

NO. 25 OF 2013

THE SPORTS ACT

SUBSIDIARY LEGISLATION

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THE SPORTS REGISTRAR REGULATIONS, 2016

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THE SPORTS REGISTRAR REGULATIONS, 2016

[Legal Notice 158 of 2016]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Sports Registrar Regulations, 2016.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"agent" means a representative of a professional sports person or a representative of a sports person who earns his or her living from sport;

"amateur sports" means sports from which the sports person draws no monthly remuneration;

"branch" means the organizational unit of a national sports body at the county level;

"coach" means a person who conducts training for a sports person or a sports team and who may be employed as such, and includes a trainer;

"county sports association" means a branch of a national sports body whose area of operation is within a county, or a sports organization whose reach is only in a county;

"licence" means a certificate issued to a professional sports body, coach, agent, or a professional sports person for the purposes of carrying out the activities of the relevant sport;

"member" means an individual or a body affiliated to a sports organization;

"professional sports body" means a body that promotes the development of professional sport;

"sports club" means a body registered for the purposes of developing sports and which is affiliated to one or several national or county sports organizations, or a private sports club and includes sports training camps, sport academies and gyms;

"sports official" means a person in charge of the management of a sports organization or club and includes employees involved in the running of the sports organization or club;

"sports organization" means a body registered for purposes of promoting sports by whatever name; and

"sub-branch" means the organizational unit of a national sports body or its branch at the district or sub-county level.

PART II – REGISTRATION

3. Contents of constitution

Subject to section 46(4)(a) and the Second Schedule to the Act, the constitution of a sports organization seeking registration shall state—

- (a) the aims and objectives of the organization which shall include—
 - (i) promotion and development of sports;
 - (ii) maintaining good standing with all governing and regulatory bodies of its sports;
 - (iii) coordinating technical information on physical training, equipment, design, coaching and performance analysis;
- (b) its dispute resolution mechanisms set in accordance with rules of their international bodies and the Act;

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- (c) the requirement on its members to observe anti-doping rules of the Anti-Doping Agency of Kenya, those of their international federations and of the World Anti-doping Agency; and
- (d) such other matters as the Registrar may determine from time to time.

4. Application for registration

(1) A sports organization may apply to the Registrar to be registered as a sports club, a county sports association or a national sports association.

(2) The application for registration of a sports organization shall be made in the Form A set out in the First Schedule.

(3) Subject to section 46 of the Act, an application for registration of a sports organization shall be accompanied by—

- (a) a short term, medium term and long-term strategic plan;
- (b) an updated register of all affiliates, clubs, officials and athletes;
- (c) for national governing bodies, evidence of branch offices in at least twenty four counties either at the time of application which number shall be progressively achieved within three years, unless the nature of the sport is such that it cannot be established in several counties;
- (d) the national sports federation responsible for the registration of the organization's branches and sub-branches;
- (e) for county sports associations, the club or sub-county sport organization affiliated to it;
- (f) a copy of logos and emblems of the sports body;
- (g) certified copies of certificates of compliance for the body seeking registration or the officials proposing registration of the organization including value added tax certificate, Kenya Revenue Authority Personal Identification Number certificate, National Social Security Fund certificate and National Hospital Insurance Fund certificate;
- (h) certified copies of clearance certificates of the Chairperson, Secretary and Treasurer of the organization from the Criminal Investigation Department, the Ethics and Anti-Corruption Commission, Kenya Revenue Authority, Credit Reference Bureau, and Higher Education Loans Board or such other clearance as may be determined from time to time by the Registrar;
- (i) audited accounts with reports on all its activities and the use and disbursement of all its funds for its preceding financial year together with such other reports as the Registrar may require from time to time;
- (j) identification documents of the officials proposing registration of an organization; and
- (k) a certified copy of certificate of registration.

(4) Where an organization is applying for registration for the first time, the organization may use the particulars of an interim official.

(5) Where an organization applying for registration is a county sports association or County sports club, the requirements for registration shall apply with necessary modifications.

(6) The Registrar may, within ninety days of the date of receipt of the application, issue a certificate of registration in the Form B set out in the First Schedule.

5. Power of the Registrar

(1) Upon considering an application for registration of a body as a sports organization, the Registrar may—

- (a) issue a certificate of registration subject to conditions; or

- (b) reject the application for registration in the Form C set out in the First Schedule and indicate the reasons thereof.

(2) A person that is dissatisfied with the decision of the Registrar under this regulation may—

- (a) within twenty one days of the decision, apply to the Registrar to refer the matter to arbitration or mediation as the case may be; or
- (b) appeal to the Tribunal.

6. Elections after registration

A sports organization shall hold elections within ninety days from the date of the registration and shall furnish the Registrar with the change of particulars within thirty days.

7. Cancellation of registration

(1) Where the Registrar cancels a certificate of registration under section 51, the Registrar shall notify the sports organization of the intended cancellation in the Form D set out in the First Schedule.

(2) Upon receipt of the notice of intended cancellation, the aggrieved organization shall appear before the Registrar within fourteen days of receipt of such notice.

(3) After the hearing under paragraph (3), the Registrar may—

- (a) revoke the notice of intended cancellation in writing; or
- (b) cancel the registration and within fourteen days inform the aggrieved organization of the cancellation in the Form E set out in the First Schedule.

(4) After cancellation, the name of the sports organization shall be available to any other applicant.

8. Dissolution of an organization or sports body

(1) A sports organization may be dissolved voluntarily or through insolvency proceedings and the rules of winding up of a company shall apply with necessary modifications.

(2) Where a sports organization or a sports club is dissolved voluntarily—

- (a) the decision to voluntarily dissolve shall be made by its supreme decision making organ at the organization's annual general meeting;
- (b) the Registrar shall be notified at least three months prior to the planned dissolution in the Form L set out in the First Schedule; and
- (c) the sports organization to be dissolved shall respect the rights of its creditors.

(3) Once the organization is dissolved, the Registrar shall remove the name of the organization from the register of sports organizations.

