

REPUBLIC OF SOUTH AFRICA

NATIONAL SPORT AND RECREATION AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 76; Bill published in
Government Gazette No. _____ of _____) (The English text is the official text of the Bill)*

(MINISTER OF SPORT AND RECREATION)

[B - 2018]

GENERAL EXPLANATORY NOTES:

[] Words in bold type in square brackets indicate omissions from the existing enactment

_____ Words underline with a solid line indicate insertions in existing enactment.

BILL

To amend the National Sport and Recreation Act, 1998, so as to delete, amend and insert certain definitions; to provide for the promotion and development of sport and recreation; to establish a Sport Arbitration Tribunal to resolve disputes between sport or recreation bodies; to provide for and regulate combat sport; to provide for and regulate the fitness industry; to provide for the procedure in bidding for and hosting of international sports and recreation events; to provide for the delegation of powers; to provide for offences and penalties; and to provide for matters connected therewith.

BE IT ENACTED by Parliament of the Republic of South Africa, as follows: —

Amendment of section 1 of Act 110 of 1998, as amended by section 1 of Act 18 of 2007

1. Section 1 of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998) (hereinafter referred to as "the Principal Act") is hereby amended—

(a) by the insertion before the definition of "high performance sport" of the following definitions:

" 'club' means an organisation or professional body constituted for a particular code of sport affiliated either to a provincial or national federation;

'committee' means a committee of inquiry established by the Minister to investigate any matter that put sport or recreation in disrepute, financial mismanagement, good governance, but does not include any permanent commission, board, council, committee or similar body, whether appointed pursuant to any law or otherwise;

'Director-General' means the Director-General responsible for Sport and Recreation.;

(b) by the insertion after the definition of "high performance sport" of the following definition:

" 'MEC' means a Member of the Executive Council responsible for sport and recreation in the province.;"

(c) by the insertion after the definition of "National Coaching and Accreditation Institute" of the following definitions:

"national colours" means green with gold used as part of a prescribed uniform or dress in connection with a national team participating in an international event;

'national colours board' means the board appointed by the Minister to award national colours in terms of section 11;

'national emblem' means the name, title or designation of King Protea or the word King Protea used as a badge or emblem or part thereof on, formal and informal clothing, including but not limited to sports clothing, replica;";

- (d) by the substitution for the definition of "national federation" of the following definition:

" 'national federation' means a national governing body of a code of sport [or recreational activity] in the Republic with affiliate members of not less than five provinces recognised by—

(a) Sport and Recreation South Africa as the only authority for the administration and control of the relative code of sport in the Republic; and

(b) the relevant international controlling body [as the only authority for the administration and control of the relative code of sport or recreational activity in the Republic] for that particular code of sport;";

- (e) by the insertion after the definition of "prescribe" of the following definition:

" 'recreational activity' means all forms of physical activity that contribute to physical fitness, mental wellbeing and social interaction

organised as a non-competitive sport or recreational activity, including but not limited to leisure sport;";

- (f) by the deletion of the definition of "recreation service";
- (g) by the insertion after the definition of "regulation" of the following definition:

" **'sport or recreation agent'** means a person, including a juristic person, who represents or negotiates the employment and endorsement of a contract for a sport or recreation person or body as contemplated in section 6A;" and

- (h) by the substitution for the definition of "sport or recreation body" of the following definition:

" **'sport or recreation body'** means any national federation, agency, club or body, including a trust, professional league, or registered company of such a national federation, agency, club or body, involved in the administration of sport or recreation at local, provincial or national level;".

Amendment of section 2 of Act 110 of 1998, as amended by section 2 of Act 18 of 2007

2. Section 2 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

"(2) The Sports Confederation may in consultation with the Minister, from time to time, develop guidelines for the promotion and development of high performance sport."; and

- (b) by the addition after subsection (6) of the following subsections:

- "(7) The Sports Confederation contemplated in subsection (1) must, amongst others, perform the following functions:
- (a) Co-ordinate all activities relating to high performance sport in the Republic, including team preparation for the major international events as contemplated in subsection (4);
 - (b) develop and implement guidelines for the promotion and development of high performance sport as contemplated in subsection (2);
 - (c) provide training to sport and recreation leaders as contemplated in section 7(1);
 - (d) develop an incentive policy for high performance sport achievers in consultation with the Minister;
 - (e) provide incentives for high performance sport achievers and practitioners;
 - (f) provide support to high performance athletes in relation to major international events;
 - (g) comply with the guidelines or policies to promote equity, representivity and redress in sport and recreation as contemplated in section 13A;
 - (h) monitor and submit recommendations for the bidding and hosting relative to an application to host international events to the Minister as prescribed; and
 - (i) develop coaching frame work guidelines in order to establish a professional body for sports coaching and the South African

