



**THE CONSTITUTION OF  
FOOTBALL KENYA FEDERATION  
(2017)**



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## Definitions of terms and phrases

Except where the context otherwise requires the terms given below denote and mean the following:

Terms referring to natural persons are applicable to both genders. Any term in the singular applies to the plural and vice versa.

**“Arbitration Tribunal”** means an independent and duly constituted private court of justice acting instead of an Ordinary Court.

**“Association”**: a football association recognized by and a member of FIFA.

**"Association Football"** refers to the game controlled by FIFA and organised in accordance with the Laws of the Game.

**"County"** means the 48 members of FKF in charge of the administration, management and running of football at County level as defined by the National Executive Committee and ratified by the General Assembly and listed in this constitution as amended from time to time.

**"CAF"** means the Confédération Africaine de Football

**"CAS"** means the Court of Arbitration for Sports in Lausanne (Switzerland).

**"CECAFA"** means the Council of East and Central Africa Football Associations.

**"Club"** means an organization, whether incorporated or not, registered as such under the Societies Act, or any other Statute, with the playing of Football as its principal objective, and duly admitted to membership of the Federation.

**“Confederation”** means a group of Associations recognised by FIFA and belonging to the same continent (or assimilable geographic area).

**"Federation"** or **"FKF"** means the Football Kenya Federation.

**"FIFA"** means the Fédération Internationale de Football Association.

**"General Assembly"** means the legislative body of the Federation created in accordance with this constitution. It is the supreme body of Football Kenya Federation.

**“Association Football”** means the game controlled by FIFA and organised in accordance with the Laws of the Game.

**"IFAB"** means the International Football Association Board which authorizes and modifies the Laws of the Game.

**"Laws of the Game"** refers to the laws of association football issued by the International Football Association Board (**IFAB**).

**"League"** means a body tasked with organizing a tournament in which member clubs of the Federation duly licensed by the Federation are competing. All leagues are subordinate to the Federation.



**"Member"** means a legal person that has been admitted into membership of Football Kenya Federation by the General Assembly.

**"National Executive Committee"** or **"Executive Committee"** or **"NEC"** means the executive arm of the Federation created in accordance with this Constitution.

**"NOCK"** means National Olympic Committee of Kenya.

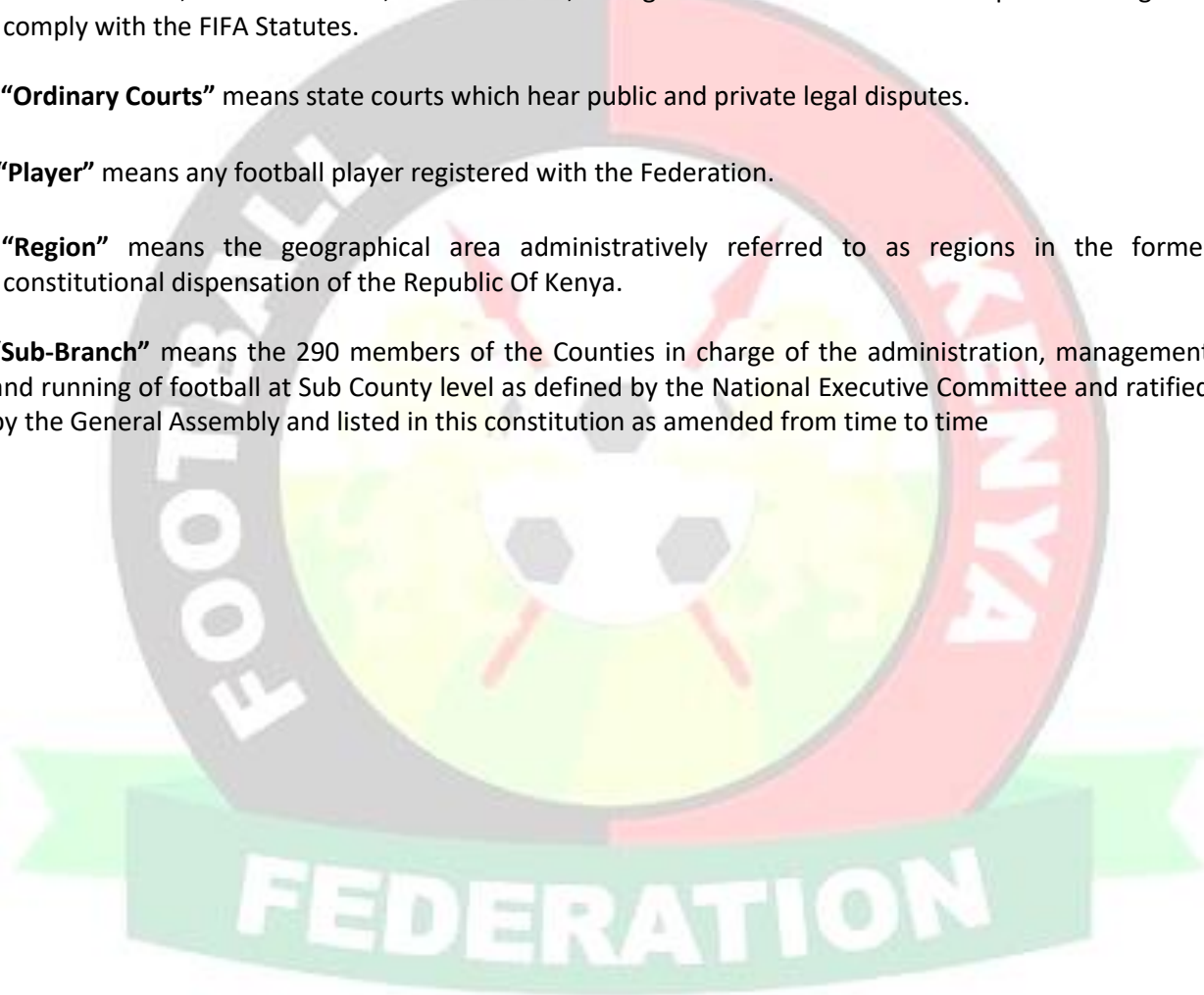
**"Official"** means every board member, committee member, referee and assistant referee, coach ,trainer, and any other person (except Players) responsible for technical, medical and administrative matters in FIFA, a Confederation, an Association, a League or a Club as well as other persons obliged to comply with the FIFA Statutes.

**"Ordinary Courts"** means state courts which hear public and private legal disputes.

**"Player"** means any football player registered with the Federation.

**"Region"** means the geographical area administratively referred to as regions in the former constitutional dispensation of the Republic Of Kenya.

**"Sub-Branch"** means the 290 members of the Counties in charge of the administration, management and running of football at Sub County level as defined by the National Executive Committee and ratified by the General Assembly and listed in this constitution as amended from time to time



## **Preamble**

### **Whereas;**

- a) In 2013 the new national constitution came into force in Kenya that saw the end of the Provincial system and the introduction of the County system. Many administrative structures were thus changed to reflect this new dispensation
- b) In the General Assembly of the Football Kenya Federation of 2015 Members resolved to review the Football Kenya Federation constitution to reflect this new dispensation and also align any other wanting clauses in the constitution to meet the changed needs in administering the game of football in Kenya in line with CAF and FIFA requirements

NOW this constitution is adopted as the Constitution of the Football Kenya Federation

## **Part 1 Articles 1-9 General Provisions**

### **Article 1 Name, Headquarters, Legal Form**

1. Football Kenya Federation (FKF) is an organization of an associative nature registered in Kenya in compliance with the Sports Act No. 25 of 2013 as a National Sports Organization. It is formed for an unlimited period.
2. The headquarters of the Federation are in Nairobi, Kenya and may only be transferred to another location following a resolution passed by the General Assembly.
3. Football Kenya Federation is a member of FIFA, CAF and CECAFA.
4. The abbreviation of Football Kenya Federation is "FKF".
5. The flag, emblem and logo of FKF shall be those illustrated in this constitution.
6. The flag, emblem, logo and abbreviation are legally registered with Registrar of Societies and the Kenya Industrial Property Institute as trademarks.

### **Article 2 Objectives**

The objectives of Football Kenya Federation are:

- a) to improve the game of football constantly and promote, regulate and control it throughout the territory of Kenya in the spirit of fair play and its unifying educational, cultural and humanitarian values, particularly through youth development programmes;

- b) to organise competitions in Association Football in all its forms at national level, by defining precisely as required, the areas of authority conceded to the various Leagues of which it is composed;
- c) to draw up regulations and provisions and ensure their enforcement;
- d) to protect the interests of its Members;
- e) to respect, and prevent any infringement of, the Constitution, regulations, directives and decisions of FIFA, CAF CECAFA and of FKF as well as the Laws of the Game and to ensure that these are also respected by its Members;
- f) to promote integrity, ethics and fair play with a view to preventing all methods or practices such as corruption, doping or match manipulation, which might jeopardise the integrity of matches, competitions, Players, Officials and Members or give rise to the abuse of Association Football, futsal or beach soccer.
- g) to control and supervise all football matches of all forms played and related activities throughout the territory of Kenya;
- h) to control and supervise Association Football, futsal and beach soccer at national level and to control and supervise all forms of international football matches played throughout the territory of Kenya, in accordance with the relevant Statutes and regulations of FIFA and of the CAF;
- i) to manage international sporting relations connected with Association Football in all its forms;
- j) to host competitions at international and other levels;
- k) to be the sole organization in charge of the administration, management and running of football in Kenya as the only authorized affiliate of FIFA, CAF and CECAFA respectively;
- l) to approve inter-County tournaments, international and any other matches and organized tours by Members, individuals, leagues or clubs in Kenya. No football tournaments or other football activity shall be organized by anybody in Kenya without the express written authority of the Federation;
- m) To develop, promote, encourage, control, regulate and generally assist in every way the game of football in all its forms and in all spheres in Kenya according to the Laws of the Game as authorized by the International Football Association Board (IFAB) and the FIFA Statutes;
- n) To provide rules and standing orders, regulations and by-laws on the methods of deciding and settling all differences and disputes that may arise among the members, clubs, players, referees and coaches of the Federation;
- o) To foster friendly relations among the Members, Officials and Players of all football leagues and clubs by encouraging and promoting football matches at all amateur and non-amateur levels and in other ways considered appropriate;
- p) To control football in Kenya by taking such steps as shall be necessary to prevent infringement of the Statutes, Regulations and Standing Orders of FIFA, CAF, FKF and of the Laws of the Game;
- q) To prevent racial, religious, tribal, political or any other reason of discrimination or distinction among players regardless of their status;



- r) To be responsible for the coaching, training, grading and disciplining of referees and coaches;
- s) To promote coaching and officiating clinics at all levels of football in Kenya;
- t) To be responsible for participating in FIFA, CAF and CECAFA tournaments and any other international friendly or official matches and fostering friendly relations with other national associations;
- u) To maintain a central register of all clubs, players and officials of the member associations.

