

## CHAPTER 25:15

# SPORTS AND RECREATION COMMISSION ACT

*Act 15/1991, 22/2001 (s. 4).*

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

*Section*

1. Short title.
2. Interpretation.

#### PART II

##### SPORTS AND RECREATION COMMISSION AND SPORTS AND RECREATION BOARD OF COMMISSIONERS

3. Establishment of Sports and Recreation Commission.
4. Establishment of Sports and Recreation Board of Commissioners.
5. Constitution of Board.
6. Terms and conditions of office of members.
7. Disqualifications for appointment as member.
8. Vacation of office by member.
9. Minister may dismiss or suspend members.
10. Filling of vacancies on Board.
11. Meetings and procedure of Board.
12. Committees of Board.
13. Olympic Committee.
14. Remuneration and expenses of members of Board and members of committees.
15. Disclosure of interest of members of Board and members of committees.
16. Validity of decisions and acts of Board.
17. Execution of contracts and instruments by Commission.
18. Minutes of proceedings of Board and committees.

#### PART III

##### OBJECTS AND FUNCTIONS OF COMMISSION

19. Objects of the Commission.
20. Responsibilities of Commission to registered national associations.
21. Powers of Commission.
22. Reports of the Board.
23. Minister may give directions to Commission.
24. Director-General.

#### PART IV

##### FINANCIAL PROVISIONS

25. Funds of the Commission
26. Levies.
27. Holding of funds by Commission.
28. Accounts and audit.

#### PART V

##### REGISTERED NATIONAL ASSOCIATIONS

29. Registration of national associations.
30. Discipline of registered national associations.

#### PART VI

##### GENERAL

31. National Colours.

32. Appeals to Administrative Court.
33. Protection of employment of members of national teams.
34. Exemption of Commission from liability.
35. Amendment of First Schedule.
36. Regulations.
37. Savings.

FIRST SCHEDULE: Recognized Sports.

SECOND SCHEDULE: Powers of Commission

**AN ACT to provide for the establishment of the Sports and Recreation Commission and to provide for the functions thereof; to provide for the constitution and functions of the Sports and Recreation Board of Commissioners; to provide for the registration and regulation of national sport and national associations; to provide for National Colours for sport and recreation; and to provide for matters incidental to or connected with the foregoing.**

[Date of commencement: 1st September, 1991.]

## PART I

### PRELIMINARY

#### 1 Short title

This Act may be cited as the Sports and Recreation Commission Act [*Chapter 25:15*].

#### 2 Interpretation

In this Act—

“Board” means the Sports and Recreation Board of Commissioners referred to in section *four*;

“club” means any group of persons associated together for the purposes of—

- (a) sporting or recreational activities on a communal, district, regional, provincial, national or international basis; or
- (b) participating in an organized league for sporting or recreational activities; or
- (c) any sporting or recreational activities if members of the public are admitted to the club, whether by way of introduction or sponsorship or upon payment of a fee or subscription or otherwise;

“Commission” means the Sports and Recreation Commission established by section *three*;

“Director-General” means the Director-General of the Commission appointed in terms of section twenty-four;

“member” means the chairman or any other member of the Board referred to in subsection (1) of section five;

“Minister” means the Minister of Sports, Recreation and Culture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“national association” means any group or body of persons operating in Zimbabwe and having as its principal object the promotion or organization on a national basis of—

- (a) any particular sport; or
- (b) any recreational activity;

“recreation” includes any form of recreational activity which is not a sport;

“recreational facility” means—

- (a) a playing field, open space, lake including an artificial lake, reservoir, river, pool or pond which is available for sports or recreation;
- (b) a sports hall, pavilion or theatre; or
- (c) a hall used for indoor sports or recreation or a court used for ball or other games;

and includes such facilities within factories and work places;

“register” means a register kept in terms of subsection (1) of section *twenty-nine*;

“sport” means any of the competitive sports and games set out in the First Schedule.

## PART II

### SPORTS AND RECREATION COMMISSION AND SPORTS AND RECREATION BOARD OF COMMISSIONERS

#### 3 Establishment of Sports and Recreation Commission

There is hereby established a commission, to be known as the Sports and Recreation Commission which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of performing all acts that bodies corporate may by law perform.

#### **4 Establishment of Sports and Recreation Board of Commissioners**

(1) There shall be a Sports and Recreation Board of Commissioners constituted in terms of section *five*.

(2) Subject to this Act, the operations of the Commission shall be controlled and managed by the Board, acting through the Director-General and other employees of the Commission.

#### **5 Constitution of Board**

(1) The Board shall consist of—

(a) a chairman and not fewer than five and not more than nine other members appointed by the Minister after consultation with the President and subject to such directions as the President may give him; and

(b) the Director-General, who shall be an *ex officio* member of the Board.

