

SPECIAL ISSUE

Kenya Gazette Supplement No. 16 (Nairobi City County Acts No. 6)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NAIROBI CITY COUNTY ACTS, 2017

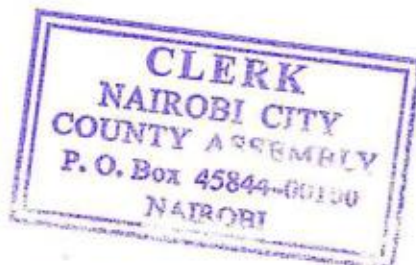
NAIROBI, 10th July, 2017

CONTENT

Act—

PAGE

The Nairobi City County Sports Management Act, 2017.....1



PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

**THE NAIROBI CITY COUNTY SPORTS MANAGEMENT ACT,
2017**

No. 6 of 2017

Date of Assent: 3rd July, 2017

Date of Commencement: 24th July, 2017

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Object and purpose of the Act.

**PART II— COUNTY SPORTS MANAGEMENT
STRUCTURE**

- 4—Sports management Committee.
- 5—Establishment of the Directorate.
- 6—Functions of the Directorate.
- 7—Administration of the Directorate.

PART III— COUNTY SPORTS PLAN

- 8—The Sports Plan.
- 9—Role of the County Government.

PART IV— FINANCIAL PROVISIONS

- 10—County Sports Fund.
- 11—Estimates
- 12—Maintaining of book.
- 13—Financial year.
- 14—Offences.

PART V— PROVISIONS ON DELEGATED POWERS

- 15—Rules.
- 16—Transitional.

SCHEDULE



**THE NAIROBI CITY COUNTY SPORTS
MANAGEMENT ACT, 2017**

AN ACT of the County Assembly of Nairobi City to provide for the management, promotion and regulation of sports in Nairobi City County and for connected purposes

ENACTED by the County Assembly of Nairobi City, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Nairobi City County Sports Management Act, 2017. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“Committee” means the County Sports Management Committee established by section 4;

“Director” means the Director of the Directorate of Sports management appointed under section 7;

“Directorate” means Directorate of Sports management established by section 4;

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

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

3. The objects and purpose of the Act are to—

Object and
purpose of the
Act.

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

- (d) otherwise enhance the capacity of the County Government, relevant agencies and the community to effectively manage the sports.

PART II—COUNTY SPORTS MANAGEMENT STRUCTURE

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

(2) The Committee shall consist of—

- (a) the Deputy Governor who shall be the Chairperson;
 - (b) the County Executive Member responsible for Sports;
 - (c) the County Executive Member responsible for finance;
 - (d) the County Executive Member responsible for public works;
 - (e) a person with disability;
 - (f) a representative of the City Inspectorate;
 - (g) At least two youth representatives representing both genders duly appointed by the Governor with approval from the County Assembly;
 - (h) A representative from Sports Kenya;
 - (i) the County Director for Sports who shall be the Secretary.
- (3) The Committee shall—
- (a) set policies on Sports management;
 - (b) approve the sports Plan;
 - (c) review, approve and endorse recommendations of the Director; oversee the application of the County Sports Plan and give any order or direction necessary for the Sports Plan to be implemented;
 - (d) implement the national governments policy on Sports response; and
 - (e) discharge any other responsibility or exercise any other power as provided by this Act or the County Sports Plan.



(4) The Committee shall report annually to the County assembly on the status of Sports of the county.

(5) The conduct and regulation of the business and affairs of the Committee shall be as provided in the Schedule.

(6) Except as provided in the Schedule, the Committee may regulate its own procedure.

5. (1) There is established, the Directorate of Sports Management which shall be a department in the County public service.

Establishment of the Directorate.

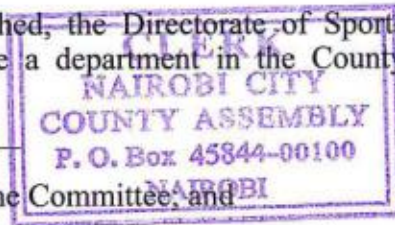
(2) The Directorate shall—

- (a) be the secretariat of the Committee, and
- (b) be under the direct management and supervision of the Committee.