Coaching Council in the Republic so as to facilitate all issues relating to the—

- (i) development;
- (ii) education;
- (iii) training; and
- (iv) licensing,

of aspiring persons or current qualified coaches who want to practice or improve his or her skills as a sports coach in the Republic: Provided that anyone who wishes to practice as a sports coach in the Republic in order to train or guide athletes or participants preparing in any sport must—

- (aa) be a licensed member of the professional body for sports coaching contemplated in paragraph (h) above;
- (bb) be subject to the rules and guidelines of such a professional body;
- (cc) must be of good standing in terms of attendance of refresher courses; and
- (dd) comply with any applicable regulations prescribed in terms of this Act from time to time.

(8) If the Sports Confederation fails to comply with the provision of subsection (7), the Minister may by written notice to the Sports Confederation insist on compliance within 30 days as from the date of the said notice.

(9) If the Sports Confederation failed to comply with the compliance notice in terms of subsection (8), the Minister may—

- (a) institute the enquiry in terms of section 13(5) of the Act;
- (b) review the recognition of the Sports Confederation either by—
 - (i) suspending its recognition wholly or partially;
 - (ii) withdrawing its recognition and national colours; or
 - (iii) withdraw its funding.

(10) Before issuing a notice under subsection (8), the

Minister must—

- (a) notify the Sports Confederation of his or her intention to issue the notice; and
- (b) give the Sport Confederation a reasonable opportunity to respond to the notice.

(11) The Sports Confederation may not use the national colours or the national emblem if its recognition is withdrawn by the Minister.”.

Amendment of section 4 of Act 110 of 1998, as amended by section 4 of Act 18 of 2007

3. Section 4 of the principal Act is hereby amended by the insertion after subsection (3) of following subsection:

“(4) The Minister may from time to time determine and publish policy objectives to be achieved by Sports and Recreation South Africa, the Sports Confederation and sports or recreation bodies.”.

Amendment of section 6 of Act 110 of 1998, as amended by section 7 of Act 18 of 2007

4. Section 6 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

"[National federations] Sport or recreation bodies";

(b) by the substitution for subsection (1) of the following subsection:

"(1) **[National federations] Sport or recreation bodies** must assume full responsibility for the safety **[issues] and security of its members, participants, children, spectators who attend sport or recreation events and physical facilities where such events take place** within their sport and recreation disciplines.";

(c) by the substitution for subsection (2) of the following subsection:

"(2) **[National federations] Sport or recreation bodies** must actively participate in and support programmes and services of **Sport and Recreation South Africa and the Sports Confederation relating to high-performance sport and the promotion and development of sport.**

(d) by the insertion after subsection (2) of the following subsections:

(2A) Sport or recreation bodies must fulfil the obligations imposed by the relevant international controlling body for its code of sport.

(2B) Sport or recreation bodies must—

(a) ensure that—

- (i) selected players comply with any national call to participate in a sport;
 - (ii) the selection process for its national team is open and transparent;
 - (iii) any person who fails to comply with the obligations of the international controlling body is guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding two years;
 - (iv) all players, officials or managers selected for a national team must be vetted for any criminal offences; and
 - (v) if a player, official or manger has been convicted of an offence and sentenced to imprisonment without the option of a fine, he or she may not participate in an international sport event;
- (b) abide by the principles of good governance and ethical practices;
- (c) notify the Minister of its intention to—
- (i) lobby for candidates at an international body;
 - (ii) lobby for bidding and hosting of international events; or
 - (iii) seek election to an international body;
 - (iv) vote in any elections of an international body;
 - (v) vote in any matter dealt with by an international body;
- (d) act after consultation with the Minister and in a manner that does not bring the Republic into disrepute when any action contemplated in paragraph (c) is taken;

- (e) comply with the procedures and protocol for bidding and hosting of international sport events; and
- (f) comply with and support the following key government priorities as communicated by Sport and Recreation South Africa:
 - (i) combating HIV and AIDS;
 - (ii) anti-xenophobia;
 - (iii) anti-crime;
 - (iv) promotion of nation building and social cohesion;
 - (v) promotion of national symbols and heritage;
 - (vi) disaster management and environmental protection;
 - (vii) educational promotion on issues of sports; and
 - (viii) health related messages.