(2) Members referred to in paragraph (a) of subsection (1) shall be appointed for their ability and experience in sport or administration or both or for their suitability otherwise for appointment.

(3) The members of the Board shall elect a vice-chairman of the Board from among themselves, and the vice-chairman shall exercise the functions of the chairman during any period that the chairman is unable to exercise his functions.

(4) Subject to subsection (5), the Minister may appoint any person to the Board as an alternate to any member referred to in paragraph (a) of subsection (1) and such member—

(a) shall act as a member only when the member to whom he is alternate is for any reason unable to exercise his functions on the Board;

(b) when acting as a member shall exercise the functions of the member to whom he is alternate:

Provided that the alternates to the chairman and vice-chairman of the Board shall not exercise the functions of the chairman or vice-chairman, as the case may be.

(5) In appointing a person as an alternate to a member in terms of subsection (4), the Minister shall be bound by the same requirements for appointment as are applicable, in terms of subsections (1) and (2), to the appointment of members.

#### **6 Terms and conditions of office of members**

(1) Subject to this Part, a member shall hold office for such period, not exceeding three years, as the Minister may fix on his appointment.

(2) Subject to section *fourteen*, a member shall hold office on such conditions as the Minister may fix in relation to members generally.

(3) A retiring member shall be eligible for re-appointment as a member.

#### **7 Disqualifications for appointment as member**

The Minister shall not appoint a person as a member and no person shall be qualified to hold office as a member who—

(a) is not a citizen of Zimbabwe or is not permanently resident in Zimbabwe; or

(b) has, or is married to a person who has, a financial interest in any business or is, or is married to a person who is, engaged in any activity connected with any business, if in the opinion of the Minister, such financial interest or activity is likely to interfere with the impartial discharge by that person of his duties as a member; or

(c) has, in terms of a law in force in any country—

(i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or

(ii) made an assignment to, or arrangement or composition with, his creditors which has not been rescinded or set aside; or

(d) has, within the period of five years immediately preceding the date of his proposed appointment, been convicted of an offence in Zimbabwe and sentenced to a term of imprisonment imposed without the option of a fine and has not received a free pardon.

#### **8 Vacation of office by member**

A member shall vacate his office and his office shall become vacant—

(a) one month after the date upon which he gives notice in writing to the Minister of his intention to resign, or on the expiry of such other period of notice as he and the Minister may agree; or

(b) on the date he begins to serve a sentence of imprisonment imposed in Zimbabwe without the option of a fine; or

(c) if he becomes disqualified in terms of paragraph (a), (b) or (c) of section *seven* to hold office as a member; or

(d) if he is required in terms of section *nine* to vacate his office; or

(e) if he is absent without the permission of the Board from two consecutive meetings of the Board of which he was given not less than seven days' notice.

## **9 Minister may dismiss or suspend members**

- (1) The Minister may require a member to vacate his office if the Minister is satisfied that the member—
  - (a) has been guilty of any conduct that renders him unsuitable as a member; or
  - (b) has failed to comply with the conditions of his office fixed by the Minister in terms of subsection (2) of section *six*; or
  - (c) is mentally or physically incapable of or incompetent in carrying out his functions as a member.

(2) The Minister may suspend a member against whom criminal proceedings have been instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed, and while that member is so suspended he shall not carry out any functions as a member.

## **10 Filling of vacancies on Board**

On the death of, or the vacation of office by, a member, the Minister shall, subject to section *five*, appoint a person to fill the vacancy.

## **11 Meetings and procedure of Board**

(1) The Board shall hold its first meeting on such date and at such place as the Minister may fix and thereafter the Board shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedure as it thinks fit:

Provided that a meeting of the Board shall be held not less than six times in each financial year of the Commission.

(2) The chairman of the Board—

- (a) may at any time convene a special meeting of the Board; and
- (b) shall, on the written request of the Minister or not fewer than two members, convene a special meeting of the Board, which meeting shall be convened for a date no later than thirty days after his receipt of such request.

(3) Written notice of any special meeting convened in terms of subsection (2) shall be sent to each member no later than forty-eight hours before the meeting and shall specify the business for which the meeting has been convened.

(4) No business shall be discussed at a special meeting convened in terms of subsection (2) other than—

- (a) such business as may be determined by the chairman of the Board, where he has convened the meeting in terms of paragraph (a) of that subsection; or
- (b) the business specified in the request for the meeting, where he has convened the meeting in terms of paragraph (b) of that subsection.

(5) If the chairman and the deputy chairman are both absent from a meeting of the Board, the members present may elect one of their number to preside at that meeting as chairman.

(6) Half the members of the Board shall form a quorum at any meeting of the Board.

(7) All acts, matters or things authorized or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.

(8) Subject to section *fifteen*, at all meetings of the Board each member present shall have one vote on each question before the Board and, in the event of an equality of votes, the chairman shall have a casting vote in addition to a deliberative vote.

