



The Sports & Entertainment Law sector has recently witnessed a wave of regulatory and business movement, indicative of progress and opportunities in the year, as well as potential pitfalls that require strategic planning and foresight.

In this edition, we analyse major legislative reforms impacting sports and entertainment in Kenya, offering brief but comprehensive insights that stakeholders need to be aware of as we move into the second quarter of the year.

In brief, this quarter has seen developments in:

- **Proposed reforms in sports law through the Draft National Sports Policy and Sports (Amendment) Bill.**
- **Proposed copyright law amendments through the Copyright and Related Rights Bill.**
- **Interplay between law and sports through Senegal v Morocco.**
- **International developments in platform liability.**

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## The Sports Sector

### Major Reforms in Sports Law

The Sports (Amendment) Bill was tabled before the National Assembly on 1st March 2026. This comes after the draft National Sports Policy was published for public participation in late 2025, marking significant progress in reinvigorating governance and policy directives for sports in the country.

#### 1. Draft National Sports Policy

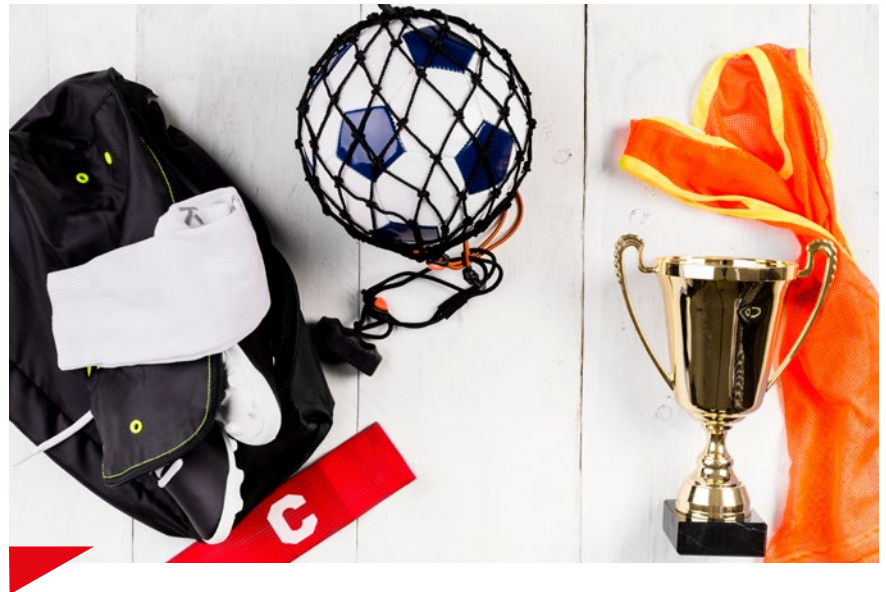
The Draft Policy proposes a comprehensive framework for the development, regulation and transformation of the sports sector in Kenya anchored on 4 key issues: sportsperson welfare, institutional accountability, equitable access, and economic empowerment. To achieve this, it introduces several institutional, regulatory, legal and administrative strategies.

Below, we highlight the key changes expected to emanate from the Policy and their potential impact on stakeholders:

- **Focus on Institutional Strengthening**

The Policy identifies the need to strengthen institutions in the sports sector as a key driving force in stimulating growth and addressing long-standing issues. Though several institutions are addressed, we highlight the proposed introduction of a National Sports Regulatory Authority (NSRA); a re-positioning of Sports Kenya, and constitution of a new sports dispute resolution framework below:

a). **The Proposed National Sports Regulatory Authority (NSRA):** Central regulatory body for sports in Kenya with devolved offices across the country for ease of administration, with the Sports Registrar housed therein. This is intended to close



existing regulatory gaps and overlaps in sports management in Kenya creating a cohesive governance framework nationally and reducing friction between different bodies.

b). **Sports Kenya:** Specialized institution for the development and management of national and international-tier sports facilities, coordination and hosting of national and international events and provision of technical support on infrastructure matters including classification and standard setting. As Kenya aims at developing leading sport talent and becoming a world-class sports destination, this is a crucial step toward ensuring that its sports facilities are at par with international standards, ensuring readiness for hosting regional and international events.

c). **Dispute Resolution:** The Policy envisions the Sports Disputes Tribunal as the specialized judicial forum for all sports-related disputes. The Policy creates a clear judicial path for sports disputes, beginning with original jurisdiction at the Sports Disputes Tribunal appealable to the High Court, with the final appellate body proposed to be the Courts of Arbitration for Sport (CAS), an international sports dispute arbitration body headquartered in Switzerland.

- **Standards for Sportspersons and Sports Personnel**

The Policy introduces accountability measures for sportspersons, who will now be required to demonstrate sustained participation, commitment to training, and compliance with codes of conduct, anti-doping policies, and safeguarding frameworks.

Similarly, coaches, agents and other such participants in the ecosystem will be required to undergo registration, training, and professional development.