9. Replacement of an entity

An organization seeking to replace another organization as a national governing body, county governing association, a club or a professional sports body for a particular sport shall apply for registration in the Form A set out in the First Schedule.

10. Removal of an office bearer by the Registrar

(1) A person, body or sports organization may make a complaint to the Registrar for the removal of an office bearer on grounds of—

- (a) non-compliance with the requirements of Chapter Six of the Constitution;
- (b) the continued holding of the office contradicts the Constitution or the Act;
- (c) inability to perform the functions of office arising from mental or physical incapacity;
- (d) conviction of a criminal offence and sentenced to a term of imprisonment;
- (e) failure to comply with the terms and conditions of being an office bearer; or
- (f) bankruptcy.

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(2) A person seeking the removal of an office bearer of a sports organization on any of the grounds stated under paragraph (1) shall as apply to the Registrar in the Form M set out in the First Schedule.

(3) The Registrar shall consider the complaint and, if is satisfied that it discloses a ground for removal under paragraph (1), require the office bearer to respond to the complaint.

(4) If the Registrar determines that there is sufficient ground for the removal of the office bearer, the Registrar shall notify the office bearer of the removal.

(5) Once removed from office—

- (a) the office bearer shall not be eligible to hold office in another sports organization for at least five years; and
- (b) the sports organization where the office bearer was shall replace the said office bearer within ninety days.

11. Registration fees

The fees payable for registration shall be as set out in the Second Schedule.

PART III – LICENSING

12. Licensing of a sports person

(1) An athlete, coach, player or agent may apply to the Registrar for a licence to operate as a professional sports person.

(2) An application for a licence shall be made in the Form F set out in the First Schedule and shall provide—

- (a) proof of nationality;
- (b) evidence of academic and professional qualifications from recognized institutions;
- (c) in case of agents or managers, evidence of certification from the relevant international federation;
- (d) in the case of foreigner national, a recommendation letter from his or her national sporting body;
- (e) certificates of compliance from—
 - (i) the Directorate of Criminal Investigation;
 - (ii) the Kenya Revenue Authority;
 - (iii) the Ethics and Anti-Corruption Commission; and
- (f) a statutory declaration that the applicant will observe anti-doping law.

(3) The Registrar may—

- (a) issue a licence in the Form G set out in the First Schedule; or
- (b) reject the application for a licence and give the reasons thereof.

(4) A sports person who is suspended from a sports body in any country—

- (a) shall not apply for a licence during the period of the suspension; and
- (b) shall disclose information of the present or previous suspension in the application.

13. Validity of licence

A licence issued under these Regulations shall be valid for two years from the date of issue or renewal as the case may be.

14. Revocation of licence

(1) The Registrar shall, if satisfied that there are sufficient grounds, notify a sports person or a sports organization of an intention to revoke their licence in the Form H set out in the First Schedule.

(2) A sports organization or a sports person who receives the notice under paragraph (1) shall, within fourteen days of such notice, appear before the Registrar to be heard.

(3) The Registrar shall notify a sports person or a sports organization of the revocation of its licence in Form I set out in the First Schedule if the Registrar determines that there are sufficient grounds for revocation.

15. Surrender of licence

A sports person who is suspended for more than six months shall have their licence revoked and shall surrender their licence to the Registrar.

16. Licensing of a professional sports body

(1) An organization may apply to the Registrar for a licence to operate as a professional sports body.

(2) An application for a licence shall be made in Form J set out in the First Schedule and shall provide—

- (a) the documents required for registration under regulation 4 of these Regulations;
- (b) copies of contracts of all sports persons under their charge;
- (c) where the organization has members under the age of eighteen years, information on its existing or intended arrangements to protect the underage sportspersons; and
- (d) such other information as may be required by the Registrar on a case by case basis.

(3) The Registrar shall issue a licence in the Form K set out in the First Schedule.

17. Licensing fees

The fees payable for licensing shall be as set out in the Second Schedule.

PART IV – DIVISION OF SPORTS ORGANISATION'S REVENUE

18. Division of sports organisations revenue

(1) The revenue obtained from advertising and merchandising for events and activities organized by—

- (a) the national governing body of a sport, shall be shared between the national governing body, its branches, and team members in the ratio of 70:20:10 unless the donor has specified otherwise; or
- (b) a branch of a national governing body of a sport, shall be shared between the national governing body and the branch in the ratio of 20:80 unless the donor has specified otherwise.

(2) The net revenue from image rights shall be shared between the sports person and the National office in the ratio of 90:10.

PART V – INSPECTION

19. Appointment of Inspectors

(1) The Registrar shall appoint an inspector to carry out inspections of sport organizations pursuant to section 52 of the Act.

(2) An inspector appointed under paragraph (1), shall produce the appointment letter prior to entering the premises of the sport organization which the inspector is required to inspect.

(3) Upon production of the appointment letter under paragraph (2), the officials or employees of the concerned sport organization shall not hinder, block or prevent the inspector from entering the premises.

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(4) Where the inspector considers it necessary to investigate the conduct of an official or employee of the sports organization, the inspector may require such officer or employee to step aside in order to allow investigations to be done.

(5) The Registrar may at any time remove a person as an inspector if that person is unfit to act as an investigation officer or is unable to discharge the function of such an inspection.

(6) An inspection shall not exceed a period of three months from the date of appointment of an inspector but in exceptional circumstances the Registrar may extend the inspection period.

(7) The Registrar shall, within thirty days of receipt of the inspection report under section 52(4) of the Act, notify the concerned sport organization of the findings of the inspection in writing.

(8) Upon receipt of the report under paragraph (7), the sports organization shall have an opportunity to be heard on the findings and recommendations of the inspection report within fourteen days from the date of the notice.

PART VI – ELECTIONS

20. Elections

(1) An organization shall hold election in accordance with the Rules provided in its constitution.