(9) Any proposal circulated among all members and agreed to in writing by a majority of all members shall have the same effect as a resolution passed at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

## **12 Committees of Board**

(1) The Board may appoint such committees as it thinks necessary for the better exercise of its functions and shall vest in the committees such of its functions as are appropriate:

Provided that the vesting of any functions in a committee shall not divest the Board of those functions in relation to any matter that has not been decided by the committee.

(2) Where it has established a committee in terms of subsection (1), the Board—

- (a) shall appoint at least one member of the Board to be a member of the committee and shall designate that member, or one of those members, as the case may be, to be chairman of the committee; and
- (b) subject to subsection (3), may appoint persons who are not members of the Board to be members of the committee.

(3) The Board shall not appoint a person to be a member of a committee if he is disqualified in terms of section *seven* from appointment as a member of the Board.

(4) The office of a member of a committee of the Board shall terminate—

- (a) in the case of a member who is a member of the Board, upon his ceasing to be a member of the Board;

(b) in the case of a member who is not a member of the Board, if he would be required in terms of section *eight* to vacate his office had that section and paragraphs (a), (b) and (c) of section *seven* applied to him.

(5) Subject to this section and section *fourteen*, members of committees of the Board shall hold office on such conditions as the Board may fix for members of committees generally.

(6) The chairman of the Board may at any time and place convene a meeting of a committee of the Board.

(7) Subject to subsection (6) and sections *fifteen* and *eighteen*, the procedure to be followed at any meeting of a committee of the Board and the quorum at such a meeting shall be fixed by the Board.

(8) No decision or act of a committee of the Board or act done under the authority of a committee of the Board shall be invalid solely on the ground that—

(a) the committee consisted of fewer than the number of members, if any, fixed by the Board as constituting the membership of the committee; or

(b) a disqualified person acted as a member of the committee;

at the time the decision was taken or the act was done or authorized if the duly appointed members of the committee who were present constituted a quorum.

### **13 Olympic Committee**

(1) The Board shall ensure the election of an Olympic Committee in accordance with the Olympic Charter for the purpose of ensuring Zimbabwe's effective representation at each Olympic Games and for carrying out functions relating thereto.

(2) Members of the Olympic Committee shall hold office under such conditions as provided by the Olympic Charter and as approved by the Board.

### **14 Remuneration and expenses of members of Board and members of committees**

Members of the Board and of committees of the Board shall be paid from the funds of the Commission—

(a) such remuneration, if any, as the Minister, with the approval of the Minister responsible for finance, may from time to time fix for such members generally; and

(b) such allowances, if any, as the Minister, with the approval of the Minister responsible for finance, may from time to time fix to meet any reasonable expenses incurred by such members in connection with the business of the Board or of the committees concerned, as the case may be.

### **15 Disclosure of interest of members of Board and members of committees**

(1) If a member of the Board or of a committee of the Board or a spouse of such a member—

(a) tenders for or acquires or holds a direct or indirect pecuniary interest in a contract with the Commission; or

(b) knowingly acquires or holds a direct or indirect pecuniary interest in a company or association of persons applying or negotiating for a contract with the Commission; or

(c) owns immovable property or a right in immovable property or a direct or indirect pecuniary interest in a company or association of persons which results in his private interests coming or appearing to come into conflict with his duties as a member;

the member shall forthwith disclose the fact to the Board or to the committee, as the case may be.

(2) A member referred to in subsection (1) shall take no part in consideration or discussion of, or vote on, any question before the Board or the committee, as the case may be, which relates to any contract, right, immovable property or interest referred to in that subsection.

(3) The Director-General shall take no part in the consideration or discussion of any question before the Board which relates to the terms and conditions of his appointment as Director-General.

### **16 Validity of decisions and acts of Board**

No decision or act of the Board or act done under the authority of the Board shall be invalid solely on the ground that—

(a) the Board consisted of fewer than the minimum number of persons for which provision is made in subsection (1) of section *five*;

(b) a disqualified person acted as a member;

at the time the decision was taken or the act was done or authorized if the duly appointed members of the committee who were present constituted a quorum.

### **17 Execution of contracts and instruments by Commission**

An agreement, contract or instrument approved by the Board may be entered into or executed on behalf of the Commission by any person or persons generally or specially authorized by the Board for that purpose.

### **18 Minutes of proceedings of Board and committees**

(1) The Board shall cause minutes of all proceedings of and decisions taken at every meeting of the Board or of a committee of the Board to be entered in books kept for the purpose.

(2) Any minutes referred to in subsection (1) which purport to be signed by the chairman of the meeting to which the minutes relate or by the chairman of the next following meeting of the Board or the committee con-

cerned, as the case may be, shall be accepted for all purposes as *prima facie* evidence of the proceedings of and decisions taken at the meeting concerned.