6. (1) The Directorate shall—

Functions of the Directorate.

- (a) assess and review all Sports and make appropriate recommendations to the Committee;
- (b) prepare and subject to the Committee's approval implement the sports plan;
- (c) in collaboration with Sports Kenya co-ordinate and monitor the implementation of the national and county sports policy;
- (d) ensure that areas in the county in need of sports facilities are identified and measures for their development are undertaken by the departments of the county;
- (e) undertake any activity relating to raising the capacity within the County to participate in sports;
- (f) ensure that the sports plan is publicized and that all sectors of the community are made aware of the benefits of Sports;
- (g) ensure that a coordinated inter-agency approach is undertaken in relation to all sporting activities;
- (h) implement the decisions of the Committee and give proper effect to the provisions of this Act and the Sports Plan;



- (i) in collaboration with Sports Kenya ensure that preparedness activities are undertaken as required, including public awareness raising, training, simulation exercises, sports planning and establishment of facilities and communications;
- (j) identify buildings and places which could be used as sporting centres or camps in case of and make arrangements for water supply and sanitation for such buildings or places;
- (k) put in place collaboration measures with Sports Kenya or national government agencies;
- (l) advise the County Government on all matters relating to sports response;
- (m) ensure that such relevant agencies or institutions as may be determined by the Director, prepare their own sports plans;
- (n) in collaboration with Sports Kenya assist institutions in the county and the community generally to identify, implement and participate in sports activities and programmes;
- (o) collate the sports plans prepared under Part 4 and refer them to the Committee for approval; and
- (p) undertake such activities as are necessary to prepare for responses to sports.
- (q) in collaboration with Sports Kenya Set up and maintain county stadia and sporting facilities.
- (r) promote sports tournaments.

7. (1) The Sports Directorate shall be headed by a Director of Sports Management.

Administration of
the Directorate.

(2) The Director shall be appointed by the County Public Service Board through a competitive and transparent process.

(3) A person shall be appointed as a Director if that person—

- (a) is a Kenyan citizen;
- (b) is a holder of at least a first university degree in a course relevant to matters of sports management;

- (c) satisfies the requirement of Chapter Six of the Constitution; and
 - (d) has knowledge, experience and a distinguished career of not less than five years in the relevant field.
- (4) The Committee shall, in consultation with the County Public Service Board determine such number of staff as may be required for the proper execution of the functions of the Directorate.
- (5) The Director shall be the overall head of the Directorate and shall be responsible for—
- (a) day to day running and operation of the Directorate;
 - (b) administration, organization and control of staff of the Directorate;
 - (c) management of funds, property and affairs of the Directorate;
 - (d) implementation of policies and programmes of the Directorate and reporting thereon to the Committee;
 - (e) development of operational sports plans for achieving the objectives of the Directorate; and
 - (f) performance of any other function necessary for the implementation of this Act, as may be determined by the Committee.

PART III—COUNTY SPORTS PLAN

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

(2) The Sports Plan shall be prepared by the Directorate having regard to the National Government Sports Policy and shall be approved by the Nairobi City County Assembly.

(3) The Sports Plan shall include—

- (a) measures to be taken for the organization, coordination and promotion of sporting activities in the County;
- (b) measures to be taken for the management, protection and preservation of the sports facilities of the County Government;
- (c) measures to be taken for the integration of sports in the development sports plans;

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

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

Role of the
county
government

PART IV—FINANCIAL PROVISIONS

10. (1) There is established the County Sports Fund, which shall be administered by the Director.
- (2) The Fund shall be financed from—
- (a) such monies appropriated from the County Revenue;
 - (b) such monies or assets as may accrue to the Directorate in the course of the exercise of its powers or the performance of its functions under this Act;
 - (c) grants made by the national government or other county governments;
 - (d) loans, aid or donation from national or international agencies; and
 - (e) all monies from any other source provided or donated or lent to the directorate.

