

THE SPORTS BILL
(No. XXXVI of 2016)

Explanatory Memorandum

The main object of this Bill is to repeal the Sports Act 2013 and to replace it by a new Sports Act so as to facilitate the promotion and sustainable development of sports through better management of sports organisations, the creation of an appropriate environment for encouraging participation and achieving excellence in sports, as well as for the healthy development of our citizens, and for related matters.

2. The Bill, inter alia –

- (a) provides for rights and obligations of athletes;
- (b) makes better provision for the registration and functioning of National Sports Federations;
- (c) improves the regulation and management of National Sports Federations;
- (d) provides for a National Anti-Doping Organisation and a National Council for Sports in Schools and Universities.

Y. SAWMYNADEN
Minister of Youth and Sports

16 December 2016

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A BILL

To repeal and re-enact the law relating to sports in Mauritius

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Sports Act 2016.

2. Interpretation

In this Act –

“athlete” means a person engaged in sports activities with or without a disability;

“committee” has the same meaning as in the Registration of Associations Act;

“corporate sports club” means a club set up for the practice of sports by persons who belong to a trade, calling or profession;

“Council” means the Mauritius Sports Council established under section 16;

“disability” means aural, physical, intellectual or visual impairment;

“doping”, in relation to the practice of sports, means the administration of any prohibited substance or the application of any practice intended to enhance performance artificially;

“General Assembly” means the general meeting of a National Sports Federation;

“individual sport” means a sport which an athlete practises on his own;

"IOC" means the International Olympic Committee responsible for the organisation of Olympic Games, having its headquarters in Lausanne, Switzerland;

"Institute" means the National Institute of Sports established under section 35;

"international governing body", in relation to a sport –

(a) means its International Sports Federation or other internationally recognised body; and

(b) includes the IOC;

"International Sports Federation", in relation to a sport, means the international federative body involved in overseeing and coordinating the playing and administration of the sport at international level;

"licence", in relation to an athlete, means a document which authorises the holder to practise a sport for competitive purposes;

"licensee" means the holder of a licence;

"Managing Committee" means the managing committee of a National Sports Federation;

"Mauritius Olympic Committee" means the Mauritius Olympic Committee referred to in section 14;

"Mauritius Paralympic Committee" means the Mauritius Paralympic Committee referred to in section 15;

"Minister" means the Minister to whom responsibility for the subject of sports is assigned;

"Ministry" means the Ministry responsible for the subject of sports;

"MSSSA" means the Mauritius Secondary Schools Sports Association;

"Multisport Organisation" means an organisation grouping sports clubs or schools responsible for the promotion and development of sports, including *handisports*;

"multisports club" means an organisation set up for the practice of 2 or more sports;

"National Sports Federation" means an organisation referred to in section 4;

“national squad”, in relation to a National Sports Federation, means the relevant national team which represents Mauritius in an international sport event;

“NADO” means the National Anti-Doping Organisation referred to in section 21;

“NCSSU” means the National Council for Sports in Schools and Universities referred to in section 31;

“officer” has the same meaning as in the Registration of Associations Act;

“Olympic Charter” means the governing rules of IOC;

“professional athlete” means an athlete who is employed by a sports club and whose main occupation is the practice of a sport against remuneration;

“prohibited substance” means a substance the use of which is prohibited by WADA;

“regional sports committee” means a committee set up under section 12;

“repealed Sports Act 2013” means the Sports Act 2013 repealed under section 51;

“*SportAccord*” means the organisation, composed of autonomous and independent International Sports Federations and other international organisations contributing to sport in various fields, having its registered office in Lausanne, Switzerland;

“sports club” –

(a) means a sports organisation set up for the practice of sports; and

(b) includes a multisports club and a corporate sports club;

“sports region” means –

(a) a geographical region specified in the First Schedule; or

(b) a combination of 2 or more geographical regions, other than Rodrigues;

“supervising officer” means the supervising officer of the Ministry;

“team sport” means a sport which a group of persons forming a team practises;

“Tribunal” means the Sports Arbitration Tribunal referred to in section 45;

"WADA" means the World Anti-Doping Agency.