## PART III

### OBJECTS AND FUNCTIONS OF COMMISSION

#### 19 Objects of the Commission

The objects of the Commission shall be—

- (a) to co-ordinate, control, develop and foster the activities of sport and recreation;
- (b) to ensure the proper administration of organizations undertaking the promotion of sport and recreation;
- (c) to promote the highest standards of sportsmanship;
- (d) to authorize national and international sporting and recreational activities;
- (e) to advise the Government of the needs of sport and recreation;
- (f) to endeavour to ensure that opportunities for sport and recreation are made available to all persons throughout Zimbabwe;
- (g) to endeavour to provide coaches, instructors and courses for sports, either free or on the payment of reasonable fees;
- (h) to assist registered national associations, registered clubs and schools in the recruitment of coaches and instructors;
- (i) to endeavour to ensure that recreational facilities are established in such work places as the Board considers appropriate;
- (j) to establish, maintain and operate establishments for the accommodation of visiting sports teams or recreational clubs, or groups of persons engaged in furtherance of the purposes of this Act;
- (k) to undertake special projects, with the approval of the Minister, including fund raising, marketing and trading activities, in furtherance of the purposes of this Act;
- (l) to negotiate with registered clubs and registered national associations to ensure that recreational facilities are fully utilized;
- (m) to oversee training programmes for sportspersons;
- (n) to develop, supervise and manage sporting facilities;
- (o) to encourage the production of sporting goods;
- (p) to determine, grant and supervise national sports awards to outstanding sportspersons and sports administrators.

#### 20 Responsibilities of Commission to registered national associations

The Commission shall have the following responsibilities in relation to registered national associations—

- (a) to ensure that membership of every such association is open to all clubs and schools *bona fide* engaging in the activity for which the association is responsible and being prepared to pay its dues and abide by its rules;
- (b) to approve the annual estimates of such associations and to receive their audited annual accounts;
- (c) to generally advise, assist and supervise such associations.

#### 21 Powers of Commission

(1) Subject to this Act, for the carrying out of its objects the Commission shall have power to do or cause to be done, either by itself or through its agents, all or any of the things specified in the Second Schedule, either absolutely or conditionally and either solely or jointly with others.

#### 22 Reports of the Board

(1) In addition to any report which the Board is required to submit to the Minister in terms of this Act or the Audit and Exchequer Act [*Chapter 22:03*], the Board—

- (a) shall submit to the Minister such other reports as the Minister may require;
- (b) may submit to the Minister such other reports as the Board may consider advisable;

in regard to the operations, undertakings and property of the Commission.

(2) The Board shall give the Minister all such information relating to the undertakings of the Commission as the Minister may at any time require.

(3) The Minister may lay before Parliament a report submitted to him by the Board in terms of subsection (1).

#### 23 Minister may give directions to Commission

(1) Subject to subsection (2), the Minister may give the Commission such written directions of a general character relating to the exercise of the Commission's functions as appear to the Minister to be requisite in the national interest.

(2) Before giving the Commission a direction in terms of subsection (1), the Minister shall inform the Board, in writing, of the proposed direction and the Board shall submit in writing to the Minister, within thirty days or

such further period as the Minister may allow, its views on the proposal and its possible effects on the finances and other resources of the Commission.

(3) The Commission shall, with all due expedition, comply with any direction given to it in terms of subsection (1).

(4) Where the Commission has been given a direction in terms of subsection (1), the Board shall ensure that the direction and any views it has expressed thereon in terms of subsection (2) are set out in its annual report submitted in terms of the Audit and Exchequer Act [*Chapter 22:03*].

## **24 Director-General**

(1) The Board shall appoint, subject to this Act and on such terms and conditions as the Board, with the approval of the Minister, may fix, a person approved by the Minister to be the Director-General.

(2) No person shall be appointed as Director-General and no person shall hold office as Director-General if he is not ordinarily resident in Zimbabwe.

(3) The Board shall terminate the appointment of the Director-General if he would be required in terms of paragraph (b), (c) or (e) of section *eight* to vacate his office had that section and paragraphs (a), (b) and (c) of section *seven* applied to him.

(4) Subject to the general control of the Board, the Director-General shall be responsible for—

(a) managing the operations, undertakings and property of the Commission; and

(b) giving effect to the decisions of the Board; and

(c) supervising and controlling the activities of the employees of the Commission in the course of their employment.

(5) The Board may assign to the Director-General such of the functions of the Board as the Board thinks fit.

(6) Any assignment of functions in terms of subsection (5) may be made either generally or specially and subject to such reservations, restrictions and exceptions as the Board may determine, and may be revoked by the Board at any time.