(2C) The Minister shall have the power to determine and allocate responsibilities to national federations as published in the Government Gazette from time to time."

- (d) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

"(3) **[National federations]** Sport or recreation bodies must—";

- (e) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

"(a) before recruiting a foreign sport person to participate in formal and professional sport in the Republic—

- (i) satisfy themselves that there are no other persons in the Republic suitable to participate in such a sport; and
 - (ii) do vetting and criminal record verification in his or her country of origin and any other country deem necessary by the sport or recreation body;";
- (f) by the deletion in subsection (3) of the word "and" at the end of paragraph (c), and inserting it at the end of paragraph (d):
- (g) by the addition after paragraph (d) of the following paragraph:
 - "(e) ensure that the recruited foreign sport person has represented or coached his or her country in the manner as prescribed by the Minister."; and
- (h) by the insertion after subsection (3) of the following subsection:
 - "(3A) The Minister must, after consultation with the Minister of Home Affairs, publish the procedure and compliance requirements for the recruitment of a foreign sport person in the Gazette.
 - (3B) No foreign person may participate in sport without complying with the procedures as contemplated in subsection (3A).
 - (3C) Any person who assists or allows a foreign sports person to participate in sport in the Republic without fully complying with the provisions of section 6 is guilty of an offence."

Insertion of sections 6A and 6B in Act 110 of 1998

5. The following sections are hereby inserted after section 6 of the principal Act:

"Sport or recreation agents

6A. A sport or recreation agent must be registered and licensed as an agent in the prescribed manner.

Recognition of sport or recreation body

6B. (1) A sport or recreation body may apply in the prescribed manner for recognition as the only sport or recreation body for a particular sport code or recreation activity.

(2) The Director-General must issue a certificate recognising a sport or recreation body as the only sport or recreation body for a particular sport code or recreational activity subject to the sport or recreation body conforming to the definition in section 1 of a national federation and meeting the criteria prescribed by the Minister in terms of subsection (3).

(3) The Minister must by regulation prescribe criteria for the recognition of sport bodies and recreation bodies as the only sport or recreation body for a particular sport code or recreational activity.

(4) The criteria contemplated in subsection (3) may differ for sport bodies and recreation bodies.

(5) The Director-General may in the prescribed manner and by notice in the *Gazette* exclude a sport body from complying with the criteria contemplated in subsection (3) on receipt of a written application by a sport body containing good grounds for such exemption.

(6) The regulations referred to in subsection (3) may provide for the withdrawal by the Director-General of an exemption granted in terms of subsection (5) on reasonable grounds."

Amendment of section 8 of Act 110 of 1998, as amended by section 9 of Act 18 of 2007

6. Section 8 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Sport and Recreation South Africa **[must]** may, in accordance with its funding policy and section 10, provide physical facilities for sports and recreation nationally, as prescribed depending on the availability of funds;"

(b) by the substitution for subsection (2) for the following subsection:

"(2) The beneficiary **[of the provision]** of such facilities must ensure the maintenance of **[every]** each facility **[erected]** provided, by—

(a) way of a maintenance agreement; **[and]**

(b) way of the establishment of management structures to **[run]** operate such facilities [in commercially viable ways] efficiently and effectively; and

(c) ensuring that sport or recreational activities take precedence over any other activities as far as the use of such sport or recreational facilities are concerned."; and

(c) by the insertion after subsection (3) of the following subsections:

"(3A) The Minister may from time to time publish norms and standards for the building of new sports facilities.

(3B) The Minister may prescribe the procedures for the building of new sport and recreation facilities in terms of the published norms and standards referred to in subsection (3A).

(3C) Sport and Recreation South Africa must—

(a) oversee the efficient and effective governance of such newly established facilities that have been allocated to a municipality; and

(b) inspect sport and recreation facilities for compliance with the applicable norms and standards, including but not limited to the safety and security measures as proclaimed in terms of the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010).";

Insertion of section 8A in Act 110 of 1998

7. The following section is inserted after section 8 of the Principal Act:

"Appointment and functions of sport and recreation facilities inspectors

8A. (1) The Minister may—

- (a) appoint any person in the public service as a sport and recreational facilities inspector; or
- (b) designate any person in the public service or any person registered as a sport or recreation agent in terms of section 6A to perform any prescribed function of a sport and recreation facilities inspector.

