Zambia

Sports Council of Zambia Act, 1988

Chapter 142

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Zambia

Sports Council of Zambia Act, 1988

Chapter 142

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[Act No. 29 of 1988; Act No. 13 of 1994]

An Act to establish the Sports Council of Zambia; to define the functions and powers of the Council; to provide for the registration and affiliation to the Council of all national sports associations; to repeal the National Sports Council of Zambia Act; and to provide for matters connected with or incidental to the foregoing.

Part I – Preliminary

1. Short title

This Act may be cited as the Sports Council of Zambia Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"associate body" means an associate body of the Council, referred to in section eleven;

"association" includes a national sports association, a branch of club of such an association, or a body affiliated to that association;

"Board" means the Executive Board of the Council constituted under section sixteen;

"Chairman" means the person appointed Chairman of the Council under section five;

"Council" means the Sports Council of Zambia established by section three;

"Director" means the person appointed Director of the Council under section seventeen;

"member" means a member of the Council;

"national sports association" means an association registered under section twenty-three;

"Secretary" means the Secretary of the Council, appointed under section eighteen;

"Vice-Chairman" means the person elected Vice-Chairman of the Council, under section five.

Part II – Sports Council of Zambia

3. Establishment of Council

There is hereby established the Sports Council of Zambia which shall be a body corporate with perpetual succession and a common seal and which shall be capable of suing and being sued in its corporate name,

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and, subject to the provisions of this Act, of doing or performing any act or thing that a body corporate may by law do or perform.

4. Seal of Council

(1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary.

(2) The Council may use a wafer or rubber stamp instead of the seal.

(3) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman and the Secretary or one other person authorised in that behalf by the Council.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed without seal on behalf of the Council by the Secretary or any other person authorised in that behalf by the Council.

(5) Any document purporting to be a document under the seal of the Council or issued on behalf of the Council shall be received in evidence and shall be deemed to be a document so executed or issued, as the case may be, without further proof, unless the contrary is proved.

5. Composition of Council

The Council shall consist of—

(a) a Chairman appointed by the Minister;

(b) Vice-Chairman elected by the Council from amongst its members;

(c) one member appointed by each national sports association;

(d) one member each appointed by—

(i) each of the Ministries responsible for sports, defence, education, health, local government, and the police;

(ii) each associate body; and

(e) not more than five other members, all of whom shall be appointed by the Minister.

6. Tenure of office

(1) A member, other than an *ex-officio* member, shall hold office for a period of three years from the date of his appointment and may be re-appointed upon the expiration of that term.

(2) A member, other than an *ex-officio* member, may resign upon giving one month's notice in writing to the relevant appointing authority under section five and may, at any time, be removed by the appointing authority.

7. Removal of members

Notwithstanding section six, the Council may at any time, remove any member, other than an *ex-officio* member, from office if—

(a) the member has absented himself from three consecutive meetings of the Council without reasonable cause; or

(b) the Council is satisfied that his continuance as a member will be prejudicial to the interests of sports.

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8. Filling of casual vacancies

Whenever the office of a member becomes vacant before the expiry of the term provided in section six or he is removed under section seven, the relevant appointing authority under section five shall appoint another person to be a member and that person shall hold office for the remainder of the period during which the member whose place he fills would, but for his office becoming vacant, have continued in office.

9. Functions of Council

(1) The functions of the Council shall be to—

(a) disseminate the policies of the Government in the matter of sports and to that end keep itself fully informed of those policies;

(b) register sports groups as national sports associations

(c) ensure that sports groups at all levels conform to the rules and norms governing the particular sport;

(d) develop, promote, control and encourage all forms of amateur and professional sports on a national basis in conjunction with national sports associations;

(e) encourage and assist in the formation of sports associations in Zambia, and to encourage the affiliation of those associations to appropriate international organisations;

(f) assist financially or otherwise, any team or individual in representing Zambia in any competition in or outside Zambia;

(g) assist financially or otherwise, any citizen of Zambia who is a member of a national sports association in obtaining training in or outside Zambia which would qualify him as an instructor, coach or organiser of any form of sport;