## **PART IV**

### **FINANCIAL PROVISIONS**

## **25 Funds of the Commission**

(1) The funds of the Commission shall consist of—

(a) moneys appropriated for the purpose by Act of Parliament; and

(b) levies raised in terms of section *twenty-six*; and

(c) loans which have been raised with the approval of the Minister responsible for finance; and

(d) entry fees to and miscellaneous takings at sporting and recreational events organized and administered by the Commission; and

(e) receipts from any trading or marketing activity carried on by the Commission itself or jointly with some other person or organization; and

(f) any other moneys to which the Commission may become entitled, whether through its activities in carrying out its objects or otherwise.

(2) The Commission shall invest its funds in a manner approved by the Minister and the Minister responsible for finance.

(3) The funds of the Commission shall, subject to the directions of the Minister, be chargeable with—

(a) the establishment and maintenance of schemes, projects or undertakings by the Commission for the development of any sport or recreation;

(b) the provision, development, maintenance and operation of recreational facilities;

(c) visits and tours, whether inside or outside Zimbabwe, by sportspersons and representatives of any sporting or recreational association or institution, whether Zimbabwean or otherwise;

(d) the holding of congresses or other functions for or in aid of any sport or recreation;

(e) the wages, salaries, fees or remuneration of persons employed by or acting for or on behalf of the Commission;

(f) the costs involved in acquiring accommodation for the use of the Commission;

(g) the administrative costs involved in the functioning of the Commission;

(h) any other costs, charges or expenses incurred by the Commission in the exercise of its functions in terms of this Act.

## **26 Levies**

(1) Subject to such terms and conditions as may be prescribed, the Commission may impose a levy on—

(a) all registered national associations; and

(b) tickets sold for admission to any recreational facility in order to witness any sporting activity:

Provided that—

- (i) any levy on registered national associations shall be imposed on all such associations without distinction unless the Minister in any particular case, on the application of the Commission, grants an exemption;
- (ii) any levy on tickets sold shall not be more than ten *per centum* of the price of admission paid for the ticket.

(2) A levy imposed in terms of subsection (1) shall be calculated, paid and collected in such manner as may be prescribed.

### **27 Holding of funds by Commission**

All moneys received by the Commission shall be paid into a banking account and no money shall be withdrawn therefrom except by means of a cheque or other instrument signed by such person or persons as may be authorized thereto by the Board.

### **28 Accounts and audit**

(1) The Commission shall keep proper books of account.

(2) The Board shall appoint an auditor, who may be the Comptroller and Auditor-General or a person who is registered as a public auditor in terms of the Public Accountants and Auditors Act [*Chapter 27:12*].

(3) The Board shall prepare and submit to the Minister a statement of accounts in respect of each financial year of the Commission or such other period as the Minister may direct.

(4) The auditor shall examine the accounts of the Commission and make a report to the Board and to the Minister of the statement of accounts prepared in terms of subsection (3), and such report shall state whether or not in his opinion the statement of accounts gives a true and fair view of the state of the financial affairs of the Commission.

(5) In addition to the report referred to in subsection (4), the Minister may require the Board to obtain from its auditor such other report or statement in connection with the operations, undertakings and property of the Commission as the Minister may consider expedient.

(6) Without derogation from subsection (6) of section 9 of the Audit and Exchequer Act [*Chapter 22:03*], an auditor shall be entitled at all reasonable times to require to be produced to him all accounts and other records relating thereto kept by the Commission or its agents and to require from any member of the Board or any person employed by the Commission or its agents such information and explanations as in his opinion are necessary for the purposes of his audit.

(7) The Commission shall pay all of its expenses of carrying out the provisions of this section.

## **PART V**

### **REGISTERED NATIONAL ASSOCIATIONS**

### **29 Registration of national associations**

(1) For the purposes of this Part the Commission shall keep and maintain a register of national associations.

(2) The register shall be open to inspection by any person at all reasonable times, free of charge, at the offices of the Commission.

(3) Every national association shall, within three months of the 1st September, 1991, or within thirty days of its coming into existence, whichever is the later, apply to the Commission for registration in the form and manner prescribed.

(4) As soon as is practicable after receiving an application in terms of subsection (3), the Board shall consider the application and, if it is satisfied—

- (a) as to the suitability of the constitution and rules of the national association; and
- (b) as to the good faith of the officers and members of the national association; and
- (c) that the affairs of the national association will be properly managed;

the Board shall direct the Director-General to cause the national association and its constitution and rules to be registered.

(5) Where any amendment is made to the constitution or rules of a registered national association, or any alteration occurs in any of the matters or things in respect whereof particulars are required to be given as prescribed, such association shall forthwith give particulars in writing of such amendment or alteration, as the case may be, to the Commission.

(6) Upon receiving particulars of any amendment to the constitution or rules of a registered national association in terms of subsection (5), the Board shall, if it is satisfied as to the suitability of the amendment, direct the Director-General to cause the amendment to be registered.

(7) No provision of the constitution or rules of a registered national association, and no amendment thereof, shall be of any effect unless the constitution or rules or the amendment, as the case may be, is registered in terms of subsection (4) or (6).