(2) Notwithstanding paragraph (1), a sports organization seeking to hold an election shall—

- (a) appoint an independent panel consisting of at least five members to conduct the election;
- (b) include observers from at least one umbrella sport organization, the Ministry responsible for matters related to sports and the Registrar's office;
- (c) observe the principle of non-discrimination as provided in their Constitution;
- (d) inform the Registrar at least four weeks prior to the expected date of the elections;
- (e) conduct the election in an open, free and fair environment;
- (f) ensure that the nominated candidates obtain clearance from the Directorate of Criminal Investigation, the Kenya Revenue Authority; the Ethics and Anti-Corruption Commission, the Credit Reference Bureau and the Higher Education Loans Board; and
- (g) ensure that the office of the chairman or president, secretary and treasurer are reserved for Kenyan citizens only.

(3) An observer in an election and the returning officer shall, within seven days of the election, submit a separate report to the Registrar on the credibility of the elections.

(4) The sports organization shall, within twenty one days, notify the Registrar of the newly elected office bearers in the Form R set out in the First Schedule.

(5) The Registrar may register a newly elected office bearer, if satisfied with the election and the election process.

(6) The newly elected office bearers shall hold office for a period of four years and may be elected for one further term.

(7) A person who is dissatisfied with the results of an election may appeal to the Tribunal within thirty days of the election.

PART VII – ARBITRATION AND MEDIATION

21. Arbitration and mediation

(1) Where a person or sports organisation refers a sports dispute to the Registrar for arbitration or mediation—

- (a) the Registrar may arbitrate or mediate the dispute or, in writing, appoint a competent officer from the office to arbitrate or mediate the dispute;
- (b) the Registrar may, where necessary, appoint an arbitrator, a mediator or a panel of arbitrators or mediators from the list of arbitrators or mediators provided by the Chartered Institute of Arbitrators or any other relevant institution; and
- (c) the person, body or organization that required the dispute to be referred to arbitration or mediation shall pay the fees set out in the Second Schedule.

(2) An organization, a body or a person that is dissatisfied with the decision of an arbitrator, mediator, arbitration or mediation panel may appeal to the Tribunal within twenty one days of the decision of the panel.

PART IX – MISCELLANEOUS

22. Register

(1) The Registrar shall keep and maintain a register of sports persons and sports organizations registered and licensed in the Form N set out in the First Schedule.

(2) A sports person or organization that amends any of its particulars shall notify the Registrar within fourteen days of the change in particulars in the Form R set out in the First Schedule.

23. Inspection of register

(1) The register shall be available for inspection on the payment to the Registrar of the fee set out in the Second Schedule and the Registrar shall issue the certificate of official search in the Form P set out in the First Schedule.

(2) A certificate of official search issued by the Registrar shall be conclusive evidence of the facts contained therein.

24. Annual reports

A registered sports organization shall on an annual basis provide the Registrar with—

- (a) updated details of the current office bearers and their contacts;
- (b) audited financial statements;
- (c) minutes of the most recent annual or bi-annual general meetings;
- (d) proof of valid and acceptable accident and health insurance cover for the sports persons and officials.

25. Appeal

A person aggrieved by the decision of the Registrar under these Regulations may appeal to the Tribunal within thirty days from the date of the decision of the Registrar.

FIRST SCHEDULE

FORMS

FORMS

Form A (r.4(2), r.9)

REPUBLIC OF KENYA

OFFICE OF THE SPORTS REGISTRAR

APPLICATION FOR REGISTRATION

Name of Applicant

Apply to be registered as (National sports organization, County sports association, sports club)

Of address (physical and postal including e-mail, telephone).....

[Subsidiary]

Sources of funding:

National/International affiliation (if any, provide evidence)

I/We have attached the following documents to support this application: (you may use extra paper to write the List)

<i>Office Bearer/ interim official</i>	<i>Name</i>	<i>M/F</i>	<i>Nationality//Postal address//</i>	<i>E-mail address//</i>	<i>Telephone contact//</i>	<i>Profession/ Occupation//</i>
--	-------------	------------	--------------------------------------	-------------------------	----------------------------	---------------------------------

Chairperson
Secretary
Treasurer

Documents accompanying an application for registration:

- (a) Certified copy of the constitution of the organization/ association
- (b) A short-, medium- and long-term strategic plan
- (c) An updated register of all affiliates, clubs, officials and athletes
- (d) Evidence of branch offices in at least 24 counties (For National Governing bodies)
- (e) Evidence of Clubs and or Sub-Counties sports organizations affiliated to it (for County sports associations)
- (f) Copy of logos and emblems
- (g) Certified copies of VAT, PIN, NSSF and NHIF compliance certificates of the body seeking registration (or certificates for the officials proposing registration of a body)
- (h) Certified copies (in respect of Chairman/President, Secretary and Treasurer) of Certificate of Good Conduct, Clearance by Kenya Revenue Authority, Kenya Anti-Corruption Commission, Clearance from Credit Reference Bureau, and Higher Education Loans Board
- (i) A Passport size photo certified copies of identification documents (National ID, Passport) for the Chairman/ President, Secretary and Treasurer
- (j) Copy of logos and emblems
- (k) Audited accounts for the previous year (where applicable)
- (l) Prescribed fees
- (m) Certified copy of Certificate of registration (if any)

We hereby confirm that we have been duly authorized to make this application on behalf of the above named organization/association/club.

We confirm that the above information is true and accurate to the best of our knowledge and belief

I/We have attached the following documents to support this application: (you may use extra paper to write the List)

<i>Office Bearer/ interim official</i>	<i>Name</i>	<i>Signature</i>
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Chairperson
Secretary
Treasurer

Dated at this day of

OFFICE OF THE SPORTS REGISTRAR
(r. 4(6))

Registration No

CERTIFICATE OF REGISTRATION

I,
Sports Registrar, hereby certify that I have this day
registered..... as a

.....
to conduct sporting activities in accordance with Sports Act
Given under the common seal of the Registrar on this day
of 20

Conditions:
.....
.....
.....
.....

Registrar
FORM C
REPUBLIC OF KENYA
OFFICE OF THE SPORTS REGISTRAR

(r. 5(l)(b))

NOTIFICATION OF REJECTION OF REGISTRATION
TO

.....
.....

