidelines on Therapeutic Use Exemption;
  - (c) the Prohibited List; and
  - (d) the provisions of this Act.
- (6) The functions of the Committee shall be to –
- (a) receive, review and approve applications for the grant of therapeutic use exemption by athletes who compete at the national level;

- (b) receive, review and approve applications for the grant of therapeutic use exemption by athletes who compete at the international level, if requested to do so by an international federation;
- (c) review therapeutic use exemptions issued by an international federation for compliance with the International Standard for Therapeutic Use Exemptions; and
- (d) refer to the World Anti-Doping Agency any therapeutic use exemption issued by an international federation which in its view does not meet the requirements of the International Standard for Therapeutic Use Exemption.

*Section 26 of No. 5 of 2016 which it is proposed to amend—*

**26.** The following are prohibited activities under this Act –

Prohibited activities.

- (a) the presence of a prohibited substance or its metabolites or markers in an athlete's sample;
- (b) the use or attempted use by an athlete of a prohibited substance or a prohibited method;
- (c) the evasion, refusal or failure to submit to the collection of a sample ;
- (d) the violation of Whereabouts failures;
- (e) the tampering or attempted tampering with any part of doping control;
- (f) the unlawful possession of a prohibited substance or prohibited method;
- (g) the trafficking or attempted trafficking in any prohibited substance or prohibited method;
- (h) unlawful administration or unlawful attempted administration to an athlete in-competition of any prohibited substance or prohibited method, or unlawful administration or unlawful attempted administration to an athlete out-of-competition of any prohibited substance or prohibited method that is prohibited out-of-competition with the intention of doping;



- (i) complicity;
- (j) prohibited association;
- (k) unlawfully stocking, distributing, transporting, selling or in any manner unlawfully dealing in products containing prohibited substances.

*Section 27 of No. 5 of 2016 which it is proposed to amend—*

27. (1) An athlete or an athlete support personnel who is not a minor shall be required to accept the Code by signing a declaration of the acceptance of the Code and submit the approval to the Agency.

Acceptance of the Code and related obligations.

(2) In the case of a minor, the guardian shall sign such acceptance referred to in subsection (1) and submit the acceptance to the Agency.

(3) In the case of a team related sport, the team shall sign a team declaration which shall bind the team collectively and individually.

(4) It shall be an anti-doping rule violation for an athlete or athlete support personnel to violate any of the provisions of section 26.

(5) An athlete shall—

- (a) be knowledgeable of, and comply with, the Anti-Doping Rules:

Provided that lack of such knowledge shall not be used as a defence in case of infringement of any provision of this Act;

- (b) be responsible for ensuring that no prohibited substance enters his or her body;
- (c) inform medical personnel of his or her obligation not to use prohibited substances and prohibited methods;
- (d) be available for, and submit to, in-competition and out-of-competition testing at any time and place, with or without advance notice; and
- (e) be responsible for any prohibited substance or its metabolites or markers found to be present in his bodily specimen.

(6) An athlete support personnel shall—

- (a) co-operate with the Athlete Testing Programme; and
- (b) use his or her influence to foster anti-doping attitudes among athletes.

*Section 29 of No. 5 of 2016 which it is proposed to amend—*

**29.** (1) The Agency shall for purposes of enforcing this Act appoint such number of anti-doping compliance officers with the relevant training and issue such anti-doping compliance officers with the certificates of authority to act as anti-doping compliance officers.

Appointment of anti-doping compliance officers.

(2) A person appointed as an anti-doping compliance officer under subsection (1) –

- (a) shall hold office subject to such terms and conditions as the Board may determine;
- (b) shall with permission authorized in writing by the Inspector-General of Police exercise police powers in the exercise of his or her duties under this Act;
- (c) may cooperate with the Office of the Director of Public Prosecutions to summon, examine witnesses under oath or affirmation and conduct prosecutions for any offence committed under this Act; and
- (d) shall be responsible for enforcing the provisions of section 26.

(3) The Agency may amend or withdraw the appointment of anti-doping compliance officers under this Act.

(4) The appointment of anti-doping compliance officers under this section shall be by notice in the Gazette for a period of three years.

*Section 31 of No. 5 of 2016 which it is proposed to amend—*

**31.** (1) The Tribunal shall have jurisdiction to hear –

- (a) any appeal from a decision by the Agency; the Sports Registrar or the Sports Fund;
- (b) any disputes involving the following –
  - (i) national-level athletes or athletes who compete at the county level;

Jurisdiction of the Sports Tribunal.