PART II – STATUS OF ATHLETES

3. Status of athletes

(1) Every athlete engaged in sports activities shall –

- (a) hold a licence issued by the National Sports Federation to which he belongs to;
- (b) prepare himself and compete according to the principles of fair play;
- (c) take part in such medical aptitude, anti-doping or screening tests in line with the nature of the particular sport, as may be prescribed;
- (d) comply with the national and international competition rules and other regulations applicable to the particular sport; and
- (e) have regard to the interests of the National Sports Federation and the person who or which selects him to be part of the national team.

(2) An athlete who is not a licensee may be invited to take part in competitions organised by a National Sports Federation with a valid licence issued for that event.

(3) Notwithstanding any other enactment, every professional athlete shall pursue sports activities under a written contract of employment.

(4) An athlete may receive –

- (a) financial support within the framework of a sponsorship contract;
- (b) assistance, financial or otherwise, in relation to his preparation for, and participation in, a competition;
- (c) a financial reward in respect of his performance.

(5) Notwithstanding any other enactment, any athlete in employment who has been selected to form part of the national team of a sport shall be granted release without any deduction in salary or allowance or leave entitlement during the period of training for, and participation in, a competition.

(6) In this section –

“sponsorship contract” means a contract entered into by an athlete and a sponsor under such terms and conditions as they may mutually agree, which may include the purpose of the sponsorship and support, financial or otherwise, to be provided to the athlete under the contract in order to enable him to prepare for, and participate in, a competition.

PART III – ORGANISATION OF SPORT

Sub-Part A – National Sports Federations

4. National Sports Federations

(1) (a) Subject to this section, there shall be, for each sport, one National Sports Federation which shall be responsible for the promotion and organisation of that sport.

(b) The Minister may, where 2 or more sports are technically similar, authorise, after consultation with the Mauritius Olympic Committee and the International Sports Federations of the sports concerned, a National Sports Federation to be responsible for those sports.

(c) A National Sports Federation shall consist of sports clubs registered under the Registration of Associations Act for the practice of the sport for which the National Sports Federation is responsible.

(2) No organisation shall operate as a National Sports Federation –

(a) other than for the promotion and development of sports which are recognised by the International Olympic Committee or *SportAccord*;

(b) unless it has in at least 3 sports regions, a minimum of 2 sports clubs operating per region; and

(c) unless it has 50 licensees in an individual sport and 6 teams in team sports participating in its annual competitions.

(3) A National Sports Federation shall –

(a) abide by the rules specified in the Second Schedule and by the Registration of Associations Act;

- (b) abide by the rules of its international federation;
- (c) be the only organisation which shall be empowered, with regard to the sport for which it is responsible, to –
 - (i) operate at national level;
 - (ii) uphold the National flag on behalf of the State;
 - (iii) engage Mauritian athletes in international competitions;
 - (iv) seek and maintain affiliation with the appropriate international governing body;
 - (v) issue a licence to –
 - (A) a member of a sports club affiliated with it or with its regional sports committee, where appropriate; and
 - (B) a Mauritian athlete, not being a member of a sports club responsible for an individual sport, who wishes to participate in a competition; and
 - (vi) grant such championship award or title as it may consider appropriate.

(4) A National Sports Federation shall, where applicable, be the only organisation –

- (a) to represent the sport for which it is responsible on the Mauritius Olympic Committee; and
- (b) affiliated with any other international governing body to which its Managing Committee may consider appropriate to affiliate.

(5) Notwithstanding any other enactment, a National Sports Federation shall, in its appellation, include –

- (a) the word “Mauritius” or “Maurice”, as the case may be;
- (b) the name of the sport for which it caters for; and
- (c) the word “Federation” or “Association”.

5. Objects of National Sports Federations

Every National Sports Federation shall –

- (a) ensure that every sports club affiliated with it or with its regional sports committees comply with this Act; and
- (b) uphold and operate on the principles of good governance, transparency, democracy, fairness and non-discrimination.