I,, Sports Registrar hereby inform you that your
application for the registration ofdated has been rejected for
the following reasons:

.....
.....
.....
.....

Dated at this day of 20.....

Registrar
FORM D
REPUBLIC OF KENYA
OFFICE OF THE SPORTS REGISTRAR

(r.7(2))

NOTIFICATION OF INTENDED CANCELLATION OF REGISTRATION
TO

I,, Sports Registrar hereby give you notice that in
accordance with section 52 it is my intention to cancel your registration under the
said Act on grounds that:

.....
.....
.....

You are hereby invited to appear before the Registrar on
at for a hearing before the intended cancellation. Failure to appear
on the said date will lead to cancellation without any further reference to you.

Dated at this day of 20.....

Registrar

[Subsidiary]

FORM E
REPUBLIC OF KENYA
OFFICE OF THE SPORTS REGISTRAR

(r.7(4))

CANCELLATION OF REGISTRATION
TO

I, _____, Sports Registrar hereby inform you that your registration certificate no. _____ has been cancelled on the following grounds:

You are hereby required to surrender the cancelled certificate to the Registrar within seven (7) days of this notice.

Dated at _____ this _____ day of _____ 20_____
Registrar

FORM F
REPUBLIC OF KENYA
OFFICE OF THE SPORTS REGISTRAR

(r.12(2))

APPLICATION FOR A LICENCE FOR A SPORTS PERSON

Name of Applicant _____ of address (physical and postal including e-mail, telephone) _____

Apply to be licensed as a professional sports person in the discipline/sport of _____

Documents accompanying an application for licensing:

- (a) Certified copies of PIN, NSSF and NHIF compliance certificates of the body seeking registration (or certificates for the officials proposing registration of a body)
- (b) Certified copies of Certificate of Good Conduct, Clearance by Kenya Revenue Authority, Kenya Anti-Corruption Commission, Clearance from Credit Reference Bureau, and Higher Education Loans Board
- (c) A Passport size photo
- (d) Certified copies of identification documents (National ID, Passport)
- (e) Proof of nationality (copy of national ID/passport)
- (f) Evidence of academic and professional qualifications from recognized institutions
- (g) Recommendation letter from the club or sports body desirous to hire such a person
- (h) In case of foreigners - a recommendation letter from their National sporting body
- (i) A statutory declaration that the applicant will observe anti-doping rules
- (j) Prescribed fees

I certify that I am not currently serving a suspension in any country.

I confirm that the above information is true and accurate to the best of my knowledge and belief

Dated at this day of 20.....

FORM G
REPUBLIC OF KENYA
OFFICE OF THE SPORTS REGISTRAR

(r.12(3)(a))

Licence No
LICENCE OF A PROFESSIONAL SPORTS PERSON

I,
Sports Registrar, hereby certify that I have this day
licensedas a professional sports person in the
discipline offrom to

Given under the common seal of the Registrar
on this day of..... 20.....
Registrar

FORM H
REPUBLIC OF KENYA
OFFICE OF THE SPORTS REGISTRAR

(r.14(1))

NOTIFICATION OF INTENDED REVOCATION OF LICENCE
TO

I,, Sports Registrar hereby give you notice that in
accordance with section 46 it is my intention to revoke your licence under the
said Act on grounds that:

.....
.....
.....

You are hereby invited to appear before the Registrar on
at for a hearing before the intended cancellation. Failure to
appear on the said date will lead to revocation without any further reference to
you.

Dated at this day of 20
Registrar

FORM I
REPUBLIC OF KENYA
OFFICE OF THE SPORTS REGISTRAR

(r.14(3))

REVOCATION OF LICENCE
TO

I,, Sports Registrar hereby inform
you that your Licence No. has been revoked on the following
grounds:

.....
.....
.....

[Subsidiary]

You are hereby required to surrender the revoked certificate to the Registrar within seven (7) days of this notice.

Dated at this day of 20

Registrar

FORM J

REPUBLIC OF KENYA

OFFICE OF THE SPORTS REGISTRAR

(r.16(2))

APPLICATION FOR A LICENCE FOR PROFESSIONAL SPORTS BODIES

Name of Applicant

of address (physical and postal including e-mail, telephone).....

Apply to be licensed as () Professional sports () professional sports person (tick whichever is applicable)

..... in the discipline/sport of

Sources of funding (where applicable):

National/International affiliation (if any, provide evidence)

Names, addresses (including e-mail and telephone contact) and signatures:

Office	Name	M/F	Nationality//Postal	//E-mail	//	//
Bearer/ interim			address//	address//	Telephone	Profession/ Occupation//
official					contact//	

Chairperson

Secretary

Treasurer

Documents accompanying an application for licensing:

- (a) Certified copy of the constitution of the organization/ association
- (b) A short-, medium and long-term strategic plan
- (c) An updated register of all affiliates, clubs, officials and athletes
- (d) Evidence of branch offices in at least 24 counties (For National Governing bodies)
- (e) Evidence of Clubs and or Sub-Counties sports organizations affiliated to it (for County sports associations)
- (f) Copy of logos and emblems
- (g) Certified copies of VAT, PIN, NSSF and NHIF compliance certificates of the body seeking registration (or certificates for the officials proposing registration of a body)
- (h) Certified copies (in respect of Chairman/President, Secretary and Treasurer) of Certificate of Good Conduct, Clearance by Kenya Revenue Authority, Kenya Anti-Corruption Commission, Clearance from Credit Reference Bureau, and Higher Education Loans Board
- (i) A Passport size photo certified copies of identification documents (National ID, Passport) for the Chairman/ President, Secretary and Treasurer
- (j) Copy of logos and emblems

- (k) Audited accounts for the previous year (where applicable)
- (l) Proof of nationality (copy of national ID/passport)
- (m) Evidence of academic and professional qualifications from recognized institutions
- (n) Recommendation letter from the club or sports body desirous to hire such a person
- (o) In case of foreigners - a recommendation letter from their National sporting body
- (p) A statutory declaration by the Chairman that the applicant will observe anti-doping rules
- (aa) Prescribed fees
- (bb) Certified copy of Certificate of registration (if any)

We hereby confirm that we have been duly authorized to make this application on behalf of the above named organization/association/club.