(2) Any person appointed or designated under subsection (1) must perform his or her functions as sport and recreational facilities inspector subject to the direction and control of the Minister.

(3) The Minister must provide each sport and recreational facilities inspector with a signed certificate in the prescribed form stating—

- (a) that the person is a sport and recreation facilities inspector; and
- (b) which of the functions of a sport and recreation facilities inspector such inspector may perform.

(4) The Minister must by regulation, in order to promote, monitor and enforce compliance with this Act—

- (a) determine the functions of sport and recreation facilities inspectors, which may include the power to enter and inspect any sport and recreation facility during business hours;
- (b) provide that a sport and recreation facilities inspector may—
 - (i) question any person at a sport and recreation facility who the inspector believes may have information relevant to the inspection;
 - (ii) require the person in charge of such sport and recreation facility, for inspection or for the purpose of obtaining copies or extracts thereof or therefrom, any document,

including any record which such person is required to maintain in terms of any law; and

(iii) take samples of any substance or photographs relevant to the inspection;

(c) provide that a sport and recreation facilities inspector may issue a compliance order to the owner of a sport or recreational facility requiring such owner to comply with that compliance order; and

(d) provide that the Director-General may apply to a court of law in order to make a compliance order contemplated in paragraph (c) to be made an order of that court of law.

(5) The regulations referred to in subsection (4) must provide that any entry upon or search of any facility in terms of a provision of the regulations referred to in subsection (4) must be conducted with strict regard to decency and good order, including—

(a) the right of a person to dignity;

(b) the right of a person to freedom and security; and

(c) the right of a person to privacy."

Amendment of section 9 of Act 110 of 1998, as amended by section 10 of Act 18 of 2007

8. Section 9 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsections:

"(3) The Minister may make regulations for the vulnerable community to participate in sport and be protected from any sexual abuse and exploitation.

(4) For the purpose of subsection (3), 'vulnerable community' means children under the age of 18, women or people living with a disability."

Amendment of section 11 of Act 110 of 1998, as amended by section 12 of Act 18 of 2007

9. Section 11 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) The [**Sports Confederation must with the concurrence of]** Minister must[,] establish a national colours board which [**will**] shall consider all applications for the awarding of national colours.";

(b) by the insertion after subsection (1) of the following:

"(1A) Members of the national colours board must be appointed in a prescribed manner ensuring—

(a) the participation by the public and sport and recreation bodies in a nomination process;

(b) transparency and openness; and

(c) that a shortlist of candidates for appointment is published and every appointment of a member is published in the *Gazette*."

and

(c) by the deletion of subsection (3).

Insertion of sections 11A, 11B, 11C, and 11D in Act 110 of 1998

10. The following in sections are hereby inserted after section 11 of the principal act:

"Bidding and hosting of international sport and recreational event

11A. (1) The Minister must approve all applications for the bidding and hosting of international major sport and recreation events in accordance with the applicable regulations.

(2) The Sports Confederation in support of the application for the bidding and hosting of an international sport and recreation event must submit a letter of support from the hosting municipality.

(3) The Sport or Recreation Body must apply in writing to host international event to the Minister as prescribed which do not need Cabinet approval.

Prohibition

11B. No person may bid or host an international sport and recreation events in the Republic without the—

(a) written submission of an application to Sports Confederation;

and

(b) approval in writing by the Minister.

Combat sport

11C (1) The Minister may establish a Combat Sport Regulatory Authority which shall oversee, administer and govern all

forms of combat sport in the prescribed manner which include but are not limited to the following:

- (a) The establishment, objects, functions and governance of the Combat Sport Regulatory Authority;
- (b) the registration and requirements as combat sport controlling bodies and combat sport licensees;
- (c) the broadcasting of combat sport;
- (d) the constitutions and powers of combat sport controlling bodies;
- (e) combat sport tournament requirements;
- (f) the protection of combat sport controlling bodies and combat sport licensees;
- (g) proper conduct by combat sport role players and appeal procedures;
- (h) monitoring and investigation by inspectors of the Regulatory Authority; and
- (i) the provision of offences, penalties and dispute resolution mechanisms.

