

SPORTS BILL, 2016

ARRANGEMENT OF SECTIONS

Section

National Sports Commission

1. Establishment of the National Sports Commission
2. Objects of the Commission
3. Functions of the Commission

Governance of the Commission

4. Governing body of the Commission
5. Tenure of office of members
6. Meetings of members of the Board
7. Disclosure of interest
8. Establishment of committees
9. Allowances
10. Ministerial directives

Administrative and Financial Provisions

11. Appointment of Director-General
12. Functions of the Director-General
13. Appointment of Secretary to the Board
14. Appointment of other staff
15. Funds of the Commission
16. Accounts and audit
17. Annual report and other reports

Public Interest Committee

18. Public Interest Committee
19. Functions of the Public Interest Committee
20. Tenure of office of members of Public Interest Committee

Regional Sports Committees and District Sports Units

21. Regional Sports Committee
22. Composition of Regional Sports Committee
23. Functions of Regional Sports Committee
24. Tenure of office of members of Regional Sports Committee
25. District Sports Unit
26. Composition of District Sports Unit

SPORTS BILL, 2016

27. Functions of District Sports Unit
28. Tenure of members of District Sports Unit

Miscellaneous Provisions

29. Regulations
30. Interpretation
31. Repeal and savings

SPORTS BILL, 2016

A
BILL

ENTITLED
SPORTS ACT, 2016

AN ACT to establish the National Sports Commission, to provide for the development, promotion and management of amateur and professional sports, and to provide for related matters.

PASSED by Parliament and assented to by the President.

National Sports Commission

Establishment of the National Sports Commission

1. (1) There is established by this Act a body corporate to be known as the National Sports Commission.

(2) For the performance of its functions, the Commission may acquire and hold movable and immovable property, dispose of property and enter into a contract or any other transaction.

(3) Where there is a hindrance to the acquisition of property, the property may be acquired for the Commission under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Commission.

Objects of the Commission

2. The objects of the Commission are

(a) to promote and encourage the organisation and development of, and mass participation in amateur and professional sports;

SPORTS BILL, 2016

- (b) to encourage increased participation and improved performance in sports; and
- (c) to encourage the private sector to contribute to the funding of sports.

Functions of the Commission

3. To achieve its objects, the Commission shall

- (a) organise and support citizens to participate in amateur and professional sports at district, regional, national and international levels;
- (b) provide financial and other assistance to a team or person for the purpose of enabling that team or person represent the Republic in international competitions in or outside the Republic;
- (c) encourage citizens to participate in sporting activities;
- (d) advise the Minister on matters in relation to the promotion and development of sports;
- (e) establish, manage, develop and maintain sporting facilities and educational institutions in the country;
- (f) co-operate with national and international sporting organisations in order to foster and create a conducive sporting environment;
- (g) provide assistance to sporting associations that the Commission considers necessary;
- (h) undertake research and development related to sports; and
- (i) perform any other functions that are necessary for the attainment of the objects of the Commission.

Governance of the Commission

Governing body of the Commission

4. (1) The governing body of the Commission is a Board consisting of

- (a) a chairperson;
- (b) the Director-General appointed under section 11;
- (c) the Director of the National Sports College, Winneba;
- (d) one representative of the Ministry responsible for Youth and Sports not below the rank of a Director;

SPORTS BILL, 2016

- (e) one representative of the Ministry responsible for Finance not below the rank of a Director;
- (f) one representative of the Ministry responsible for Education not below the rank of a Director;
- (g) one person nominated by
 - (i) the Ghana Police Service;
 - (ii) the Prison Service;
 - (iii) the Ghana Armed Forces;
 - (iv) the Ghana Olympic Committee;
- (h) two distinguished sporting personalities nominated by the Minister; and
- (i) three persons knowledgeable in sports development one of whom is a woman.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Board shall ensure the proper and effective performance of the functions of the Commission.

Tenure of office of members

5. (1) A member of the Board shall hold office for four years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Director-General.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board, other than the Director-General, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of vacancy.

(7) Where there is a vacancy

- (a) under subsection (3) or (4) or section 7(2);
- (b) as a result of a declaration under subsection (6); or
- (c) by reason of the death of a member,

SPORTS BILL, 2016

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of members of the Board

6. (1) The members of the Board shall meet at least once every four months for the dispatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Board convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is eight members of the Board or a greater number determined by the Board in respect of an important matter.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

(7) An act of the Board shall not be invalidated by reason of a vacancy in the membership of the Board or a defect in the appointment of a member.