### **Article 3 Human rights**

FKF is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights.

### **Article 4 Neutrality, Non-Discrimination gender equality and stance against racism**

1. FKF is neutral in matters of party politics and religion.
2. Discrimination of any kind against a country, private person or group of people on account of race, skin color, ethnic, national or social origin, gender, **disability**, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason is strictly prohibited and punishable by suspension or expulsion and or disciplinary measures.

### **Article 5 Promoting Friendly Relations**

1. FKF shall promote friendly relations between its Members, clubs, officials and players and in society for humanitarian objectives.
2. FKF shall provide the necessary institutional means to resolve any internal dispute that may arise between the Members, clubs, officials and players of FKF.

### **Article 6 Players**

1. The status of players and the provisions for their transfer shall be regulated by the National Executive Committee of FKF in accordance with the current FIFA Regulations on the Status and Transfer of Player

Players shall be registered in accordance with the regulations of FKF

## **Article 7 Laws of the Game**

1. FKF and each of its Members play Association Football in compliance with the Laws of the Game issued by The IFAB. Only The IFAB may lay down and alter the Laws of the Game.
2. FKF and each of its Members play Futsal and Beach Soccer in accordance with the Futsal Laws of the Game and the Beach Soccer Laws of the Game. Only FIFA may lay down and alter the Futsal Laws of the Game and the Beach Soccer Laws of the Game.

## **Article 8 Conduct of Bodies and Officials**

1. The bodies and officials of FKF must observe the Statutes, regulations, directives, decisions and the Code of Ethics of FIFA, of CAF and of FKF in their activities.
2. Every person and organisation involved in the game of Association Football in FKF's territory is obliged to observe the relevant Constitution, regulations, decisions of FKF and the principles of fair play as well as the principles of loyalty, integrity and sportsmanship.

## **Article 9 Official Languages**

1. The official language of the Federation for the meetings, documents and communication shall be English and/or Kiswahili.
2. English and/or Kiswahili shall be official spoken languages at the General Assembly of the Federation.
3. In the event of any conflict on the question of interpretation between English and Kiswahili, the English text shall prevail.

## **Part 2 Art 10-20 Membership**

### **Article 10 Admission, Suspension and Expulsion**

1. The General Assembly shall decide whether to admit, suspend or expel a member.
2. Admission may be granted if the applicant fulfils the requirements of Football Kenya Federation in accordance with this Constitution.
3. Membership is terminated by resignation or expulsion. Loss of membership does not relieve the Member from its financial obligations towards FKF or other members of FKF, but leads to the loss of all rights in relation to FKF

## Article 11 Admission of Members

1. The Members of FKF are:
  - a) The FKF Premier League Clubs;
  - b) The FKF National Super League Clubs;
  - c) The FKF National Division One League Clubs;
  - d) The FKF Division Two League Clubs;
  - e) The 48 Counties of FKF;
  - f) The FKF recognized Association for Football Referees;
  - g) The FKF recognized Association for Football Coaches;
  - h) The FKF recognized Association for Football players;
  - i) The FKF recognized Association for Women's Football. The FKF Women's Premier League representing both the Women's Premier League and Women's Division One League.
2. Any legal person wishing to become a Member of FKF shall apply in writing to the general secretariat of FKF.
3. The application must be accompanied by the following mandatory items:
  - a) A copy of its legally valid Constitution and regulations;
  - b) A declaration that it will always comply with the Constitution, regulations and decisions of FKF, FIFA, CAF and CECAFA and ensure that these are also respected by its own members, clubs, officials and players;
  - c) A declaration that it will comply with the laws of the game in force;
  - d) A declaration that it will not take matters of interpretation and application of the FIFA, CAF, CECAFA and FKF Constitution, regulations, decisions and directives to Ordinary Courts, unless FIFA, CAF, CECAFA or FKF regulations or binding national law, provide for or stipulate recourse to Ordinary Courts;
  - e) A declaration that it recognizes the Court of Arbitration for Sport (CAS) in Lausanne, as specified in the FKF Constitution as the exclusive dispute resolution organs for any applicable disputes arising out of or in connection with football in the association or disputes affecting leagues, members of leagues, clubs, members of clubs, players, officials and other association officials or the application of the FKF Constitution, rules or regulations made there under.
  - f) A declaration that it is located and registered in the territory of Kenya;

- g) A declaration that it will play all official home matches in the territory of Kenya;
- h) A declaration to the effect that the legal composition of the applicant guarantees that it can make decisions independently of any external entity;
- i) A list of officials, specifying those who are authorized signatories with the right to enter into legally binding agreements with third parties;
- j) A declaration that it undertakes to organize or participate in football activities only with the prior written consent of FKF;
- k) A copy of the minutes of its last general meeting at which the resolution to join the Federation was passed;

#### **Article 12 Request and Procedure for Application**

1. The procedure for admission shall be regulated by special regulations approved by the National Executive Committee of FKF.
2. The National Executive Committee shall request the General Assembly either to admit or not to admit an applicant.
3. The new Member shall acquire membership rights and duties as soon as it has been admitted.

#### **Article 13 Members' Rights**

1. The Members of FKF have the following rights:
  - a) To take part in the General Assembly of FKF, to receive its agenda in advance, to be called to the General Meeting within the prescribed time and to exercise their rights to participate in the debates and discussions and to exercise their voting rights;
  - b) To draw up proposals for inclusion in the agenda of the General Assembly;
  - c) To nominate candidates for elections to all bodies of FKF;
  - d) To be informed of the affairs of FKF through the official bodies of FKF;
  - e) To take part in competitions if applicable and/or other sporting activities organised by FKF;
  - f) To exercise all other rights arising from the Constitution and regulations of FKF.

The exercise of these rights is subject to other provisions in this Constitution and the applicable regulation

## Article 14 Members' Obligations

1. The Members of FKF have the following obligations:
  - a) To comply fully with the Statutes, regulations, directives and decisions of FIFA, CAF, CECAFA and FKF at all times and to ensure that these are also respected by its members;
  - b) To ensure the election of its decision-making bodies at least once every four years;
  - c) To convene the General Assembly at regular intervals, as a general rule once a year, but if circumstances so require, at least every two years;
  - d) To take part in competitions, if applicable, and other sporting activities organized by FKF;
  - e) To pay their membership subscriptions;
  - f) To respect the Laws of the Game as laid down by IFAB and the Beach Soccer and Futsal Laws of the Game as laid down by FIFA and to ensure that these are also respected by its members through a statutory provision;
  - g) To adopt a statutory clause specifying that any dispute requiring arbitration involving itself or one of its members and relating to the statutes, regulations, directives and decisions of FIFA, CAF, CECAFA and FKF or the League(s) shall only be referred to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, both as specified in the FIFA Statutes and in the FKF Constitution and that any recourse to Ordinary Courts is prohibited, provided that this does not violate binding law;
  - h) To manage their affairs independently and ensure that their own affairs are not influenced by any third parties in accordance with art. 19 of this Constitution;
  - i) To ensure that their bodies are either elected or appointed according to a procedure that guarantees the complete independence of the election or appointment;
  - j) To communicate to FKF any amendment of its Constitution and regulations as well as the list of its officials or persons who are authorised signatories with the right to enter into legally binding agreements with third parties;
  - k) Not to maintain any relations of a sporting nature with entities that are not recognised or with members that have been suspended or expelled;
  - l) To observe the principles of loyalty, integrity and good sporting behaviour as an expression of fair play through a statutory provision;



- m) To avail to the general secretariat, whenever called upon to do so, all or any of the mandatory items specified under article 11 paragraph 3 for the duration of their affiliation;
  - n) To maintain a register of members which shall regularly be updated and availed for inspection by any of the relevant organs of FKF;
  - o) To ratify statutes that are in accordance with the requirements of the Constitution of FKF;
  - p) To comply fully with all other duties arising from the Statutes and other regulations of FIFA, CAF, CECAFA and FKF.
2. Violation of the above-mentioned obligations by any Member may lead to sanctions provided for in the FKF Constitution.
  3. Violation of par. 1 (h) may also lead to sanctions, even if the third-party influence was not the fault of the member concerned. Each member of FKF is responsible towards FKF for any and all acts of the members of their bodies caused by the gross negligence or willful misconduct of such members.

#### **Article 15 Suspensions**

1. The General Assembly is responsible for suspending a Member. The National Executive Committee may, however, temporarily suspend a Member that seriously and/or repeatedly violates its obligations as a Member with immediate effect. The suspension approved by the National Executive Committee shall last until the next General Assembly, unless the National Executive Committee has lifted it in the meantime.
2. A suspension of a Member shall be confirmed at the next General Assembly by two thirds of the delegates representing the Members present and eligible to vote. If it is not confirmed, the suspension shall be automatically lifted.
3. A suspended Member shall lose its membership rights. Other members may not entertain sporting contact with a suspended Member. The Disciplinary Committee may impose further sanctions.
4. Members that do not participate in the sporting activities of FKF for two consecutive years shall be suspended from voting at the General Assembly and their representatives shall not be elected or appointed until they have fulfilled their obligations in this respect.

#### **Article 16 Expulsion**

1. The General Assembly may expel a Member if:
  - a) it fails to fulfil its financial obligations towards FKF;

- b) it seriously and/or repeatedly violates the Statutes, regulations, directives or decisions of FIFA, CAF, CECAFA and FKF;
  - c) it brings a dispute to an Ordinary Court except in cases where FIFA, CAF, CECAFA or FKF regulations or binding legal provisions specifically provide for or stipulate recourse to Ordinary Courts;
2. The presence of a majority (more than 50%) of delegates representing the Members eligible to vote at the General Assembly is necessary for an expulsion to be valid, and the motion for expulsion must be adopted by a two third majority of the valid votes cast.

#### **Article 17 Resignations**

1. A Member may resign or withdraw from the membership FKF with effect from the end of a specified football season. Notice of resignation must reach the general secretariat no later than six months before the end of the football season in which the resignation is desired to take effect.
2. The resignation or withdrawal is not valid until the Member wishing to resign has fulfilled its financial obligations towards FKF and the other Members of FKF.