(8) Every registered national association shall as soon as practicable after the end of its financial year submit to the Commission—

- (a) a report on its activities during the previous year; and
- (b) an audited balance sheet and income and expenditure account for that year.

(9) Every registered national association shall, as early as convenient before the commencement of its financial year, submit to the Commission its estimates of income and expenditure for the coming year and shall likewise submit any amendments to such estimates.

(10) If the Director-General considers that any estimates submitted in terms of subsection (9) are not in the best interests of the members of the association which submitted the report, he may, after discussing the estimates with the governing body of the association, make a report on the estimates to the Board.

(11) When a report is made to the Board in terms of subsection (10) the Board may, after hearing a duly authorized representative or representatives of the association concerned, require the association to amend its estimates.

### **30 Discipline of registered national associations**

(1) Where the Board considers that any registered national association—

- (a) has ceased to operate as a national association; or
- (b) has failed to comply with any provision of this Act; or
- (c) has conducted itself in a manner which is contrary to the national interest;

the Board may, after affording the association concerned an opportunity of making representations in the matter, do either or both of the following—

- (i) suspend all or any of its officers;
- (ii) direct the Director-General to strike the association from the register.

(2) Where the Board has taken any action referred to in subparagraph (i) or (ii) of subsection (1) the Minister may on the recommendation of, or after consultation with, the Board appoint a committee to administer the affairs of the association concerned.

(3) A committee appointed in terms of subsection (2) shall have all the rights, duties and responsibilities of the governing body it has displaced but shall be answerable to the Board and not to the members of the national association.

(4) Where a committee has been appointed in terms of subsection (2)—

- (a) the name of the national association concerned shall, if it has been struck off the register, be restored to the register;
- (b) the committee shall, as soon as practicable, take step for the appointment of a new governing body of the association concerned in accordance with the constitution and rules of the association.

## **PART VI**

### **GENERAL**

### **31 National Colours**

(1) The President shall, by statutory instrument, declare the National Colours of Zimbabwe.

(2) The Commission may award National Colours to any individual, team or association and by statutory instrument make rules governing such awards.

(3) No person shall wear or display the National Colours otherwise than in accordance with an award by the Commission in terms of subsection (2) or in accordance with an award made before the 1st September, 1991, under the Zimbabwe Youth Council Act [*Chapter 25:19*] which shall be deemed to be an award made by the Commission.

(4) Any person who contravenes subsection (3) shall be guilty of an offence and shall be liable to a fine not exceeding level three.

[Subsection as amended by section 4 of Act No. 22 of 2001]

### **32 Appeals to Administrative Court**

(1) Any person who is aggrieved by a decision of the Board or the Commission in terms of this Act may appeal against the decision to the Administrative Court.

(2) An appeal in terms of this section shall be lodged with the Registrar of the Administrative Court within twenty-one days of the date of the decision appealed against.

(3) The Administrative Court Act [*Chapter 7:01*] shall apply in relation to the composition, procedure and powers of the Administrative Court on an appeal in terms of this section.

### **33 Protection of employment of members of national teams**

Where any person has been selected to represent Zimbabwe in any sport or recreational event such person shall not suffer any reduction in seniority, leave, salary or other benefits or be discharged from his employment solely on the ground that he is required to be away from his place of employment for the purposes of such representation.

### **34 Exemption of Commission from liability**

No liability shall attach to the Commission or to any employee or agent of the Commission or to the Board or to a member of the Board or any committee of the Board for any loss or damage sustained by any person as a result of the *bona fide* exercise by an employee or agent of the Commission or by the Board or by a member of the Board or any committee of the Board of any function or power conferred upon the Commission by this Act:

Provided that this section shall not be construed so as to prevent any person from recovering by action in any competent court compensation for any loss or damage sustained by him which was caused by negligence.

### **35 Amendment of First Schedule**

The Minister may from time to time, after consultation with the Commission, by statutory instrument, amend the First Schedule by the addition thereto or the deletion therefrom of any sport or game.

### **36 Regulations**

(1) The Minister may, after consultation with the Commission, make regulations providing for all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be provided for in order to carry out or give effect to this Act.

(2) Regulations made in terms of subsection (1) may provide for—

- (a) the amount, payment and collection of levies imposed in terms of section *twenty-six*;
- (b) the form and manner in which applications for registration shall be made and dealt with;
- (c) the formation, registration and functions of provincial, regional or district sporting or recreational associations, and the circumstances in which their registration may be cancelled;
- (d) the formation, registration and functions of clubs and the circumstances in which their registration may be cancelled;
- (e) the membership of registered clubs, and the fees and subscriptions payable for such membership or for the use of their facilities;
- (f) accounts and other records to be kept by registered national associations and registered clubs;
- (g) the registration of recreational facilities, the cancellation of such registration, and rights of access to registered recreational facilities;
- (h) prohibiting—
  - (i) unregistered associations and clubs and members thereof from competing or dealing with registered associations and clubs and members thereof and vice-versa;
  - (ii) persons who are not members of registered clubs from being eligible for an award of National Colours;
- (i) the conduct and administration of national and international sporting or recreational activities;
- (j) the carrying on by the Commission or by any registered national association or registered club of trading or commercial activities.