We confirm that the above information is true and accurate to the best of our knowledge and belief

Officeu Bearer/Interim Official	Name	Signature
Chairperson		
Secretary		
Treasurer		

Dated at this day of 20

FORM K
 REPUBLIC OF KENYA
 OFFICE OF THE SPORTS REGISTRAR
 (r.16(3))

Licence No
 LICENCE OF A PROFESSIONAL SPORTS BODY
 I,
 Sports Registrar, hereby certify that I have this day licensed
 as a professional sports organization in the discipline
 offrom to
 Given under the common seal of the Registrar
 on this day of..... 20.....
 Registrar

FORM L
 REPUBLIC OF KENYA
 OFFICE OF THE SPORTS REGISTRAR
 NOTIFICATION OF INTENDED (r.8(2)(b))
 DISSOLUTION
 TO: THE SPORTS REGISTRAR

.....
 We,, registered/licensed under No.do
 hereby give notice of our intention to dissolve within the next three (3) months.
 We undertake to take care of the interests of creditors to the best of our ability.
 Reasons for the planned dissolution:

.....

[Subsidiary]

Dated at this day of, 20

Office Bearer

Name

Signature

Action taken by the Registrar's Office:

.....
.....

Name and Signature of Officer:

.....

Dated at this day of, 20

FORM M

REPUBLIC OF KENYA

OFFICE OF THE SPORTS REGISTRAR

COMPLAINT FORM (r.10(2))

Date:

Name of Complainant:

Address (include telephone number and e-mail)

.....
.....

Details of the party complained against

Name

Address

COMPLAINT(S)

[state the complaint(s) and attach supporting documents]

.....
.....
.....
.....

Signature

For official Use:

Action taken by Registrar's Office –

.....
.....
.....
.....

Officer's signature:

Dated

FORM Q

REPUBLIC OF KENYA

OFFICE OF THE SPORTS REGISTRAR

DISSOLUTION OF REGISTERED/LICENSED ENTITY

TO: THE SPORTS REGISTRAR

.....

We,, registered/licensed under No.do hereby give notice of our intention to dissolve within the next three (3) months. We undertake to take care of the interests of creditors to the best of our ability.

Reasons for the dissolution:

.....
.....
.....
.....

We attach hereto:

- 1. Minutes of the governing body, and
- 2. A statement of accounts.

Dated at this day of, 20

Office Bearers	Name	Signature
-----------------------	-------------	------------------

FORM N
 REPUBLIC OF KENYA
 OFFICE OF THE SPORTS REGISTRAR
 (r.22(1))
 REGISTER
 Registry No.
 File Ref.
 Name of entity
 Physical location of registered office

 Postal address of registered office

 (Tel./e-mail)

- 1. Minutes of the governing body, and
- 2. A statement of accounts.

Dated at this day of, 20

<i>Date of application</i>	<i>Date of Rejection</i>	<i>Date of registration</i>	<i>Date of cancellation of registration</i>	<i>Date of registration of dissolution</i>	<i>Remarks</i>
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Officials:

Title	Full Name	Contacts	Date of election	Date of removal
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Register of members:

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022
Male									
Female									
Totals									

Dated at this day of

FORM P
 REPUBLIC OF KENYA
 OFFICE OF THE SPORTS REGISTRAR
 CERTIFICATE OF OFFICIAL SEARCH
 (r.23(1))
 Registry No.
 File Ref.
 Name of entity
 Physical location of registered office

 Postal address of registered office

 (Tel./e-mail)

Date of application	Date of Rejection	Date of registration	Date of cancellation	Date of registration	Remarks
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[Subsidiary]

of registration of dissolution

Officials:

Title	Full Name	Contacts	Date of election	Date of removal					
Register of members:									
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022
Male									
Female									
Totals									
Dated at this day of									
Registrar									

FORM R
 REPUBLIC OF KENYA
 OFFICE OF THE SPORTS REGISTRAR
 (r.20(4), r.22(2))
 NOTIFICATION OF CHANGE OF PARTICULARS OF A REGISTERED OR
 LICENSED PERSON
 TO: THE SPORTS REGISTRAR

.....
 (Name)hereby gives notice in accordance with the
 provisions of..... of the Sports Act that the following changes have been
 made on , 20

.....

The information I/we have provided hereinabove is true and accurate to the of
 my/our knowledge and belief.

Dated at this day of, 20

Office Bearer	Name	Signature
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SECOND SCHEDULE
 (r.11,r.17)

Item	Category	Amount (Ksh)
Registration	Multi-Sport Organization	50,000
	County Multi-Sport Association	50,000
	National Sports Organization	10,000
	County Sports Association	10,000
	Club affiliated to a national sports organization or County sports association	1,000
	Private Sports Club	50,000
Licensing	Professional Sports Organization	100,000
	Professional sports person	2,000
Voluntary dissolution of a Sports body	National Sports body	1,000

Sports

[Subsidiary]

Arbitration or mediation	One member panel	90,000
	Three member panel	150,000
Filing of Returns/ change of particulars		1,000
Certification of a document	Copy of a certificate Constitution	500 50 shillings per page
	Award	500
Inspection Fees		50,000
Others		10,000
Certificate of Official Search		500
Inspection of a register		500
any other activity which no provision has been made under this Schedule		400

THE SPORTS DISPUTES TRIBUNAL RULES, 2022

ARRANGEMENT OF RULES

Rule

1. Citation
 2. Application
 3. Interpretation
 4. Co-ordination of the Tribunal
 5. Secretary
 6. Statement of claim
 7. Service of statement of claim
 8. Electronic service
 9. Representation
 10. Language
 11. Appeals
 12. Grounds of Appeal
 13. Appeal by minors and persons with disability
 14. Response to appeal
 15. Pre-hearing conference to make directions and inquiry
 16. Preliminary objections
 17. Joinder of parties
 18. Place and time of hearing
 19. Procedure at hearing
 20. Mediation
 21. Appointment of experts
 22. Upholding the dignity of the Tribunal
 23. Decisions of the Tribunal
 21. Decisions on selection or non- selection
 22. Application for review
 23. Appeals form the decisions of the Tribunal
 24. Costs
 25. Filing fees
 26. Irregularities
 27. Recording of proceedings
 28. Protection from personal liability
 29. Oath of office
 30. Disclosure of interest
 31. Quorum of the Tribunal
 32. Official seal
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THE SPORTS DISPUTES TRIBUNAL RULES, 2022

[Legal Notice 49 of 2022]

1. Citation

These Rules may be cited as the Sports Disputes Tribunal Rules, 2022.

