

TENNIS KENYA



CONSTITUTION

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Article 1: Establishment and Name

The organization shall be called “**TENNIS KENYA**” and shall operate as the national organization for the sport of Tennis in Kenya.

Article 2: Definitions

“**Chairperson**” means the person elected from time to time to be the National chairperson of Tennis Kenya in accordance with this constitution.

“**Child Abuse**” relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust in the circumstances described under clause 34 of this constitution.

“**Council**” means the council established under Article 13 of this constitution

“**National Executive Committee**” means the National Executive Committee established under Article 13 of this Constitution

“**The Game**” means the game of tennis;

“**The Honorary Secretary**” means the person elected from time to time to be the honorary secretary of Tennis Kenya in accordance with this constitution.

“**The Honorary Treasurer**” means the person elected from time to time to be the honorary treasurer of Tennis Kenya in accordance with this constitution

“**Tennis Kenya Disciplinary Code**” means the disciplinary code of Tennis Kenya in force from time to time;

“**Tennis Kenya Rules**” means the rules of Tennis Kenya as in force from time to time;

“**The Executive Committee**” means the committee appointed under Article to manage Tennis Kenya;

“**The Members**” mean the members of Tennis Kenya admitted from time to time to membership of Tennis Kenya in accordance with this constitution

“**The Trustees**” mean the persons appointed from time to time to be the trustees of Tennis Kenya in accordance with this constitution.

Words denoting the singular number include the plural number and vice versa;

Article 3: The Headquarters of Tennis Kenya

- 3.1 The headquarters of Tennis Kenya shall be in the Nairobi County, Kenya or elsewhere as the Members may decide in a General Meeting.
- 3.2 Branches of Tennis Kenya may be established in other Counties in Kenya subject to approval of the Council and the general meeting.
- 3.3 The address of Tennis Kenya shall be P. O. Box 43184 00100, Nairobi Kenya.

Article 4: The Legal Status of Tennis Kenya

- 4.1 Tennis Kenya shall be Sports Association of players, officials, clubs, educational institutions, umpires and friends of tennis in Kenya
- 4.2 Tennis Kenya shall possess full legal status, under the Laws of Kenya and Under the Sports Act, 2013

Article 5: Objects

Tennis Kenya shall be the sole governing body of the sport of tennis (hereinafter referred to as “**the Game**”) in Kenya and its objects shall be to advance and safeguard the interests of the Game and those of Tennis Kenya and particularly:

- a) To act jointly with members of Tennis Kenya within Kenya and internationally, to advance and safeguard the interests of the Game, to stage, promote, increase in participation at all levels of the Game and generally to do all such acts, matters and things in connection with, or incidental, thereto;
- b) To source, procure and employ the funds for the purposes and objects of Tennis Kenya in such manner as shall be deemed to be in the interests of the Game.
- c) To invest any part of such funds as shall not be required immediately for the said purposes and objects, in such manner as may be considered advisable from time to time, and to charge all investments to secure the repayment of any temporary advance of money made to Tennis Kenya for such purposes and objects.
- d) To acquire, dispose of, establish, own, lease, operate, use and turn to account in any way, tennis court facilities and any sporting or other facilities within Kenya together with buildings and easements, fixtures and fittings and accessories as shall be thought advisable by council
- e) To make, vary, alter, maintain and enforce Rules and Regulations for the control and governance of the Game in Kenya including for the disciplining of players, officials, coaches and others involved within the Game
- f) In consultation with relevant stakeholders as may from time to time be identified

by the council, to select, enter and manage teams to represent Kenya in international team competitions and to arrange and/or manage ties held in Kenya and to ensure that all national teams shall be selected in a fair and transparent manner and shall be done in good time.

- g) To make, maintain and publish rules and regulations relating to, and for the management and staging of local championships, Tournaments and Club and other matches.
- h) To make donations or offer support to lawn tennis clubs, educational institutions or community amateur sports clubs.
- i) To sanction, promote, manage and if necessary, finance tours to Kenya of visiting Teams.
- j) To exercise control of the Game by taking such steps as shall be necessary for preventing infringement of this Constitution, standing orders, rules and regulations of the Game aforesaid as laid down and as amended from time to time by the International Tennis Federation.
- k) To prevent the introduction of any improper practices in the Game and protect it from abuses and particularly to promote a drug free sport and adopt the policies and rules of the World Anti Doping Agency (WADA) and any national or regional agency affiliated to it
- l) To sanction, co-ordinate the event calendar and fixtures and to approve and regulate the dates and arrangements for the same.
- m) To sanction and promote the teaching of the Game and training of Referees and Umpires.
- n) Generally to do all such acts, matters and things in connection with, or incidental to, the effective carrying out of any of the objects mentioned in the previous sub-clauses hereof.
- o) To affiliate to other regional and international sports associations and federations that are beneficial for the furtherance of the objectives of Tennis Kenya including but not limited to the Kenya National Sports Council, the National Olympic Committee of Kenya, the Confederation of African Tennis, International Tennis Federation.
- p) Subject to Tennis Kenya Rules as may be developed from time to time and Tennis Kenya Disciplinary Code, to consider and resolve disputes, and enforce any award or decision, arising in connection with the Game nationally and to provide by the rules, regulations, byelaws or otherwise made under this Constitution, for a process to govern such disputes and recognise the Sports Disputes Tribunal set up under the Sports Act as well as to subscribe to the policies and rules of the Court of Arbitration for Sports (CAS);
- q) To prepare and publish the National Rankings for all categories of players.

- r) To prepare periodic strategic plans for inter-alia the development of sports in all the 47 counties of Kenya, training of technical officials, provision of equipment and facilities, exposure of teams, plans for sustainability of programmes and any other issue as may from time to time touch on the welfare of the sport of tennis in Kenya.

