

BOTSWANA NATIONAL SPORTS COUNCIL ACT, 1975

No. 24



of 1975

ARRANGEMENT OF SECTIONS

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An Act to establish the Botswana National Sports Council and to provide for its membership, powers, functions and duties, and for matters incidental thereto and connected therewith

Date of Assent: 5.8.75

Date of Commencement: On Notice.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Botswana National Sports Council Act, 1975, and shall come into operation on such date as the Minister may by notice published in the Gazette, appoint.

Short title
and com-
mencement

2. In this Act, unless the context otherwise requires, —
“Appeals Board” means the Appeals Board established under section 6;

Inter-
pretation

“constitution” means the constitution of the Council as set out in the Schedule;

“Council” means the Botswana National Sports Council established under section 3;

“member” means a member of the Council.

Establishment
of Council

3. (1) There is hereby established a Council, called the Botswana National Sports Council, the membership and constitution of which shall be as set out in the Schedule.

(2) The objects of the Council shall be to encourage, promote and direct the development of sport in Botswana and the participation of Botswana in international competition in accordance with national policy and the public interest.

(3) The Council shall be a body corporate with a common seal with power to sue and be sued in its corporate name and, subject to the provisions of this Act, shall be capable of performing all such acts as a body corporate may, by law, perform.

Membership
of Council

4. (1) Any body of persons claiming to represent the majority of clubs, associations or individuals engaged or interested in any sport may apply to the Council for membership, and, subject to the provisions of the constitution, the Council may elect such body to be a member of the Council.

(2) Whenever the Minister is of the opinion that it is in the public interest that any sport in Botswana should be represented on the Council, he may, by notice published in the Gazette, direct that such body or bodies as appear to him to reflect the majority of clubs, associations or individuals engaged or interested in that sport shall become affiliated to and a member of the Council.

(3) On the making of an order against subsection (2), the body specified therein shall thereupon become a member of the Council and shall, in all respects, become subject to and bound by the constitution.

(4) On the making of an order under subsection (2), any provision in the constitution of the body concerned precluding membership of the Council or in any way restricting the powers of the Council shall thereupon become void and of no effect.

(5) On the making of an order under subsection (2), the body concerned shall be the national and only recognized body for the sport concerned, and it shall not be lawful for any other body, having the same, or substantially the same, objects, purposes and membership to continue in existence or to be formed thereafter.

(6) On the making of an order under subsection (2), the Minister may direct that any club, association or group of individuals formed for the purposes of the sport concerned shall become members of the body specified in the order.

(7) Any person who contravenes the provisions of an order under subsection (2) or a direction under subsection (6) of this section shall be guilty of an offence and liable to a fine of R500 and to imprisonment for 6 months.

5. (1) No member of the Council shall, without the consent of the Council, permit any team or group of individuals to tour or in any way participate in any sport outside Botswana. Foreign tours

(2) No team or group of individuals shall, without the consent of the Council, tour or in any way participate in any sport whether within or outside Botswana and, while so touring or participating, describe themselves, or permit themselves to be described, as a national team or in any way representing Botswana.

(3) No member of the Council shall, without the consent of the Council, extend an invitation to any team or group of individuals from outside Botswana to tour or in any way participate in any sport within Botswana.

6. (1) There shall be an Appeals Board which shall consist of 4 members appointed by the Minister, together with one further member, similarly appointed, for the purpose of hearing any appeal who shall be so appointed by reason of his knowledge and experience of the sport from which the appeal arises. Appeals Board

(2) An appeal shall lie to the Appeals Board in any dispute within a member of the Council notwithstanding that the constitution of such member may not permit such an appeal.

(3) Any party aggrieved by a decision of the Appeals Board on an appeal lodged with it under subsection (2) may appeal to the Minister whose decision shall be final and shall not be questioned in any court.

7. (1) The Minister may make regulations for the better carrying out of the objects and purposes of this Act, and, without prejudice to the generality of the foregoing, may make regulations — Regulations

- (a) requiring disputes in any sport to be submitted to the Appeals Board;
- (b) prescribing the form and procedure to be followed in any appeal to the Appeals Board;
- (c) providing for the enforcement of any decision of the Appeals Board;
- (d) prescribing the conditions subject to which foreign tours may be made by members or teams or groups of individuals representing members;
- (e) prescribing the conditions under which teams or groups of individuals formed by members may make foreign tours describing themselves as national teams or representing Botswana;

(f) prescribing the conditions under which, and the procedure to be followed where, financial assistance is granted to a member of the Council.

(2) Regulations made under subsection (1) may apply generally to sport in Botswana or may apply to any individual sport.

Amendment
of Schedule

8. The Minister may, by notice published in the Gazette, at the request of the Council, amend the Schedule:

Provided that the Minister shall first satisfy himself that the requirements of the constitution regarding the amendment thereof have been complied with.