(2) The Combat Sport Regulatory Authority shall consist of at least seven members appointed by the Minister in writing.

(3) The members must be appointed in a manner ensuring –

- (a) participation by public in a nomination process;
- (b) transparent and openness;

(c) that a short list of candidates for appointment is published in the Gazette.

(4) The Minister may determine the terms of office for members as prescribed.

(5) 'For the purposes of this section, "combat sport" includes any competitive sport that can range from no contact to full contact where two or more combat sport fighters fight against each other using certain rules of engagement, typically with the aim of simulating parts of real hand to hand combat and involving techniques which encompass –

(a) strikes by attacking with a part of the human body or with an inanimate object, such as a weapon, intended to cause an effect upon an opponent or to simply cause harm to an opponent;

(b) kicks by using a combat sport fighter's feet, legs or knees (also known as a knee strike either with a kneecap or the surrounding area of the knee);

(c) the elbows by striking an opponent–

(i) with the point of the elbow;

(ii) with the part of the forearm nearest to the elbow;

(iii) with the part of the upper arm nearest to the elbow;

(iv) sideways with the elbow similar to a hook;

(v) upwards with the elbow similar to an uppercut; or

(vi) downwards with the elbow;

(d) knees;

(e) grappling by way of –

- (i) gripping, handling, and controlling of an opponent without the use of striking, typically through the application of various grappling holds, choke holds, and counters to various hold attempts;
 - (ii) a grappling position by the positioning and holding of combat sport fighters engaged in grappling as referred to in subparagraph (i);
 - (iii) a neutral position, if neither of the combat sport fighters is in a more favourable grappling position relative to the other; or
 - (iv) a superior position, if one of the combat sport fighters is in a more favourable grappling position relative to the other;
- (f) throws by way of a grappling technique that involves –
 - (i) off-balancing or lifting an opponent;
 - (ii) tossing him or her to the ground; and
 - (iii) a rotating motion as opposed to a takedown;
- (g) mixed martial arts that allows—
 - (i) a wide variety of fighting techniques from a mixture of martial arts of different styles, to be used in competitions of combat sport;
 - (ii) the use of striking and grappling techniques, while standing or on the ground; and
 - (iii) martial artists of different styles to compete against each other;

on a full contact combat sport basis; and

- (h) weaponry where the combat sport fighters, amongst others—
- (i) compete against each other by using weapons including types of blunt swords and sticks; and
- (ii) may also wear complex armour when they compete against each other.”.

Fitness Industry

11D. (1) The Minister may establish a Fitness Industry Regulatory Authority to oversee, administer and govern a safe environment for the fitness industry in the prescribed manner which may include the following, amongst others:

- (a) the establishment, objects, functions and governance of the Fitness Industry Regulatory Authority;
- (b) the registration of fitness controlling bodies and fitness professionals and accreditation and requirements of fitness establishments;
- (c) the constitutions and powers of fitness controlling bodies;
- (d) the inspection of fitness establishments by inspectors of the Regulatory Authority;
- (e) the issuing of sanctions against fitness establishments; and
- (f) the provision of offences, penalties and dispute resolution mechanisms.

(2) The Fitness Industry Regulatory Authority must, amongst others, award licenses to fitness professionals and to accredit fitness establishments in accordance with applicable regulations.

(3) The Fitness Industry Regulatory Authority shall consist of five members appointed by the Minister in writing as prescribed.

(4) The Fitness Industry Regulatory Authority may inspect fitness establishments for its compliance with relevant regulations.

(5) The Fitness Industry Regulatory Authority shall have the power to—

(a) close a fitness establishment or to suspend the accreditation of a fitness establishment;

(b) withdraw or suspend the registration of a person as a fitness professional in the prescribed manner,

if a fitness establishment or fitness professional is found to be guilty of non-compliance of the Act or its regulations.

(6) The Fitness Industry Regulatory Authority may in prescribe manner determine the subscription fee payable by fitness establishments and fitness professionals on an annual basis in accordance with an appropriate grading system.

(7) The Fitness Industry Regulatory Authority may issue grading certificates in accordance to the size and capacity of a fitness establishment, amongst others.

(8) The Fitness Industry Regulatory Authority must ensure that all safety measures are in place at a fitness establishment before issuing a grading certificate.