### **37 Savings**

On and after the 1st September, 1991—

- (a) all the assets and liabilities which immediately before the 1st September, 1991, were assets and liabilities of the Zimbabwe Sports and Recreation Council shall pass by succession to the Sports and Recreation Commission, which shall have all the powers, duties and obligations in relation to such assets and liabilities as are conferred by this Act in relation to its assets and liabilities;
- (b) all bonds, hypothecations, title deeds, documents, charges, agreements, contracts, notes, instruments and working arrangements subsisting immediately before the 1st September, 1991, shall be of full force and effect against or in favour of the Sports and Recreation Commission and enforceable as fully and effectively as if, instead of the Zimbabwe Sports and Recreation Council, the Sports and Recreation Commission had been named therein and had been a party thereto;
- (c) it shall not be necessary for the Registrar of Deeds to make any endorsement on the title deeds or in his registers in respect of any immovable property or any rights or obligations under a mortgage, hypothecation, pledge, bond, note or charge vested in or imposed upon the Sports and Recreation Commission under this section, but the Registrar of Deeds shall, when so requested in writing by the Board in relation to any particular such immovable property, mortgage, hypothecation, pledge, bond, note or charge, cause, free of charge, the name of the Sports and Recreation Commission to be substituted for that of the Zimbabwe Sports and Recreation Council on the appropriate title deed or other document in the appropriate register.

## **FIRST SCHEDULE (Section 2)**

### **RECOGNIZED SPORTS**

All the following competitive sports, whether amateur or professional including competitive sports amongst the disabled—

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Angling</li> <li>2. Aquatic Sports <ul style="list-style-type: none"> <li>Diving</li> <li>Life saving</li> <li>Swimming</li> <li>Synchronised swimming</li> <li>Underwater sport</li> <li>Water polo</li> </ul> </li> <li>3. Archery</li> <li>4. Athletics <ul style="list-style-type: none"> <li>Cross country</li> <li>Road running</li> <li>Track and field</li> </ul> </li> <li>5. Aviation Sports <ul style="list-style-type: none"> <li>Flying</li> <li>Gliding</li> <li>Hang gliding</li> <li>Sky diving</li> </ul> </li> <li>6. Badminton</li> <li>7. Baseball</li> <li>8. Basketball</li> <li>9. Billiards and Snooker</li> <li>10. Boating Sports <ul style="list-style-type: none"> <li>Canoeing</li> <li>Power boat</li> <li>Rafting</li> <li>Rowing</li> <li>Sailing (all classes)</li> <li>Water skiing</li> </ul> </li> <li>11. Body Building</li> <li>12. Bowls</li> <li>13. Boxing</li> <li>14. Bridge</li> <li>15. Chess</li> <li>16. Climbing</li> <li>17. Cricket</li> <li>18. Croquet</li> <li>19. Cycling <ul style="list-style-type: none"> <li>BMX</li> <li>Road</li> <li>Track</li> </ul> </li> <li>20. Darts</li> <li>21. Dog racing</li> <li>22. Equestrian Sports <ul style="list-style-type: none"> <li>Horse racing</li> <li>Hunting</li> <li>Polo</li> <li>Pollocrosse</li> <li>Show jumping</li> <li>Steeple chasing</li> <li>Tent pegging</li> </ul> </li> </ol> | <ol style="list-style-type: none"> <li>Three day event (dressage, cross country, show jumping)</li> <li>23. Fencing</li> <li>24. Football <ul style="list-style-type: none"> <li>American Association (soccer)</li> <li>Rugby</li> </ul> </li> <li>25. Golf</li> <li>26. Gymnastics</li> <li>27. Handball</li> <li>28. Hockey <ul style="list-style-type: none"> <li>Field</li> <li>Indoor</li> </ul> </li> <li>29. Lacrosse</li> <li>30. Martial Arts <ul style="list-style-type: none"> <li>Judo</li> <li>Karate-do</li> <li>Kendo</li> <li>Taekwondo</li> </ul> </li> <li>31. Motor Sports <ul style="list-style-type: none"> <li>Karting</li> <li>Motor car racing (all classes)</li> <li>Motor car rally (all classes)</li> <li>Motor cycle cross country</li> <li>Motor cycle dirt track racing</li> <li>Motor cycle hill and obstacle coursing</li> <li>Motor cycle road racing</li> <li>Motor cycle track racing</li> </ul> </li> <li>32. Netball</li> <li>33. Orienteering</li> <li>34. Power Lifting</li> <li>35. Shooting Sports <ul style="list-style-type: none"> <li>Clay target</li> <li>Pistol</li> <li>Rifle</li> <li>Small bore</li> </ul> </li> <li>36. Softball</li> <li>37. Squash</li> <li>38. Table Tennis</li> <li>39. Tennis</li> <li>40. Tenpin Bowling</li> <li>41. Traditional Games</li> <li>42. Trampoline</li> <li>43. Triathlon</li> <li>44. Tug of War</li> <li>45. Volleyball</li> <li>46. Walking <ul style="list-style-type: none"> <li>Hill</li> <li>Racing</li> </ul> </li> <li>47. Weight Lifting</li> <li>48. Wrestling</li> </ol> |
|---|--|