#### **Article 18 Independence of Members and their Bodies**

1. Each Member shall manage its affairs independently and with no influence from third parties.
2. The Members' bodies shall be either elected or appointed. The Members' statutes shall provide for a procedure that guarantees the complete independence of the election or appointment.
3. Any Members' bodies that have not been elected or appointed in compliance with the provisions of par.2 even on an interim basis, shall not be recognised by FKF.
4. Decisions passed by bodies that have not been elected or appointed in compliance with par. 2 shall not be recognised by FKF.

#### **Article 19 Status of Clubs, Leagues, Regional Associations and other groups of Clubs**

1. Clubs, Leagues, County Branches, Sub-Branchedes or any other groups of clubs affiliated to FKF shall be subordinate to and recognised by FKF. There shall only be one top-tier national league in the territory of Kenya. The FKF Constitution and/or rules and regulations made thereunder shall define the scope of delegated authority and the rights and duties of the entities mentioned above. Their statutes and regulations must be approved by the National Executive Committee of FKF. Matters in relation to referees, disciplinary and ethical issues, anti-doping, club licensing and player registrations (ITC) shall remain under the exclusive jurisdiction of FKF.

2. The entities of FKF mentioned in par. 1 above shall take all decisions on any matters regarding their membership independently of any external body. This obligation applies regardless of their corporate structure.
3. In any case, no natural or legal person (including holding companies and subsidiaries) shall exercise control over more than one club or group whenever the integrity of any match or competition could be jeopardised.

#### **Article 20 Honorary President and Honorary Member**

1. The General Assembly may bestow the title of honorary President or Honorary Member upon any persons for meritorious service to football.
2. The National Executive Committee shall make these nominations and recommend them to the General Assembly.
3. The Honorary President or Honorary Member may take part in the General Assembly. They may join the debates but are not entitled to vote.

### **Part 3 Art 21-71 Organization**

#### **Article 21 Bodies of the Federation**

1. The General Assembly is the supreme and legislative body.
2. The National Executive Committee is the executive body.
3. Standing and ad-hoc committees shall advise and assist the National Executive Committee and the General Secretariat in fulfilling their duties. Their duties, composition and function are defined in the FKF Constitution and/or special regulations drawn up by the National Executive Committee.
4. The General Secretariat is the administrative body.
5. The independent committees fulfil their functions in accordance with this Constitution and applicable regulations. There shall consist of the Audit and Compliance Committee and the judicial bodies that are the Disciplinary Committee, the Ethics Committee and the Appeals Committee.
6. The Club Licensing Body is in charge of the club licensing system within the Association.
7. The Electoral Committee is the body in charge of organizing and supervising the election process.
8. The bodies of FKF shall be either elected or appointed by FKF itself without any external influence and in accordance with the procedures described in the FKF Constitution. The members of the bodies shall not have previously been found guilty of any criminal offence incompatible with the position.

9. Any member of the bodies of FKF must withdraw from the debate and from taking a decision if there is any risk or possibility of a conflict of interest.

## **A. THE GENERAL ASSEMBLY**

### **Article 22 Definition and Composition of the General Assembly**

1. The General Assembly is the meeting at which the Members of FKF regularly convene. It represents the supreme and legislative authority of FKF. Only a General Assembly that is duly convened in accordance with the FKF Constitution has the authority to make decisions.
2. The General Assembly of FKF shall be constituted in accordance with the principles of representative democracy and shall take into account the important of gender equality in football.
3. A General Assembly may be an Annual or Special General Assembly.
4. The President shall conduct the General Assembly business in compliance with the Standing Orders of the General Assembly.
5. The General Assembly may appoint observers who take part in the General Assembly without the right to debate or to vote.
6. The honorary presidents or honorary members may take part in the General Assembly. They may join the debates but are not entitled to vote.

### **Article 23 Delegates and Votes**

1. The General Assembly is composed of the following 94 delegates:
  - a) One representative of each of the 18 FKF Premier League Clubs (i.e. 18 delegates).
  - b) Ten(10) representatives from the NSL representing the first 10 teams in the league standing 30 days before the date of the AGM (i.e. 10 delegates). Such a league must have run for at least half of the total rounds. If this is not the case, the final leagues standings from the previous season shall apply.
  - c) Ten(10) representatives from the National Division One league comprising of the teams ranked from number 1 to 5 in the two zones of the League as per the league standing 30 days before the date of AGM (i.e. 10 delegates). Such a league must have run for at least half of the total rounds. If this is not the case, the final leagues standings from the previous season shall apply.
  - d) One representative of each of the 48 Counties (i.e. 48 delegates).



- e) One representative of the FKF recognised Association for Referees (i.e. 1 delegate).
  - f) One representative of the FKF recognised Association for Coaches (i.e. 1 delegate).
  - g) One representative of the FKF recognised Association for Players (i.e. 1 delegate).
  - h) Five representatives of Women's Football comprised of 3 representatives from the Women's Premier League and two representatives from the Women's Division One League. In the event that the WPL is played in two zones the representatives of the two teams at the top of the standings and best placed 3<sup>rd</sup> team, 30 days before the date of AGM will be delegates to the AGM. The two representatives from the Women's Division One League will be the representatives of the clubs occupying the top position in each zone as per the league standings 30 days to the date of AGM. (i.e. 5 delegates). Such a league must have run for at least half of the total rounds. If this is not the case, the final leagues standings from the previous season shall apply.
2. Delegates must belong to the Member that they represent and be appointed or elected by the appropriate body of that Member in accordance with art. 18 of this Constitution. They must also be able to produce evidence of this upon request.
  3. Each delegate has one vote in the General Assembly. Only the delegates present are entitled to vote. Voting by proxy or by letter is not permitted.
  4. The National Executive Committee and the General Secretary shall take part in the General Assembly without voting rights. During their terms of office, members of the National Executive Committee may not be appointed as delegates of their respective associations.

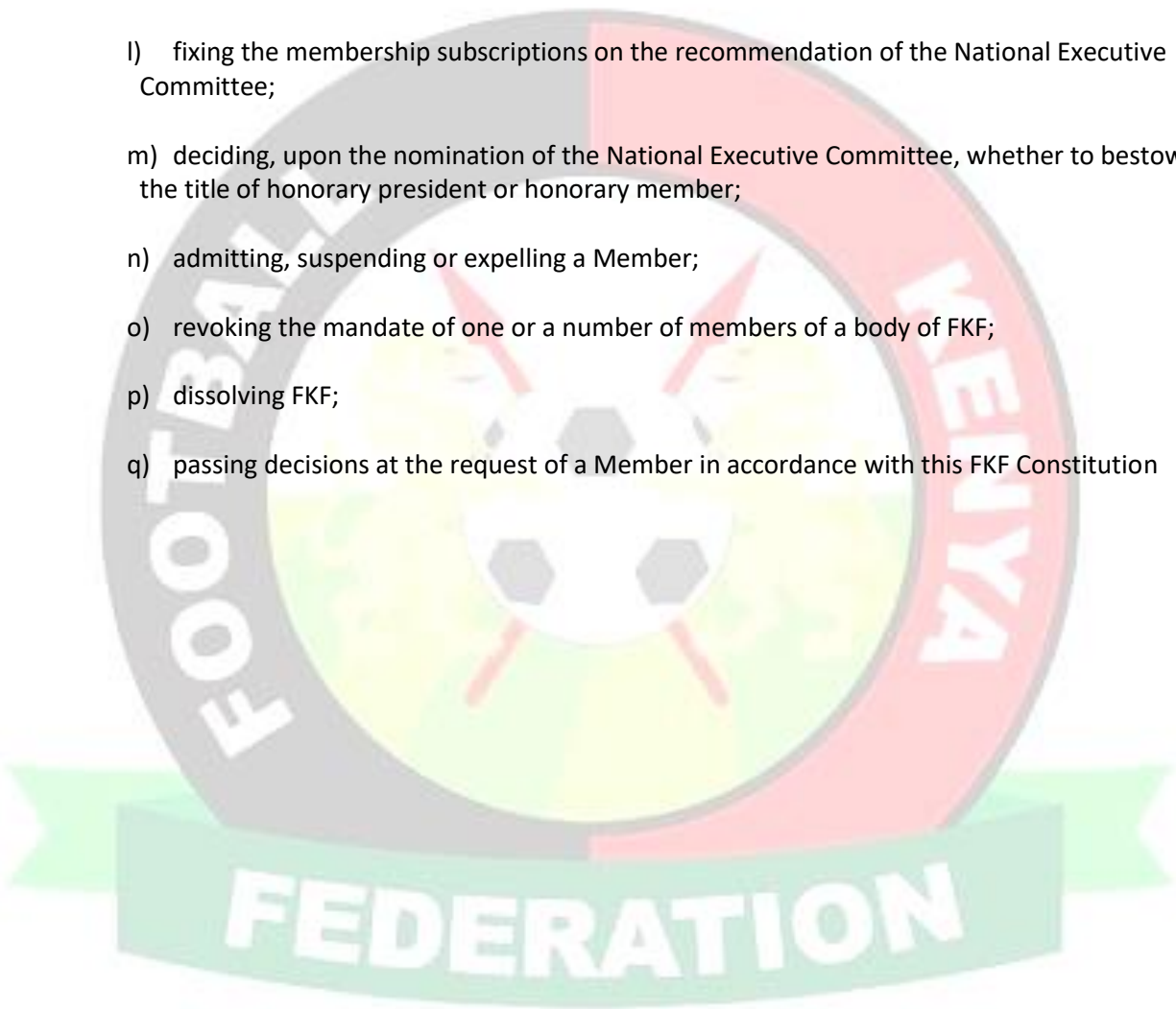
#### **Article 24 Areas of Authority**

The General Assembly has the following areas of authority:

- a) adopting or amending the Constitution, Regulations Governing the Application of the Constitution and the Standing Orders of the General Assembly;
- b) appointing members to check the minutes and approving the minutes of the last meeting
- c) electing, ratifying (if applicable) and dismissing the President and all the other members of the National Executive Committee; their election will be defined by the electoral code of the FKF;
- d) electing or dismissing the chairman, the deputy chairman and members of the Audit and Compliance Committee, upon the proposal of the Executive Committee;
- e) electing or dismissing the chairmen, the deputy chairmen and the members of the Electoral Committee, upon the proposal of the National Executive Committee;
- f) electing or dismissing the chairmen, deputy chairmen and members of the judicial bodies, upon proposal of the National Executive Committee;



- g) appointing the scrutineers;
- h) approving the annual audited financial statements, including the consolidated financial statements and the annual report;
- i) approving the budget;
- j) approving the activity report;
- k) appointing the independent auditors upon the proposal of the National Executive Committee;
- l) fixing the membership subscriptions on the recommendation of the National Executive Committee;
- m) deciding, upon the nomination of the National Executive Committee, whether to bestow the title of honorary president or honorary member;
- n) admitting, suspending or expelling a Member;
- o) revoking the mandate of one or a number of members of a body of FKF;
- p) dissolving FKF;
- q) passing decisions at the request of a Member in accordance with this FKF Constitution



### **Article 25 Quorum of the General Assembly**

1. Decisions passed by the General Assembly shall only be valid if majority (more than 50%) of the delegates representing the Members eligible to vote are present.
2. If a quorum is not achieved, a second General Assembly shall take place on the seventh day immediately after the first, at the same time, at the same venue, if available, or, if the venue is not available at a venue determined by the President of which three days' clear notice shall have been given in a local daily with countrywide circulation with the same agenda.
3. A quorum is not required for the second meeting of the General Assembly unless any item on the agenda proposes the amendment of the Constitution of FKF, the election of the President and the election of the members of a body of FKF, the expulsion of a Member of FKF.