Amendment of section 13 of Act 110 of 1998, as amended by section 13 of Act 18 of 2007

11. Section 13 of the principal Act is hereby amended by—

(a) the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

"[The Sports Confederation] The Minister may, at any time, [of its] on his or her own accord, cause an investigation to be undertaken to ascertain the truth within a sport or recreation body, where allegation of— "; and

(b) the insertion of the following subsection after subsection (8):

"(9) The Minister may as he or she deems fit appoint a Ministerial Committee of Inquiry to investigate matters contemplated in subsection (4)(a) or (b) or any matter that may bring a sport or recreational activity or body into disrepute.

(10) (a) The Committee of Inquiry as appointed by the Minister in terms of subsection (9) may investigate, make findings and recommendations and report to the Minister.

(b) A report to the Minister may include a report relating to—

- (i) compliance with all relevant safety and security measures in place for a sport or recreational event in terms of Safety at Sports and Recreational Events Act, 2010 (Act No. of 2010);
- (ii) any failure to comply with the provisions of section 13A of the Act and the Transformation Charter as endorsed and approved by the Minister; or
- (iii) any failure to comply with the principles of good governance by a sport or recreation body.

(11) The Committee of Inquiry must be chaired by a retired judge and assisted by any members appointed by the chairperson in consultation with the Minister.

(12) The Committee of Inquiry shall have the power to—

- (a) invite or summons any person for the attendance as a witness or for the production of any book, documents or objects before a committee that must be signed and issued by the secretary of such a Committee in a form prescribed by the chairperson and shall be served in the same manner as a summons for the attendance of a witness at a criminal trial in a court at a venue where the attendance or production of such documents are to take place;
- (b) The chairperson may, if deemed fit or necessary, require the witness before giving his or her evidence, take an oath or to make an affirmation which oath or affirmation shall be

administered by the chairperson or such official of the

Committee as the chairperson may designate;

(c) Any person who has been summoned to attend any sitting of a Committee as a witness or who has given evidence before a committee shall be entitled to the same witness fees from public funds in the same manners as in criminal proceedings; and

(d) Any person who -

(i) willfully interrupts the proceedings of the Committee; or

(ii) who willfully hinders or obstructs the Committee in the performance of its functions shall be guilty of an offence as contemplated in terms of section 14C."

Insertion of sections 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K, 13L, 13M and 13N in Act 110 of 1998

12. The following in sections are hereby inserted after section 13C of the Principal act:

"Establishment, composition and appointment of Sport Arbitration Tribunal

13D. (1) There is hereby established an independent Tribunal known as the Sport Arbitration Tribunal to hear disputes in the first instance and decide upon appeals against decisions made in terms section 13 and the Act: Provided that notwithstanding anything contained otherwise in any provision in the Act dealing with any dispute

procedure, the Minister may participate as a party in any proceedings before the Tribunal, in the prescribed manner.

(2) The Tribunal consists of at least five members appointed by the Minister.

(3) The members of the Tribunal must be appointed in a manner ensuring—

(a) participation by the public in a nomination process;

(b) transparency and openness;

(c) that a short-list of candidates for appointment is published in the *Gazette*; and

(d) that every appointment of a member of the Sport Arbitration Tribunal is published in the *Gazette*.

(4) (a) At least one member appointed by the Minister must be a retired judge or senior Advocate with relevant experience in sport matters.

(b) The Minister must designate the member referred to in paragraph (a) as Chairperson and another member as Deputy Chairperson of the Tribunal.

(c) The Deputy Chairperson referred to in paragraph (b) must, when the Chairperson is absent or unable to perform his or her duties, act in his or her stead and when so acting, exercise or perform any function of the Chairperson.

(5) The members of the Tribunal must, when viewed collectively be persons who—

(a) possess special knowledge and expertise relating to sport and legal matters; and

(b) are committed to fairness, openness and accountability on the part of those holding public office.

(6) A member of the Tribunal is appointed for a period of two years, but is eligible for re-appointment.

Functions of Sport Arbitration Tribunal

13E. (1) The Sport Arbitration Tribunal may—

(a) adjudicate on any conduct prohibited in terms of this Act, to determine whether prohibited conduct has occurred, and, if so, to impose any remedy provided for in this Act;

(b) adjudicate on any other matter that may, in terms of this Act, be considered by it, and make any order provided for in this Act;

(c) hear appeals from, or review any decision of, the sport and recreational body, Sport Confederation that may in terms of this Act be referred to it; and

(d) make any ruling or order necessary or incidental to the performance of its functions in terms of this Act.