Article 6: Membership of Tennis Kenya

- 6.1 Subject to the provisions of this Article, an entity shall qualify for registration as a Member and thereby for registration if the Council of Tennis Kenya deems that such entity provides organised tennis opportunities and is generally committed to the development of the sport of Tennis in Kenya. Such an entity shall include, but not be limited to: any institution with proof of involvement or interest in the Game and who shares in the objects of Tennis Kenya
- 6.2 Individuals are eligible for full membership and no person shall be denied membership of Tennis Kenya on the grounds of race, ethnic origin, creed, colour, age, disability, sex, occupation, sexual orientation, and religion, political or other beliefs.
- 6.3 The Council shall reserve the right and power to accept or reject any application for membership by any person who meets the membership qualifications set out in this Constitution together with such other qualifications and procedures as may be passed by the Council and the general meeting.
- 6.4 Admission to membership will be decided by two thirds of the members of Council.
- 6.6 Each Member agrees as a condition of membership of Tennis Kenya:
 - a) to be bound by and be subject to this Constitution
 - b) to be bound by and be subject to Tennis Kenya Rules and Tennis Kenya Disciplinary Code as may from time to time be passed in accordance with Article 26 of this Constitution; and
 - c) for an institutional member, to ensure that its underlying members, any unlicensed and unregistered coaches within its jurisdiction and, so far as reasonably practicable, players using its facilities (the “Member’s connected parties”) are bound by and subject to this Constitution, Tennis Kenya Rules and Tennis Kenya Disciplinary Code by obtaining the formal agreement of the Member’s connected parties, as a condition of membership, association, registration, election or as otherwise appropriate, to be bound by and subject to this Constitution, Tennis Kenya Rules and Tennis Kenya Disciplinary Code, such agreement to contain an express acknowledgement that Tennis Kenya can enforce any breach at its option and in its sole discretion.
- 6.7 A Member having paid any subscription or other fee owed to Tennis Kenya may withdraw from membership of Tennis Kenya on at least one month’s clear written notice to Tennis Kenya and membership shall not be transferable in any event and shall cease immediately on dissolution. **Provided** that an institutional member shall in

providing such notice accompany the notice with a resolution of its Council and National Executive Committee of directors as the case may be, authorising such withdrawal.

Article 7: The membership of Tennis Kenya shall be as follows;

i. Regional Tennis Associations

- (a) Regional associations as shall be defined by council from time to time and who share in the principles and objects of Tennis Kenya as enshrined herein and who have come together to form an association in accordance with the Sports Act 2013 for the furtherance of the game in their region may on application, join the membership of Tennis Kenya as such and shall exercise the same rights as an institutional member, acting through its representative(s) or, in the representative(s)' absence, their deputies nominated by the association.
- (b) Tennis Kenya shall recognize only one regional association as representing the principles and objects of Tennis Kenya in each of the eight regions of Kenya as set out in the schedule to this constitution.
- (c) Where no Regional Associations exist, clubs/schools/individuals shall be represented at Tennis Kenya direct through duly nominated representatives in writing by the respective associations until a regional branch is formed but shall have no seat in the National Council and no vote in elections but shall, subject to this constitution, have one vote each at an Annual General meeting on other matters.

ii. County Tennis Associations

- (a) Individual and Club Associations which share in the principles and objects of Tennis Kenya as enshrined herein and who have come together to form an association in accordance with the Sports Act 2013 for the furtherance of the game in their respective counties may on application, join the membership of Tennis Kenya as such and shall exercise the same rights as other institutional members, acting through its representative(s) or, in the representative(s)' absence, their deputies nominated by the institution or association as the case may be.
- (b) Tennis Kenya shall recognize only one county association as representing the principles and objects of Tennis Kenya in each of the 47 counties of Kenya as set out in the schedule to this constitution.
- (c) Where no County Associations exist, clubs/schools/individuals shall be represented at Tennis Kenya direct through duly nominated representatives in writing by the respective associations until a regional branch is formed but shall have no seat in the National Council and no vote in elections but shall, subject to this constitution, have one vote each at an Annual General meeting on other matters.

iii. A members' or commercial tennis club;

Any members club or other club registered as a sports club under the Sports Act 2013 may become a Member of Tennis Kenya on application and shall exercise the same rights as other members, acting through its representatives or, in the representatives' absence, their deputies nominated by the club as the case may be but with no voting rights at an Annual General Meeting of Tennis Kenya.

iv. A school-based tennis programme

Any school or educational establishment may become an affiliated Member on application and shall exercise the same rights as other members, acting through its representative(s) or, in the representative(s)' absence, a deputy nominated by the school or educational establishment as the case may be but with no voting right at an Annual General Meeting of Tennis Kenya.

v. Individual Members.

Any person interested in furthering the objects of Tennis Kenya shall be admitted to membership on application to the Honorary Secretary. Persons below the age of 18 may be admitted as Junior members provided that an Individual Member shall have no right to vote at any General Meeting of Tennis Kenya in that capacity.

vi. Honorary Life Members

Any individuals nominated by any member for acceptance into life membership of Tennis Kenya by the general meeting on the basis of their outstanding contribution to the principles, mission and vision of Tennis Kenya with no voting right at any General meeting of Tennis Kenya.

vii. Professional bodies

Council may from time to time and at its complete discretion co-opt professional bodies into its membership or that of Tennis Kenya. Provided that a co-opted professional body shall not be entitled to vote at its meeting or meetings of Tennis Kenya

Article 8: Application for Admission to Membership

i. County/Regional Associations, Clubs, schools

Any Club, Regional and County associations etc. applying for Membership of Tennis Kenya shall submit an application, in writing or in such form as may be prescribed by rules, to the Honorary Secretary of Tennis Kenya and shall submit together with such application a copy of its Constitution detailing inter-alia a written undertaking in terms of article 6.6 (c) above and that it recognizes Tennis Kenya as the national organizations responsible for the control and governance of the Game in Kenya and it shall obey all the laws/rules, regulations, standing orders and Bye- Laws of Tennis Kenya, a list of current, registered members, certified copy of certificate of registration, certified copy of minutes of the last three meetings

held and resolution by the club, school, regional association etc as may from time to time be required by Tennis Kenya.