- **Funding**

The Policy addresses the dire need for funding within sports, providing a framework to support increased funding avenues and proper use of such funds. The private sector is also recognized as a key strategic partner for the sector in need of transparent and investor-ready funding opportunities. As such, the Policy proposes the establishment of a national database for approved investment-ready projects, and a partnership framework for public entities such as Sports Kenya, Kenya Academy of Sports (KAS) and NSRA amongst other enabling measures.

#### 2. The Sports (Amendment) Bill

The Sports (Amendment) Bill amends the Sports Act to address sports manipulation and promote accountability and fairness in sports.



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Key amendments include:

- **Definition of Sports Manipulation:** Legislative recognition and definition of the term “manipulation of a sports competition” to include exchange of any undue advantage to improperly influence any aspect of a sports competition; conspiracy to manipulate a sporting event; intentionally failing to perform to the best of one’s ability to achieve a pre-determined outcome; misuse of insider information for betting or manipulation; and inducing or threatening a person to engage in manipulation of a sports competition.
- **Sports Kenya’s Role:** Amendment of section 4 of the Sports Act to include additional powers of the Sports Kenya to receive reports on sports manipulation and conduct investigations with other investigative agencies.
- **Penalties:** Amendment of section 64 of the Sports Act to prohibit manipulation of a sports competition, with a penalty of imprisonment for a term not exceeding one-year or a fine not exceeding a million Kenya shillings or both; as well as sanctioning of offending sportspersons and clubs. Possibly, an offending club or professional sports person may be punished with disciplinary measures including lifetime ban from participation.

Notably, financial gains from sports manipulation will be subject to confiscation by the state, thereby addressing the fate of funds derived from illegal sporting activities.

Although the Bill speaks in part to some of the proposals in the Draft National Sports Policy, a more extensive Bill is currently under stakeholder review and is expected to repeal the current Sports Act, fully implementing the policy directives upon review and adoption of the draft policy.

## Regional and International Developments

### *Senegal v Morocco: Sports and the Law*

The nexus between law and sporting was brought to the fore in the Confederation of African Football’s (CAF) decision to overturn Senegal’s win in the 2025 AFCON final in favour of Morocco; triggering much debate on legal impact on the game.

CAF’s decision is based primarily, on the AFCON Regulations which establish the tournament as an international competition to be organized by CAF every other year. Article 82 of the Regulations state that if, for any reason, a team refused to play or leaves the ground before the regular authorization of the referee, it shall be considered the loser and be eliminated

for good from the current competition. Article 84 further states that should a team contravene Article 82, it shall be eliminated from the competition and lose the match by 3-0 unless the opposing team has scored a more advantageous result. CAF appears to have taken a strict interpretation of these provisions, not factoring in other considerations such as the length of time taken away from the field and the referee’s actions following the protest.

On the other hand, the game of football is based on the “Laws of the Game”, a codified set of rules by International Football Association Board (IFAB) that provides guidance on matters such as the field of play, duration of the match, number of players, and game dynamics such as fouls, free kicks, and determining the outcome of play. Ostensibly, the referee in the Morocco - Senegal game relied on his authority under IFAB Law 5, which states that the referee has full authority to enforce the laws of the game un connection of the match.

Under IFAB Law 5, the referee has discretion to take appropriate action and his/her decisions are deemed final. On the strength of these provisions, the referee chose to proceed with the match after Senegal returned to the pitch, therefore ratifying the outcome of the match. This complex set of facts and uncertainty set the stage for what is expected to be a precedent-setting case at the Court of Arbitration for Sport (CAS), with Senegal already lodging an appeal at CAS.

## The Entertainment Sector



### Legislative Developments

#### *Copyright and Related Rights Bill, 2026*

The Copyright and Related Rights Bill If passed, this Bill will completely overhaul the copyright legal framework by replacing the current Copyright Act, 2001.

Through this, Kenya's copyright legal regime will be updated to reflect technological advancements affected copyright and its management; Kenya's obligations under international treaties; and address gaps witnessed over the years in matters such as royalty collection.

Key provisions include:

- **Increased Legal Recognition of Various Commercial Transactions:** Copyright owners will now be entitled to at least 52% of revenue from ring back tones (net of taxes). The Bill also provides for direct remittance of the revenue from the telecommunication

operator to the copyright owner. Use of copyright as security is recognized, with the applicable legal provision being laws on moveable property.

- **Waiver of Moral Rights:** The Bill provides for the waiver of authors' moral rights through written means. Owners of copyright are thus advised to be careful when entering contracts and to seek legal counsel to avoid unknowingly waiving moral rights which may be embedded in boiler plate contracts.
- **Registration:** Like its predecessor, the Bill provides for voluntary registration of copyright, meaning that copyright owners are protected whether they register their works or not. However, registration affords prima facie evidence of

ownership in instances where there is contention or dispute.