Qualifications of members of Sport Arbitration Tribunal

13F. (1) The Chairperson and other members of the Sport Arbitration Tribunal, viewed collectively must—

(a) represent a broad cross-section of the population of the Republic; and

(b) comprise sufficient persons with legal training and experience to satisfy the requirements of section 31(2)(a).

(2) Each member of the Sport Arbitration Tribunal must—

(a) be a citizen of South Africa, who is ordinarily resident in South Africa;

(b) have suitable qualifications and experience in economics, law, commerce, industry or public affairs; and

(c) be committed to the purposes and principles enunciated in section 2.

(3) A person may not be a member of the Sport Arbitration Tribunal if that person—

(a) is an office-bearer of any party, movement, organisation or body of a partisan political nature;

(b) is an unrehabilitated insolvent;

(c) is subject to an order of a competent court holding that person to be mentally unfit or disordered; or

(d) has been convicted of an offence committed after the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), took effect, and sentenced to imprisonment without the option of a fine.

Term of office of members of Sport Arbitration Tribunal

13G. (1) Subject to subsection (2), the Chairperson and each other member of the Sport Arbitration Tribunal serves for a term of five years.

(2) The President may re-appoint a member of the Sport Arbitration Tribunal at the expiry of that member's term of office, but no person may be appointed to the office of the Chairperson of the Tribunal for more than two consecutive terms.

(3) The Chairperson, on one month written notice addressed to the Minister, may—

(a) resign from the Sport Arbitration Tribunal; or

(b) resign as Chairperson, but remain as a member of the Tribunal.

(4) A member of the Sport Arbitration Tribunal other than the Chairperson may resign by giving at least one month's written notice to the Minister.

(5) The President, on the recommendation of the Minister—

(a) must remove the Chairperson or any other member of the Sport Arbitration Tribunal from office if that person becomes subject to any of the disqualifications referred to in section 13F and

(b) other than as provided in subsection (a), may remove the Chairperson or a member from office only for—

(i) serious misconduct;

(ii) permanent incapacity; or

(iii) engaging in any activity that may undermine the integrity of the Tribunal.

Deputy Chairperson of Sport Arbitration Tribunal

13H. (1) The Minister may designate a member of the Sport Arbitration Tribunal as Deputy Chairperson of the Tribunal.

(2) The Deputy Chairperson performs the functions of Chairperson whenever—

(a) the office of Chairperson is vacant; or

(b) the Chairperson is for any other reason temporarily unable to perform the functions of Chairperson.

Sport Arbitration Tribunal proceedings

13I. (1) The Chairperson is responsible to manage the caseload of the Sport Arbitration Tribunal and must assign each matter referred to the Tribunal to a panel composed of any three members of the Tribunal.

(2) When assigning a matter in terms of subsection (1), the Chairperson must—

(a) ensure that at least one member of the panel is a person who has legal training and experience; and

(b) designate a member of the panel to preside over the panel's proceedings.

(3) If, because of withdrawal from a hearing in terms of section 13G, resignation, illness or death, a member of the panel is unable to complete the proceedings in a matter assigned to that panel, the Chairperson must—

(a) direct that the hearing of that matter proceed before any remaining members of the panel subject to the requirements of subsection (2)(a); or

(b) terminate the proceedings before that panel and constitute another panel, which may include any member of the original panel, and direct that panel to conduct a new hearing.

(4) The decision of a panel on a matter referred to it must be in writing and include reasons for that decision.

(5) If the Sport Arbitration Tribunal may extend or reduce a prescribed period in terms of this Act, the Chairperson of the Tribunal or another member of the Tribunal assigned by the Chairperson, sitting alone, may make an order—

(a) extending or reducing that period; or

(b) condoning late performance of an act that is subject to that period.

(6) A decision of the Chairperson or other person contemplated in subsection (5), or of a majority of the members of a panel in any other matter, is the decision of the Tribunal.

Conflicts and disclosure of interest by members of Sport

Arbitration Tribunal

13J. (1) A member of the Tribunal may not represent any person before a panel of the Tribunal.

