

THE ATHLETICS KENYA (REGISTRATION OF MEMBERS) REGULATIONS, 2016

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THE ATHLETICS KENYA (REGISTRATION OF MEMBERS) REGULATIONS, 2016

(Enacted by the Executive Committee pursuant to Article 46 of the Constitution of Athletics Kenya, 2016)

PART I - PRELIMINARY

1. Citation

These Regulations may be cited as the Athletics Kenya (Registration of Members) Regulations, 2016

2. Interpretation

In these Regulations, unless the context otherwise requires –

“**County**” means the Counties into which Kenya is divided under Article 6 (1) of the Constitution of Kenya, 2010 and specified in the First Schedule to the Constitution of Kenya, 2010;

“**Constitution**” means the Constitution of the Federation as amended and ratified from time to time.

“**Executive Committee**” means the Executive Committee established under Article 19 of the Constitution.

“**Federation**” means Athletics Kenya.

“**Member**” means members of the Federation as specified in Article 3 of the Constitution.

“**Region**” means one of the geographic regions into which the Counties are divided under Article 3(1) and Appendix 2 of the Constitution of Athletics Kenya, 2012.

“**Register**” means the Register of Members prepared in accordance with these Regulations.

“**Registration Officer**” means a person appointed by the National Executive Committee in consultation with the various elective levels for the purpose of registering Members under these Regulations.

“**Sub - County**” means a geographical unit within a County;

“Ward” means an electoral unit within a constituency delimited in accordance with Article 89 of the Constitution of Kenya.

PART II -MEMBERSHIP TO THE FEDERATION

3. Categories of Members of the Federation

The Members of the Federation shall be Ordinary, Regional, Institutional, Life, and Honorary as provided for in Article 3 of the Constitution.

4. Ordinary Membership

(1) An ordinary member of the Federation is a person who: -

- (a) is an adult;
- (b) has applied for membership to the Federation;
- (c) whose application for membership into the Federation has been accepted by the Executive Committee; and
- (d) who has paid up the membership fee;

(2) Ordinary Membership is not open to a person who:-

- (i) is of unsound mind;
- (ii) is convicted of a misdemeanor and sentenced to imprisonment without an option of a fine;
- (iii) is a member of another sport federation or discipline; or
- (iv) Is charged with fraud, corruption or any related offenses, sexual harassment, abuse of office or any other issue or any offence touching on integrity.

(3) The Executive Committee may establish any further criteria for eligibility as an Ordinary Member of the Federation.

5. Regional and Institutional Membership

1. The Regional and Institutional Members of the Federation shall be those in Appendix 2 of the Constitution;

2. Regional or Institutional Membership to the Federation shall be open to additional members as may be determined by the Annual General Meeting on the recommendation of the Executive Committee in accordance with Article 4 of the Constitution and these Regulations.

6. Life Membership

A Life Member is a member of the Federation who has: -

- (1) been nominated by any regional or institutional Member as a member entitled to be conferred with the honour of life membership;
- (2) been honored by the Annual General Meeting with the conferment of Life membership on the recommendation of the Executive Committee; and
- (3) has paid the life membership fee of Kshs 5,000/= or such higher amounts as shall be determined by the Annual General Meeting on the recommendation of the Executive Committee.

7. Honorary membership

An Honorary Member is a member of Federation who: -

- (1) is a fully paid up member of the Federation;
- (2) has served the Federation as a member of the Executive Committee for at least two terms; and
- (3) has been conferred the title Honorary Member by the Annual General Meeting.

PART III - MEMBERSHIP UNITS

8. Membership Units

- (1) The membership of the Federation shall consist of all the members of the Federation and shall be structured into Ward, Sub-county, County, Institutions and Regions as administrative levels of the Federation;
- (2) The Executive Committee shall determine, with the approval of the Annual General Meeting, the boundaries and compositions of Regions.

9. Ward Level

- (1) These are the Ward levels of the Federation as established under the Constitution and which shall be the first administrative units of the Federation;
- (2) The Ward Levels will be structured as close as possible to the Electoral Wards Established under Article 89 of the Constitution of Kenya;
- (3) Nothing in sub section (2) above shall limit the power of the Executive Committee with the concurrence of the Annual General Meeting to adjust any boundaries of Wards or to merge or separate any wards into smaller or larger units;
- (4) The persons making up the membership of the Ward Level shall be those persons who have applied for membership and have been accepted into the membership of the Federation through their respective wards;

10. Sub - County Level

- (1) These are the Sub-County levels of the Federation as established under the Constitution and which shall be the second level of the administrative units of the Federation;
- (2) The Sub - County levels shall consist of clusters of Wards as they are currently organized by the respective County Governments established under Article 6 (1) of the Constitution of Kenya, 2010;
- (3) Nothing in sub section (2) above shall limit the power of the Executive Committee with the concurrence of the Annual General Meeting to adjust any boundaries of Sub - Counties to add or remove therefrom any wards;
- (4) The persons making up the membership of the Sub - County Level shall be those persons who are members of the Ward levels falling within the areas covered by each Sub - County;