Disclosure of interest

7. (1) A member of the Board who has an interest in a matter for consideration shall

- (a) disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter;
- (b) request to be recused from the deliberations of the Board in respect of the matter; and
- (c) not participate in the deliberations of the Board in respect of the matter.

(2) A member ceases to be a member of the Board if that member has an interest in a matter before the Board and

- (a) fails to disclose that interest; or
- (b) is present or participates in the deliberations of the matter.

SPORTS BILL, 2016

Establishment of committees

8. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function determined by the Board.

(2) A committee composed of non-members only is advisory.

(3) Section 7 applies to a member of a committee of the Board.

Allowances

9. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Ministerial directives

10. The Minister may give directives on matters of policy to the Board and the Board shall comply.

Administrative and Financial Provisions

Appointment of Director-General

11. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Commission.

(2) The Director-General shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Director-General

12. (1) The Director-General

(a) is responsible for the day to day administration of the Commission and is answerable to the Board in the performance of the functions under this Act;

(b) is responsible for liaising with the Commission, and the Minister with a view of ensuring effective implementation of this Act; and

(c) shall perform any other function determined by the Board.

(2) The Director-General may delegate a function to an officer of the Commission but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Appointment of Secretary to the Board

13. (1) The President shall, in accordance with article 195 of the Constitution, appoint a solicitor as Secretary to the Board.

SPORTS BILL, 2016

- (2) The Secretary shall
 - (a) arrange the business for meetings of the Board and cause minutes of proceedings of the Board to be recorded and kept; and
 - (b) perform any other functions that the Board may assign.

Appointment of other staff

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint staff that are necessary for the proper and effective performance of the functions of the Commission.

(2) Other public officers may be transferred or seconded to the Secretariat of the Commission or may otherwise give assistance to the Commission.

(3) The Commission may engage the services of consultants as determined by the Board.

Funds of the Commission

15. The funds of the Commission include
- (a) moneys approved by Parliament;
 - (b) loans, grants and gifts;
 - (c) proceeds from special lotteries for sports;
 - (d) moneys accruing to the Commission in the course of the performance of its functions under this Act including proceeds of matches and competitions;
 - (e) sponsorships; and
 - (f) any other moneys approved by the Minister responsible for Finance.

Accounts and audit

16. (1) The Commission shall keep books of account and proper records in relation to them in the form determined by the Auditor-General.

(2) The Board shall submit the accounts of the Commission to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall not later than three months after the receipt of the accounts audit the accounts and forward a copy of the audit report to the Minister.

SPORTS BILL, 2016

Annual report and other reports

17. (1) The Board shall within one month after receipt of the audit report, submit to the Minister an annual report covering the activities and the operations of the Commission for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement the Minister considers necessary.

(4) The Board shall submit to the Minister, any other report which the Minister may request in writing.

Public Interest Committee

Public Interest Committee

18. (1) Without limiting section 8, there shall be a Public Interest Committee in an association however called which is recognised as the body with the mandate to administer and develop sports.

(2) The Committee consists of

- (a) a chairperson elected by the national sports associations from among the members of the Committee;
- (b) two members nominated by the Minister; and
- (c) two members elected by the national sports associations.

Functions of the Public Interest Committee

19. The Public Interest Committee shall

- (a) liaise with the Ministry responsible for Sports to ensure the provision of the necessary facilities required for building the national sports teams;
- (b) liaise with the Ministry responsible for Sports in the provision of funds for purposes of managing the national sports teams;
- (c) submit proposals that it considers appropriate to the Minister on a matter relating to the development and sustenance of the national sports teams;

SPORTS BILL, 2016

- (d) ensure that there is transparency and accountability in the development and management of the national sports teams; and
- (e) ensure that all moneys received by way of sponsorship, gifts and any other benefits for the national sports teams are transmitted to the Ministry responsible for Sports.

Tenure of office of members of Public Interest Committee

20. (1) The members of the Public Interest Committee shall hold office for three years and are eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to a member elected by the national sports association.

(3) A member of the Public Interest Committee may resign from office by writing addressed to the Minister.

