

**BOTSWANA NATIONAL SPORTS COUNCIL (AMENDMENT) ACT,
1983**

No. 5



of 1983

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Act 4 of 1981
3. Insertion of new section 17A in principal Act

An Act to amend the Botswana National Sports Council Act, 1981

Date of Assent: 30.6.83

Date of Commencement: 8.7.83

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Botswana National Sports Council (Amendment) Act, 1983. Short title
2. Section 2 of the Botswana National Sports Council Act, 1981, (hereinafter referred to as "the principle Act"), is amended by inserting therein, immediately before the definition of "financial year", the following new definition — Amendment of section 2 of Act 4 of 1981
"“executive committee”, in relation to a member of the Council, means the subordinate body of that member having the management of the member's affairs as a whole between meetings of the body in which the ultimate authority of the member is vested;”.
3. The principal Act is amended by inserting therein, immediately before section 18 thereof, the following new section — Insertion of new section 17A in principal Act
17A. (1) Where the Executive Committee is satisfied that the executive committee of a member of the Council —
“Machinery for remedying mismanagement by executive committee of member of Council
(a) is, by the manner in which it is conducting the affairs of that member, bringing discredit to the sport with which the member is connected or disregarding or prejudicing the proper interests of persons engaged or interested in that sport; or

(b) is not properly carrying out its functions under that member's constitution, the Executive Committee may take all reasonable steps open to it to persuade that member's executive committee forthwith to remedy its behaviour.

(2) Where the Executive Committee is satisfied that it has, in terms of subsection (1), taken all reasonable steps but has failed to persuade the executive committee in question forthwith to remedy its behaviour, it may submit a written report to the Minister, setting out the state of affairs, as seen by the Executive Committee, and the steps taken by it under subsection (1), together with its recommendation that the Minister intervene in terms of this section.

(3) After considering the report and recommendation submitted to him under subsection (2), the Minister may, if he accepts the recommendation of the Executive Committee, by order published in the Gazette, dissolve the executive committee of the member of the Council in question and vest all the functions of that executive committee in a committee (hereinafter referred to as "the interim committee") appointed by the Minister for the purposes of this section.

(4) No appeal shall lie from the order of the Minister under subsection (3) nor shall the order be subject to review by any court.

(5) The interim committee shall consist of such number of members not exceeding 9 as the Minister shall determine, each of whom shall be appointed by the Minister in writing from among persons he considers suitably qualified to take part in carrying out the functions vested in the interim committee by his order under subsection (3).

(6) The interim committee shall carry out the functions vested in it by the Minister's order under subsection (3) to the exclusion of any other body or person.

(7) The interim committee shall, as soon as it is reasonably practicable to do so and thereafter at least once in every 3 months, submit a written report to the Executive Committee on the conduct of the affairs of the member of the Council in question and the Executive Committee shall forthwith advise the Minister in writing as to the status of that conduct and where, in consequence of any such advice, the Minister is satisfied that the reconstitution of the member's executive committee is unlikely to prejudice

the proper conduct of the member's affairs, he shall direct the interim committee to make the necessary arrangements for the reconstitution of the executive committee in accordance with the member's constitution and the interim committee shall forthwith comply with the direction:

Provided that, notwithstanding the member's constitution, the reconstitution of its executive committee shall be effected under the supervision of the interim committee and for the purposes thereof the interim committee shall have all necessary powers.

(8) As soon as the executive committee of the member of the Council in question is reconstituted in terms of this section, it shall assume the functions thereof to the exclusion of the interim committee and the Minister's order under subsection (3) shall be deemed to be revoked.

(9) The Permanent Secretary shall cause to be notified in the Gazette the reconstitution of the executive committee of the member of the Council in question in terms of this section and its assumption of the functions thereof.

(10) Any person who was a member of the executive committee of the member of the Council in question immediately before the Minister's order under subsection (3) came into operation or any officer, member or employee of that member who fails, while that order is in operation, to give the interim committee all assistance he or it is reasonably able to give to enable it to carry out the functions vested in it by that order and any person who is knowingly a party to the failure shall be guilty of an offence and liable to a fine of P500 and to imprisonment for 6 months.

(11) Any person, other than a member of the interim committee, who purports, while the Minister's order under subsection (3) is in operation, to carry out a function vested in the interim committee by that order shall be guilty of an offence and liable to a fine of P60 and, in the case of a continuing offence, to a further fine of P20 for every day the offence continues."

PASSED by the National Assembly this 28th day of March, 1983.

B.K. TEMANE,
Clerk of the National Assembly.