- **Reliefs:** Statutory damages are positioned between Kes 200,000 and Kes 1 million for each work; or not less than Kes 800,000 and not more than Kes 1.5 million for all works or performances involved in a single case, unless the plaintiff provides evidence that their actual loss surpasses one million five hundred thousand Kenya shillings. These thresholds appear low compared to awards witnessed in past court decisions, risking lower awards for cases that would otherwise achieve higher amounts. Even with the exception provided, the thresholds still leave room for low valuation.
- **Collective Management Organizations (CMOs):** The main change introduced under the Bill regarding CMOs is that CMOs will now be licensed to operate for periods of 3 years, moving from the current 1-year term. This will create consistency and predictability for stakeholders, particularly payers of royalties such as businesses.
- **Safe Harbour Demands:** For internet service providers, the Bill introduces more stringent demands necessary for them to enjoy protection from liability in cases of online infringement. For example, ISPs are required to remove or disable access to any infringing work within 48 hours of receiving a valid takedown request. Further ISPs are required to maintain clear lines of communication to enable receipt of complaints, including by publishing the name, address, phone number and email address of a designated agent, and supplying the Copyright Authority with the same information.

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## International Developments

### 1. Landmark Addiction Suit Against Social Media Platforms Succeeds

On the international front, the regulation of social media and other Over the Top (OTT) platforms continue to evolve.

In March 2026, a Los Angeles case brought to the fore discussions on social media usage, and platform liability towards users.

In *KGM v Meta et al*, the plaintiff accused social media companies including Meta (Instagram and Facebook) and Google (Youtube) of causing her social media addiction. She claimed that she had begun using social media when she was a child under ten years old, leading to mental health issues such as anxiety and depression.

She also contended that the platforms were responsible due to the use of mechanisms intended to encourage continued improper use, including infinite scrolling, automatic video plays and recommendations based on algorithmic intelligence.

The defendants were found guilty on the basis of these designs, leading to a landmark award of \$6 million.

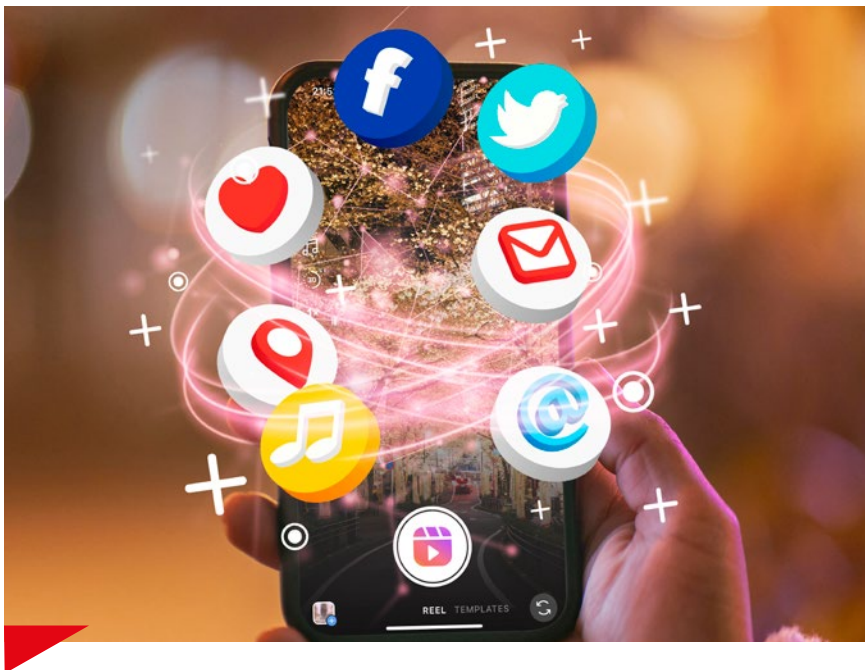
This case not only highlights the importance of ethical platform design and legal liability flowing from OTT platforms but also raises serious questions about the role of regulation in governing digital platforms.

It is noteworthy that although no dedicated legislation exists to govern OTTs in Kenya, there are several policy, legal and regulatory mechanisms in place that platform creators need to adhere to. Chief amongst these are the Industry Guidelines for Child Online Protection and Safety Standards in Kenya which were published in April 2025.

The Guidelines apply to any design, deployment, use, management, sale, marketing and publicity of ICT products and services- including any form of device or applications. The Guidelines provide minimum standards for organizations licensed by the Communications Authority of Kenya (CA), providing ICT services at any level, and those engaged in children-targeted ICT products or services.

These may include children-facing financial technology platforms, educational technology (Edtech), and entertainment shows and services facilitated digitally.

The decision in *KGM v Meta et al*, sets the pace for development in global OTT regulation, which would support safe and regulated use of OTT platforms.



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The contents of this Quarterly Update are intended to be of general use only and should not be relied on without seeking specific legal advice through the contacts below. In case of any queries or in need of assistance, please feel free to contact Rosemary at [rosemary@koassociates.co.ke](mailto:rosemary@koassociates.co.ke); or Jentrix at [jentrix@koassociates.co.ke](mailto:jentrix@koassociates.co.ke)

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