(4) Where there is a vacancy in the Public Interest Committee the Minister may appoint a person to fill the vacancy.

(5) A person appointed to fill a vacancy shall hold office for the unexpired term of the previous holder's term of office.

Regional Sports Committees and District Sports Units

Regional Sports Committee

21. (1) The Minister shall establish a Regional Sports Committee in each region.

(2) A Regional Sports Committee shall be attached to the office of the Regional Co-ordinating Council.

Composition of Regional Sports Committee

22. (1) A Regional Sports Committee consists of

- (a) a chairperson nominated by the Minister in consultation with the Minister responsible for the region;
- (b) the Regional Sports Director;
- (c) a representative of each district sports unit within the region; and
- (d) two other members nominated by the Minister responsible for the region.

(2) The members of the Regional Sports Committee shall be appointed by the Minister.

SPORTS BILL, 2016

Functions of Regional Sports Committee

23. The functions of a Regional Sports Committee are

- (a) to promote, encourage and develop sports throughout the region,
- (b) to co-ordinate the sporting activities of the District Sports Units within the region,
- (c) to co-ordinate the activities of the District Sports Units within the region in relation to the care, maintenance and provision of sports facilities in the region,
- (d) assist in the organisation of Regional Sports Festival at least once every two years;
- (e) to prepare and submit to the Commission returns on sporting activities in the region, and
- (f) to perform any other function assigned by the Board.

Tenure of office of members of Regional Sports Committee

24. (1) A member of a Regional Sports Committee shall hold office for a period of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Regional Sports Director.

(3) A member may, by writing addressed to the chairperson of the Regional Sports Committee, resign from office.

District Sports Unit

25. (1) Each district shall have a District Sports Unit.

(2) A District Sports Unit shall be a part of the Education, Youth and Sports Department of the District Assembly.

Composition of District Sports Unit

26. (1) A District Sports Unit consists of

- (a) a chairperson nominated by the District Chief Executive in consultation with the Minister responsible for the region;
- (b) a representative of the Ghana Education Service;
- (c) the District Sports Director; and
- (d) four other persons nominated by the District Chief Executive.

(2) The members of the District Sports Unit shall be appointed by the District Chief Executive.

SPORTS BILL, 2016

Functions of District Sports Unit

27. The functions of a District Sports Unit are to

- (a) assist in the formulation and implementation of sports policies, programmes and activities of the District Assembly;
- (b) co-ordinate the preparation of annual sports budget of the District Assembly;
- (c) advise the District Assembly on the
 - (i) promotion of efficient management and administration of private sector sports clubs and associations in the district;
 - (ii) collection and dissemination of sports statistical data and other information in the district; and
 - (iii) matters relating to the development of sports in the district including the construction, equipping, operating and maintenance of sports stadia and other sporting facilities in the district;
- (d) assist in the organisation of regional sports activities in the district and promote
 - (i) participation in mass sports;
 - (ii) sports for excellence; and
 - (iii) sports for the disabled in the district;
- (e) assist in the organisation of District Sports Festival at least once every two years;
- (f) co-ordinate the selection and preparation of district sportsmen and women for inter-district sports festival and tournaments;
- (g) assist in the establishment of amateur and professional sports associations in the district;
- (h) encourage the establishment of keep-fit clubs in the district;
- (i) facilitate the training of community sports leaders and coaches for the keep-fit clubs and sports teams in the district;
- (j) participate in the research on matters relating to sports in the district;

SPORTS BILL, 2016

- (k) facilitate private sector participation in the provision and management of sports infrastructure in the district;
- (l) assist in the provision of sports equipment to public sports organizations and activities in the district; and
- (m) facilitate the preparation of reports on the implementation of sports policies and matters relating to sports to the District Chief Executive in the form provided by the District Assembly.

Tenure of office of members of District Sports Unit

28. (1) A member of a District Sports Unit shall hold office for a period of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the District Sports Director.

(3) A member may, by writing addressed to the chairperson of the District Sports Unit, resign from the Unit.