As the national organization shall by regulations, establish administrative mechanisms and procedures for the management of the Game in Kenya.

ii. Individual Membership

Any individual person applying for Membership of Tennis Kenya shall submit an application, in writing or in such form as may be prescribed by rules, to the Honorary Secretary of Tennis Kenya and shall in addition to any such information as may be required by the council, submit together with such application a written undertaking in terms of article 6.6 above and that he/she recognizes Tennis Kenya as the sole body responsible for the control and governance of the Game in Kenya and he/she shall obey all the laws/rules, regulations, standing orders and Bye- Laws of Tennis Kenya .

iii) Schools & Colleges

Any school or college applying for Membership of Tennis Kenya shall submit an application, in writing or in such form as may be prescribed by rules, to the Honorary Secretary of Tennis Kenya and shall in addition to any such information as may be required by the council, submit together with such application a written undertaking in terms of article 6.6 (c) above and that it recognizes Tennis Kenya as the sole body responsible for the control and governance of the Game in Kenya and he/she shall obey all the laws/rules, regulations, standing orders and Bye- Laws of Tennis Kenya .

Article 9: Registration Fee and Subscription

- 9.1 All members shall before admission pay registration fees as will be determined from time to time by the Council and approved by the General Meeting and shall be eligible to vote at an Annual General Meeting only after 180 days of their registration.
- 9.2 Upon admission, a member shall pay on or before 31st January each year annual membership subscription fees as determined from time to time by the Council.
- 9.3 No subscription fee shall be payable by Honorary Life members.
- 9.4 Any Member whose subscription fee is not paid by 30th April or such date as the Council shall decide in any year shall subject to Article 10 below, be deemed to have resigned its membership of the Association forthwith. For the purposes of this Article, subscription includes any contribution that a Member is obliged to pay.
- 9.5 Any members whose subscriptions shall remain unpaid for 30 days before the Annual General Meeting shall be ineligible to vote.

Article 10: Expulsion

- 10.1 Subject to this Constitution, the Council shall have power to expel a Member, in accordance with disciplinary rules specially created by the council for that purpose.

ifit, in its sole discretion, determines that it would be in the best interests of Tennis Kenya to do so.

- 10.2 The Member shall be given an opportunity to appear before the Council to answer complaints made against it and must not be expelled unless at least two-thirds of the Council then present vote in favour of his/its expulsion.

Provided always that the chairperson, the Vice chairperson and other member of the council for the time being in office shall only be expelled as a member of the association by a special and/or ordinary general meeting with a vote of at least $\frac{2}{3}$ ^{rds} majority of all the members present and voting.

Article 11: Effect of Resignation or Expulsion

Any person ceasing to be a Member forfeits all rights to and claims upon Tennis Kenya , its property and its funds and shall have no right to the return of any part of its/his subscription. Provided that the Council may refund an appropriate part of a resigning Member's subscription if it considers it appropriate taking account of all the circumstances.

Article 12: Rights of Members

- a. All membership is voluntary
- b. Membership in all categories shall be entitled to participate in the deliberations at the General Meeting;
- c. Only fully paid up institutional members shall be entitled to vote at the general meeting
- d. Only institutional members shall be entitled to vote. Provided that a Club shall be entitled to vote only if it has participated in at least one sports activity accredited by Tennis Kenya in the year preceding the meeting at which the vote is sought to be cast.
- e. All members are entitled to draw up proposals for inclusion in the agenda of the general meeting
- f. All members are entitled to nominate candidates for election to Council and Executive Committee.
- g. All members are entitled to be reasonably informed, upon request, of the affairs of Tennis Kenya.
- h. All members are entitled to take part in competitions and/or other sports activities organized by Tennis Kenya.
- i. All members are entitled to exercise all other rights arising from the rules and regulations of Tennis Kenya.
- j. All members are obliged to support Tennis Kenya in its efforts to achieve its objectives and to act in accordance with all Tennis Kenya decisions.

Article 13: The Council and National Executive Committee

- 13.1 Tennis Kenya shall be managed by a Council and an Executive Committee.
- 13.2 The National Executive Committee shall in discharging its mandate under this Constitution, have all the powers of the Council and all actions of the National Executive Committee shall have the same validity as if they were actions by the Council.
- 13.3 The National Executive Committee shall consist of:
- a) Chairperson;
 - b) Two Vice Chairpersons
 - c) the Honorary Secretary;
 - d) the Honorary Treasurer;
- 13.4 The following officers shall be members of the Council:
- a) The Chairperson;
 - b) Two Vice Chairpersons
 - c) the Honorary Secretary;
 - d) Assistant Secretary
 - e) the Honorary Treasurer
 - f) Assistant Treasurer
 - g) Regional representatives as may from time to time be established by Council.
 - h) One wheelchair representative
 - i) All Past Chairpersons of Tennis Kenya
- 13.5 Every person who is a citizen of Kenya over 21 years of age who is not disqualified by this Constitution or by any law in Kenya for the time being in force from holding public office, is eligible to be nominated and elected to the Council or National Executive Committee provided;
- a) That he/she is a member or an affiliated member and
 - b) That he/she has been a member of the Council for at least one term preceding the date of elections for the post of Chairperson and Vice Chairperson.
- 13.6 Nominations in writing by Members of Tennis Kenya, for election of a council Member, must reach Tennis Kenya not later than fourteen (14) calendar days prior to the date of the meeting at which the appropriate election is to take place, and such nominations must in each instance be accompanied by the nominee's written acceptance of the nomination; Provided that the serving council or National Executive Committee Members shall be eligible for re-election without nomination.
- 13.7 A list containing new nominations, together with names of the serving council and National Executive Committee Members who are re-eligible, must be submitted to all Members of Tennis Kenya and to all persons entitled to receive notice and to attend and to vote at a General Meeting not later than three (3) calendar days prior to the meeting at which the appropriate elections are to take place.
- 13.8 Each member of the Council, National Executive Committee and all elected branch

officials will be required, as a condition of election or appointment, to agree to be bound in writing by and subject to this Constitution, Tennis Kenya Rules, Tennis Kenya Disciplinary Code and the principles set out in article 10 and chapter six of the Constitution of Kenya on leadership and integrity.