6. Functions and powers of National Sports Federations

(1) A National Sports Federation shall, in the discharge of its functions and exercise of its powers –

- (a) develop, in collaboration with stakeholders concerned, a yearly programme of its activities including, a national championship, ensure its implementation, and carry out a qualitative and quantitative evaluation of that programme;
- (b) ratify competition results and keep an up to date list of national records;
- (c) keep an up to date register of its licensees;
- (d) arrange for insurance cover against accidents for its licensees and officials during competitions and for athletes undergoing training with its national squad;
- (e) contribute to the setting up of the installations and equipment required for the development of the sport for which it is responsible;
- (f) ensure that no person actively engaged in politics, coach or athlete sits on its Managing Committee or acts as chairperson of any of its regional sports committees or sports club affiliated with it;
- (g) ensure that the members of a sports club affiliated with it, and its National Technical Director, adviser, coach and secretary strive to achieve, in line with the Olympic Charter, a harmonious relationship with every public body and all other stakeholders;
- (h) select the most deserving athletes to represent Mauritius in international competitions on the recommendation of its National Technical Director, National Coach or selection committee, as the case may be;

- (i) submit any unresolved conflict to the Ombudsperson for Sports or the Tribunal;
 - (j) ensure the implementation of any sanction imposed by NADO, the International Sports Federation, the Mauritius Olympic Committee or its arbitration committee, or the Tribunal or any other sanction imposed in relation to doping;
 - (k) ensure that every sports club affiliated with it promotes social cohesion by –
 - (i) not using communal words in its appellation;
 - (ii) promoting multiculturalism as one of its objectives; and
 - (iii) providing, in compliance with the Equal Opportunities Act, that no person is discriminated against in relation to membership of its managing committee or of the club;
 - (l) determine the division or league in which a sports club affiliated with it shall, on affiliation, be entered for the purpose of any national competition;
 - (m) be responsible for the implementation of the principles of regionalisation specified in this Act;
 - (n) ensure that relevant stakeholders are adequately represented on its Managing Committee;
 - (o) in collaboration with the Institute, conduct the specialised component of training courses for sports cadres leading to the *Brevet d'Etat de Cadre Sportif* (BECS) or such other training programme as the Minister may approve; and
 - (p) conduct its activities, and ensure that its regional sports committees and every sports club affiliated with it conduct its activities, in such manner that it does not create any ill feeling towards any section of the community.
- (2) Every National Sports Federation shall –
- (a) sign a performance agreement with the Ministry for funds put at its disposal by the Ministry;

- (b) ensure that all monies, including donations in kind received from the Ministry, any sponsor, its licensees or other sources, are properly reflected in its annual accounts;
- (c) comply with procedures specified in the guidelines for allocation of financial assistance issued by the Ministry to a National Sports Federation;
- (d) submit a report supported by relevant receipts duly certified by it in respect of funds allocated by the Ministry for activities, not later than one month after completion of the said activity.

(3) Article 910 of the Code Civil Mauricien shall not apply to a National Sports Federation.

(4) A National Sports Federation may –

- (a) receive assistance for the furtherance of its objects from the Ministry, the Council, its International Sports Federation, the Mauritius Olympic Committee or any other donor or sponsor approved by the Minister;
- (b) take such disciplinary measure as it may determine against its regional sports committees, a sports club affiliated with it or its licensees; and
- (c) provide advice and support to a Multisport Organisation in respect of the programme of activities for which the National Sports Federation is responsible.

7. Control of anti-doping by National Sports Federations

(1) A National Sports Federation shall arrange for appropriate regular doping control on its licensees and use all possible means to ensure compliance by its licensees with any directive issued by IOC or WADA against the use of any prohibited substance.

(2) Where –

- (a) the result of a doping test conducted in a laboratory recognised by WADA reveals that a licensee has made use of a prohibited substance; or
- (b) a licensee or any other person is found guilty of violating anti-doping rules,

such person shall be sanctioned by NADO in accordance with the WADA code.

8. Annual report of National Sports Federations

(1) A National Sports Federation shall, every year, not later than 3 months after its accounting date, submit to the Ministry and the Mauritius Olympic Committee an annual report incorporating a duly audited financial statement on the operation and activities of the Federation in respect of the preceding financial year.