Miscellaneous Provisions

Regulations

29. (1) The Minister may, by legislative Instrument, make Regulations

- (a) to provide for the issue of licences in respect of a matter relating to sports;
- (b) to provide for fees to be charged in relation to the licences;
- (c) to prescribe for compliance by national sports associations to the
 - (i) statutes,
 - (ii) charters,
 - (iii) constitutions,
 - (iv) regulations,
 - (v) rules, or
 - (vi) by-laws

of the respective international federations or organisations;

- (d) to provide for the registration of sports associations;
- (e) to provide for the regulation of persons onto or into any land, building or facility owned by, or under the control of the Commission;

SPORTS BILL, 2016

- (f) to provide for the regulation of the use of an emblem, logo, design, mark, symbol or name that is associated with the Commission; and
- (g) generally for the effective implementation of the provisions of this Act.

(2) A person who contravenes a provision of Regulations made under this Act commits an offence and is liable to a fine of not less than five penalty units and not more than three hundred and fifty penalty units or to a term of imprisonment of not less than seven days and not more than twelve months or to both.

Interpretation

30. In this Act, unless context otherwise requires

- “Board” means the governing body of the Commission established under section 4;
- “Commission” means the National Sports Commission established under section 1;
- “Director-General” means the Director-General appointed under section 11;
- “district” includes the area of commission of a District Assembly, a Municipal Assembly and a Metropolitan Assembly;
- “Minister” means the Minister responsible for Sports;
- “prescribed institution” includes the Ghana Police Service, Prison Service, Ghana Armed Forces, a public university and any other tertiary institution prescribed by the Minister;
- “prescribed sports” includes football, boxing, athletics, cricket, volleyball, basketball, lawn tennis, table tennis, hockey, squash, handball, cycling, judo, chess, weight lifting and any other sport prescribed by the Minister; and
- “team” means a group of athletes that is recognised by the Commission to compete in an approved tournament, competition or game.

Repeal and savings

31. (1) The Sports Act, 1976 (S.M.C.D. 54) is hereby repealed.

SPORTS BILL, 2016

(2) Despite the repeal of the S.M.C.D. 54, Regulations, by-laws, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

Date of *Gazette* notification: 10th February, 2016.

SPORTS BILL, 2016

MEMORANDUM

The object of the Bill is to establish the National Sports Commission, to provide for the development, promotion and management of amateur and professional sports and to enable the country operate its sports in conformity with international law and practices.

Events in the management of sports, particularly regarding the International Olympic Committee (IOC) showed that the Sports Act, 1976(S.M.C.D. 54) and the Sports Regulations, 1976 (L.I. 1088) were not in conformity with laws of the International Federations, Associations and Charters. Government, aware of the need to review the laws, initiated the process to streamline the laws to conform to international best practices.

However, before the process could be completed, Ghana on 13th January, 2011, was suspended by the International Olympic Committee with all the consequences provided for in the Olympic Charters. As an interim measure to get the suspension lifted by the International Olympic Committee and to also meet its requirements, the Ministry introduced the Sports Regulations, 2011 (L.I. 1988) in Parliament on 8th February, 2011 to revoke the Sports Regulations, 1976 (L.I. 1088).

It is noted that L.I. 1988 alone is inadequate to address the inconsistencies in the sports legislation of the country. To ensure that the sports legislation of the country is consistent with international laws and practices, it is recommended that the Sports Act, 1976 (SMCD 54) be reviewed to address the autonomy of the Ghana Olympic Committee and the Sports Associations and also to deal with the issue of public interest and accountability in the sporting fraternity, amongst others. The Bill therefore seeks to bring the sports legislation of the country in line with international laws and practices.

Clauses 1 to 3 of the Bill deals with the National Sports Commission. *Clause* 1 provides for the establishment of the National Sports Commission. The objects of the Commission as specified in *clause* 2 are to promote and encourage the organisation and development of and mass

SPORTS BILL, 2016

participation in amateur and professional sports; to encourage increased participation and improved performance in sports and to encourage the private sector to contribute to the funding of sports.

The functions of the Commission are provided for in *clause 3*. Amongst others, the Commission is to organise and support citizens to participate in amateur and professional sports at district, regional, national and international levels; to provide financial and other assistance to a team or person for the purpose of enabling that team or person represent the Republic in international competitions in or outside the Republic; to undertake research and development related to sports and to perform any other functions that are necessary for the attainment of the object of the Commission.