- 13.9 If there is only one candidate nominated to fill any particular post, that candidate shall be declared elected unopposed for that particular post at the General Meeting.
- 13.10 If there is more than one candidate for any particular post there shall be an election at the General Meeting for that position.
- 13.11 Subject to this constitution, members of the Council shall be elected at a General Meeting and the National Executive Committee shall be constituted by the Council at its first meeting following the General Meeting, and subject to termination of office by resignation, removal or otherwise, the members shall remain in office until they or their successors are re-elected or elected (as the case may be) at the General Meeting or first Council meeting following the General Meeting (as the case may be), following their re-election or election (as the case may be).
- 13.12 Election of the Council and National Executive Committee shall be conducted, at the General Meeting following the expiration of the term of office of retiring Council or National Executive Committee members and only registered fully paid up members shall be eligible to vote.
- 13.13 In addition to the members elected or appointed in accordance with this article, the Council and National Executive Committee may from time to time by simple majority vote and in its sole discretion co-opt up to four other persons as may be deemed fit to be co-opted from time to time, but without the right to vote and provided that they shall have specialist knowledge, skills or experience of the administration and management of the game;
- 13.14 The Council and/or National Executive Committee may appoint any eligible member to fill any arising vacancy on the Council and/or National Executive Committee until the next Annual General Meeting (or first Council meeting following the Annual General Meeting as the case may be) when that person shall retire but shall be eligible for re-election.
- 13.15 The members of the Council and National Executive Committee may delegate any of the powers which are conferred on them by this Constitution to such person, or committee, by such means (including by power of attorney), to such an extent, in relation to such matters and on such terms and conditions as they think fit. The members of the Council may revoke any delegation or alter its terms and conditions.
- 13.17 A member of the Council or National Executive Committee shall be deemed to have vacated office if:
 - a. he becomes bankrupt or makes any arrangement or composition with his creditors generally; or
 - b. a registered medical practitioner who is treating that person gives a written opinion to the Council or National Executive Committee stating that that

person has become physically or mentally incapable of acting as a member of the Council/ National Executive Committee and may remain so for more than three months; or

- c. by reason of that person's mental health, a court makes an order which wholly or partly prevents that person from personally exercising any powers or rights which that person would otherwise have; or
- d. he resigns his office by notice to Tennis Kenya; or
- e. he is suspended from holding office or from taking part in any activity relating to the administration or management of Tennis Kenya by a majority decision of Tennis Kenya due to gross misconduct, incompetence or neglect of duty and/or any other ground the council or National Executive Committee determine; or
- f. he absents himself without sufficient reason and without permission of the Council from three consecutive meetings of the Council.
- g. He fails/omits to take part or assist at least one event of Tennis Kenya

13.18 Any person accepting nomination or election to the Council or National Executive Committee who has any financial interest in the Game must, before his election or nomination declare all such interests. Failure to do so will lead to automatic disqualification from Council or National Executive Committee membership.

Article 14: Elections

- 14.1 Elections shall be conducted by an independent body to be appointed by the Council and shall be free and fair and conform to the general principles stipulated in Article 81 of the Constitution of Kenya 2010.
- 14.2 Elections of all officials at national, county, regional or sub-branch level shall be done directly by registered members by secret ballot.
- 14.2 All elections at any General Meeting of Tennis Kenya shall require a simple majority of the votes of all persons present and entitled to vote at such meeting and in the event of a tie, the chairperson of the General meeting shall have a second casting vote.
- 14.4 Only citizens of Kenya shall be eligible for election for the post of Chairperson, Secretary and Treasurer in the Council.
- 14.3 Elections of Officials shall become effective as from the close of the meeting at which they have been elected.

Article 15: Powers and duties of the Council and National Executive Committee

- 15.1 The Council and National Executive Committee shall be jointly responsible for the management of Tennis Kenya.

- 15.2 The National Executive Committee shall be responsible for the day to day management of Tennis Kenya, and shall in discharging its duties have the sole right of appointing and determining the terms and conditions of service of employees of Tennis Kenya .
- 15.3 The National Executive Committee shall have power to enter into contracts for the purposes of Tennis Kenya on behalf of all the Members.
- 15.4 The Council shall from time to time, following a competitive recruitment and selection procedure, appoint a Chief Executive Officer for such period and at such remuneration and on such terms as it may think fit; who shall;
- a) work under the direct control and supervision of the National Executive Committee;
 - b) be the chief administrative officer and legal representative of Tennis Kenya in all legal proceeding by or against Tennis Kenya ;
 - c) Provide leadership and manage the human, financial and physical resources of Tennis Kenya.
 - d) Implement the decisions of the General Meeting and the Council.
 - e) Draft an annual work plan and associated budget, and report on progress made to the council and as appropriate to the General Meeting.
 - f) Articulate new proposals and initiatives for funding by donors and Governments.
 - g) Ensure the effective and efficient operation of Tennis Kenya Secretariat.
 - h) Perform any other duties as directed by the National Executive Committee of Tennis Kenya.
- 15.5 The Council and National Executive Committee may from time to time entrust to and confer upon the Chief Executive Officer for the time being in office, such of the powers vested in it as it may think fit, and may confer such powers for such time and to be exercised for such object and upon such terms and with such restrictions as it may think expedient.
- 15.7 Except where it is specifically provided herein that anything shall be done in a General Meeting, the powers, objects, functions and management of Tennis Kenya shall be exercised and carried out by the Council and National Executive Committee.
- 15.8 The Council and National Executive Committee shall determine a policy framework, oversee the governance of Tennis Kenya and perform all the roles and responsibilities to achieve or promote the objects of Tennis Kenya.

Article 16: Proceedings of meetings of the Council and Executive Committee

- 16.1 Council and National Executive Committee meetings shall be held quarterly or as often as the Council and National Executive Committee respectively think fit provided that there shall not be less than three meetings of each in each year.
- 16.2 Any five (5) members of the Council or National Executive Committee may call a

Council or National Executive Committee meeting by giving written notice of the meeting to the each of the other members of the Council or Executive Committee.