(h) raise and maintain a fund from any source and by such means as the Minister may approve to enable the Council to carry out its functions;

(i) develop and maintain national and provincial sports complexes and other sports facilities;

(j) stimulate, through the appropriate authorities, the provision, development and maintenance of equipment and facilities for all kinds of sports and ensure their equitable distribution and proper use;

(k) ensure that sports groups at all levels maintain proper accounts and, where necessary, supervise and direct the maintenance of such accounts;

(l) control the award of national colours;

(m) exercise disciplinary powers in cases of breach of the provisions of this Act or regulations made under it;

(n) establish the status of national and representative teams;

(o) do such other acts and things as may be conducive to the development, control, regulation and promotion of sports, the elimination of undesirable parties in sport and the enforcement of the provisions of this Act or any regulations made under it.

(2) The Council may, by directions in writing and subject to such terms and conditions as it thinks fit, delegate to any member, the Director or Secretary any of its functions under this Act.

(3) The Minister may give to the Council such general or specific directions with respect to the discharge of its functions as he may consider necessary and the Council shall give effect to such directions.

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10. Powers of Council

(1) For the purpose of performing its functions, the Council shall have the power—

(a) to employ, control and direct such number of staff as it considers necessary;

(b) to investigate the accounts and other affairs of an association;

(c) with the approval of the Minister, by statutory instrument, to make rules concerning—

(i) the activities of any association;

(ii) the conduct of the members and office-bearers of any association;

(iii) the maintenance of proper accounts and records of any association;

(iv) the annual subscription fees to be paid to the Council by a national sports association;

(v) the raising of funds and the utilisation of those funds by any association;

(vi) the standards to be attained and the methods and procedures to be followed by a national sports association or person desirous of entering a sports competition or undergoing training, within or outside Zambia;

(vii) the procedures to be followed by a national sports association or person desirous of inviting any team, group or person from outside Zambia for competition or training in Zambia.

(2) Where the Council has reason to believe that an association is acting in a manner prejudicial to the interest of sports or to the public interests generally, the Council may order the suspension of the activities of that association.

(3) Where the Council has reason to believe that any office-bearer or member of an association is or has been acting in a manner, or his further continuance as an office-bearer or member would be, prejudicial to the interests of sports or the public interest generally, the Council may order the suspension of that office-bearer or member.

(4) Where the Council has reason to believe that there has been any irregularity in the handling of the affairs of the association by any office-bearer or member of an association the Council may order the suspension of that office-bearer or member.

(5) Where any order is made under subsection (2), (3) or (4) the Council shall appoint a committee to inquire into the activities of the association or into the conduct of the office bearer or member, as the case may be, and submit a report to the Council within such time as the Council may appoint.

(6) On receipt of a report under subsection (5), the Council may, with the approval of the Minister, make such order as the Council thinks fit, and may, in particular, remove any office-bearer or member involved in the misconduct and order that the office-bearer or member shall not hold office in any sports association for a period of not more than six years from the date of his removal.

11. Associate bodies

The following shall be associate bodies of the Council:

(a) the Zambia Olympic, Commonwealth and Africa Games Association;

(b) all institutional sports associations; and

(c) all provincial sports advisory committees.

12. Proceedings of Council

(1) Subject to the other provisions of this Act, the Council may regulate its own procedure.

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(2) The Council shall meet for the transaction of business at least twice every twelve months at such places and at such times as the Chairman may decide.

(3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairman and shall be called if not less than five members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) Half the members shall form a quorum at any meeting of the Council.

(5) There shall preside at any meeting of the Council the Chairman or in his absence, the Vice-Chairman or in their absence, such member as the members present may elect for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(7) Where any member referred to in paragraphs (b), (c), (d) and (e) of subsection (1) of section five is unable to attend any meeting of the Council his Ministry or organisation, as the case may be, may in writing nominate another person to attend that meeting in his stead and that person shall be deemed to be a member for the purpose of that meeting.

(8) The Council may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member.

(10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of every meeting of any committee established by the Council.