### **Article 26 Decisions of the General Assembly**

1. A decision that requires a vote shall be reached by secret ballot or a show of hands or by means of an electronic count. The decision on the voting method shall be determined by the General Assembly at which the decision is required.
2. If a show of hands does not result in a clear majority in favor of a motion, the vote shall be taken by calling the roll in alphabetical order.
3. Unless otherwise stipulated in the Constitution, a majority (more than 50%) of the valid votes cast is sufficient for a decision to be valid. Blank ballot papers, invalid votes or electronic votes manipulated in any other way as well as abstentions shall be disregarded when calculating the majority.

### **Article 27 Elections**

1. The FKF elections shall be conducted by an Independent Electoral Board.
2. Voting shall be conducted by secret ballot for each and every electable position.
3. Elections of FKF and of Members of FKF shall be conducted in accordance with the Electoral Code of FKF and shall be supervised by the Electoral Committee of FKF.
4. The names of the candidates for elections must be circulated together with the agenda of the General Assembly at which the elections shall be held.
5. Elections shall be conducted first at the County level, then the National level and finally, at the sub-county level

## **Article 28 National Elections**

1. A Majority (more than 50%) of the valid votes cast is necessary for the election of the President. If there are more than three candidates for the office of President and no one obtains a majority vote, a second ballot shall be conducted where only the candidates who emerge 1st, 2nd and 3rd in the first ballot shall take part. Should there be three candidates remaining in a ballot, the candidate that obtains the lowest number of votes will be eliminated and a following ballot will take place with the two remaining candidates.
2. For the election of the other members of the Executive Committee, the candidate(s) who receive(s) the most votes in respect of the free seat(s) shall be elected.
3. For the election of the chairmen, deputy chairmen and members of the Audit and Compliance Committee, Electoral Committee and judicial bodies, the candidate(s) who receive(s) the most votes in respect of the free seat(s) shall be elected.
4. Blank ballot papers, invalid votes or electronic votes manipulated in any other way as well as abstentions shall be disregarded when calculating the majority.
5. Candidatures for any of the positions of the National Executive Committee shall be sent to the general secretariat of FKF at least thirty (30) days before the relevant elective General Assembly. The official list of candidates must be passed to the Members of FKF along with the agenda for the General Assembly at which the National Executive Committee will be elected.
6. Candidatures for any of the positions of all other bodies of the Audit and Compliance Committee, Electoral Committee and judicial bodies must be passed to the Members of FKF along with the agenda for the General Assembly at which the members in question will be elected.
7. The National Executive Committee shall draw up an electoral code governing the procedure, conduct of elections and eligibility thereof.

## **Article 29 Annual General Assembly**

1. The Annual General Assembly shall be held every year.
2. The National Executive Committee shall fix the place and date. The members shall be notified in writing at least two months in advance.
3. The formal convocation shall be made in writing at least one month before the date of the General Assembly. This convocation shall contain the agenda, the activity report, the financial statements and the auditors' report and any other relevant documents.

## Article 30 Annual General Assembly Agenda

1. The General Secretary shall draw up the agenda based on proposals from the National Executive Committee and the Members. Any proposal that a Member wishes to submit to the General Assembly shall be sent to the general secretariat in writing, with a brief explanation, at least six weeks before the date of the General Assembly.
2. The agenda of the General Assembly shall include the following mandatory items:
  - a) a declaration that the General Assembly has been convened and composed in compliance with the Constitution of FKF;
  - b) approval of the agenda;
  - c) an address by the President;
  - d) appointment of members to check the minutes;
  - e) appointment of scrutinizers;
  - f) suspension or expulsion of Members (if applicable);
  - g) approval of the minutes of the preceding General Assembly
  - h) activity report (containing the activities since the last General Assembly);
  - i) presentation of the consolidated and revised balance sheet and the profit and loss statement;
  - j) approval of the annual audited financial statements; including the consolidated financial statements and the annual report;
  - k) approval of the budget;
  - l) votes on proposals for amendments to the Constitution, the Regulations Governing the Application of the Constitution and the Standing Orders of the General Assembly (if applicable);
  - m) discussion of proposals submitted by the Members and the National Executive Committee in accordance with the procedure stipulated under paragraph 1 above;
  - n) appointment of independent auditors (if applicable) upon the proposal of the National Executive Committee;
  - o) dismissal of a person of a body (if applicable);
  - p) election or ratification of the President and members of the National Executive Committee (if applicable);
  - q) election of the members of the judicial bodies (if applicable);

- r) election of the members of the Audit and Compliance Committee (if applicable);
  - s) election of the members of the Electoral Committee (if applicable);
  - t) admission for membership (if applicable).
3. The Annual General Assembly shall not make a decision on any point not included in the agenda.
  4. The agenda of an Annual General Assembly may be altered, provided majority (more than 50%) of the members present at the meeting and eligible to vote agree to such a motion

### **Article 31 Special General Assembly**

1. The National Executive Committee may convene a special General Assembly at any time.
2. The National Executive Committee shall convene a Special General Assembly if more than 50% of the delegates representing the Members of FKF make such a request in writing. The request shall specify the items for the agenda. A Special General Assembly shall be held within two months of receipt of the request. If a Special General Assembly is not convened, the delegates representing the Members who requested it may convene the meeting themselves.
3. As a last resort, the delegates representing the Members may request assistance from FIFA and CAF.
4. The Members shall be notified of the place, date and agenda at least fourteen days before the date of a Special General Assembly.
5. When a Special General Assembly is convened on the initiative of the National Executive Committee, it must draw up the agenda. When a Special General Assembly is convened upon the request of Members, the agenda must contain the points raised by those Members.
6. The agenda of a Special General Assembly may not be altered.

### **Article 32 Amendments to the Constitution, Regulations Governing the Application of the Constitution and the Standing Orders of the General Assembly**

1. The General Assembly is responsible for amending the Constitution, the Regulations Governing the Application of the Constitution and the Standing Orders of the General Assembly.
2. Any proposals for an amendment to the Constitution must be submitted in writing with a brief explanation to the general secretariat by a Member or by the National Executive Committee. A proposal submitted by delegates representing a member is valid, provided it has been supported in writing by at least 1/3<sup>rd</sup> of the other delegates representing the Members.
3. For a vote on an amendment to the Constitution to be valid, a majority (more than 50%) of the delegates representing the Members eligible to vote must be present.



4. A proposal for an amendment to the Constitution shall be adopted only if two thirds of the delegates representing the Members present and eligible to vote agree to it.
5. Any proposal to amend the Regulations Governing the Application of the Constitution and the Standing Orders of the General Assembly must be submitted in writing with a brief explanation to the general secretariat by the delegate representing a Member or by the National Executive Committee.
6. A proposal for an amendment to the Regulations Governing the Application of the Constitution and the Standing Orders of the General Assembly shall be adopted only by a majority (more than 50%) of the valid votes cast.

### **Article 33 Minutes**

The General Secretary shall be responsible for recording the minutes at the General Assembly. The minutes shall be checked by those members designated and finally approved at the next General Assembly.

### **Article 34 Effective Dates of Decisions**

Decisions passed by the General Assembly shall come into effect 60 days after the close of the General Assembly, unless the otherwise stipulated in the present Constitution or unless the General Assembly fixes another date for a decision to take effect

### **Article 35 County Representation**

1. Each County Branch will elect six people in the position of Chairman, Secretary, Women Representative, Youth and Treasurer. The Chairman will select a running mate who will be the Vice Chairman.
2. Each club that is duly registered by FKF will be eligible to vote.
3. Each Club shall have one Vote
4. Each County shall have a total of nine (9) members in the executive. Six (6) elected as per clause 1 above and three (3) elected from the sub county chairmen from that county. These three (3) members shall be elected by the elected chairmen of the sub counties either by consensus or by secret ballot.
5. The County representatives shall be elected by clubs registered in the County.
6. The County Executives will oversee all football operations at the County level and will be subordinate to the National Office.

## Article 36 Sub-County Representation

1. Each Sub-County will elect six people in the position of Chairman, Secretary, Women Representative, Youth and Treasurer. The Chairman will select a running mate who will be the Vice Chairman.
2. The Sub-County representatives shall be elected by clubs registered and playing in the respective Sub-County leagues.
3. The Sub-County Executives will oversee all football operations at the Sub County level and will be subordinate to the County Executive.

## B.THE NATIONAL EXECUTIVE COMMITTEE

### Article 37 Composition

- a. The National Executive Committee consists of the following members:
  - i. The President;
  - ii. The Vice President
  - iii. One representative of the FKF Premier League;
  - iv. One representative of the FKF National Super League;
  - v. One female member
  - vi. Nine regional representatives;
  - vii. Two (2) co-opted members.
- b. The Vice President shall be nominated as a running mate by the candidate running for President and therefore, by voting for the President members shall have voted for the Vice President.
- c. The two co-opted members shall be proposed by the President to the National Executive Committee for adoption.
- d. All members of the National Executive Committee will be elected at the Elective General Assembly.
- e. The term of office of the President and the National Executive Committee members is for four years. Their mandates shall immediately begin at the end of the Elective General Assembly of the FKF.
- f. All members will be eligible to serve for a maximum of two terms in a position. Thereafter one is free to seek election in a different position as it shall count as a new term of office in its own right.
- g. The members of the National Executive Committee shall be no younger than 18 years of age and must be bonafide Kenyan citizen. They shall have already been active in football,

must not have been previously found guilty of a criminal offence incompatible with the position and have residency within the territory of Kenya.