- 16.3 The quorum of such meetings shall be Four (4) members for a Council meeting and three (3) members for a National Executive Committee meeting..
- 16.4 Unless a quorum is present, no proposal is to be voted on, except a proposal to call another meeting.
- 16.5 The Chairperson and the Honorary Secretary shall have discretion to call emergency meetings of the Council or National Executive Committee if they consider it to be in the best interests of Tennis Kenya. In this regard, the Secretary shall give all the members of the Council or National Executive Committee not less than 7 days' notice of a meeting.
- 16.6 The Chairperson shall be the chairperson of the Council and Executive Committee. Unless he is unable for any reason to do so, the Chairperson shall preside at every meeting of the Council at which he is present. But if there is no person holding that office or if the Chairperson is unable to preside or is not present within ten minutes after the time appointed for the meeting, the members present will elect a member to preside.
- 16.7 Decisions of the Council and National Executive Committee shall be made by a simple majority (and in the event of equality of votes the Chairperson (or the acting chairperson of that meeting) shall have a casting or additional vote.
- 16.8 The Council and National Executive Committee may from time to time appoint from among their number such sub-committees as they consider necessary and may delegate to them such of the powers and duties of the Council or National Executive Committee as the Council or National Executive Committee may determine.
- 16.9 All sub-committees shall periodically report their proceedings to the Council or National Executive Committee as the case may be and shall conduct their business in accordance with the provisions of Article 16.7.
- 16.10 The Chairperson, Secretary and Treasurer shall be ex-officio members of all committees and sub-committees of Tennis Kenya, and shall be called to all committee and sub-committee meetings.
- 16.11 Every member of the Council and Executive Committee, person elected by the GM, employee or agent of Tennis Kenya shall be indemnified by Tennis Kenya and the Council shall pay all costs, losses and expenses which any such person may incur or for which he may become liable by reason of any contract entered into or act or thing done by him in good faith as such member of the Council and Executive Committee, person elected by the GM, employee or agent in accordance with the instructions of the Council or National Executive Committee or of a general meeting of Tennis Kenya or otherwise in the discharge of his duties.
- 16.12 The Council and National Executive Committee may give to any member of Council and Executive Committee, person elected by the GM, employee or agent of Tennis

Kenya who has incurred or may be about to incur any liability at the request of or for the benefit of Tennis Kenya such security by way of indemnity as may seem expedient.

- 16.13 In the exercise of their powers under this Constitution, the Council and National Executive Committee shall at all times act in accordance with the Objects of this constitution and shall operate for the benefit of the Members

Article 17: Tennis Kenya Secretariat

- 17.1 Tennis Kenya shall have a secretariat for the day-to-day management of Tennis Kenya.
- 17.2 The secretariat shall be located at the official headquarters of Tennis Kenya.
- 17.3 The secretariat shall constitute the following officers:
- a) Executive Committee
 - b) The Chief Executive Officer appointed under Article 15.4.
 - c) Such other officers and employees as the National Executive Committee may find necessary

Article 18: Terms of office

The term of all the office bearers shall be for two years and , after which they shall be eligible for re-election for one further term of two years only. Any casual or mid-term vacancy occurring in the aforesaid offices may be filled by the Council.

Article 19: Trustees

- 19.1 The property of Tennis Kenya shall be vested in at least two (2) and not more than four (4) Trustees. Any member wishing to serve as a trustee may be nominated by any three (3) fully paid-up members. Each nominee for the office of Trustee of Tennis Kenya shall be recommended to the Council for consideration and, if approved by the Council, be submitted at the Annual General Meeting for ratification.
- 19.2 The Trustees so approved shall apply to have themselves registered as body corporate under the Trustees (Perpetual Succession) Act, Chapter 164 of the Laws of Kenya and shall take whatever action from time to time to have all and any property of Tennis Kenya vested in them and shall hold the same subject to the directions of the Council who shall be responsible for the proper care and maintenance thereof and entitled to the full control thereof.
- 19.3 A Trustee shall hold office during his life, or until he shall resign by notice in writing given to the Council or until a resolution removing him from office is passed at a

general meeting by a majority comprising two-thirds of the Members present and voting.

- 19.4 On the death, resignation or removal from office of a Trustee the Council and National Executive Committee shall take steps to procure the appointment and approval of a new Trustee in his place.
- 19.5 The Trustees shall be indemnified by Tennis Kenya and the National Executive Committee shall pay for all costs, losses and expenses which any such Trustee may incur or for which he may become liable by reason of any contract entered into or act or thing done by him in good faith as such Trustee in accordance with the instructions of the National Executive Committee or of a general meeting of Tennis Kenya or otherwise in the discharge of his or their duties. The National Executive Committee may give to any Trustee, who has incurred or may be about to incur any liability, at the request of or for the benefit of Tennis Kenya such security by way of indemnity as may seem expedient

Article 20: Annual General Meeting

- 20.1 Notice of the Annual General Meeting of Tennis Kenya shall be sent to all Members of Tennis Kenya and the persons entitled to attend such meeting and to vote thereat, as well as to the Auditors of Tennis Kenya, at least twenty one (21) calendar days before the date fixed provided that the meeting shall be held on or before the 30th Day of April in each year by which time County and Regional Associations must have conducted their Annual General Meeting by 31st March and 30th June in each year respectively.
- 20.2 The notice for such meeting shall state the place, the day and the time of the meeting and the business to be transacted thereat enclosing;
- i. Copies of the minutes of the preceding Annual General Meeting of Tennis Kenya and of any other General Meeting of Tennis Kenya held since.
 - ii. Copies of the Council and Executive Committee's Annual Report
 - iii. Tennis Kenya's Audited Balance Sheet and Statement of Accounts of the preceding financial year, provided that copies of these may be furnished to all Members of Tennis Kenya at least seven (7) calendar days before the date fixed for such meeting.
- 20.3 The business to be transacted at the Annual General Meeting shall be:
- a. To confirm the minutes of the preceding Annual General Meeting and of any other General meeting since;
 - b. to receive the Chairperson's report of the activities of Tennis Kenya during the previous year;
 - c. to receive and consider the accounts of Tennis Kenya for the previous year, the auditor's or independent accountant's report on the accounts and the Treasurer's report as to the financial position of Tennis Kenya ;
 - d. to remove and elect the auditor or independent accountant or confirm that he remain in office;
 - e. to conduct the elections provided for in this Constitution.
 - f. to decide on any resolution which may be duly submitted in accordance with Article 20.4 below;

- g. to deal with any special matters which the Council or National Executive Committee desires to bring before the membership.
 - h. to receive reports on the activities of the Association.
- 20.4 Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing by the relevant Member or member of the Council or National Executive Committee to the Secretary not less than 28 days before the meeting.