(2) If, during a hearing, it appears to a member of the Sport Arbitration Tribunal that a matter concerns a financial or other interest of that member contemplated in section 13F, that member must—

(a) immediately and fully disclose the fact and nature of that interest to the Chairperson and to the presiding member at that hearing;

and

(b) withdraw from any further involvement in that hearing.

Acting by member of Sport Arbitration Tribunal after expiry of term of office

13K. If, on the expiry of the term of office of a member of the Sport Arbitration Tribunal, that member is still considering a matter before the Tribunal, that member may continue to act as a member in respect of that matter only.

Remuneration and benefits of members of Sport Arbitration

Tribunal

13L. (1) The Minister may determine the remuneration, allowances, and other benefits of the Chairperson, Deputy Chairperson and other members of the Sport Arbitration Tribunal.

(2) The Minister may not during the term of office of a member of the Sport Arbitration Tribunal, reduce the member's salary, allowances or benefits.

(3) The Minister may determine any other conditions of appointment not provided for in this section.

Offences

13M. (1) Any person who—

(a) contravenes or fails to comply with section 6 (3)(a)(i) or (ii) and
(e);

(b) contravenes or fails to comply with the provisions of section 13
(4); or

(c) contravenes or fails to comply with sections 14A and 14 B,
is guilty of an offence.

(2) A person who—

(a) manipulates the outcome of a sport or recreational match event;

(b) accepts, agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person;

(c) gives, agrees or offers to any person any gratification, whether for the benefit of another person in return for—

(i) engaging in any act which constitutes a threat to undermine the integrity of any sporting event, including in any way, influencing the run of play or outcome of sporting event; or

(ii) not reporting the act contemplated in this section to the authority or to any other person holding a senior position in the sport and recreation body or to the Minister or delegated person or at his or her nearest police station;
or

(d) gives effect to any scheme which constitutes a threat to or undermine the integrity of any sporting event, including, in any way, influencing the run of play or outcome of a sporting event, is guilty of an offence of corruption activities relating to a sporting event.

(3) A person convicted of an offence in terms of this section is liable to a fine or imprisonment for a period not exceeding twenty years or both a fine and such imprisonment.

Delegation of powers

13N. (1) The Minister may delegate any power conferred, or assign any duty imposed, by this Act, excluding the power to make regulations, to any official or employee of Sport and Recreation South Africa holding the rank of at least a Deputy Director-General.

(2) Any delegation or assignment contemplated in subsection (1)—

(a) shall be subject to such conditions as the Minister may determine;

(b) must be in writing; and

(c) shall not divest the Minister of the power delegated.

(3) The Minister may at any time withdraw a delegation or assignment in writing.

(4) The Director-General may, subject to the conditions that he or she may deem necessary, delegate any power conferred on him or her by this Act, to any officer or employee of Sport and Recreation South Africa, but shall not be divested of any power so delegated."

Amendment of section 14 of Act 110 of 1998, as amended by section 15 of Act 18 of 2007

13. Section 14 of the principal Act is hereby amended—

(a) by the substitution for section 14 of the following section:

"The Minister may, **[after consultation with the Sports Confederation in so far as high-performance sport is concerned]**, make regulations—";

- (b) by the substitution in section 14 for the words preceding paragraph (jC) of the following words:

"(jC) as to procedure to hosting of and bidding for major international sports events,";

- (c) by the insertion after paragraph (jF) of the following paragraphs:

"(jJ) as to the school sport development programme;

(jK) as to the fees for a sport or recreation agent.";

- (d) by the addition t after paragraph (k) of the following paragraphs:

"(m) as to the training of sport coaches;".

Amendment of the long title of Act 110 of 1998 as amended by Act 18 of 2007

14. The long title of the principal Act is hereby substituted by the following long title:

"Act

To provide for the promotion of sport and recreation and the co-ordination of the relationships between Sport and Recreation South Africa and Sports Confederation, national federations and other agencies; to provide for measures aimed at correcting imbalances in sport and recreation; to provide for the dispute resolution mechanisms

in sport and recreation; to provide for the appointment of the Sport Arbitration Tribunal, to provide for offences; to provide for the delegation powers ;to establish the combat sport regulatory authority; to establish the fitness regulator; to provide for the procedure in bidding and hosting of the international sports and recreation events; to provide for the delegation of powers; to empower the Minister to make regulation; and to provide for matters connected therewith."

Short title

15. This Act is called the National Sport and Recreation Amendment Act, 2018, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.