(2) The report shall include, for the following year, an estimated budget and development plan, including the calendar of activities, for the following year.

9. General Assembly and Managing Committee of National Sports Federations

(1) There shall be a General Assembly for every National Sports Federation which shall be convened not later than 3 months after the end of the financial year.

(2) The General Assembly may meet at any time convened –

(a) by the President of the National Sports Federation;

(b) at the request of the Managing Committee;

(c) at the request of sports clubs representing one third of the total number of all clubs affiliated with the National Sports Federation; or

(d) at the request of the Ministry, after consultation with the Mauritius Olympic Committee, where appropriate.

(3) The General Assembly shall comprise at least one representative from each sports club affiliated with the National Sports Federation.

(4) (a) There shall be a Managing Committee for every National Sports Federation which shall be convened by its secretary at such time and place as may be specified in the rules of the National Sports Federation.

(b) The Managing Committee shall consist of members elected at the General Assembly of the National Sports Federation.

(5) No person shall be eligible for election as a member of a Managing Committee of a National Sports Federation where –

(a) he is a public officer posted at or employed by the Ministry;

(b) he has been sanctioned by the Tribunal within 3 years prior to the date of the election;

- (c) he has been sentenced to imprisonment by a Court for an offence;
- (d) he has failed to maintain harmonious relationship with a public body in line with the Olympic Charter;
- (e) he is an officer or staff member of another National Sports Federation;
- (f) he has not been a member of a sports club which he is representing for one year preceding the election, except in the case of a newly registered National Sports Federation;
- (g) the sports club he is representing does not have the minimum number of licence holders;
- (h) he is currently engaged in coaching;
- (i) he is actively engaged in politics;
- (j) his resignation as a member of a Managing Committee has resulted in a General Assembly being convened for the election of a new Managing Committee; or
- (k) he has previously been tested positive for doping.

(6) Not more than 2 persons closely related by blood or marriage shall be eligible to sit on a Managing Committee.

(7) A person shall not be eligible to stand as candidate for election as a member of the Managing Committee of a National Sports Federation unless he has signed a declaration in the form set out in the Third Schedule and communicated that declaration to its regional sports committee not later than 15 days before the date fixed for the General Assembly.

(8) A National Technical Director, a National Coach and the administrative secretary of a National Sports Federation may attend a meeting of the Managing Committee but shall not have the right to vote.

(9) Where the Managing Committee of a National Sports Federation or a Multisport Organisation –

- (a) persistently fails to carry out its functions in accordance with its rules or this Act;
- (b) commits an act which is prejudicial to the interest of its members or its licensees; or

(c) is otherwise not functioning properly due to internal conflicts,

the supervising officer may –

- (i) by written order, dissolve the Managing Committee; and
- (ii) where appropriate, appoint, after consultation with the Mauritius Olympic Committee, a temporary committee to manage the affairs of the National Sports Federation until the election of a new Managing Committee within a period of 3 months from the date of appointment of the temporary committee.

(10) In this section –

“minimum number of licence holders” means –

- (a) in the case of individual sports, 7 licence holders; and
- (b) in the case of team sports, one team,

who have or which has regularly participated in competitions organised by the National Sports Federation during the year, except for newly registered National Sports Federations.

10. Assistance to National Sports Federations

(1) A National Sports Federation may receive assistance, financial or otherwise, from the Ministry and shall strive to seek alternative sources of funding.

(2) The Ministry may provide assistance to a National Sports Federation subject to the Federation complying with this Act.

(3) An application for assistance shall be accompanied by evidence that the National Sports Federation –

- (a) is registered under the Registration of Associations Act;
- (b) is exercising a specific, real and ongoing sport;
- (c) has the required administrative and technical set-up to satisfactorily promote that sport; and
- (d) is affiliated to the international body responsible for that particular sport and which is recognised by the International Olympic Committee or the *SportAccord*.

(4) No assistance shall be provided to a National Sports Federation where it fails to –

- (a) submit an audited financial statement, inclusive of sponsorship, monies within one month from the holding of the General Assembly;
- (b) produce an insurance policy certificate covering its licensees;
- (c) sign a performance agreement with the Ministry;
- (d) produce duly certified receipts in respect of funds allocated by the Ministry for previous activities;
- (e) supply realistic and correct data at the time of submission of request for support;
- (f) use any assistance provided;
- (g) use any funds disbursed for the purpose mutually agreed upon between the National Sports Federation and the Ministry.