Article 21: Extraordinary General Meetings

- 21.1 All General Meetings of Tennis Kenya, other than Annual General Meetings, shall be referred to as Extraordinary General Meetings.
- 21.1 An Extraordinary General Meeting may be called at any time by the Council or National Executive Committee and shall be called within 21 days of receipt by the Honorary Secretary of a requisition in writing signed by not less than five (5) voting Members stating the purposes for which the meeting is required and the resolutions proposed.
- 21.2 If an Extraordinary General Meeting is called after receipt of a Members' requisition the only business to be transacted at that meeting shall be the resolutions proposed in the requisition.
- 21.3 If a Members' requisitioned meeting is not called before the expiry of a period of 21 days commencing on the date of the request, the Members requisitioning the meeting may call the meeting at any time before the expiry of a period of two months commencing on the date of that request.

Article 22: Procedures at the Annual and Extraordinary General Meetings

- 22.1 The Secretary shall send to each Member and each member of the Council and National Executive Committee and other officer elected at the Annual General Meeting at its/his last known address, written notice of the date, time and place of the Annual or Extraordinary General Meeting together with the resolutions to be proposed thereat, at least 21 days before the meeting.
- 22.2 The accidental failure to give notice to any person entitled to notice, or the accidental omission of any such details in any notice, shall not invalidate the proceedings at the meeting.
- 22.3 The quorum for the Annual and Extraordinary General Meetings shall be a third of persons present and eligible to vote.
- 22.4 No business other than the appointment of the chairperson of the meeting is to be transacted at the Annual or Extraordinary General Meeting if the persons attending it do not constitute a quorum.
- 22.5 The Chairperson shall preside at all Annual and Extraordinary Meetings of Tennis Kenya but if he is not present within 30 minutes after the time appointed for the meeting or has signified his inability to be present at the meeting, the Members present and entitled to vote, may choose one of the other members of the Council or National Executive Committee present to preside and if no other member of the Council or National Executive Committee is present or willing to preside the persons

- present and entitled to vote may choose one of their number to be chairperson of the meeting.
- 22.6 If the persons attending an Annual or Extraordinary General Meeting do not constitute a quorum within half an hour of the time at which the meeting was due to start or if during a meeting, a quorum ceases to be present, the chairperson of the meeting shall adjourn it.
- 22.7 When adjourning an Annual or Extraordinary General Meeting the chairperson of the meeting must specify the time and place to which it is adjourned or state that it is to continue at a time and place to be fixed by the members of the Council or Executive Committee. The chairperson must have regard to any directions as to the time and place of any adjournment which have been given by the meeting.
- 22.8 If the continuation of an adjourned Annual or Extraordinary General Meeting is to take place more than 14 days after it was adjourned the secretary must give at least 7 days' notice to the persons to whom notice of Tennis Kenya 's meetings is required to be given in accordance with Article 22.1.
- 22.9 No business can be transacted at adjourned Annual or Extraordinary General Meetings which could not properly have been transacted at the meeting if the adjournment had not taken place.
- 22.10 The chairperson of the meeting may permit other persons who are not Members to attend and speak at a meeting.
- 22.11 The Secretary, or in his absence a member of the Council or Executive Committee, shall take minutes at Annual and Extraordinary General Meetings.

Article 23: Voting at Annual and Extraordinary General Meetings

- 23.1 Subject to the provisions of clause 14.2 hereof, any motion put to the vote at any General Meeting of Tennis Kenya shall be decided on a show of hands unless a ballot is demanded by the Chairperson of the meeting; or by not less than thirty per cent (30%) of all members present and entitled to vote at the meeting
- 23.2 Subject to this constitution, each person present at a meeting and entitled to vote shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the chairperson of the meeting shall have a casting vote.
- 23.3 No objection may be raised as to the qualification of any person voting at a meeting except at the meeting or adjourned meeting at which the vote objected to is tendered, and every vote not disallowed at the meeting is valid. Any such objection must be referred to the chairperson of the meeting whose decision after due consideration in accordance with this Constitution and any rules made hereunder, shall be final. Provided that the Chairperson shall refrain from making a decision in which he/she has a professional or personal interest in.
- 23.4 Council shall prescribe a policy on conflict of interest in any dealings with or at meeting of Tennis Kenya.
- 23.4 Any Member not being an individual may by resolution of its committee or Council and National Executive Committee of management authorise one person as it thinks fit to act as its representative at Annual and Extraordinary General Meetings. Each such person shall be entitled to vote and a person so authorised is entitled to exercise the same powers on behalf of the Member as that Member could exercise as if it was an individual Member.

- 23.5 All members of the Council and National Executive Committee and other persons elected at an Annual General Meeting shall be entitled to one vote.
- 23.6 There shall be no right for a Member to vote by proxy and no person may represent more than one Member.
- 23.7 A declaration by the Chairperson of the meeting that a motion has on a show of hands or ballot been carried, or carried unanimously, or carried by a particular majority, or lost, shall be the resolution of the meeting

Article 24: Alteration or amendment of the Constitution

This Constitution may be altered and/or amended by resolution at an Annual or Extraordinary General Meeting provided that the resolution shall not be passed unless carried by a majority of at least two-thirds of the persons present and entitled to vote at the General Meeting, the notice of which contained particulars of the proposed alteration or amendment.

Article 25: Regulations, Bye-laws and Standing Orders

- 25.1 The Council and National Executive Committee shall have the power to make any regulations, By-Laws, Rules, disciplinary code or to take any resolutions or decisions, that are necessary or expedient in order to achieve the objects of Tennis Kenya provided that such Regulations, By-Laws, Rules, Resolutions or Decisions are not inconsistent with this Constitution.
- 25.2 The Council shall have power to make, repeal and amend such regulations, bye-laws and standing orders as it may from time to time consider necessary, desirable or appropriate.
- 25.3 Such regulations, bye-laws and standing orders shall have effect until repealed by the Council.
- 25.4 Notwithstanding anything contained in this constitution, the World Anti Doping Agency Code and/or the requirements of an anti-doping policy and rules of a National Anti-Doping Organization established in Kenya by law shall form an integral part of this constitution and shall at all times be binding on Tennis Kenya and all its members, affiliate members, players, officials and coaches.

