

THE VIHIGA COUNTY SPORTS MANAGEMENT REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulations

- 1- Citation
- 2- Interpretation
- 3- Object and Purpose of the Regulations
- 4- Appointment of the Vice-Chairperson of the Committee
- 5- Appointment of the Secretariat of the Fund
- 6- Levels of Sponsorship
- 7- Winding up of the Fund
- 8- Quorum of the Committee
- 9- Offences and penalties
- 10- Establishment of the Sports Dispute Resolution Committee
- 11- Disciplinary powers of the Dispute Resolution Committee
- 12- Form of complaint
- 13- Report and recommendation
- 14- Report to the complainant
- 15- Management of information
- 16- Tenure of the Dispute Resolution Committee
- 17- Remuneration
- 18- Liability

SCHEDULES

The Vihiga County Sports Management Regulations 2020

THE VIHIGA COUNTY SPORTS MANAGEMENT REGULATIONS 2020

IN EXERCISE of the powers conferred by section 32 of The VIHIGA COUNTY SPORTS MANAGEMENT ACT, 2019, the County Executive Committee Member for Sports makes the following Regulations—

THE VIHIGA COUNTY SPORTS MANAGEMENT REGULATIONS, 2020.

Short title	1. These regulations may be cited as The Vihiga County Sports Management Regulations 2020
Interpretations	<p>2. In these regulations, unless the context otherwise requires—</p> <p>“Act” means the Vihiga Sports Management Act, 2019</p> <p>“administrator” means the administrator of the fund appointed under Section 5 (1) h of the Act;</p> <p>“Fund” means the Vihiga County sports Fund established under Section 9 of the Act;</p> <p>“Committee” means the County Sports Management Committee established under Section 4 of the Act</p> <p>“accounting standards board” means the Public Sector Accounting Standards Boards established under section 192 of the Public finance management Act;</p> <p>“County means” Vihiga County.</p> <p>“County Assembly” means County Assembly of Vihiga</p> <p>“County government” means County Government of Vihiga</p> <p>“County sports facility” means such sports facility owned by the County</p> <p>“County sports federation” means such federation having been registered and is domiciled in the County.</p> <p>“Executive Committee Member” means County Executive Committee member for sports.</p> <p>“Local Sports team” means sports team that is domiciled in the county with not more than seventy percent of its members being residents of the county and is affiliated to a recognized federation of association.</p> <p>“sports” includes all forms of physical or mental activity which, through casual or organized participation, or through training activities, aim at expressing or improving physical and mental well-being, forming social relationship or obtaining results in a competition at all level.</p> <p>“Youth group” means such group where</p> <ol style="list-style-type: none">seventy percent of the members are youth;all officials are youth;the group is registered and actively involved in sports; andthe group is based in the County.
Purpose of the regulations	<p>3. Objects and Purposes</p> <ol style="list-style-type: none">These Regulations give effect to Paragraph 4 (h) of Part 2 of the Fourth Schedule of the Constitution, and section 32 of the Vihiga Sports Management Act, 2019.Provide for the establishment of a Fund to enable the county government –support sports activities and local teams within the county; and

The Vihiga County Sports Management Regulations 2020

- c) Attract lawful paid activities at sports facilities belonging to the country government for purposes of raising revenue.

4. Appointment of the Vice-Chairperson of the Committee

- (1) Subject to section 5 (1) (a) of the Act, the Committee shall in its first meeting after coming into force of these Regulations appoint a Vice – Chairperson who shall be of the opposite gender from the Chairman.
- (2) Persons appointed under Section 5 (1) (e) (f) and (g) of the Act shall be ex- officio members of the Committee.
- (3) Qualifications of members to be appointed under Section 5 (1) (a) (b) (c) and (d) of the Act shall have the following qualifications-
 - (a) be a citizen of Kenya and a resident of Vihiga County;
 - (b) holds in the minimum, a diploma from a recognized institution in Kenya;
 - (c) have knowledge and relevant experience in sports management;
 - (d) not an employee of the County Assembly or County Executive or a member of the County Assembly; and
 - (e) meets the requirements of leadership and integrity set out in Chapter six of the Constitution.