SCHEDULE
CONSTITUTION
of the
BOTSWANA NATIONAL SPORTS COUNCIL

ARTICLE I

Name The name of the Council shall be the "Botswana National Sports Council" (hereinafter referred to as "the Council").

ARTICLE II

Headquarters The Headquarters of the Council shall be at the National Sports Centre, Gaborone.

ARTICLE III

Functions The functions of the Council shall be to —

- (a) act as the supreme sports body in Botswana in accordance with, and subject to, the policy as laid down from time to time by the Minister responsible for sports and recreation;
- (b) ensure that there are created properly constituted national sports associations or organizations through which the various sports in Botswana are co-ordinated, organized and controlled in an efficient and orderly manner;
- (c) build, manage and maintain sports centres, stadia and facilities;
- (d) administer, through local committees appointed by the Council of National Sports, centres and stadia and other sports grounds or facilities which may be placed under the jurisdiction of the Council and to take all practical steps to develop and improve existing centres, stadia and facilities;
- (e) act as the official representative of the sporting public in Botswana;
- (f) act as arbiter in any dispute within its members and generally to ensure discipline within national sports associations and organizations and to take such action and to impose such penalties as it may deem appropriate in any case;

- (g) encourage and give financial and other assistance to national sports associations and organizations to enable them to organize such tournaments, matches and competitions as they may consider necessary for the promotion of their sports;
- (h) offer assistance and facilities to any sports body seeking to achieve national status;
- (i) assist in whatever manner possible, on the recommendation of a national sports association or organization, any team or individual representing Botswana in international competition, whether in Botswana or abroad;
- (j) encourage and assist national sports associations and organizations to bring visiting teams and individuals to Botswana for the purpose of raising standards in sport in Botswana;
- (k) obtain funds for the promotion of its aims and functions;
- (l) encourage national sports associations and organizations to affiliate to international sports organizations and to take part in international competitions;
- (m) ensure that the constitutions of all sports associations and organizations are in harmony with the Council's Constitution and with the constitutions of relevant international bodies;
- (n) arrange for visits by coaches and trainers to educate people in sports subjects and skills;
- (o) make such bye-laws and regulations as are necessary to further the aims and objects of the Council;
- (p) do all such other lawful acts as may be necessary or expedient to further the objects and functions of the Council.

ARTICLE IV

1. Membership of the Council shall consist of --

Membership

- (a) such bodies as the Minister may, in exercise of his powers under section 4 (1) of the Botswana National Sports Council Act, 1975, order to be members;
- (b) such other bodies as apply to the Council for membership and are duly elected as members of the Council.

2. On the making of an order under section 4 (1) of the Act, the body concerned shall be liable to such membership fee as the Council may, with the approval of the Minister, determine.

3. Members elected under paragraph 1 (b) of this Article shall be liable to such membership fee as the Council may, with the approval of the Minister, determine.

4. (1) Every member shall pay such annual subscription as the Council may determine, which subscription shall be due and payable by 31st January in each year.

(2) The Secretary of the Council shall report to the next meeting of the Council held after 31st March in each year the names of all members whose subscriptions remain unpaid as at 31st March and the Council shall take such action as may be considered desirable, and until such

subscription is paid the member in default shall neither be heard nor vote at any meeting of the Council.

(3) Any association or organization whose membership ceases for any reason may resume membership on payment of all arrears of subscription.

ARTICLE V

The Council

1. The governing body of the Council shall consist of the following —

- (a) a Chairman, appointed by the Minister;
- (b) a Vice-Chairman, elected by the Executive body from among its members;
- (c) a Secretary and a Treasurer, elected in the same way as the Vice-Chairman;
- (d) the officer responsible for physical education in the Ministry of Education, or such other person as the Minister of Education may nominate; and
- (e) two representatives of each member association or organization appointed by the Minister from amongst those he considers best qualified to represent the sport in question:

Provided that no more than one office-bearer shall be elected from any one national sports association or organization.

2. The Council may co-opt additional members as it may from time to time deem necessary or expedient; no such co-opted member, while having the right to speak, shall have a vote on any matter.

3. The governing body of the Council shall, subject to the directions of the Minister, have ultimate authority on all matters relating to sport in Botswana and shall follow the policy as laid down by the Minister from time to time, and, in particular, the governing body shall —

- (a) have the power to appoint from its members such sub-committees as may from time to time be necessary and to delegate to such committees such authorities and powers as may be necessary; and
- (b) have power to borrow funds for the promotion of the aims and objects of the Council.

ARTICLE VI

Meetings of
the Council

1. The Annual General Meeting of the Council shall be held in March in each year on a date to be selected by the Council.