Article 26: Finance

- 26.1 The Council and National Executive Committee shall have power to open and operate banking accounts in the name of TENNIS KENYA and to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants, drafts, cheques, bonds and other negotiable or transferable instruments.
- 26.2 All moneys payable to Tennis Kenya shall be in the name of Tennis Kenya and remitted to the Treasurer or Assistant Treasurer and shall be deposited in a bank account in the name of Tennis Kenya. No sum shall be drawn from that account except by cheque signed by such persons as are authorised by the Council in writing.
- 26.3 Any moneys not required for immediate use may be invested as the Council and National Executive Committee in their discretion thinks fit.

- 26.4 Subject to this Constitution, the income and property of Tennis Kenya shall be applied only in furtherance of the objects of Tennis Kenya and no part thereof shall be paid by way of bonus, dividend or profit to any Member or person.
- 26.5 The Council and National Executive Committee shall have power to authorise the payment of remuneration and expenses to any officer, member of the Council or Executive Committee, Member or employee of Tennis Kenya and to any other person or persons for services rendered to Tennis Kenya. The remuneration of a member of the Council or Executive Committee, Member or employee of Tennis Kenya or other person may take any form and may include any arrangements in connection with the payment of a pension, allowance or gratuity, or any death or sickness or disability benefits to, or in respect of that person.
- 26.6 Tennis Kenya may pay any reasonable expenses that members of the Council or National Executive Committee properly incur in connection with their attendance at meetings of the Council or National Executive Committee or at Annual or Extraordinary General Meetings of Tennis Kenya or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to Tennis Kenya.
- 26.7 The financial transactions of Tennis Kenya shall be recorded in such manner as the Council and/or National Executive Committee thinks fits by the Treasurer.
- 26.8 The Financial Year of Tennis Kenya shall close on the 31st December in each year, or such other date as may be fixed by the Council and the full accounts of the financial affairs of Tennis Kenya shall be prepared soon thereafter and shall be duly audited by the auditors.
- 26.9 The audited accounts must be made available at the Annual General Meeting.
- 26.10 The resources of Tennis Kenya are made up of:
- a) Annual subscriptions
 - b) Revenues of all kinds coming from competitions it can organise
 - c) Donations and bequests in cash and/or in kind
 - d) Funds from ITF, Sponsors and benefactors

Article 27: Borrowing

- 27.1 The Council and National Executive Committee may borrow such sum as they deem appropriate on behalf of Tennis Kenya for the purposes of Tennis Kenya from time to time at their own discretion.
- 27.2 When so borrowing the Council and National Executive Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sum or sums of money in such manner and on such terms and conditions as they think fit, and in particular by mortgage of or charge upon or by the issue of debentures charged upon all or any part of the property of Tennis Kenya.
- 27.3 The Council and National Executive Committee shall have no power to pledge the liability of any Member for repayment of any sums so borrowed.
- 27.4 The Trustees shall, at the discretion of the Council or Executive Committee, make such dispositions of Tennis Kenya's property or any part thereof, and enter into and execute such agreements and instruments in relation thereto, as the Council or National Executive Committee may deem proper for giving security for such moneys and the interest payable thereon.

Article 28: Property

The property of Tennis Kenya, other than cash at the bank, shall be vested in the Trustees. They shall deal with the property as directed by resolution of the Council and entry in the minute book shall be conclusive evidence of such a resolution.

Article 29: Notices

- 29.1 Tennis Kenya can send, make available or supply any notice, ballot paper, accounts, document, or other information by personal delivery, by posting it to the intended recipients' usual address, by sending it or supplying it in electronic form to an address notified by the intended recipient to Tennis Kenya or by making it available on a website and notifying the intended recipient of its availability in the website in accordance with this Article.
- 29.2 If any notice or other information is left by Tennis Kenya at the intended recipient's usual address, it is treated as being received on the day it was left.
- 29.3 If any notice or other information is sent by Tennis Kenya by post, it is treated as being received 14 days after it was posted. In proving that any notice or other information was received, it is sufficient to show that the envelope was properly addressed and put into the postal system with postage paid.
- 29.4 If any notice or other information was sent using electronic means, it is treated as being received on the day it was sent. In the case of notices or other information available on a website, the notice or other information is treated as being received on the day on which it was made available on the website, or, if later, the day on which the notice of availability is treated as being received by the intended recipient in accordance with this constitution.

Article 30: Minutes and other documents

The Secretary or in his/her absence of Tennis Kenya's Council and National Executive Committee shall cause minutes to be kept, at the headquarters of Tennis Kenya on:

- (a) All appointments or nominations of Officers, Office Bearers or other Staff of Tennis Kenya, made by Tennis Kenya's Council and National Executive Committee and/or the Annual General Meeting.
- (b) All proceedings at all meetings of the Annual General Meeting of Tennis Kenya, and of all other committees of Tennis Kenya.
- (c) A copy of this Constitution and By-Laws of Tennis Kenya.
- (d) A register of all members of Tennis Kenya and of all committees.

Article 31: Books of Account, Audit and Inspection

- 31.1 The Council and National Executive Committee shall cause proper books of account to be kept of the income and expenditure of Tennis Kenya and of the property, assets and liabilities of Tennis Kenya.
- 31.2 The accounts of the Income and Expenditure and the Balance Sheet of Tennis Kenya for the year ended on the 31st December immediately preceding shall be delivered to the Auditor to be examined, audited and signed by him.
- 31.3 The Auditor appointed at the previous Annual General Meeting shall audit the Accounts. A copy of the Audited Accounts together with the Auditors Certificate shall be sent to each Member at least seven (7) days before the date fixed for the Annual General Meeting.
- 31.4 An auditor may be paid such professional fees for his/her duties as may be resolved by the general meeting appointing him/her.
- 31.5 No auditor can be nominated for more than two consecutive years.
- 31.6 The minutes of proceedings at all Annual General Meetings or Tennis Kenya's Council and National Executive Committee and of all other Committees of Tennis Kenya, and all books of account of Tennis Kenya, shall at all times be open to inspection, at the headquarters of Tennis Kenya, by all members of Tennis Kenya Council and National Executive Committee and by any authorised representative of a Member of Tennis Kenya

Article 32: Saving of Rights

To the extent allowed by the law, the entire bundle of intellectual property rights whether vested, contingent or future and all rights of action and all other rights of whatever nature in the name of Tennis Kenya under the laws in force in any part of the world shall belong to Tennis Kenya, its successors, assignees, and licensees absolutely for the full period of the rights throughout the world including all reversions, revivals, renewals and extensions thereof.