2. Application

These Rules shall apply to all proceedings, appeals or matters over which the Tribunal has jurisdiction under sections 58 and 59 of the Act and section 31 of the Anti-Doping Act, (No. 5 of 2016).

3. Interpretation

In these Rules, unless the context otherwise requires–

"Appellant" means a person who appeals to the Tribunal under the Act, and includes a duly authorized agent or legal representative of that person;

"Chairperson" means the chairperson of the Tribunal appointed in accordance with section 55(2)(a) of the Act;

'Claimant' means a person who applies to the Tribunal under the Act, and includes a duly authorized agent or legal representative of that person;

"Court of Arbitration for Sports" means the court established by the International Olympic Committee to resolve sports related disputes and operates under the code of sports related arbitration;

"Interested Party" means a person joined to a proceeding under rule 15;

"Ministry" means the Ministry for the time being responsible for Sports;

"Non-Selection" includes the failure to nominate a person to a team or squad;

"Proceedings" means any proceedings of the Tribunal including a claim, an appeal, other sports-related disputes, or an anti-doping rule violation application brought under these Rules and shall include alternative dispute resolution mechanisms;

"secretary" means the secretary to the Tribunal appointed in accordance with section 60 of the Act;

"selection" includes the nomination of a person to a team or squad;

"selection criteria" means the method and standards through which persons are nominated or chosen to teams or squads;

"squad" means a group of athletes who have been identified for consideration for selection to a Kenyan sports team including reserves, athletes having accredited status for the purposes of entry to a sporting competition and other persons associated with a squad;

"Tribunal" means the Sports Disputes Tribunal of Kenya established under section 55 of the Act and where appropriate will mean the panel appointed under rule 4.

4. Co-ordination of the Tribunal

(1) The chairperson shall coordinate the work of the Tribunal and shall in addition be responsible for–

- (a) constituting a panel of members of the Tribunal to hear and determine matters brought before the Tribunal; and
- (b) exercising all functions given to the chairperson under the Act and these Rules.

[Subsidiary]

(2) The chairperson may assign any roles or duties to be performed by the chairperson to the deputy-chairperson or any member of the Tribunal.

5. Secretary

(1) The Judicial Service Commission shall in accordance to section 60 of the Act, appoint a secretary to the Tribunal who shall be the registrar of the Tribunal and responsible for—

- (a) establishment and maintenance of the registry;
- (b) acceptances, transmission, service and custody of documents in accordance with these Rules;
- (c) certifying an order, direction or decision of the Tribunal, the chairperson, deputy-chairperson or a member of the Tribunal;
- (d) keeping and maintaining records of the proceedings and minutes of the meetings of the Tribunal; and
- (e) undertaking any duties assigned by the Judicial Service Commission.

(2) The Secretary may with the authorization of the Chairperson consider and dispose of procedural or administrative matters in accordance with these Rules.

6. Statement of claim

A person may institute a claim, other than an appeal under the Act, by way of a statement of claim signed by the claimant or his advocate, setting out concisely the nature of the claim and the grounds upon which it is based, supported by a verifying affidavit signed by the claimant.

7. Service of statement of claim

(1) The statement of claim together with the verifying affidavit and summons to enter appearance shall be served on the respondent.

(2) The respondent shall file a response within fourteen days of service with the documents stated under paragraph (1) and a statement of defence within a further fifteen days.

8. Electronic service

(1) Notwithstanding rule 7, a statement of claim and other documents may be sent by electronic mail service to the party's last confirmed and used E-mail address.

(2) Service shall be deemed to have been effected when the sender receives a delivery receipt.

(3) Service shall be deemed to have been effected on the day which it is sent, if it is sent within the official business hours on a business day in the jurisdiction sent, or and if it is sent outside of the business hours and on a day that is not a business day it shall be considered to have been served on the business day subsequent.

(4) Service may be effected by mobile-enabled messaging Applications to a party's last known and used telephone number.

(5) An officer of the court who is duly authorized to effect service shall file an Affidavit of Service attaching the delivery receipt confirming service.

9. Representation

(1) In any proceedings before the Tribunal, a party may appear in person or may be represented by an advocate of their choice.

(2) A party to any proceedings before the Tribunal shall provide contact details to the Tribunal when filing any pleadings including the party's—

- (a) postal address;
- (b) mobile telephone number;
- (c) email address; and
- (d) physical address.

(3) A party shall notify the Tribunal of any changes to the contact details provided under paragraph (2).

10. Language

(1) The language of the Tribunal shall be English or Kiswahili.

(2) The Tribunal shall, taking into account all the circumstances, grant the assistance of a competent interpreter free of charge to a party or witness who does not speak or understand the language used at the hearing or who is deaf.

11. Appeals

(1) A person who intends to appeal to the Tribunal shall file a Notice of Appeal, in writing.

(2) The appeal shall consist of the Notice of Appeal and an Appeal Brief in prescribed Form 1 and 2, set out in the Schedule, respectively.

(3) The Appellant shall sign both the Notice of Appeal and the Appeal Brief.

(4) The Secretary shall acknowledge receipt of both the Notice of Appeal and the Appeal Brief and will advise the Appellant of any further steps required to enable the Tribunal to decide the appeal and the time and place of the hearing of the appeal.