- h. No person shall qualify for an elective office in the Federation if the person:
  - i. Is subject to a bankruptcy order or has in place a composition with their creditors;
  - ii. If under suspension or expulsion by FIFA, CAF and FKF.
- i. A member of the National Executive Committee may not at the same time be a member of a judicial body of FKF, the Audit and Compliance Committee or the Electoral Committee.
- j. If a position or less than 50% of the positions of the National Executive Committee become vacant, the National Executive Committee shall fill that position until the next General Assembly, when a replacement will be elected for the remaining term of mandate.
- k. If more than 50% of the positions of the National Executive Committee become vacant, the General Secretary shall convoke a Special General Assembly within two months in order to elect the replacements for the remaining term of mandate.
- l. FKF elections shall be governed by the Electoral Code proposed by the National Executive Committee and adopted by the General Assembly in an Annual General meeting, where not provided for in the Electoral Code, FIFA Statutes on elections shall prevail.

### **Article 38 Meetings**

1. The National Executive Committee shall meet at least once every three months in a year.
2. The President shall convene the National Executive Committee meetings. If 50% of the Executive Committee members request a meeting, the President shall convene it within 21 days failing which the members requesting shall convene the meeting
3. The President shall compile the agenda. Each member of the National Executive Committee is entitled to propose items for inclusion in the agenda. The members of the National Executive Committee must submit the items they wish to be included in the agenda for the meeting to the general secretariat at least seven days before the meeting. The agenda must be sent out to the members of the Executive Committee at least seven days before the meeting.
4. The General Secretary shall take part in the meetings of the National Executive Committee without voting rights but in a consultative role and shall be responsible for taking and circulating the minutes thereof. If the General Secretary is unable to attend a meeting s/he may nominate a representative to attend the meeting on his/her behalf, subject to approval of the National Executive Committee.
5. The meetings of the National Executive Committee shall not be held in public. The National Executive Committee may, however, invite third parties to attend. Those third parties shall not have voting rights, and may only express an opinion with the permission of the Executive Committee

## Article 39 Powers of the National Executive Committee

### 1. The National Executive Committee:

- a) Shall pass decisions on all cases that do not come within the sphere of responsibility of the General Assembly or are not reserved for other bodies by law or under this Constitution;
- b) Shall prepare and convene the Annual and Special General Assembly of FKF;
- c) Shall appoint the chairmen, deputy chairmen and members of the standing committees;
- d) May decide to set up ad-hoc committees if necessary at any time;
- e) Shall compile the regulations for the organisation of standing committees and ad-hoc committees;
- f) Shall appoint or dismiss the General Secretary on the proposal of the President;
- g) Shall propose the independent auditors to the General Assembly;
- h) Shall appoint replacements for vacancies in the judicial bodies or the Audit and Compliance Committee until the next General Assembly;
- i) Shall draw up regulations governing the conditions of participation in and the staging of competitions organised by the Association;
- j) Shall appoint the coaches for the representative teams and other technical staff;
- k) Shall approve regulations stipulating how FKF shall be organised internally;
- l) Shall ensure that the Constitution is applied and adopt the executive arrangements required for their application;
- m) may dismiss a person or body or suspend a Member of FKF provisionally until the next General Assembly;
- n) may delegate tasks arising out of its area of authority to other bodies of FKF or third parties;
- o) may appoint observers who take part in the General Assembly without the right to debate or to vote;
- p) Shall nominate and propose members of the Independent Electoral Board for ratification by the General Assembly.

#### **Article 40 Decisions**

1. The National Executive Committee shall not engage in valid debate unless more than 50% of its members are present.
2. The National Executive Committee shall reach decisions by a majority (more than 50%) of the valid votes cast. In the event of a tied vote, the President shall have the casting vote. Voting by proxy or by letter is not permitted.
3. Any member of the National Executive Committee must withdraw from the debate and from taking a decision if there is any risk or possibility of a conflict of interests.
4. The decisions taken shall be recorded in the minutes.
5. The decisions taken by the National Executive Committee shall come into effect immediately, unless the Executive Committee decides otherwise.

#### **Article 41 Dismissal of a Person of a Body**

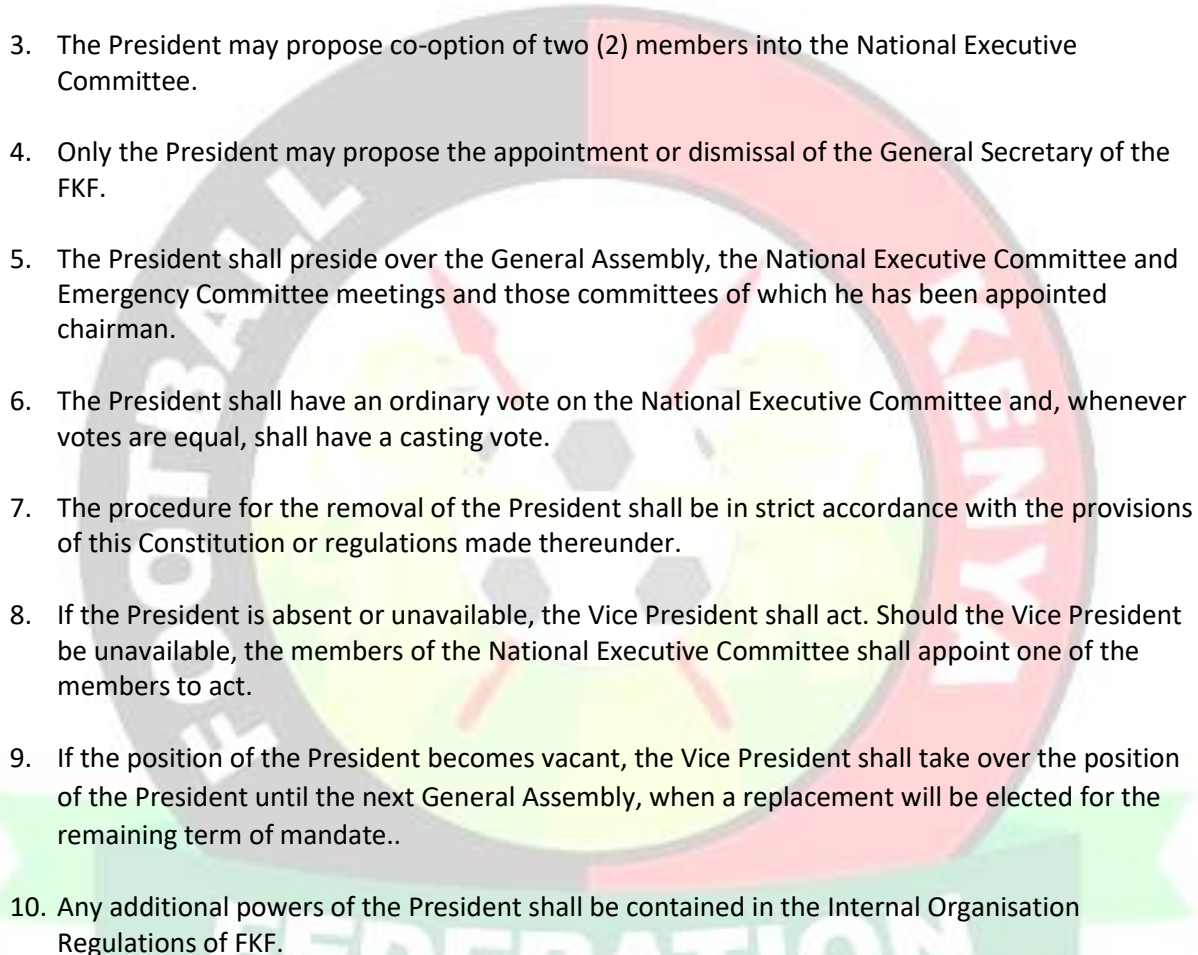
1. The General Assembly may dismiss a person of a body. The National Executive Committee may place the dismissal of a person of a body on the agenda for the General Assembly.
2. The National Executive Committee may also dismiss a person of a body provisionally. Any National Executive Committee member may submit a proposal to place such a motion for dismissal on the agenda of the National Executive Committee.
3. The motion for dismissal must be justified. It will be sent to the members of the NEC and/or the Members of FKF along with the agenda.
4. The person of a body in question has the right to defend himself.
5. The motion for dismissal shall be decided by means of secret ballot. For the motion to be passed, a majority of two-thirds of the valid votes is required.
6. The person of a body dismissed provisionally is relieved of his or its functions with immediate effect.

#### **C. THE PRESIDENT**

##### **Article 42 The President.**

1. The President represents FKF legally. He is the spokesman, legal representative and chief delegate of the Federation.
2. He is primarily responsible for:



- 
- i. Implementing the decisions passed by the General Assembly and the National Executive Committee through the general secretariat;
    - ii. Ensuring the effective functioning of the bodies of FKF in order that they achieve the objectives described in this Constitution;
    - iii. Supervising the work of the general secretariat;
    - iv. Relations between FKF and its Members, FIFA, CAF and CECAFA, political bodies and other organisations.
  3. The President may propose co-option of two (2) members into the National Executive Committee.
  4. Only the President may propose the appointment or dismissal of the General Secretary of the FKF.
  5. The President shall preside over the General Assembly, the National Executive Committee and Emergency Committee meetings and those committees of which he has been appointed chairman.
  6. The President shall have an ordinary vote on the National Executive Committee and, whenever votes are equal, shall have a casting vote.
  7. The procedure for the removal of the President shall be in strict accordance with the provisions of this Constitution or regulations made thereunder.
  8. If the President is absent or unavailable, the Vice President shall act. Should the Vice President be unavailable, the members of the National Executive Committee shall appoint one of the members to act.
  9. If the position of the President becomes vacant, the Vice President shall take over the position of the President until the next General Assembly, when a replacement will be elected for the remaining term of mandate..
  10. Any additional powers of the President shall be contained in the Internal Organisation Regulations of FKF.

#### **Article 43 Candidates for the Office of the President**

1. The President shall be elected by the General Assembly for a period of four years. His mandate shall begin after the end of the General Assembly which has elected him.
2. A President stays in office until a new President is elected.
3. A President may be re-elected for a further two (2) terms of office in accordance with art. 37 (e).

4. Only Members of FKF may propose candidates for the office of President. Members shall notify the general secretariat in writing of the name of a candidate for the President of FKF at least six weeks before the date of the General Assembly.
5. The general secretariat shall notify the members of the names of the proposed candidates at least one month before the date of the General Assembly.