Article 34: Members and Child Protection

- 34.1 Tennis Kenya shall ensure all members and coaches who work with children follow all policies, procedures and protocols in the interests of the health and safety of children during training and public events.
- 34.2 Child abuse is an offence and shall not be condoned by Tennis Kenya.
- 34.2 Tennis Kenya shall prepare for circulation and application by members, a members and child protection policy which shall include but not be limited to:
 - Bullying and humiliation of players by coaches;
 - Abuse and insults directed by players or parents at opposing participants;
 - Abuse of Officials by players, coaches or parents;
 - Bullying, humiliation and physical intimidation of other players in competition;
 - Practical jokes which cause embarrassment or which endanger the safety of others.

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity)
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

34.3 The Council shall promulgate a policy for the better implementation of this clause.

Article 35: Dissolution

- 35.1 A resolution to dissolve Tennis Kenya shall only be proposed at an Annual General Meeting and shall only be passed if carried by a majority of at least three quarters of the members present and entitled to vote.
- 35.2 The dissolution shall take effect from such date as may be resolved and the members of the Council and National Executive Committee shall be responsible for the winding-up of the assets and liabilities of Tennis Kenya.
- 35.3 Any property remaining after the discharge of the debts and liabilities of Tennis Kenya shall be paid or distributed as determined by the Council to any other non-profit making body with similar objects or any tennis related charity with the intent that such property shall be used for the advancement of the Game in Kenya.

Article 36: Entry into Force

This Constitution and any amendments to it shall enter into force immediately after it has been ratified by Tennis Kenya General Meeting by simple majority votes of life and fully paid ordinary members.

Article 37: Dispute Resolution

- 37.1 Tennis Kenya shall create an Arbitration Tribunal, which shall deal with all internal national disputes, other than disciplinary proceedings, between Tennis Kenya, its Members, and Officials' and players' agents.
- 37.2 The Disciplinary committee shall create a disciplinary committee which shall deal with all questions relating to the discipline of members.
- 37.2 The Council and National Executive Committee shall draw up special regulations regarding the composition, jurisdiction and procedural rules of the Arbitration Tribunal and disciplinary committee which shall be adopted by the general meeting

by a 2/3^{rds} majority vote.

37.3 The rules so drawn shall be consistent with internationally recognised principles of arbitration, natural justice, party autonomy, reparability and competence.

36.4 After exhausting the above dispute resolution mechanisms, any party dissatisfied with the outcome thereof may refer an appeal against the decision of the tribunal to the Sports Disputes Tribunal established under the Sports Act 2013 as amended from time to time.

Authenticated and adopted by the General meeting of members as per minute No.....

**And Signed on behalf of members at Nairobi on this.....day of.....2014
BY:**

Chairperson.....

Honorary Secretary

Honorary Treasurer.....

SCHEDULE

COAST

<u>Code</u>	<u>County</u>	<u>Region</u>	<u>City</u>	<u>Code</u>	<u>County</u>	<u>Region</u>	<u>City</u>
1	Mombasa	Coast	Mombasa	22	Kiambu	Central	Kiambu
2	Kwale	Coast	Kwale		<u>RIFT</u>		
3	Kilifi	Coast	Kilifi		<u>VALLEY</u>		
4	Tana River	Coast	Hola	23	Turkana	Rift Valley	Lodwar
5	Lamu	Coast	Lamu	24	West Pokot	Rift Valley	Kapenguria
6	Taita-Taveta	Coast	Voi	25	Samburu	Rift Valley	Maralal
	<u>NORTH</u>			26	Trans Nzoia	Rift Valley	Kitale
	<u>EASTERN</u>			27	UasinGishu	Rift Valley	Eldoret
7	Garissa	North Eastern	Garissa	28	Elgeyo-Marakwet	Rift Valley	Iten
8	Wajir	North Eastern	Wajir	29	Nandi	Rift Valley	Kapsabet
9	Mandera	North Eastern	Mandera	30	Baringo	Rift Valley	Kabarnet
	<u>EASTERN</u>			31	Laikipia	Rift Valley	Rumuruti
10	Marsabit	Eastern	Marsabit	32	Nakuru	Rift Valley	Nakuru
11	Isiolo	Eastern	Isiolo	33	Narok	Rift Valley	Narok
12	Meru	Eastern	Meru	34	Kajiado	Rift Valley	Kajiado
13	Tharaka-Nithi	Eastern	Chuka	35	Kericho	Rift Valley	Kericho
14	Embu	Eastern	Embu	36	Bomet	Rift Valley	Bomet
15	Kitui	Eastern	Kitui		<u>WESTERN</u>		
16	Machakos	Eastern	Machakos	37	Kakamega	Western	Kakamega
17	Makueni	Eastern	Wote	38	Vihiga	Western	Vihiga
	<u>CENTRAL</u>			39	Bungoma	Western	Bungoma
18	Nyandarua	Central	OIKalou	40	Busia	Western	Busia
19	Nyeri	Central	Nyeri				
20	Kirinyaga	Central	Kerugoya / Kutus				
21	Murang'a	Central	Murang'a				

<u>Code</u>	<u>County</u>	<u>Region</u>	<u>City</u>	<u>Code</u>	<u>County</u>	<u>Region</u>	<u>City</u>
	<u>NYANZA</u>			45	Kisii	Nyanza	Kisii
41	Siaya	Nyanza	Siaya	46	Nyamira	Nyanza	Nyamira
42	Kisumu	Nyanza	Kisumu		<u>NAIROBI</u>		
43	Homa Bay	Nyanza	Homa Bay	47	Nairobi	Nairobi	Nairobi
44	Migori	Nyanza	Migori				