13. Committees of Council

(1) The Council may, for the purpose of performing its functions under this Act establish committees and delegate to any such committee such of its functions as it thinks fit.

(2) The Council may appoint as members of a committee established under subsection (1), persons who are or are not members of the Council and those persons shall hold office for such period as the Council may determine.

(3) Subject to any specific or general direction of the Council any committee established under subsection (1) may regulate its own procedure.

14. Disclosure of interest

(1) If any person is present at a meeting of the Council or the Board at which any matter in which such person or his spouse is directly or indirectly interested in a private capacity is the subject of consideration he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

15. Immunity of members and staff

No action or other proceedings shall lie or be instituted against any member, member of a committee of the Council or of the Board or member of the staff of the Council for or in respect of any act or thing done or omitted do be done in good faith in the exercise or purported exercise of his duties under this Act.

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Part III – Administration

16. Executive Board

(1) There shall be an Executive Board of the Council which shall consist of—

(a) the Chairman of the Council, who shall be the chairman of the Board;

(b) the Vice-Chairman of the Council, who shall be the vice-chairman of the Board;

(c) three members appointed by the Minister, one of whom shall be from the Ministry responsible for sports;

(d) seven members elected by the Council;

(e) one member, nominated by the Ministry responsible for health, from amongst registered medical practitioners;

Provided that all appointments and nominations under this subsection shall be made from amongst the members of the Council.

(2) The Board shall be responsible for—

(a) the implementation and execution of the policies and decisions of the Council; and

(b) the administration and management of the affairs of the Council in accordance with the provisions of this Act.

(3) At any meeting of the Board seven members shall constitute a quorum.

(4) The members of the Board shall not receive any remuneration in respect of their services on the Board, but may be paid such travelling allowance and subsistence allowance in connection with meetings of the Board as the Minister may from time to time, prescribe.

17. Director and Deputy Director

(1) The Minister shall appoint, on such terms and condition as he may determine, a Director who shall be the chief executive officer of the Council and who shall be responsible for the administration of the affairs of the Council.

(2) The Minister may, on such terms and conditions as he may determine, appoint a Deputy Director to assist the Director.

(3) The Director may, by directions in writing and subject to such terms and conditions as he thinks fit, delegate to the Deputy Director any of his functions under this Act.

(4) The Director, or in his absence the Deputy Director, shall attend meetings of the Council and the Board and may address such meetings, but shall not vote on any matter:

Provided that the person presiding at any meeting of the Council or the Board may, for good cause, require the Director or Deputy Director, as the case may be, to withdraw from the meeting.

18. Secretary and other staff

(1) There shall be a Secretary of the Council who shall be appointed by the Council, with the approval of the Minister on such terms and conditions as the Council may determine.

(2) The Secretary shall be, subject to the provisions of this Act and the general directions of the Board, responsible for the administration of the day-to-day affairs of the Council under the general supervision of the Director.

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(3) The Board may, with the approval of the Council, appoint, on such terms and conditions as it may determine, such other staff and agents as it considers necessary for the performance of the functions of the Council.

19. Provincial Sports Advisory Committees

(1) The Minister may, after consultation with the Minister in charge of a province, appoint a Provincial Sports Advisory Committee to advise and assist the Council in matters concerning the promotion development and organisation of sports within the Province.

(2) Each committee appointed under subsection (1) shall consist of a chairman and a representative from each district.

20. District Sports Committees

(1) The Minister may, after consultation with the District Secretary and the Provincial Sports Advisory Committee, appoint a District Sports Committee to advise the Provincial Sports Advisory Committee on matters concerning the promotion, development and organisation of sports within the District.

(2) Each committee appointed under subsection (1) shall consist of a chairman and not more than seven other members.

21. Conditions applicable to members of Committees

The Council shall determine, with the prior approval of the Minister—

(a) the tenure of office of the members of a committee of the Council, a Provincial Sports Advisory Committee or a District Sports Committee;

(b) the allowances payable and other terms and conditions applicable to committee members;

(c) the frequency of meetings of Provincial Sports Advisory Committees and District Sports Advisory Committees, their procedure and all other matters affecting or incidental to the functioning of those committees.