(5) Every National Sports Federation shall spend at least 30 per cent of its annual funds to promote its sports locally.

(6) Where the Ministry is satisfied that a National Sports Federation no longer complies with this Act, the National Sports Federation shall not be eligible to receive assistance from the Ministry.

Sub-Part B – Multisport Organisations

11. Multisport Organisations

(1) There shall be Multisport Organisations for the promotion of sports by, and the organisation of competitions between, multisports clubs or schools affiliated with them.

(2) A Multisport Organisation shall –

- (a) uphold and operate on the principles of good governance, transparency, democracy, fairness and non-discrimination;
- (b) conduct its activities, and ensure that every sports club or school affiliated with it strives to conduct its activities, in such manner that it does not create any ill feeling towards any section of the community;

- (c) where appropriate, seek and maintain affiliation with the appropriate International Sports Federation;
- (d) ensure that every sports club or school affiliated with it and its National Technical Director, adviser, coach and secretary strive to achieve, in line with the Olympic Charter, a harmonious relationship with every public body and other stakeholders;
- (e) issue licences to, and make provision for medical control and insurance cover for, every athlete of a multisports club or school affiliated with it;
- (f) after consultation with the appropriate National Sports Federation, establish a programme of activities for each year and organise competitions or games at regional, national and international level;
- (g) select sportsmen who shall represent Mauritius in international competitions;
- (h) use all possible means to ensure compliance by every licensee with any directive issued by IOC or WADA against the use of any prohibited substance;
- (i) ensure the implementation of any sanction imposed by the International Sports Federation with which it is affiliated, the Mauritius Paralympic Committee or Tribunal.

(3) A Multisport Organisation may –

- (a) take such disciplinary action as it may determine against a sports club or school affiliated with it, or a licensee; and
- (b) grant such awards as it may consider appropriate.

(4) Article 910 of the Code Civil Mauricien shall not apply to a Multisport Organisation.

(5) Notwithstanding any other enactment, a Multisport Organisation shall, in its appellation, include –

- (a) the word “Mauritius” or “Maurice”, as the case may be;
- (b) the group for which it caters for; and
- (c) the word “Federation” or “Association”.

Sub-Part C – Regional Organisation of Sport

12. Regional operation of National Sports Federations

(1) For the purpose of section 4(2)(b), a National Sports Federation may combine 2 or more sports regions, other than Rodrigues, to form one sports region.

(2) Every National Sports Federation shall –

(a) set up a regional sports committee in each sports region in which it operates, which shall consist of representatives of at least 2 sports clubs from the sports region.

(b) after consultation with its regional sports committee, allocate to that committee 2 or more sports clubs affiliated with it;

(c) ensure that a regional sports committee –

(i) has the name of its region as part of its name;

(ii) appoints its officers in such a way that no person is discriminated against by reason of race, community, caste, creed or colour;

(iii) conducts its activities in such manner that it runs no risk of creating any ill feeling towards any section of the community.

(3) A regional sports committee shall comply with the provisions of the Fourth Schedule.

(4) A sports club affiliated with a National Sports Federation or a regional sports committee shall not represent Mauritius in a regional or international competition without the approval of the relevant National Sports Federation.

Sub-Part D – Sports Clubs

13. Sports clubs

(1) Subject to subsection (2), a sports club, other than a corporate sports club, the members of which practise a sport for competitive purposes, shall –

(a) have as part of its name, the name of the region or locality where its sports or management premises is situated, together with –