2. Meetings of the Council shall be held at such place as the Chairman may deem necessary.

3. The Chairman may at any time call a special meeting of the Council.

4. The Chairman shall call a special meeting of the Council on the requisition in writing of not less than one-half of its members for the consideration of such business as shall be specified in the requisition.

5. (1) Subject to the provisions of subparagraph (2), not less than 14 days' notice shall be given of every meeting of the Council and such notice shall indicate the nature of the business to be considered at the meeting.

(2) Notwithstanding the provisions of subparagraph (1), the Chairman may, in a matter of urgency, direct that a meeting be convened on 72 hours' notice being given.

(3) Accidental omission to give notice of any meeting to any member, or the non-receipt of such notice by any member, shall not invalidate the business conducted at any meeting.

(4) In the case of the Annual General Meeting, a notice of such meeting shall be accompanied by the agenda and the accounts.

(5) Any member who fails to attend 3 successive meetings of the Council without the permission of the Chairman shall cease to be a member.

(6) (a) A quorum at any meeting shall be not less than two-thirds.

(b) If a quorum is not present within one hour of the time for which the meeting has been called, such meeting shall stand adjourned for 7 days and at such adjourned meeting 4 members shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph (b), in the event of the Chairman declaring that the business for which the meeting is called is urgent, the period of 7 days shall be reduced to 6 hours.

(7) (a) Subject to the provisions of subparagraph (b), a vote shall be on a show of hands.

(b) A secret ballot shall be ordered by the Chairman if demanded by not less than 60% of the members present.

(8) The business to be conducted at the Annual General Meeting shall be ---

(a) an examination of the credentials of members present and a roll-call;

(b) the adoption of the minutes of the previous Annual General Meeting and a discussion of matters arising therefrom;

(c) the Chairman's report and discussion arising therefrom;

(d) a presentation of the Executive Committee's report and a discussion of matters arising therefrom;

(e) a presentation of the Treasurer's report, together with the audited accounts and balance sheets and discussions arising therefrom;

(f) consideration of motions and amendments to the Constitution;

(g) consideration of applications for membership;

(h) the election of the Vice-Chairman, Secretary and Treasurer; and

(i) business not falling within the abovementioned headings but of which not less than 21 days' notice has been given.

ARTICLE VII

1. There shall be an Executive Committee, the membership of which shall be the Chairman, Vice-Chairman, Secretary, Treasurer, and the Education Officer responsible for physical education in the Ministry of Education or any person substituted for him. Executive
Committee

2. The powers and duties of the Executive Committee shall be ---

(a) to manage or supervise the management of national sports stadia and sports centres and to determine the terms and conditions under which the same may be used;

(b) to manage the day-to-day affairs of the Council and to observe such directives as may from time to time be given by the Council;

- (c) to call the Annual General Meeting and such special meetings as may be required;
- (d) to employ such staff as may be necessary, on such terms and conditions as may be appropriate;
- (e) to keep a register of all clubs, their colours, insignia, and the names and addresses of their offices.

3. The Executive Committee shall have power to delegate to the Chairman any of its powers and duties under this Constitution in the case of emergency.

4. The Executive Committee shall meet not less than once a month and 3 members thereof shall form a quorum.

ARTICLE VIII

Finance
and legal
capacity

1. (a) All monies received by the Council shall, as soon as possible after such receipt, be paid into a bank account to be opened in the name of the Council.

(b) The Executive Committee shall cause proper books of account to be kept in respect of monies received and expended by the Council.

(c) Cheques shall be signed by any two of the following, that is to say, the Chairman, the Vice-Chairman, the Treasurer and the Secretary.

(d) The Council shall prepare or cause to be prepared in respect of each financial year a statement of accounts showing in all necessary detail the assets and liabilities (real or contingent), and the income and expenditure, of the Board.

(e) The accounts of the Council in respect of each financial year shall be audited by auditors appointed by the Council with the approval of the Minister, and the audited accounts and the auditor's report shall be prepared and forwarded to the Minister within 4 months at the end of each financial year.

2. (a) In the event of any prosecution, action or suit at law being commenced against any of the office-bearers or any servant or agent of the Council for anything done by him in the proper or reasonable discharge of his duty, such person shall be defended and indemnified by and at the cost of the Council from all damages, costs and expenses which may result from such prosecution, action or suit at law and the property and funds of the Council may be applied for such purpose.

(b) The Council shall be liable for its own debts only and any assistance granted to any person or body shall not render it liable for the debts of such person or body.

(c) The Council may employ legal practitioners and remunerate them.

ARTICLE IX

Amendment
of constitution

Subject to the approval of the Minister, this constitution may be amended by Resoluton passed by a majority of two-thirds of the votes cast at a special meeting of which meeting not less than 21 days' notice specifying the proposed amendment and the reasons therefor has been given.

Passed by the National Assembly this 24th day of July, 1975.

I.P. GONTSE,
Clerk of the National Assembly.