5. Appointment of the Secretariat of the Fund

- (1) The secretariat established under Section 7 of the Act shall be such staff from the county public service or a firm appointed by the County Executive Member in consultation with County Executive Member in charge of Finance.
- (2) In the event a firm is appointed under subsection (1) procurement laws and procedures shall strictly be adhered to
- (3) For an officer to be appointed under sub Section(1) he or she shall meet the following qualifications-
 - (a) be conversant with sports management;
 - (b) have the knowledge, skills and experience for drafting proposals, marketing and fundraising of sports activities; and
 - (c) have the knowledge, skills and experience for drafting proposals, marketing and fundraising of sports activities.
- (4) The Secretariat shall comprise of not more than five members.
- (5) The Secretariat shall be engaged on a full time basis.
- (6) Without prejudice to Section 8 of the Act, nothing in the Act shall limit the Committee from sourcing for funds for the Fund.

Secretariat of the fund

6. Levels of Sponsorship

- (1) The County Sports fund shall have the following categories of sponsorship:
 - (a) The local sports team or youth group participating in football matches may be eligible for partial funding to participate in football matches at the following levels;

The Vihiga County Sports Management Regulations 2020

- (i) National premier league;
 - (ii) Super League; or
 - (iii) Division I
- (b) Local sports team or youth groups participating in other categories of sports may be eligible for partial funding to participate at the national or regional level.
- (2) Local sports team or youth group seeking for funding must submit a national recognized calendar.
 - (3) All disbursement from the Fund for sponsorship at all levels shall be subject to availability of funds.
 - (4) Subject to Section 15 (3) of the Act the requisite forms for application for sponsorship shall be as prescribed in the first Schedule

Winding up of
the fund

7. Winding up of the Fund

1. The fund may be wound up –

- (a) By a resolution of the County Executive Committee with the approval of the County Assembly;
 - (b) By a resolution of the County Assembly;
 - (c) At the expiry of ten years from the date of commencement unless extended by the County Assembly;
- (2) All assets and liabilities of the Fund on the date of winding up shall revert to the County Government of Vihiga.

8. Quorum of the Committee

- (1) The quorum of the Committee shall be two thirds of the members.

9. Offences and penalties

- (1) A person who contravenes any of the provisions of the Act commits an offence and shall be liable, upon conviction, to a fine not exceeding five hundred thousand shillings, or imprisonment for a term not exceeding three years, or both.

10. Establishment of Sports Dispute Resolution Committee

- (1) Subject to Section 33 of the Act there is hereby established Sports Disputes Resolution Committee to be known as the Vihiga County Sports Dispute Resolution Committee.
- (2) The Dispute Resolution Committee shall consist of the following members appointed by the County Executive Committee Member in consultation with the Committee and approved by the County Executive—
 - (a) the County Attorney or in the absence the head of legal affairs of the County Executive;
 - (b) two members who are not parties to the nominating bodies provided in Section 5 (1) (b) (c) and (d) of the Act and are conversant with sports resolution who have experience of at least five years.
 - (c) at least two and not more than six other persons each appointed by

The Vihiga County Sports Management Regulations 2020

the appointing bodies under Section 5 (1) (b) (c) and (d) of the Act and who have experience in sports of at least five years.

(3) 1. At the first regular meeting of the Dispute Resolution Committee, the members shall elect from amongst themselves, a Chairperson and a Vice-Chairperson of the Dispute Resolution Committee.

2. The Chairperson and the Vice-Chairperson of the Dispute Resolution Committee shall at all times be of different gender.

3. The Vice-Chairperson shall, in the absence of the Chairperson, perform the functions of the Chairperson and shall perform such other functions as may be delegated by the Chairperson.

(4) Subject to the Act the Dispute Resolution Committee shall regulate its own procedures.

(5) The Dispute Resolution Committee shall receive and investigate complaints brought under Section 33 (1) of the Act.

(6)

11. Disciplinary powers of the Dispute Resolution Committee

(1) The Dispute Resolution Committee may make recommendation to the County Executive Committee Member for the removal or suspension of a member from the Committee if that member —

(a) is in violation of offences provided under Section 27(1) of the Act;

(b) has been convicted of an offence under the Anti-corruption and Economic Crimes Act, 2003 (No. 3 of 2003) or any other existing law;

(c) has been guilty of gross negligence or malpractice in respect of his calling;

(d) has been guilty of other impropriety or professional misconduct; or

(e) discloses information acquired in the course of duty

(2) The Dispute Resolution Committee may order the Committee to re-evaluate and/or avail funds to an applicant local sports team or youth group upon such satisfaction that the said application met the threshold provided under regulation 6 (4) and such representation from the administrator of Funds that the funds are available.

(3) The Dispute Resolution Committee shall in addition to sub regulation (1) and (2) have jurisdiction on matters relating to;

(a) denial of use of a sports facility owned by the County; and

(b) breach of functions of the Committee, the Secretariat and the Fund Administrator as provided under Section 6, 8, and 11 of the Act.