#### **Article 44 Representation and Signature**

1. The President represents FKF legally and is entitled to sign for FKF.
2. The National Executive Committee may set up Internal Organisation Regulations regarding the joint signature of office-holders in specified situations, and, in particular, in case of the President's absence and concerning all important business of FKF.

#### **D. EMERGENCY COMMITTEE**

##### **Article 45 Emergency Committee**

1. The Emergency Committee shall deal with all matters requiring immediate settlement between two meetings of the National Executive Committee.
2. The Committee shall consist of the President, the Vice President, the Chairman of the Finance Committee and two members chosen from amongst the members of the National Executive Committee and appointed by the National Executive Committee.
3. The President shall convene the Emergency Committee meetings.
4. If a meeting cannot be convened within an appropriate period of time, decisions may be passed through other means of communication. Such decisions shall have immediate legal effect
5. If the President is unable to attend a meeting, the Vice President or, if the Vice President is also absent, any of the members appointed by the members present.
6. The quorum for a meeting of the Emergency committee is three. The Emergency Committee shall reach decisions by a majority (more than 50%) of the valid votes cast. In the event of a tied vote, the President shall have the casting vote.

#### **E. STANDING COMMITTEES**

##### **Article 46 Standing Committees**

1. The standing committees of FKF are:
  - a) Finance Committee;
  - b) Leagues & Competitions Committee

- 
- c) Technical and Development Committee;
  - d) Referees' Committee;
  - e) Legal Committee;
  - f) Women's Football Committee;
  - g) Youth Football Committee;
  - h) Futsal and Beach Soccer Committee;
  - i) Medical Committee;
  - j) Players' Status Committee;
  - k) Audit and Compliance Committee;
  - l) Arbitration Committee
2. The chairmen of the standing committees shall be members of the National Executive Committee with the exception of those for the Audit and Compliance Committee, Medical Committee, Finance Committee and Legal Committee who may not belong to the National Executive Committee. All committees shall have one member from the Executive Committee with the exception of the Audit and Compliance Committee which shall be entirely independent, members of which shall not belong to the executive committee or to any other body of FKF including the General Secretariat or act as a delegate of a Member at the General Assembly.
  3. The members of each standing committee shall be appointed by the National Executive Committee on the proposal of the Members of FKF or the President of FKF. The chairmen, deputy chairmen and the members of the standing committees shall be designated for a term of office of four years.
  4. Each chairman shall represent his committee and conduct business in compliance with the relevant Organisation Regulations drawn up by the National Executive Committee.
  5. The General Secretariat will fix the dates of meetings for committee's and inform the Chairman of the respective committees. The Secretariat will ensure that all recommendations are carried out and reported back to the National Executive Committee through the President.
  6. Each committee may propose amendments to its regulations to the National Executive Committee. The amendments shall be submitted in writing with a brief explanation.

#### **Article 47 Finance Committee**

1. The Finance Committee shall monitor the financial management and advise the National Executive Committee on financial matters and asset management.

2. It shall analyse the budget of FKF and the annual audited financial statements prepared by the General Secretary and submit them to the National Executive Committee for approval.
3. It shall consist of a chairman, a deputy chairman and not more than five other members. shall be entirely independent, which members shall not belong to the Executive

#### **Article 48 Leagues & Competitions Committee**

1. The League & Competitions Committee shall organise leagues and competitions of FKF in compliance with the provisions of this Constitution and the regulations applicable to FKF competitions.
2. It shall consist of a chairman, a deputy chairman and not more than five other members.
3. Resolve matters arising from Leagues and Competitions.

#### **Article 49 Technical and Development Committee**

The Technical and Development Committee shall primarily analyse the basic aspects of football training and technical development. It shall consist of a chairman, a deputy chairman and not more than five other members

#### **Article 50 Referees' Committee**

1. The Referees' Committee shall implement the Laws of the Game. It shall appoint the referees for matches in competitions organised by FKF, organise refereeing matters within FKF in collaboration with the administration of FKF and monitor the education and training of referees.
2. It shall consist of a chairman, a deputy chairman and not more than five other members

#### **Article 51 Legal Committee**

1. The Legal Committee shall analyze basic legal issues relating to football and the evolution of the Constitution and regulations of FKF and its Members.
2. It shall consist of a chairman, a deputy chairman and not more than five other members

#### **Article 52 Women's Football Committee**

1. The Committee for Women's Football shall organize women's football competitions and deal with all matters relating to women's football.
2. It shall consist of a chairman, a deputy chairman and not more than five other members

#### **Article 53 Youth Football Committee**

The Committee for Youth Football shall organize youth football competitions and deal with all matters relating to youth football. It shall consist of a chairman, a deputy chairman and not more than five other members

#### **Article 54 Beach Football and Futsal Committee**

The Beach Football and Futsal Committee shall organize futsal competitions and deal with all matters relating to futsal. It shall consist of a chairman, a deputy chairman and not more than five other members

#### **Article 55 Medical Committee**

1. The Medical Committee shall deal with all medical aspects of football.
2. It shall consist of a chairman, a deputy chairman and not more than five other members.

#### **Article 56 Players' Status Committee**

1. The Players' Status Committee shall set up and monitor compliance with transfer regulations in accordance with the FIFA Regulations on the Status and Transfer of Players and determine the status of Players for various competitions of FKF.
2. The National Executive Committee may draw up special regulations governing the Players' Status Committee's powers of jurisdiction.
3. The Players' Status Committee shall consist of a chairman, a deputy chairman and not more than five other members
4. Players' status disputes involving FKF, its Members, Players, Officials and Players' Agents shall be settled in the last instance by CAS in accordance with this Constitution and subject to any applicable national law.



## Article 57 Audit and Compliance Committee

1. The Audit and Compliance Committee shall consist of a chairman and deputy chairman, both of whom shall have accounting qualifications and not more than five other members.
2. The duties of the Audit and Compliance Committee shall be:-
  - a) To ensure the completeness and reliability of the financial accounting and review the financial statements, the consolidated financial statement and the external auditors' reports;
  - b) To advise and assist the National Executive Committee in monitoring FKF's financial and compliance matters, and issue and monitor compliance with the relevant regulations of the FKF; and
  - c) To ensure that details on the Audit and Compliance Committee's responsibilities, its internal cooperation and other procedural matters are stipulated in the relevant regulations of FKF.
3. The chairman, deputy chairman and members of the Audit and Compliance Committee shall be elected by the General Assembly upon proposal of the National Executive Committee for a period of four years and may only be relieved of their duties by the General Assembly. They shall undergo an integrity check conducted by the Ethics Committee, prior to their election.
4. If the chairman, the deputy chairman or a member of the Audit and Compliance Committee permanently ceases to perform his official function during his term of office, the National Executive Committee shall appoint a replacement to serve until the next General Assembly.
5. Members of the Audit and Compliance Committee shall be independent, of high integrity and shall not belong to the Executive Committee or to any other body of FKF including the General Secretariat or act as a delegate of a Member at the General Assembly. They shall not be considered independent if, at any time during the four (4) years preceding their term(s) in office, they or any family member (spouse, children, stepchildren, parents, stepparents siblings, stepbrothers, stepsisters, brothers-in-law, sisters-in-law, domestic partner, parents of spouse/domestic partner and siblings and children of domestic partner): -
  - a) Held any paid position or material contract (directly or indirectly) with FKF and/or any Member, League or Club (including any of their affiliated companies/organisations), whereas a voluntary position with an expenses allowance of more than USD 1,000 per month shall be regarded as a paid position; or
  - b) Was employed by FKF's external lawyers or by FKF's external Auditors (and was engaged in auditing FKF); or
  - c) Held any paid or voluntary position with a non-profit organization to which FKF and/or any Member, League or Club makes annual payments in excess of USD 100,000/=.

### **Article 58 Ad Hoc Committees**

1. The Executive Committee may, if necessary, create ad hoc committees for special duties and a limited period of time. The Executive Committee shall appoint a chairman, a deputy chairman and the members.
2. The duties and function are defined in special regulations drawn up by the Executive Committee. An ad hoc committee shall report directly to the Executive Committee.

### **Article 59 Arbitration Committee**

1. The Arbitration Committee shall arbitrate on conflicts arising between FKF members. Where members are unable to reach amicable decisions, the committee shall determine the matter.
2. It shall consist of a chairman, a deputy chairman and not more than three (3) other members.