12. Grounds of Appeal

(1) A party may appeal on the following grounds—

- (a) if the disciplinary decision on the penalty is either excessive or inappropriate;
- (b) in relation to decisions relating to the selection or non-selection of the appellant to a Kenyan team or squad,—
 - (i) if the selection criteria has not been followed; or
 - (ii) the person seeking selection was not afforded a reasonable opportunity by the National Sports Organization to satisfy the applicable selection criteria.

13. Appeal by minors and persons with disability

Where the appellant is a minor or a person with disability, the appeal may, subject to any conditions imposed by the Tribunal, be brought by a person legally authorized to act on the appellant's behalf.

14. Response to appeal

(1) A Respondent who wishes to oppose an appeal shall, within fourteen days from the date of service of the Appeal Brief, file and serve a Response.

(2) Where no Response is received, the Tribunal may proceed to hear and determine the appeal or issue such directions as it may consider appropriate.

15. Pre-hearing conference to make directions and inquiry

(1) The Tribunal shall convene within seven days from the date of service of the Statement of Response to give directions on—

- (a) the manner in which the proceedings are to be conducted;
- (b) whether the parties are required to attend and give evidence;
- (c) submissions in advance of the hearing of any witness statements or experts reports;
- (d) examination and cross examination of witnesses;
- (e) reduction or extension of any time limits;
- (f) the award of costs or expenses; and
- (g) hearing a third party who may be affected by an order or direction given by it.

(2) The Tribunal may require parties to verify any documents or copies of the documents by an affidavit.

[Subsidiary]

- (3) The Tribunal may in writing inquire into any subject matter of the proceeding by—
- (a) inspecting and examining documents; or
 - (b) requiring any party to the proceedings to produce for examination any documents in their possession or control and allow copies to be made.

(4) The Tribunal may at any time, on its own motion, give such directions as it considers fit to secure the just and expeditious conduct of proceedings.

16. Preliminary objections

(1) A party may raise a preliminary objection to the jurisdiction of the Tribunal or other issue, in writing, and upon filing the preliminary objection with the Tribunal, serve the Claimant or the Appellant with a copy of the preliminary objection.

(2) If, in the opinion of the Tribunal, the determination of the preliminary objection disposes the matter the Tribunal may treat the preliminary hearing as the hearing of the matter and may make such order disposing of the matter as the Tribunal considers fit.

17. Joinder of parties

(1) If it appears to the Tribunal, on its own motion or on the application of a party, that it is desirable that any person be made a party to the proceedings, it may order such person to be joined as a party to the proceedings.

(2) The Tribunal shall direct service of notice to an interested party in Form 4 set out in the Schedule within seven days of the order under paragraph (1).

(3) The interested party shall within seven days respond to the notice in Form 5, set out in the Schedule.

(4) An interested party to any proceedings is bound by these Rules and may make submissions and provide evidence as if that person was a party to the proceedings.

18. Place and time of hearing

(1) The chairperson, deputy chairperson or designated member shall, with due regard to the convenience of hearing the parties, fix the date, time and place of the oral hearing.

(2) The chairperson, deputy chairperson or designated member may alter the time and place of any hearing upon notice to the parties.

(3) The Tribunal may on its own motion or on application made before it, adjourn a hearing and, where the time and place of the adjourned hearing are determined during the adjournment, further notice on the time and place of hearing shall not be required:

Provided that such alteration shall not interfere with the time limits specified in the constitution or rules of a National Sports Organizations, unless there is a provision in the constitution or rules permitting the Tribunal to grant such alteration or unless the parties agree to such an extension.

(4) Unless otherwise directed, the Tribunal shall transact business from Monday to Friday of every week, except on public holidays.

19. Procedure at hearing

(1) At the beginning of the hearing, the chairperson shall explain to the parties the order of proceeding which the Tribunal proposes to adopt.

(2) The parties shall be heard in such order as the Tribunal may determine, and shall be entitled to give evidence, to call witnesses, to question any witness and to address the Tribunal on the evidence and the subject matter.

(3) At any hearing the Tribunal may, if it is satisfied that it is just to do so, permit a party to rely on grounds not stated in the party's pleadings or the reply where such grounds were not within the knowledge of the party at the time of filing.

(4) The Tribunal may make orders to secure the attendance of any person before the Tribunal, discovery or production of any document concerning a matter before the Tribunal as it deems necessary.

(5) The Tribunal shall require any witness giving evidence to swear an oath or affirm and for that purpose it may administer an oath or affirmation.

20. Mediation

(1) The Tribunal may, on its own motion or upon the request of parties, order that any in a proceeding be mediated before a member of the Tribunal or an independent person.

(2) The member of the Tribunal who sits as a mediator under paragraph (1) shall not, unless the parties consent, sit on the panel hearing the substantive matter.

(3) Costs of the independent mediator shall be borne by parties.

(4) The Tribunal may refer the parties to such other forms of alternative dispute resolution as it deems appropriate.

21. Appointment of experts

(1) The Tribunal may, in any proceeding, either on its own motion or on the application of any party, appoint a person who is independent of the parties with expertise in the subject matter of the dispute to assist and advise the Tribunal on the matter.

(2) The parties may cross-examine the expert who shall disclose any interest in the matter before the Tribunal or any subsequent interest acquired relating to the matter.

(3) The Tribunal shall be responsible for any fees and expenses incurred by the expert appointed under paragraph (1) unless it otherwise directs.

22. Upholding the dignity of the Tribunal

(1) If a person—

- (a) fails to attend the Tribunal after having been required to do so;
- (b) refuses to take an oath or affirmation before the Tribunal;
- (c) fails to produce any article or document when lawfully required to do so by the Tribunal;
- (d) knowingly gives false or misleading evidence before the Tribunal;
- (e) at any sitting of the Tribunal, insults any member or officer of the Tribunal or interrupts the proceedings; or
- (f) fails or neglects to comply with a decision, order, direction or notice confirmed by the Tribunal, the Tribunal may make any necessary order to uphold its dignity and integrity.