- (i) the words "Sports Club"; or
 - (ii) the name of the sport it practises followed by the word "Club"; and
 - (iii) where it so wishes, a word or expression such as "United", "Rovers" or "Union", in English or French;
- (b) admit its members and elect its officers in such a way that no person is discriminated against by reason of race, community, caste, creed or colour;
 - (c) conduct its activities in such manner that no ill feeling is created towards any section of the community;
 - (d) be registered with the Registrar of Associations; and
 - (e) uphold and operate on the principles of good governance, transparency, democracy, fairness and non-discrimination.
- (2) A sports club –
- (a) shall not, as part of its name, use any communal word;
 - (b) shall promote multiculturalism as one of its objectives;
 - (c) shall, in compliance with the Equal Opportunities Act, ensure that no person is discriminated against in relation to membership of the club.
- (3) A sports club affiliated with a National Sports Federation shall pay to it an annual fee on such date as may be specified in the rules of the National Sports Federation.
- (4) A person shall not be an officer of more than one sports club affiliated with a National Sports Federation.

PART IV – OLYMPIC COMMITTEES
Sub-Part A – Mauritius Olympic Committee

14. Mauritius Olympic Committee

- (1) (a) The Mauritius Olympic Committee referred to in the repealed Sports Act 2013 shall be the Mauritius Olympic Committee under this Act.
- (b) The Mauritius Olympic Committee shall be a non-profit making corporate body.

- (2) The Mauritius Olympic Committee shall –
- (a) integrate in its rules the principles of the Olympic Charter;
 - (b) uphold and operate on the principles of good governance, transparency, democracy, fairness and non-discrimination;
 - (c) promote sports in general and the Olympic movement;
 - (d) encourage the participation of Mauritius and Mauritian athletes in the Olympic Games and in any regional or international sports competition having the patronage of IOC;
 - (e) undertake the organisation, in Mauritius, of the competitions referred to in paragraph (d), whenever possible;
 - (f) officially represent Mauritius and uphold the National flag at international meetings;
 - (g) ensure the legal protection of the Olympic emblem, flag, symbol and motto and the use of the words "Olympic" and "Olympiad";
 - (h) take action against any form of discrimination and violence in sport and combat the use of prohibited substances;
 - (i) safeguard its autonomy;
 - (j) set up an arbitration committee to settle any conflict within the Olympic Committee or within sports organisations; and
 - (k) hold a General Assembly of its members at least once a year and include, in its agenda, the presentation of an annual report and audited financial statements, the approval of new members and election of its officers and members of its executive body, as the case may be.

(3) (a) The membership of the Mauritius Olympic Committee and Executive Committee of the Mauritius Olympic Committee shall be in accordance with the provisions of the Olympic Charter and the rules of the Mauritius Olympic Committee.

(b) The voting procedure at the level of the Executive Committee of the Mauritius Olympic Committee shall be in accordance with the provisions of the Olympic Charter and the rules of the Mauritius Olympic Committee and shall be made known to its members in advance.

- (4) The Mauritius Olympic Committee shall –
- (a) strive to achieve a harmonious relationship with the Ministry and all other stakeholders; and
 - (b) share information, with the Ministry, on important decisions in relation to any sport and the admission of new members.

(5) Article 910 of the Code Civil Mauricien shall not apply to the Mauritius Olympic Committee.

Sub-Part B – Mauritius Paralympic Committee

15. Mauritius Paralympic Committee

(1) (a) There shall be a Mauritius Paralympic Committee grouping all National Sports Federations catering for persons with a disability and which shall be an organisation registered under the Registration of Associations Act.

(b) The Mauritius Paralympic Committee shall be affiliated with the International Paralympic Committee.

(c) The Mauritius Paralympic Committee shall coordinate the participation of persons with disability in the sport in which they compete.

(2) (a) The Mauritius Paralympic Committee shall consist of not less than 7 nor more than 11 members to be elected from among 3 representatives from each of the Multisport Organisations catering for persons with a disability.

(b) The members of the Mauritius Paralympic Committee shall –

(i) hold office for a period of 4 years; and

(ii) elect from among themselves a chairperson who shall hold office for a period of 4 years.

(3) Every member of the Mauritius Paralympic Committee shall have one vote on any matter before it and in case of an equality of votes, the chairperson shall have a casting vote.

(4) Every Multisport Organisation catering for *handisports* shall make provision in its rules for the vacation of office by the President on his election to the presidency of the Mauritius Paralympic Committee.