- (ii) athlete support personnel,
- (iii) sports federations or sports organisations; or
- (iv) professional athletes and professional sports persons.

(2) The Cabinet Secretary may prescribe Rules to effect this section.

*Section 37 of No. 5 of 2016 which it is proposed to amend—*

**37.(1)** The Agency shall furnish to the Cabinet Secretary, such returns, reports, accounts and information with respect to its property and activities as the Cabinet Secretary may, from time to time, require or direct.

Returns and reports.

(2) Without prejudice to the generality of subsection (1), the Agency shall, within three months after the end of each financial year, cause to be made and submitted to the Cabinet Secretary a report dealing with the activities of the Agency in accordance with Article 14.4 of the Code during the preceding financial year.

*Section 42 of No. 5 of 2016 which it is proposed to amend—*

**42. (1)** A person or body who –

Offences.

- (a) disobeys a summons by the Agency;
- (b) fails to produce any sample, document, papers or any other thing on the order of the Agency;
- (c) refuses to submit a sample or refuses to be examined in furtherance of this Act;
- (d) fails to comply with any lawful order or direction of the Agency;
- (e) presents to the Agency a false document or makes a false statement with the intent to deceive or mislead an investigating officer;
- (f) wilfully obstructs or hinders any person acting in the performance of any function or exercise of powers conferred by this Act;
- (g) in any way interferes with the functioning or operations of the Agency; or
- (h) violates the rules relating to confidentiality, public disclosure and privacy of data.

commits an offence and shall be liable, upon conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

- (2) Any person or body who –
- (a) unlawfully transports or transfers prohibited substances, within or outside Kenya;
  - (b) stocks supplies of products containing prohibited substances in an unlawful manner; or
  - (c) administers applies or generally causes an athlete to use prohibited substances

commits an offence and shall be liable, on conviction, to a fine of not less than three million shillings or to imprisonment of not less than three years or to both such fine and imprisonment. In case of corporate bodies, in addition to the fine, the trading licence of the respective corporate body shall be withdrawn for a period of not less than one year.

(3) Any person participating in recreational sport in a gym, fitness centre, private club or other similar facility who –

- (a) uses or causes another person to use a prohibited substance or method;
- (b) is found in possession of a prohibited substance;
- (c) administers or attempts to administer a prohibited substance; or
- (d) buys, sells, stocks, transports or in any way deals with a prohibited substance

commits an offence and is be liable, on conviction, to a fine of not less than one hundred thousand shillings or to imprisonment or for a term of not less than one year or to both such fine and imprisonment:

Provided that if such a person is an athlete or athlete support personnel then such a person shall be subjected only to the sanctions specified in subsection (6).

(4) A medical practitioner, pharmacist, veterinary surgeon, dentist, nurse, physiotherapist, traditional herbalist, or any other health related professional who –

- (a) prescribes or dispenses prohibited substances or methods to an athlete with the intent of doping;
- (b) administers prohibited substances or methods to an athlete;
- (c) acquires, stocks or is found in unlawful possession of prohibited substances; or
- (d) aids, abets or in any way encourages the unlawful use of prohibited substances in sport

commits an offence and shall be liable upon conviction to a fine of not less than three million shillings or to imprisonment for a term of not less than three years or to both such fine and imprisonment, and shall have his or her professional licence revoked for a period of not less than one year.

(5) A registered sports body that commits any of the prohibited activities set out in section 26, shall be subject to one or a combination of any of the following sanctions –

- (a) a reprimand;
- (b) withdrawal of some or all services that are funded by public resources or benefits currently provided directly or indirectly by the Agency or the Sports Fund;
- (c) withdrawal of eligibility to receive services that are funded from public resources or benefits from or through the Agency, the Sports Fund or other source and the Agency shall impose conditions before it reinstates such eligibility;
- (d) suspension of its funding from the Sports Fund and other governmental agencies for the period of non-compliance;
- (e) withdrawal or withholding for a stated period, on terms to be determined by the Tribunal of some or all public funding awarded but not yet paid to the Agency;
- (f) withdrawal of eligibility to receive public funding from the Sports Fund or other source in the future, with conditions provided for the reinstatement of such eligibility;

(g) refund any public and private funds given to it during the period of non-compliance; and

(h) be deregistered by the Sports Registrar:

Provided that, in addition, any athlete support personnel identified as being responsible for non-compliance with any rule made under this Act shall be subjected to the sanctions under subsection (4).

(6) An athlete or athlete support personnel who commits any of the prohibited activities under section 26, commits an anti-doping rule violation and shall be handled in the manner set out under this Act.