## SECOND SCHEDULE (Section 2)

### POWERS OF COMMISSION

1. To acquire premises necessary or convenient for the exercise of its functions and for that purpose to buy, take in exchange, hire or otherwise acquire immovable property and interests therein and rights thereover and concessions, grants, powers and privileges thereof.
2. To buy, take in exchange, hire or otherwise acquire movable property necessary or convenient for the exercise of its functions.

3. To maintain, alter or improve property acquired by it.
4. To mortgage or pledge any assets or part of any assets and, with the approval of the Minister, to sell, exchange, let, dispose of, turn to account or otherwise deal with any assets or part of assets which are not required for the exercise of its functions for such consideration as the Board may, with the approval of the Minister, determine.
5. To draw, make, accept, endorse, discount, execute and issue for the purposes of its functions promissory notes, bills of exchange, bills of lading, securities and other negotiable or transferable instruments.
6. To insure against losses, damages, risks and liabilities which it may incur.
7. To make contracts and to enter into suretyships or give guarantees in connection with the exercise of its functions and to modify or rescind such contracts or rescind such suretyships or guarantees.
8. With the approval of the Minister, to enter into, renew, cancel or abandon arrangements with any government or authority, local or otherwise, that may seem conducive to the exercise of its functions or any of them and to obtain from such government or authority rights, privileges and concessions which the Board thinks desirable to obtain and carry out, exercise and comply with such arrangements, rights, privileges and concessions.
9. With the approval of the Minister and of the Minister responsible for finance—
  - (a) to raise loans or borrow money in such amounts and for such purposes and under conditions as may be approved by those Ministers;
  - (b) to establish and administer such funds and reserves as the Board may consider appropriate or necessary for the proper exercise of the functions of the Commission.
10. To employ, upon such terms and conditions as the Board may think fit, such persons as may be necessary for conducting the affairs of the Commission and suspend or discharge any such persons.
11. With the approval of the Minister given after consultation with the Minister responsible for finance, to pay such remuneration and allowances and grant such leave of absence and, with the approval of the Minister, to make such gifts and pay bonuses and the like to its employees as the Board deems fit.
12. To provide pecuniary benefits for its employees on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury and for their dependants, and for that purpose to effect policies of insurance, establish pension or provident funds or make such other provision as may be necessary to secure for its employees and their dependants any or all of the pecuniary benefits to which the provisions of this paragraph relate.
13. With the approval of the Minister to purchase, take in exchange, hire or otherwise acquire land or dwellings for use or occupation by its employees.
14. To construct dwellings, outbuildings or improvements for use or occupation by its employees on land purchased, taken in exchange, hired or otherwise acquired by the Commission.
15. To sell or let dwellings and land for residential purposes to its employees.
16. With the approval of the Minister to guarantee loans to its employees or their spouses for the purchase of dwellings or land for residential purposes, the construction of dwellings and the improvement of dwellings or land which are the property of its employees or their spouses.
17. To provide security in respect of loans guaranteed in terms of paragraph 16 by the deposit of securities.
18. With the approval of the Minister and of the Minister responsible for finance, to make loans to any employee of the commission—
  - (a) for the purpose of purchasing vehicles, tools or other equipment used by him in carrying out his duties; or
  - (b) not exceeding three months' salary or wages payable to him, for any purpose on such security as the Board considers adequate.
19. To do anything for the purpose of improving the skill, knowledge or usefulness of its employees, and in that connection to provide or assist other persons in providing facilities for training, education and research.
20. With the approval of the Minister, to provide such services as the Board considers could properly be best provided by the Commission.
21. With the approval of the Minister and of the Minister responsible for finance—
  - (a) to provide financial assistance to any person, association, organization or institution whose activities are such as to be, in the opinion of the Board, of benefit to the Commission;
  - (b) to grant such scholarships or bursaries as the Board considers to be in the interests of the Commission, on such terms and conditions as the Board may fix in any particular case.
22. To do anything which by this Act is required or permitted to be done by the Commission.
23. To do all such things as are calculated to facilitate or are incidental or conducive to the performance of the functions of the Commission or the exercise of its powers in terms of this Act or any other law.