County Sports
Fund

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

11. (1) Before the commencement of each financial year, the Directorate shall prepare financial estimates for that year. Estimates

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

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

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

(4) Expenditure of the Directorate shall not be incurred except in accordance with the annual estimates approved under subsection (3).

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

(2) Within a period of three months after the end of each financial year, the Committee must submit to the Auditor-General the accounts of the Directorate in respect of that year together with—

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

13. (1) The financial year of the Directorate shall be the period of twelve months ending on the thirtieth June in each year. Financial year

14. Any person who—

- (a) obstructs any officer or employee of the county government or Directorate in the discharge of their functions under this Act;
- (b) refuses to comply with any direction given by or on behalf of the county government in exercise of the functions under this Act;
- (c) knowingly makes a false claim for obtaining any assistance or any other benefits under this Act;
- (d) fails to discharge their duties as accorded by this Act; or
- (e) interferes or destroys any equipment meant to achieve the objectives of this Act

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

15. (1) Notwithstanding anything in any law to the contrary, no body, or other person shall exercise any power relating to the control, maintenance, development or protection of any county stadia except where such power has been delegated by the Committee.

Maintenance of,
development of,
and protection of
stadia

(2) Notwithstanding subsection (1), the Committee shall encourage community and private sector participation in stadia construction, maintenance and management under its supervision and guidance.

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

PART V— PROVISIONS ON DELEGATED POWERS

16. (1) The County Executive Committee member responsible for public safety shall, on the recommendation of the Committee, make rules generally for the better carrying out of the provisions of this Act.

Rules

(2) Without prejudice to the generality of the foregoing, such rules may provide for—

(a) prescribing anything required to be prescribed under this Act;

(b) the forms and fees for the purpose of this Act.

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

(a) the Statutory Instrument Act, 2013;

(b) the Interpretation and General Provisions Act;

(c) the Constitution and any national law;

(d) the general rules of international law as specified under Article 2 (5) of the Constitution; and

(e) any treaty and convention ratified by Kenya under Article 2 (6) of the Constitution.

17. (1) In this section—

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

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

(2) On the effective date, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in the former Department, shall by virtue of this subsection, vest in the Committee.

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

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

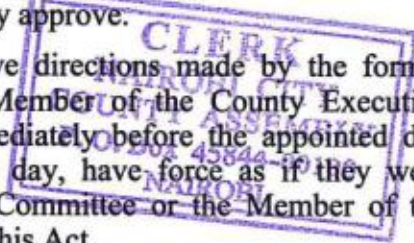
(5) Any reference in any written law or in any document or instrument to the former Department shall on and after

Transitional

the appointed day, be construed to be a reference to the Committee.

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

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



SCHEDULE**(S. 4(5))****PROVISIONS ON CONDUCT OF AFFAIRS AND
BUSINESS OF THE COMMITTEE**

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

2. A member other than an ex-officio member may Vacation of office

- (a) at any time resign from office by notice in writing to the Governor;
- (b) be removed from office by the Governor on recommendation of the Committee if the member-
- (i) has been absent from three consecutive meetings of the Committee without its permission;
 - (ii) is found to have contravened the provisions of Chapter Six or Thirteen of the Constitution;
 - (iii) is convicted of a criminal offence that amounts to a felony in Kenya;
 - (iv) is incapacitated by prolonged physical or mental illness for a period exceeding six months; or
 - (v) is otherwise unable or unfit to discharge his functions.

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

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

(3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days' written

notice of every meeting of the Committee shall be given to every member of the Committee.

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

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

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

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

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

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

Committees of the
Committee

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

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

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

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

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

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

Disclosure of
interest

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

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

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

Contracts and
instruments

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

Common seal

(2) The Committee shall, in the absence of either the Chairperson or the Secretary in any particular matter, nominate one member to authenticate the seal of the Committee on behalf of either the Chairperson or the Secretary.