(4) In the discharge of its functions under this Act, the Dispute Resolution Committee may administer oaths and, subject to any regulations made under this Act, summon and/or enforce the attendance of persons as witnesses or production of books and

The Vihiga County Sports Management Regulations 2020

documents.

- (5) The Dispute Resolution Committee shall discharge its functions in accordance with principles of fairness without undue regard to technicalities and rules of evidence.
- (6) Any hearings by the Dispute Resolution Committee shall be public unless the Chairman directs otherwise.
- (7) Any person aggrieved by the decision of the Committee may appeal against that decision to the Sports Disputes Tribunal established under Section 55 of the Sports Act No. 13 of 2013.
- (8) The Dispute Resolution Committee shall be independent from the Committee.

12. Form of complaint

1. A person wishing to lodge a complaint under the Act may do so in writing addressed to the Chairperson of the Dispute Resolution Committee.
2. A complaint under sub-regulation (1) shall be in such form and contain such particulars as prescribed in Second Schedule.
3. The complaint shall have the following;
 - (a) the name and contact details of the complainant;
 - (b) the particulars of the respondent;
 - (c) the substance of the complaint in sufficient detail to enable the Dispute Resolution Committee to act.
4. The complainant may attach or provide any documents necessary to support the complaint.
5. Despite the foregoing, a complaint may be made anonymously, or treated in such a manner as to protect the identity of, or particulars of, the complainant where necessary, as may be directed by the Chairperson.
6. Upon receipt of a complaint under sub-regulation (1), the Dispute Resolution Committee may within seven (7) days of receipt of the complaint—
 - a. Notify the Respondent of the Complaint;
 - b. Call for information or a report regarding such complaint from any person as prescribed in the second Schedule within such reasonable time as may be specified by the Dispute Resolution Committee ; and
 - c. without prejudice to Regulation (6) (a), initiate such inquiry as it considers necessary, having regard to the nature of the complaint.
7. If the information or report called for under Regulation 6 (b) is not received within seven days, the Dispute Resolution Committee may proceed to inquire into the complaint without such information or report.
8. Without prejudice to Sub regulation 6 the investigations and any

The Vihiga County Sports Management Regulations 2020

hearings must conclude within 30 days of lodging of the complaint.

13. Report and recommendation

1. After concluding an investigation or an inquiry under this Act, the Dispute Resolution Committee shall make a report to the County Executive Member for implementation.
2. The report shall include—
 - (a) the findings of the investigation and any recommendations made by the Dispute Resolution Committee ;
 - (b) the action the Dispute Resolution Committee considers should be taken and the reasons for the action; and
 - (c) any recommendation the Dispute Resolution Committee considers appropriate.
3. If there is failure or refusal to implement the recommendations of the Dispute Resolution Committee within thirty days of issuance to the County Executive Member the Dispute Resolution Committee may prepare and submit to the Governor a report detailing the failure to implement its recommendations and the Governor shall take appropriate action.

14. Report to the complainant

1. The County Executive Member shall inform the complainant on the results of the investigation in writing within three days of receipt from the Dispute Resolution Committee.

15. Management of information

1. The staff of the Dispute Resolution Committee shall maintain confidence in respect of all matters that come to their knowledge in the exercise of their duties.
2. Subject to the provisions of Article 35 of the Constitution, the members of the Dispute Resolution Committee shall not be called to give evidence in respect of any matter that comes to their knowledge in the exercise of their duties.
3. Notwithstanding sub-regulation (1), the Dispute Resolution Committee may disclose in any of its report made under this Act, any matter that in the opinion of the Dispute Resolution Committee may be disclosed in order to establish grounds for the Dispute Resolution Committee's findings and recommendations.

16. Tenure of the Dispute Resolution Committee

- (1) The chairperson shall hold office for the entire duration of employment with the County.
- (2) Such other members being public officers with the County Government may hold office for the duration of employment with the County save that such period shall not exceed three years.
- (3) Members of the Dispute Resolution Committee appointed in accordance

The Vihiga County Sports Management Regulations 2020

with regulation 10 (2) (b) and (c) shall hold office for a term of three years but may be eligible for re-appointment once.

- (4) The chairperson and members of the Dispute Resolution Committee shall serve on part-time basis.

17. Remuneration

The Vihiga Sports Dispute Resolution Committee members shall be paid such allowances in accordance with established the Salaries and Remuneration Commission guidelines.