22. Prohibition of publication or disclosure of information to unauthorised persons

(1) No person shall, without the consent in writing given by or on behalf of the Council, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under this Act.

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding three years, or to both.

(3) If any person having information which to his knowledge has been published in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding three years, or to both.

[As amended by Act No. 13 of 1994]

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Part VI – Registration of national sports associations

[Please note: numbering as in original.]

23. Registration of national sports associations

The Director shall keep and maintain in the prescribed form a register in which he shall register every national sports association in Zambia, and no association or organisation shall be considered to be a national sports association unless it is so registered.

24. Application for registration

(1) An application for registration as a national sports association shall be submitted to the Director in the prescribed form.

(2) On receipt of an application under subsection (1), the Director may carry out any investigation or require any further information to be submitted to him as he considers necessary.

(3) Every application for registration as a national sports association shall be accompanied by—

(a) a registration fee to be prescribed by the Minister;

(b) a copy of the constitution of the national sports association which shall contain among other particulars;

(i) the objectives and functions of the national sports association;

(ii) the names and addresses of its office-bearers;

(iii) the funds available to it and its sources of revenue; and

(iv) its principal and other places of operation.

(4) On being registered, a national sports association shall be issued with a certificate of registration.

25. Grounds for refusing to register national sports association

The Director shall refuse to register any association as a national sports association if he is satisfied—

(a) that the association does not exist;

(b) that the registration of the association would be against the public interest;

(c) that the name under which the association wishes to be registered is identical or similar to the name of any existing national sports association of any society or body registered, or exempted from registration, under the Societies Act;

(d) the constitution or rules of the association are, in his opinion repugnant to or inconsistent with the provisions of any law for the time being in force in Zambia;

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26. Cancellation of registration

The Council may, at any time, cancel the registration of any national sports association if he is satisfied that it is expedient to do so on the ground that—

(a) the constitution or rules of the association are, in its opinion repugnant to or inconsistent with the provisions of any law for the time being in force in Zambia;

(b) the association is operating in a manner prejudicial to the public interest;

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(c) he has reason to believe that the association has ceased to exist as a national sports association; or

(d) the association has changed its name and the new name it has adopted—

(i) is identical to that of any other existing national sports association;

(ii) so nearly resembles the name of such other national sports association as, in the opinion of the Director, is likely to deceive the public or the members of either association; or

(iii) is, in the opinion of the Director, repugnant to or inconsistent with the provisions of any law in force in Zambia, or is otherwise undesirable.

27. Notification of grounds

Where an application for registration as a national sports association is refused or its registration cancelled, the Director shall make and furnish to the body or association concerned a notice giving the reasons for such refusal or cancellation as the case may be.

28. Appeal

(1) An appeal against a decision to refuse the registration of any national sports association may be made to the Minister within thirty days of the receipt of the notice.

(2) Where any appeal is made under subsection (1), the Minister may, to enable him determine the appeal, give such directions to the Director as he considers necessary.

(3) On any appeal made under subsection (1), the Minister may confirm, set aside or vary the decision of the Director, and the decision of the Minister shall be final.

Part V – Finance

29. Funds of Council

(1) The funds of the Council shall consist of such moneys as may—

(a) be appropriated by Parliament for the purpose of the Council;

(b) be paid to the Council by way of grants or donations; and

(c) vest in or accrue to the Council.

(2) The Council may—

(a) accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;

(b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and

(c) charge and collect fees in respect of programmes, seminars and other services provided by the Council.

(3) There shall be paid from the funds of the Council—

(a) grants that have been made to any particular association;

(b) such reasonable travelling, transport, subsistence and other allowances for members, members of the Board, the staff or members of any committee of the Council when engaged on the business of the Council, at such rates as the Minister may determine; and

(c) any other expenses incurred by the Council in the performance of its functions.

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(4) The Council may invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.

30. Sports Development Fund

The Council shall establish and administer a fund to be known as the Sports Development Fund from which it may make grant to any association or to any individual sportsman.