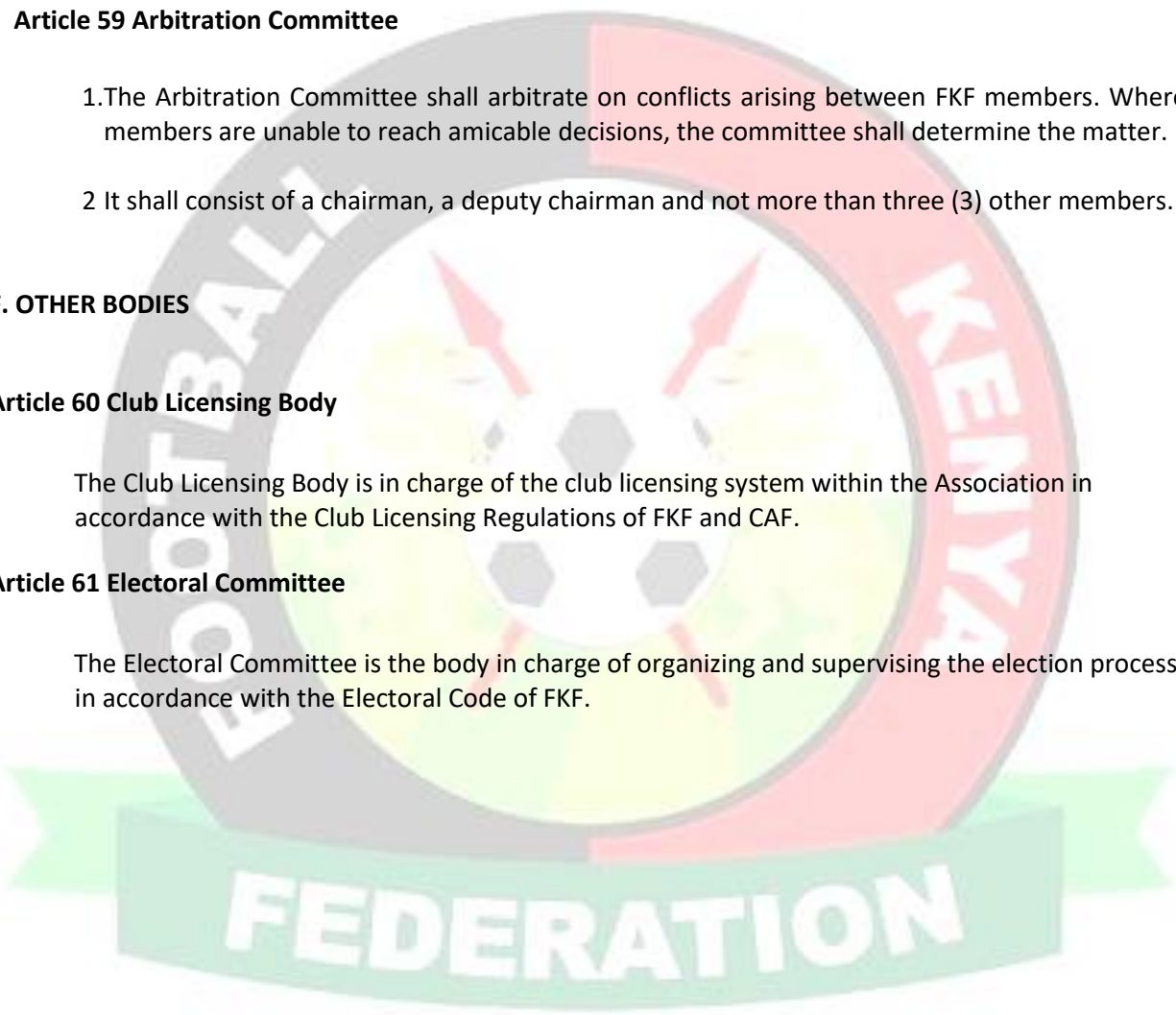
## **F. OTHER BODIES**

### **Article 60 Club Licensing Body**

The Club Licensing Body is in charge of the club licensing system within the Association in accordance with the Club Licensing Regulations of FKF and CAF.

### **Article 61 Electoral Committee**

The Electoral Committee is the body in charge of organizing and supervising the election process in accordance with the Electoral Code of FKF.



## **G. GENERAL SECRETARIAT**

### **Article 62 General Secretariat**

1. The general secretariat shall carry out all the administrative work of FKF under the direction of the General Secretary.
2. The members of the general secretariat are bound by the Internal Organisational Regulations of FKF and shall fulfil the given tasks in good faith.

### **Article 63 The General Secretary**

1. The General Secretary is the chief executive of the general secretariat.
2. He shall be appointed on the basis of an agreement governed by private law and shall have the necessary professional qualifications and experience.
3. He shall be responsible for:
  - a) implementing decisions passed by the General Assembly and National Executive Committee in compliance with the President's directives;
  - b) attending the General Assembly and meetings of the National Executive Committee, Emergency Committee and the standing and ad hoc committees; Where necessary the General Secretary may depute an employee of the secretariat to assist in the taking of the minutes of the standing and ad hoc committees
  - c) organising the General Assembly and meetings of the National Executive Committee and other bodies;
  - d) compiling the minutes for the meetings of the General Assembly, National Executive Committee, Emergency Committee and standing and ad-hoc committees;
  - e) managing and keeping the accounts of FKF properly;
  - f) the correspondence of FKF in particular, for relations with the Members, committees, FIFA and CAF;
  - g) organising the general secretariat;
  - h) the appointment and dismissal of staff working in the general secretariat;
  - i) proposing managerial staff to the President.
  - j) any additional responsibilities and duties assigned to the General Secretary shall be stipulated in the Internal Organisation Regulations of FKF.

4. The General Secretary may not be a General Assembly delegate or a member of any other body of FKF.
5. The General Secretary shall be appointed by the national executive committee on the proposal of the president. His services can also be terminated by the national executive committee on the recommendation of the president.

## **H. JUDICIAL BODIES**

### **Article 64 Judicial Bodies**

1. The judicial bodies of FKF are:
  - a) The Disciplinary Committee;
  - b) The Ethics Committee;
  - c) The Appeal Committee.
2. The judicial bodies shall consist of a chairman, deputy chairman and the number of members deemed necessary.
3. The judicial bodies are to be composed in such a way that members, together, have the knowledge, abilities and specialist experience that is necessary for the due completion of their tasks. The chairmen of the judicial bodies shall be qualified to practice law and shall undergo an integrity check prior to their appointment or re-appointment. This integrity check shall be conducted by the Audit and Compliance Committee for all members of the Ethics Committee (including the chairman and vice chairman). For all other members of the judicial bodies (including the chairmen and vice chairmen), the integrity check shall be conducted by the Ethics Committee. The term of office shall be four years. The members may be re-elected or relieved of their duties at any time, although they may only be relieved of their duties by the General Assembly.
4. The chairmen, the deputy chairmen and other members of the judicial bodies shall be elected by the General Assembly upon proposal of the National Executive Committee and shall not be members of the National Executive Committee, the Electoral Committee or of a standing committee or to any other body of FKF including the General Secretariat or act as a delegate of a Member at the General Assembly.
5. The chairman, vice chairman and all members of the Ethics Committee shall fulfil the same independence criteria that are stipulated in Article 57 paragraph 5 for the members of the Audit and Compliance Committee.
6. If the chairman, the deputy chairman or a member of a judicial body permanently ceases to perform his official function during his term of office, the National Executive Committee shall appoint a replacement to serve until the next General Assembly, in which the General Assembly shall appoint a new member of the respective judicial body for the remaining period.
7. The responsibilities and functions of these bodies shall be stipulated in the Disciplinary Code of FKF, and the Code of Ethics of FKF.



8. The members of the judicial bodies may not belong to any other body of FKF at the same time.

#### **Article 65 Disciplinary Committee**

1. The function of the Disciplinary Committee shall be governed by the Disciplinary Code of FKF. The Disciplinary Committee shall pass decisions only when at least three members are present. In certain cases, the chairman may rule alone.
2. The Disciplinary Committee may pronounce the sanctions described in this Constitution and the Disciplinary Code of FKF on Members, Officials, Players, Clubs and match and players' agents.
3. These provisions are subject to the disciplinary powers of the General Meeting and the National Executive Committee with regard to the suspension and expulsion of Members.
4. The National Executive Committee shall issue the Disciplinary Code of FKF and where unavailable or not provided for, the principles of the current FIFA Disciplinary code will apply.

#### **Article 66 The Ethics Committee**

1. The function of the Ethics Committee shall be governed by the Code of Ethics of FKF. It is divided into an investigatory unit and an adjudicatory unit. The adjudicatory unit of the Ethics Committee shall pass decisions only when at least three members are present. In certain cases, the chairman may rule alone.
2. The Ethics Committee may pronounce the sanctions described in this Constitution, the Code of Ethics of FKF and the Disciplinary Code of FKF on Officials, Players, clubs and match and players' agents.
3. The National Executive Committee shall issue the Code of Ethics of FKF.

#### **Article 67 Appeals Committee**

1. The function of the Appeals Committee shall be governed by the Disciplinary Code of FKF and the Code of Ethics of FKF. The Appeals Committee shall pass decisions only when at least three members are present. In certain cases, as specified in the relevant regulations, the chairman may rule alone.
2. The Appeals Committee is responsible for hearing appeals against all decisions determined by all committees.
3. Decisions pronounced by the Appeals Committee may be appealed to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, or to a national, independent Arbitration Tribunal recognised by FKF, as specified in this Constitution.



## Article 68 Disciplinary Measures

The disciplinary measures are primarily:

### 1. For natural and legal persons:

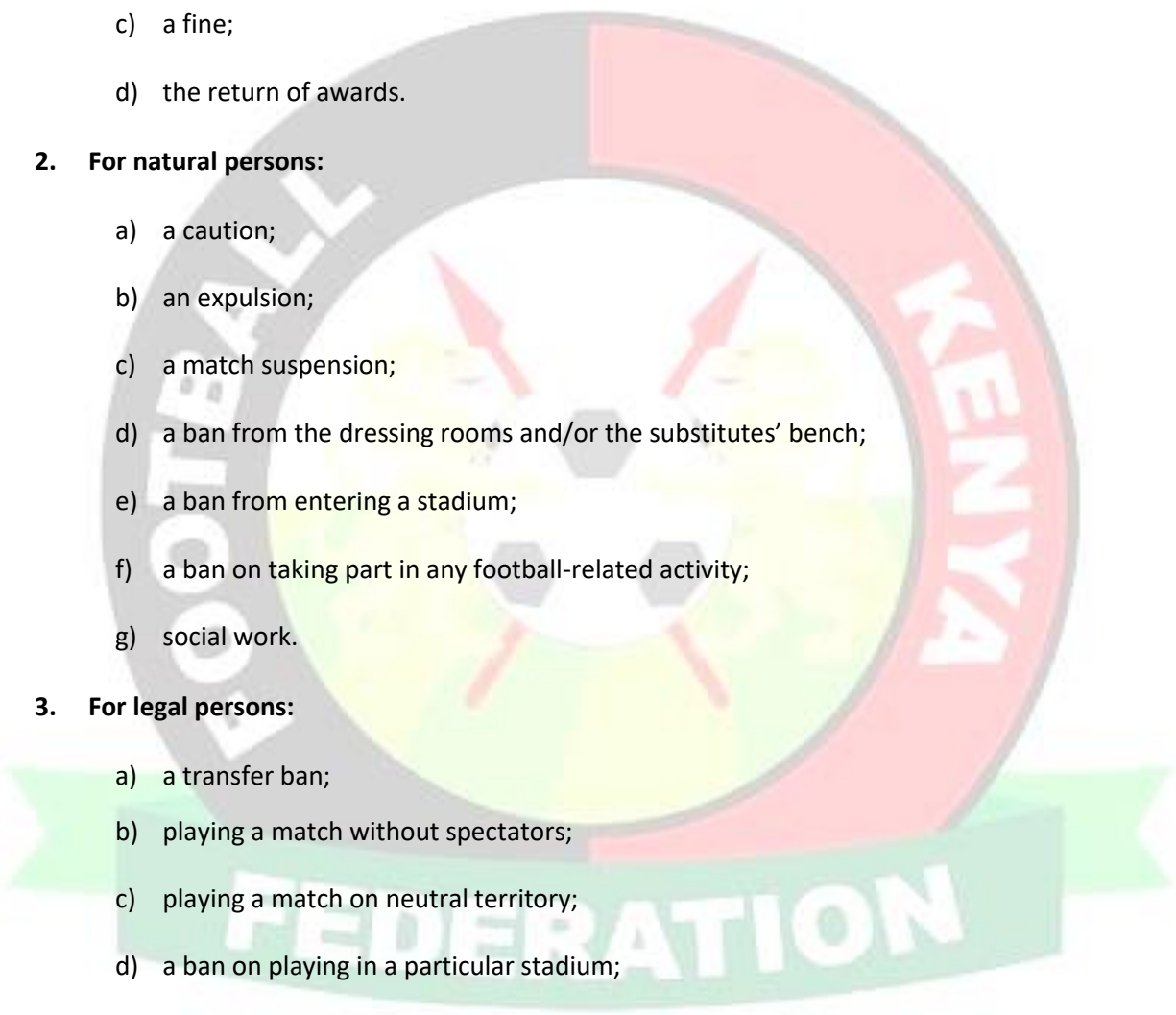
- a) a warning;
- b) a reprimand;
- c) a fine;
- d) the return of awards.