11. Membership to County Level

- (1) These are the County levels of the Federation as established under the Constitution of Kenya, 2010 and which shall be the third level of the administrative units of the Federation;

- (2) The Counties shall be the ones established under Article 6 (1) of the Constitution of Kenya, 2010.
- (3) The persons making up the membership of the County Level shall be those persons who are members of the Sub - County levels falling within the areas covered by each County;

12. Regional and Institutional Levels

- (1) These are the Regional and Institutional levels of the Federation as established under the Constitution and which shall be the fourth level of the administration of the Federation
- (2) The Regions and the Institutions shall be those contained in Appendix 2 of the Constitution;
- (3) Nothing in this Section shall be construed to limit the power of the Executive Committee or the Annual General Meeting to determine the organization of Regions and Institutions.
- (4) The persons making up the membership of the Regions shall be those persons who are members of the County levels falling within the areas covered by each region;
- (5) The persons making up the membership of each Institution shall be those persons who are members of the respective structures/command units or Institutions falling within that Institution as shall be determined by the Institution's Executive Committee provided that the membership goes up to the lowest administrative/command level of the respective institution.

13. National Level

- (1) The National Office is the one established by the Constitution and shall be organized as provided by the Constitution.
- (2) All persons making up the membership of the Regional and Institutional Members shall be members of the Federation;

PART IV- MEMBERSHIP REGISTER AND REGISTRATION

14. Register of Members.

- 14.1 The Executive Committee shall prepare and maintain a Register of Members of the Federation.
- 14.2 Subject to Sub-regulation 14.1, the Executive Committee may appoint a Registration Officer to assist in the preparation and maintenance of a Register of Members.
- 14.3 The Register of Members shall contain the particulars set out in Form A in the Schedule.
- 14.4 The Register of Members shall at all times be kept safely at the Federation's Headquarters but certified extracts thereof may be sent to the regional and/or institutional members upon request made in writing.

15. Commencement of Registration Process

- 15.1 The Executive Committee shall issue a notice in writing to the Regional and Institutional Members of the Federation to commence the registration of members at the appropriate levels of the Federation as provided in Part III of these Regulations.
- 15.2 Upon receipt of the Notice from the Executive Committee, the Regional and/or Institutional member shall begin the Registration Process from the Ward, Sub-County and County Levels in accordance with these Regulations.

16. Registration of Ordinary Members.

- 16.1 A person who is interested in being an ordinary member of the Federation shall make an Application in Form A set out in the Schedule;
- 16.2 An Application under sub-regulation 16.1 shall be made at the appropriate levels of the Federation as provided in Part III of these Regulations;
- 16.3 The Application under sub-regulation 16.1 shall be accompanied by a non-refundable Membership Application Fee of Kshs. 500/= or such other sum as shall be prescribed by the Annual General Meeting from time to time;

- 16.4 The Regional or Institutional Federation shall prepare a List of Applicants for ordinary Membership and shall forward the same together with the duly filled Application Forms and the Application Fees to the Registration Officer at the Federation's Secretariat not later than 28th February of every year;
- 16.5 The Registration Officer shall compile a list of all Applications received from the Regional and Institutional Members of the Federation and place the same for consideration by the Executive committee;
- 16.6 The Executive Committee shall consider the Applications and approve the same;
- 16.7 Any person who has applied for registration more than once shall be disqualified from being registered as a member;
- 16.8 The Executive Committee shall not approve for membership a person who is disqualified from joining the Federation under Regulation 4.2 hereinabove;
- 16.9 Upon receipt of duly approved applications, the Registration Officer shall enter the details of the Member in the Register of Members and shall issue that member with a Membership Card in the prescribed Form B set out in the Schedule;
- 16.10 If an Application is not approved by the Executive Committee, the Registration Officer shall inform the Applicant in writing of the decision of the Executive Committee;

17. Registration of Regional and Institutional Federations.

- 17.1 All applications for Regional or Institutional Membership shall be made by the Regional Federation or Institution desiring to join the membership of Federation and shall make an Application in Form A set out in the Schedule;

- 17.2 The Application in sub-regulation 17.1 above shall be accompanied by:-
- (a) a list of all its active members;
 - (b) a register of all its active athletes;
 - (c) be accompanied with a payment Ksh.500/-the annual affiliation fee;
 - (d) a declaration that the Regional Federation or Institution will observe and abide by the Constitution together with all the rules and regulations of the Federation;
 - (e) provide the details of the Applicant's physical address, official contact addresses; and
 - (f) contain a list of all its current office bearers and their contact details.
- 17.3 Upon receipt of an Application under Regulation 17.1, the Executive Committee shall review and recommend to the Annual General Meeting that an Applicant be admitted as a Regional or Institutional member of the Federation;
- 17.4 The Annual General Meeting shall consider and approve such a member by a decision made by simple majority in accordance with Article 13 of the Constitution;
- 17.5 A duly approved Regional or Institutional Member shall be part of Appendix 2 to the Constitution;