31. Financial year

The financial year of the Council shall be the period of twelve months ending on 31st December, in each year.

32. Accounts

The Council shall cause to be kept proper books of accounts and other records relating to its accounts.

33. Power to call for accounts

(1) The Council may at any time, by notice under the hand of the Secretary, require any national sports association to submit to the Council, within such time as may be specified in that notice the audited accounts of the association.

(2) Notice given under subsection (1) shall be of not less than thirty days from the date on which the notice is served on any office-bearer or person concerned with the management of the association.

(3) Where any notice under subsection (1) is not complied with, or any irregularity is discovered in the accounts submitted to the Council, the Council may take such action as it considers necessary against the association or against any office-bearer responsible for such non-compliance or irregularities as the case may be.

34. Annual report

(1) As soon as practicable, but not later than six months after the expiry of each financial year, the Council shall submit to the Minister a report concerning its activities during that financial year.

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Council and there shall be appended thereto—

(a) an audited balance sheet;

(b) an audited statement of income and expenditure; and

(c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

Part VI – Miscellaneous

35. Independence of associations

Except as otherwise provided in this Act, the Council shall not interfere with the day-to-day administration or internal affairs of an association.

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36. General appeals to Minister

Any association or any person aggrieved by a decision of the Council, may not later than thirty days from the receipt of such decision, appeal against that decision to the Minister, and thereupon the Minister may either confirm, set aside or vary the Council's decision, or make such other order as he thinks fit, and the decision of the Minister shall be final.

37. Dissolution of national sports association

(1) A national sports association shall not dissolve itself except with the written approval of the Council.

(2) An application for approval to dissolve a national sports association shall state the reasons for the proposed dissolution and the application shall be submitted to the Council together with the agenda and minutes of the meeting at which the decision to dissolve the national sports association was taken.

(3) Where any national sports association is dissolved, the assets and liabilities of the association shall be disposed of in accordance with directions given by the Minister:

Provided that the assets, if any, left over, after meeting all the liabilities of the national sports association, shall not be utilised for any purpose other than for the purposes of such other national sports association, as the Council may specify.

38. Vesting of property in Council

(1) Upon the commencement of this Act, all movable and immovable property vested in the National Sports Council of Zambia shall be vested in the Council without conveyance, transfer or assignment.

(2) Subject to the provisions of this Act, all rights, privileges, obligations and liabilities which immediately before the commencement of this Act were held, enjoyed or incurred by the National Sports Council of Zambia shall be deemed to be the rights, privileges, obligations and liabilities of the Council.

(3) Where anything has been commenced by the National Sports Council of Zambia prior to the commencement of this Act, any such thing may be carried on and completed by the Council.

39. Staff of Department of Sports

(1) Where, before the commencement of this Act, any person was employed by the Government of the Republic of Zambia in the Department of Sports in the Ministry responsible for sports, such person shall, from the commencement of this Act, be deemed to have been employed by the Council in pursuance of the provisions of section eighteen of this Act.

(2) A person to whom subsection (1) applies shall be deemed to have been employed by the Council unless within three months from the commencement of this Act he gives notice in writing to the Government with a copy to the Council stating his intention not to transfer from the services of the Government to the Council.

40. Regulations

The Minister may, by statutory instrument, make regulations for the better carrying into effect of the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing power, such regulations may prescribe—

(a) the fees, allowances or remuneration to be paid under any provision of this Act;

(b) the duties of provincial sports officers and the relations of such officers with the Director;

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(c) the manner in which the affairs of an association shall be managed when it is under suspension;

(d) the forms to be used for purposes of this Act;

(e) the measures to be taken to ensure medical attendance and insurance of sportsmen against accidents whilst taking part in sports;

(f) the books, registers, accounts and other documents to be kept by national sports associations, and for the inspection thereof;

(g) the particulars to be included in the contracts of service of professional sportsmen;

(h) the status of national and representative teams;

(i) the manner and form in which applications for the award of national colours shall be made; and

(j) the season for each sport.

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