### 2. For natural persons:

- a) a caution;
- b) an expulsion;
- c) a match suspension;
- d) a ban from the dressing rooms and/or the substitutes' bench;
- e) a ban from entering a stadium;
- f) a ban on taking part in any football-related activity;
- g) social work.

### 3. For legal persons:

- a) a transfer ban;
- b) playing a match without spectators;
- c) playing a match on neutral territory;
- d) a ban on playing in a particular stadium;
- e) annulment of the result of the match;
- f) expulsion from a competition;
- g) a forfeit;
- h) deduction of points;
- i) relegation to a lower division



- j) Replaying a match.

#### **Article 69 Disputes Resolutions**

1. Disputes in the Association or disputes affecting Leagues, members of Leagues, Clubs, members of Clubs, Players, Officials and other Association Officials shall not be submitted to Ordinary Courts, unless the FIFA regulations, this Constitution or binding legal provisions specifically provide for or stipulate recourse to Ordinary Courts
2. The entities mentioned in par. 1 above shall give priority to arbitration as a means of dispute resolution.
3. The disputes as specified in art. 1 shall be taken to an independent Arbitration Tribunal recognised by FKF or CAF or to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland.
4. Decisions made by the FKF standing committees and the judicial bodies are final and FKF members are prohibited from taking such matters to ordinary courts. Any member found in violation of the same shall be subjected to disciplinary measures as stipulated in the disciplinary code of FKF and FIFA
5. If any of the parties is dissatisfied by decisions and rulings made by any of the Standing Committees and judicial committees, such a party is at liberty to lodge an appeal with the Appeals Committee whose decision shall be final unless stipulated elsewhere in this constitution.
6. The first body for Electoral disputes shall be the Independent Electoral Board. Any member unsatisfied with decisions of the Electoral board may Appeal to the FKF Appeals Committee.

#### **Article 70 Jurisdiction**

1. Recourse may only be made to an Arbitration Tribunal in accordance with art. 68 once all internal channels of FKF have been exhausted.
2. FKF shall have jurisdiction on internal national disputes, i.e. disputes between parties belonging to FKF.
3. FIFA shall have jurisdiction on international disputes, i.e. disputes between parties belonging to different Associations and/or Confederations.

#### **Article 71 Court of Arbitration for Sport**

1. In accordance with the relevant provisions of the FIFA Statutes, any appeal against a final and binding decision passed by a FIFA body, by a CAF body, or the Leagues shall be heard by the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, unless another Arbitration Tribunal has jurisdiction in accordance with art. 68.
2. CAS shall not, however, hear appeals on violations of the Laws of the Game, suspensions of up to four matches or up to three months (with the exception of doping decisions).

3. FKF shall ensure its full compliance and that all those subject to its jurisdiction with any final decision passed by a FIFA body, by a CAF body, by the Arbitration Tribunal recognised by FKF or by the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland.

## **Part 4 Art. 72-78 Finances**

### **Article 72 Financial Period**

1. The financial period of FKF shall be one year and shall begin on 1st of January and end on 31 December.
2. The revenue and expenses of FKF shall be managed so that they balance out over the financial period. FKF's major duties and obligations in the future shall be guaranteed through the creation of reserves
3. The General Secretary is responsible for drawing up the annual consolidated accounts of FKF with its subsidiaries as at. 31 December

### **Article 73 Revenue**

1. The revenue of FKF arises specifically from:
  - a) Members' annual subscriptions;
  - b) Receipts generated by the marketing of rights to which FKF is entitled;
  - c) Fines imposed by the authorised bodies;
  - d) Levies imposed for services;
  - e) Donations;
  - f) Other subscriptions and receipts in keeping with the objectives pursued by FKF;
  - g) Any other revenue related to football activities

### **Article 74 Expenses**

FKF bears:

1. the expenses stipulated in the budget;
2. other expenses approved by the General Assembly and expenses that the National Executive Committee is entitled to incur within the scope of its authority;

3. all other expenses in keeping with the objectives pursued by FKF.

#### **Article 75 Independent and External Auditors**

1. The independent and external auditors appointed by the General Assembly shall audit the accounts approved by the Finance Committee in accordance with the appropriate principles of accounting and present a report to the General Assembly
2. The auditors shall be appointed for a period of two years. This mandate may be renewed.

#### **Article 76 Membership Subscriptions**

1. Membership subscriptions are due on the 30<sup>th</sup> June of every year. Membership will be paid for once every 4 years.
2. The annual subscription for new Members for the year in question shall be paid within 30 days of the close of the General Assembly at which they are admitted.

The General Assembly shall fix the amount of the annual subscription every two years on the recommendation of the general secretariat.

#### **Article 77 Settlement**

FKF may debit any Member's assets to settle claims.

#### **Article 78 Levies**

FKF may demand that a levy be paid by its Members for matches.

### **Part 5 Art. 79-82 Competitions and Rights in Competitions and Events**

#### **Article 79 Competitions**

1. FKF organises and coordinates the following official football competitions in Kenya:
  - Premier League
  - National Super League
  - National Division One
  - Women Premier League
  - Women Division 1
  - FKF Cup
  - FKF Women's Cup
  - Other competitions

2. The National Executive Committee may delegate to FKF's subordinate Leagues the authority to organise competitions as provided for under Article 19. The competitions organised by the Leagues shall not interfere with those competitions organised by FKF.
3. Competitions organised by FKF shall take priority.
4. The National Executive Committee may issue special regulations to this end. FKF will organize other competitions

#### **Article 80 Club Licensing**

The National Executive Committee of FKF will set up regulations regarding a club licensing system governing the participation of Clubs in competitions of FKF, in compliance with the minimum requirements of the club licensing system as set up by CAF in conformity with the FIFA Club Licensing Regulations.

#### **Article 81 Rights**

1. FKF and its Members are the original owners of all of the rights emanating from competitions and other events coming under their respective jurisdiction, without any restrictions as to content, time, place and law.
2. These rights include, among others, every kind of financial rights, audio-visual and radio recording, reproduction and broadcasting rights, multimedia rights, marketing and promotional rights and incorporeal rights such as emblems and rights arising under copyright law.
3. The National Executive Committee shall decide how and to what extent these rights are utilised and draw up special regulations to this end.

#### **Article 82 Authorisation**

1. FKF and its Members are exclusively responsible for authorising the distribution of image and sound and other data carriers of football matches and events coming under their respective jurisdiction, without any restrictions as to content, time, place and technical and legal aspects.

### **Part 6 Art. 83-86 International Matches and Competitions**

#### **Article 83 International Matches and Competitions**

1. The authority for organising international matches and competitions between representative teams and between Leagues, Club teams and/or scratch teams lies solely with FIFA, CAF and/or FKF. No such match or competition shall take place without the prior permission of the FIFA, CAF and/or FKF in accordance with the FIFA Regulations Governing International Matches.



2. FKF is bound to comply with the international match calendar compiled by FIFA.

#### **Article 84 Contacts**

1. FKF, its Members, Players, Officials and match and player's agents shall not play matches or make sporting contacts with Associations that are not members of FIFA or with provisional members of a Confederation without the approval of FIFA.
2. FKF, its Members, Players, Officials and match and player's agents shall not play matches or entertain sporting contact with a suspended Member.

#### **Article 85 Approval**

1. Clubs, Leagues or any other group of Clubs that are affiliated to FKF may only join another Association with the authorisation of FKF, the other Association, the respective Confederation(s) and FIFA.
2. Clubs, Leagues or any other group of Clubs that are affiliated to FKF cannot participate in competitions on the territory of another Association without the authorization of FKF, the other Association(s), FIFA and the respective Confederation(s) according to the FIFA regulations Governing International Matches.

#### **Article 86 Academies and Player's Agents**

1. The National Executive Committee shall make regulations concerning the registration, licensing and conduct of players' agents and football academies. No person, save a licensed club participating in FKF organised competitions, shall act as a player agent or operate a football academy without prior written authorisation of the FKF.
2. A player who agrees to be represented by an unlicensed agent or who attends an unlicensed academy may be sanctioned by the Federation.
3. The Federation may impose sanctions on any violation of this article.

### **Part 7 Art. 87-90 Final Provisions**

#### **Article 87 Unforeseen Contingencies and Force Majeure**

1. The National Executive Committee shall have the power to decide on all cases of force majeure and on all matters not provided for in the Constitution, such decisions to be made according to right and justice, taking into account the relevant regulations of FIFA and CAF.

### **Article 88 Dissolution**

1. Any decision relating to the dissolution of FKF requires a majority of two-thirds of all of the Members of FKF, which must be obtained at a General Assembly specially convened for the purpose.
2. If FKF is disbanded, its assets shall be transferred to the Ministry of Sports.
3. It shall hold these assets as a trustee in accordance with the relevant professional duties until a new football federation is established. The final General Assembly may, however, choose another recipient for the assets on the basis of a two thirds majority.

### **Article 89 Transitional Provisions**

1. That the changes in clauses relating to Articles 35, 36 and 37 (County Branch Elections, Sub Branches Representation and Composition of the National Executive Committee respectively) and any other provisions related to elections will come into effect at the Elective General Assembly of 2019/2020.
2. That changes in all the other clauses other than those in Article 88 (1) above come into effect as per Article 34 (Effective Dates of Decisions) of the Constitution.
3. The new and existing Members of FKF as described in art. 11 para. 1 shall provide the General Secretariat of the FKF with the documents and information stipulated under art. 11 par. 3 and art. 14 par (1) letter m) and o) as specified in this Constitution.

### **Article 90 Enforcement**

This Constitution was endorsed by the National Executive Committee on 17<sup>th</sup> November 2017 and ratified at the General Assembly of 18<sup>th</sup> November, 2017 and shall come into force on 1<sup>st</sup> February, 2018 save for the transition envisaged under Article 89 ab



Signed by the President.....



Signed by the General Secretary.....

Dated at Nairobi the 22 Day November of 2017