18. Registration of Life Members

- 18.1 Only duly registered Regional and/or Institutional members may nominate a person as a life member of the Federation;
- 18.2 A Regional and/or Institutional member shall nominate only individuals who have made outstanding contribution to Athletics in Kenya as a life member of the Federation in writing and forward the same to the

Registration Officer not later than Ninety (90) days to the General Meeting;

- 18.3 An individual proposed as a life member of the Federation shall accept his nomination in writing and remit to the Executive Committee the letter of acceptance of nomination together with a non-refundable Nomination Fee of Kshs. 5,000/= or such higher sum as shall be prescribed by the Annual General Meeting not later than Sixty (60) days to the General meeting;
- 18.4 The Registration Officer shall compile a list of all Nominations received from the Regional and Institutional Members of the Federation and place the same for consideration by the Executive Committee;
- 18.5 The Executive Committee shall consider the Applications and recommend the Nominees for ratification by the Annual General Meeting;
- 18.6 The Executive Committee shall not recommend any person who is disqualified from joining the Federation under Regulation 4.2 as a member;
- 18.7 The Annual General Meeting shall approve the List of Nominees for Life Membership to the Federation by a decision made by simple majority in accordance with Article 13 of the Constitution.
- 18.8 The Registration Officer shall enter the details of the approved Life Member in the Register of Members and shall issue that member with a Life Membership Card in the prescribed Form C set out in the Schedule;
- 18.9 If an Application is not approved by the General Meeting, the Registration Officer shall inform the Applicant in writing of the decision of the Annual General Meeting;
- 18.10 The decision of the Annual General Meeting on Registration as a Life Member is final.

19. Registration of Honorary Members

- 19.1 An individual who has been honoured by the Annual General Meeting and has served the Federation as a member of the Executive Committee for at least two terms may be registered as an Honorary Member of the Federation.
- 19.2 Notice to Honour such individuals may be given to the Members in accordance with the procedure in Article 10 of the Constitution.
- 19.3 Upon being approved by the Annual General meeting in accordance with Article 13 of the Constitution, the Registration Officer shall enter the name and details of the approved Honorary Member in the Register of Members and shall issue that member with an Honorary Membership Certificate in the prescribed Form D set out in the Schedule;
- 19.4 If an Application is not approved by the General Meeting, the Registration Officer shall inform the Applicant in writing of the decision of the General Meeting;
- 19.5 The decision of the Annual General Meeting on Registration as an Honorary Member is final.

Changes to the Register

20. The Registration Officer at the National Level may, in accordance with these Regulations and with the approval of the Executive Committee, make changes to the Register of Members:
 - a. To correct clerical or other errors in the register;
 - b. To reflect changes in the details of a member provided that notice has been given to the Registration Officer through the Regional and/or Institutional members in good time of the change in name or other particulars;
 - c. To delete the name of a person whose membership to the Federation has ceased;
 - d. To delete any person whose name was wrongly entered into the Register and/or was not qualified to be a member in the first place;

21. Publication and Certification of Register

- 21.1 The Registration Officer shall within sixty (60) days after the approval of the last List of Members as provided for in Regulations 6 through 8 hereinabove publish and certify the Register of Members.
- 21.2 The duly certified Register of Members shall be used for the next Annual General Meeting (s) subject to new Registration, changes and amendments provided for under these Regulations.

22. Prohibition of Entries in the Register

No entry, amendment or change in the Register of Members shall be made thirty (30) days to the Annual General Meeting.

23. Transfer of Membership

- (1) Any Ordinary Member of the Federation who wishes to transfer his/her membership from one Ward to another shall only do so in accordance with the provisions of this Section;
- (2) The Ordinary Member desirous of transferring his membership shall apply in writing to the Executive Committee;
- (3) The application in Sub Section (2) should contain statements : -
- (1) Confirming that the Ordinary Member is a paid up member of the Federation in good standing, and
 - (2) Clearly stating the current ward that the Ordinary Member belongs to and the Ward that the Ordinary Member wishes to transfer to;
 - (3) Providing reason(s) as to why the Ordinary Member wishes to Transfer to another Ward.

24. The Privacy of Member Information

The Federation shall ensure that all the members information shall be kept confidential and shall not be shared with other third parties without the approval of the Executive Committee.

25. Dispute Resolution

- (1) All Disputes in respect to registration of Members shall be referred to Executive Committee in the first instance in writing within 21 days of the close of the registration period for resolution;
- (2) The Executive Committee shall determine any disputes received by it within 21 days of receipt of any notification of a dispute;

25. Appeals to arbitration panel

- (1) Any person aggrieved by the decision of the Executive Committee under Article 27 above may prefer an appeal to the Arbitration Panel as established under Article 39 of the Constitution.
- (2) In determining any disputes under this section, the Arbitration Panel shall be the sole determinant of its procedure and rules.

26. Last appeal to the Sports Disputes Tribunal

- (1) Any party to an appeal in Section 28 above has a right to a final appeal to the Sports Disputes Tribunal established under the Sports Act, 2013.
- (2) All parties to a dispute in this section, shall bear all their respective costs arising from their pursuit of any remedies or avenues of legal redress.

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