18. Liability

1. No matter or anything done collectively by the committee, employee or agent of the fund shall in executing the functions, powers and duties of the Fund,
render a member of the management committee, employee or agent of the fund personally liable to any action, claim or demand.
2. The provisions of these Regulations shall not relieve the Fund of the liability to pay compensation or damages to any person for the injury to the person, the person's property or any of the person's interests caused by the exercise of or any power conferred by these Regulations.

H.E. Hon. PATRICK SAISI
Ag. County Executive Committee Member
Sports.

SCHEDULE

FIRST SCHEDULE

Reg. 6 (4)

FORM VCSC-1

**COUNTY GOVERNMENT OF VIHIGA DEPARTMENT OF YOUTH, GENDER, CULTURE AND SPORTS
VIHIGA COUNTY SPORTS FUND**

APPLICATION FOR SPONSORSHIP FOR LOCAL SPORTS TEAM OR YOUTH GROUP

Name of Applicant
Of address (physical and postal including e-mail, telephone) *Apply to be sponsored the sum of Kenya Shillings in the discipline/sport of*)

Office bearer	Name	ID No.	Gender	Telephone No.	Email address	Postal address	Occupation/ profession
Chairman							
Secretary							
Treasurer							

Documents accompanying an application for sponsorship:

- a) Certified copy of the constitution;
- b) Certified certificate of registration or letter of recognition from the respective national sports federation or association;
- c) A short-, medium- and long-term strategic plan;
- d) An updated register of all affiliates, clubs (if any), officials and athletes
- e) Evidence of Clubs and or Sub-Counties sports organizations affiliated to the local sports team or youth group;
- f) Copy of logos and emblems;
- g) Certified copies where applicable of VAT, PIN, NSSF and NHIF compliance certificates of the local sports team or youth group or the compliance certificates for the officials of the local sports team or youth group
- h) Certified copies (in respect of Chairman, 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, Secretary and Treasurer
- j) Audited accounts for the previous year or certified bank statements for six months preceding application of funds
- k) Evidence of academic and professional qualifications from recognized institutions for the Chairman, Secretary and Treasurer
- l) A statutory declaration by the Chairman that the local sports team or youth group will observe anti-doping rules;
- m) a declaration by the Chairman of the amount the local sports team or youth group shall be funding;
- n) the budget for the intended activity seeking funds;

The Vihiga County Sports Management Regulations 2020

- o) a declaration by the chairman of any economic activity engaged by the local sports team or youth group;
- p) and
- q) receipts for registration of the intended activity where the local sports team or the youth group seeks sponsorship.

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

Office bearer	Name	Signature	Date
Chairman			
Secretary			
Treasurer			

DATED AT VIHIGA THIS _____ DAY OF _____ 20__

The Vihiga County Sports Management Regulations 2020

SECOND SCHEDULE

FORMS

[Reg. 12 (2) (3)]

FORM: VCSC-2

To the Chairman,
Vihiga County Sports Dispute Resolution Committee,
P.o Box 344-50300
Maragoli.

REF: SUBJECT OF THE COMPLAINT

IComplainant's Name/Anonymous holder of Kenyan National Identity Card Number.....and of Complainant's telephone number....., p o boxand email address:..... Lodge a complaint against (Respondent's name)of (Respondent's telephone number, physical, postal and email address (if known)) being that he/she ___ onday of20....(contents of the Complaint:

I hereby without any influence or coercion lodge the above described complaint and submit myself to the jurisdiction of this Dispute Resolution Committee.

Signature and date of lodging complaint

NOTICE OF COMPLAINT TO THE RESPONDENT

[Reg12 (6) (a)]

FORM VCSC-3

1. VCSC Reference:.....
2. Addressee:.....
3. Complainant's Identity:.....
4. Summary of Complaint:.....
6. Time- frame:.....
7. Certification:.....

[Reg. 11 (4)
FORM VCSC-4

SUMMONS TO ATTEND THE DISPUTE RESOLUTION COMMITTEE

- 1. VCST Reference:.....
- 2. Addressee:.....
- 3. Reasons for Summons:.....

“TAKE NOTICE that a Summons has been issued to secure your attendance before the Vihiga County Sports Dispute Resolution Committee pursuant to Section 33 of the Sports Management Act as read with Regulation 11 (4) of these regulations for the purpose/s of production of documents/discovery of documents/examination/ hearing particulars of which are set out below:

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4. Time-frame and Penal Notice:

“Take notice that you have 7 working days from the day following service of this Summons to attend to this Summons, otherwise the matter shall be dispensed with without any further reference to yourself.”