Clauses 4 to 10 deal with the governance of the Commission. The governing body of the Commission is provided for in *clause 4*. *Clause 5* deals with the tenure of office of members. A member of the Board, with the exception of the Director-General, is required to hold office for four years and is eligible for re-appointment but a member is not to be appointed for more than two terms.

The meetings of members of the Board are dealt with in *clause 6*. *Clause 7* deals with disclosure of interest. The establishment of committees is dealt with in *clause 8*.

Clause 9 deals with allowances. Members of the Board and members of a committee of the Board are to be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance. *Clause 10* provides for ministerial directives. The Minister may give directives on matters of policy to the Board and the Board is required to comply.

Administrative and financial provisions are dealt with in *clauses 11 to 17*. *Clause 11* deals with the appointment of the Director-General. The President is to, in accordance with article 195 of the Constitution, appoint a Director-General for the Commission. The functions of the Director-General are provided for in *clause 12*. The Director-General is responsible for the day to day administration of the Commission and is answerable to the Board in the performance of its functions as well as

SPORTS BILL, 2016

liaising with the Commission and the Minister with a view of ensuring effective implementation of this Bill. The Director-General is also to perform any other function determined by the Board.

The appointment of the Secretary to the Board is provided for in *clause 13*. The President is to, in accordance with article 195 of the Constitution, appoint a solicitor as Secretary to the Board. *Clause 14* provides for the appointment of other staff.

The funds of the Commission are provided for in *clause 15*. The funds of the Commission include moneys approved by Parliament; loans, grants and gifts; proceeds from special lotteries for sports; moneys accruing to the Commission in the course of the performance of its functions under this Act including proceeds of matches and competitions; sponsorships and any other moneys approved by the Minister responsible for Finance.

Accounts and audit are provided for in *clause 16*. *Clause 17* deals with annual report and other reports.

Clauses 18 to 20 deal with Public Interest Committee. *Clause 18* provides for a Public Interest Committee which consists of a chairperson elected by the national sports associations from among the members of the Committee, two members nominated by the Minister and two members elected by the national sports associations.

The functions of the Public Interest Committee as specified in *clause 19* include liaising with the Ministry responsible for Sports to ensure the provision of the necessary facilities required for building the national sports teams; ensuring that there is transparency and accountability in the development and management of the national sports teams and ensuring that all moneys received by way of sponsorship, gifts and any other benefits for the national sports teams are transmitted to the Ministry responsible for Sports.

Clause 20 deals with the tenure of office of members of the Public Interest Committee. The members of the Public Interest Committee, with the exception of members elected by the national sports associations,

SPORTS BILL, 2016

are to hold office for three years and are eligible for re-appointment for another term only.

Clauses 21 to 28 deal with Regional Sports Committees and District Sports Units. *Clause 21* provides for the Minister to establish a Regional Sports Committee in each region and a Regional Sports Committee is to be attached to the office of the Regional Co-ordinating Council. The composition of a Regional Sports Committee is provided for in *clause 22*.

The functions of a Regional Sports Committee are provided for in *clause 23* and include promoting, encouraging and developing sports throughout the region; co-ordinating the sporting activities of the District Sports Units within the region and performing any other function assigned by the Board.

The tenure of office of members of a Regional Sports Committee is provided for in *clause 24*. A member of a Regional Sports Committee, with the exception of a Regional Sports Director, is to hold office for a period of four years and is eligible for re-appointment for another term only.

Clause 25 deals with a District Sports Unit. The composition of a District Sports Unit is dealt with in *clause 26*. *Clause 27* provides for the functions of a District Sports Unit. These include assisting in the formulation and implementation of sports policies, programmes and activities of the District Assembly; assisting in the establishment of amateur and professional sports associations in the district; participating in the research on matters relating to sports in the district and facilitating private sector participation in the provision and management of sports infrastructure in the district.

The tenure of office of members of a District Sports Unit is provided for in *clause 28*. A member of a District Sports Unit, with the exception of the District Sports Director, is to hold office for a period of four years and is eligible for re-appointment for another term only.

SPORTS BILL, 2016

Clauses 29 to 31 deal with miscellaneous provisions. Clause 29 provides for regulations and clause 30 deals with interpretation. Repeal and savings are provided for in clause 31.

MAJ (DR.) MUSTAPHA AHMED (MP)
Ministerial responsible for Youth and Sports

Date: 14th January, 2016.