(2) The Tribunal may exclude from the hearing any part of the evidence received from any person who is in contempt under paragraph (1) until the contempt is purged.

23. Decisions of the Tribunal

(1) Unless a unanimous decision is reached, a decision on any matter before the Tribunal shall be by a majority of votes of the panel and in case of an equality of vote, the chairperson or the person presiding shall have a casting vote.

(2) The decision of the Tribunal shall—

- (a) be reduced to writing;
- (b) contain a statement of the reasons for the decision;
- (c) be signed and dated by the chairperson and every member who heard the matter; and
- (d) delivered orally.

(3) The decisions of the Tribunal shall have the effect of a decision under the Civil Procedure Act (Cap. 21) and any rules made thereunder.

(4) In addition to its decision, the Tribunal may make non-binding recommendations to a National Sports Organization or other relevant party arising out of any proceedings.

[Subsidiary]

(5) The Tribunal may also make recommendations to the Ministry, the National Sports Organization or the Registrar to suspend or withdraw funding or services made available to a party.

(6) The Tribunal may recommend that changes be made to any applicable rule, policy or procedure of the relevant National Sports Organization.

(7) In addition to making the recommendations in paragraphs (5) and (6) the Tribunal may issue—

- (a) a reprimand or warning;
- (b) suspend the person from activities of the National Sports Organization;
- (c) suspend the person's membership of the National Sports Organization or its members;
- (d) impose a fine;
- (e) impose other penalty as the Tribunal considers commensurate with the offence;
- (f) combination of any of the above penalties as the Tribunal thinks fit.

21. Decisions on selection or non- selection

If the appellant succeeds on an appeal against selection or Non-selection of a national squad, the Tribunal may—

- (a) refer the question of selection back to the National Sports Organization for determination;
- (b) allow the appeal and conclusively determine the issue of selection of appellant if—
 - (i) it would be impracticable to refer the matter back to the National Sports Organization within the time in which entries to the relevant event or competition are to be submitted; or
 - (ii) there has been disregard of the selection criteria by or on behalf of National Sports Organization or that it would be unlikely that the selection criteria will be properly followed or implemented.

22. Application for review

(1) The Tribunal may on the application of any party or on its own motion review a decision in any of the following circumstances—

- (a) where after the exercise of due diligence, a new and important matter or evidence has been discovered which was not within their knowledge or could not be produced at the time when the decision was made;
- (b) mistake or error apparent on the face of the record; or
- (c) any other sufficient reason.

(2) A party aggrieved by the decision of the Tribunal may apply for review in writing and shall file the application within twenty-one days of the decision.

(3) The applicant shall within fourteen days of filing the application serve the application and the supporting documents on all the parties.

(4) A party served with an application for review shall within fourteen days of service of the application file and serve a statement of response.

(5) The Tribunal shall make such order in relation to the application for review as it considers fit.

(6) No application shall be made to review a decision made under paragraph (5).

23. Appeals form the decisions of the Tribunal

(1) Any party dissatisfied with a decision of the Tribunal may lodge an appeal to the Court of Arbitration for Sport if the rules or policies of the relevant International Federation or National Sports Organization so provide.

(2) An appeal to the Court of Arbitration for Sports shall be lodged within the time specified in the relevant rules of the International Federation or National Sports Organizations or within fifteen days of the date of the decision of the Tribunal where the relevant rules of the International Federation or National Sports Organizations do not specify the time.

(3) Unless the Tribunal or the Court of Arbitration for Sport otherwise order, an appeal shall not operate as a stay of the decision to which the appeal relates.

24. Costs

(1) The Tribunal may, at any stage of the proceedings, make any order relating to the payment of costs by one party to another in respect of the whole or part of the proceedings including an order for security for costs as it considers fit.

(2) The Tribunal may direct any party against whom an order for costs is made to pay such costs to any other party in a lump sum or such proportion of the costs as may be just within twenty-one days of the decision of the Tribunal decision relating to costs.

(3) The Tribunal or party may enforce an order relating to cost as if the order was an order under the Civil Procedure Act, (Cap. 21) and any rules made thereunder.

25. Filing fees

(1) Parties shall pay to the Tribunal such filing and other fees, including fees for service by the Tribunal for any notice or process.

(2) The Tribunal may, if it considered it to be in the interest of justice, or on grounds of financial hardship on the part of any party waive all or part of the filing fees payable.

26. Irregularities

(1) Any irregularity resulting from failure to comply with any provision of these Rules may not render the proceedings void where the irregularity does not occasion a miscarriage of justice.

(2) The Tribunal shall, where any irregularity has come to its attention and is satisfied that a person has been prejudiced by the irregularity, give such directions as it considers just to cure the irregularity before reaching its decision.

(3) The Tribunal may correct clerical mistakes or errors in any document, recording, direction, order or decision of the Tribunal, arising from an accidental omission, by a certificate issued by the chairperson.

27. Recording of proceedings

The Tribunal may record proceedings before it in such manner as the Tribunal may determine.

28. Protection from personal liability

The chairperson, deputy chairperson, member or secretary of the Tribunal, shall not be liable for anything done in good faith in the performance of their functions.

29. Oath of office

A person who is appointed chairperson, deputy chairperson or member of the Tribunal shall take and subscribe to the oath of office administered by the Chief Justice before assuming the duties of that office.

30. Disclosure of interest

(1) Where a member of the Tribunal, has any interest, that could conflict with the proper performance of the member's function, the member shall disclose the interest to the parties to the proceedings and may not participate during any deliberations on the matter by the Tribunal.

(2) Parties shall be at liberty to determine whether the member who discloses interest shall participate in the deliberations.

[Subsidiary]

31. Quorum of the Tribunal

(1) Except where otherwise specifically provided for in these Rules, for purposes of proceedings before the Tribunal, quorum shall be chairperson or a member acting as chairperson and two members.

(2) The chairperson or deputy chairperson may select a panel comprising of fewer or more than three members.

32. Official seal

The Tribunal shall have an official seal.