(5) Article 910 of the Code Civil Mauricien shall not apply to the Mauritius Paralympic Committee.

PART V – MAURITIUS SPORTS COUNCIL

16. Establishment of Council

(1) (a) The Mauritius Sports Council referred to in the repealed Sports Act 2013 shall be deemed to be established under this Act.

(b) The Council shall be a body corporate.

(2) (a) The Council shall be administered and managed by a Board which shall consist of –

- (i) a chairperson, to be appointed by the Minister;
- (ii) a representative of the Ministry;
- (iii) a representative of the Ministry responsible for the subject of education;
- (iv) a representative of the Ministry responsible for the subject of finance;
- (v) the chairperson of the National Women's Sports Commission; and
- (vi) 7 other members, who shall have proven track record in sports, at least 3 of whom shall be of the female gender, to be appointed by the Minister.

(b) The members of the Council shall –

- (i) hold office for a period of 2 years; and
- (ii) be paid such allowance as the Minister may determine.

(3) (a) At any meeting of the Council, 7 members shall constitute a quorum.

(b) Subject to this section, the Council shall regulate its meetings and proceedings in such manner as it may determine.

17. Functions and powers of Council

(1) The Council shall –

- (a) maintain and manage sports infrastructures, including all facilities and equipment, entrusted to it by the Ministry;

- (b) employ, on such terms and conditions as it may determine, such staff as it considers necessary for the proper discharge of its functions;
- (c) with the approval of the Minister, provide financial assistance to National Sports Federations, as appropriate.

(2) The Minister may give such directions of a general character to the Council, not inconsistent with this Act, which he considers necessary in the interest of sports, and the Council shall comply with those directions.

18. Income of Council

- (1) The Council shall derive its income from –
 - (a) subsidies from Government; and
 - (b) such other source as the Minister may approve.

(2) The Council may, to further its objects, call for, and receive, donations from such source as the Minister may approve.

- (3) Article 910 of the Code Civil Mauricien shall not apply to the Council.

19. Assistance by Council

(1) Where a National Sports Federation wishes to obtain assistance, financial or otherwise, from the Council, it shall make an application to the Council in such form as the Council may approve.

(2) No assistance shall be provided under subsection (1) unless the applicant furnishes to the Council –

- (a) its calendar of activities, together with the corresponding estimated expenditure, for such period as may be specified in the application form;
- (b) information in relation to any sponsorship received in connection with its calendar of activities; and
- (c) such other document or information as the Council may require.

(3) Where the Council is satisfied that financial assistance may be provided to a National Sports Federation, it may allocate the funds in one lump sum or in not more than 3 instalments over a period of one year.

(4) Financial assistance by the Council shall be provided to a National Sports Federation in terms of –

- (a) international membership fees;
- (b) remuneration payable to the administrative secretary, if any; and
- (c) auditing fees.

(5) (a) A National Sports Federation to which financial assistance has been provided shall, within 4 months from the expiry of the period referred to in subsection (3), submit to the Council a duly audited statement of accounts.

(b) Where a National Sports Federation fails to submit a duly audited statement of accounts to the Council, the National Sports Federation shall cease to be eligible to financial assistance by the Council.

20. Annual report of Council

(1) The Council shall prepare and submit to the Minister, in accordance with the Statutory Bodies (Accounts and Audit) Act, an annual report together with a statement of accounts audited by a person approved by the Minister, on the operations of the Council in respect of every financial year.

(2) The annual report shall include a statement of audited accounts containing –

- (a) a balance sheet; and
- (b) a statement of income and expenditure during the year.

(3) The Minister shall, at the earliest available opportunity, lay a copy of the annual report before the Assembly.

PART VI – NATIONAL ANTI-DOPING ORGANISATION

21. National Anti-Doping Organisation

(1) There shall be, for the purposes of this Act, a National Anti-Doping Organisation which shall be known as NADO.

- (2) (a) NADO shall consist of –
- (i) a chairperson, who shall be the supervising officer or his representative;
 - (ii) the local representative of WADA; and

- (iii) 3 other members, who shall have expertise in the field of anti-doping, to be appointed by the Minister.
- (b) The members of NADO shall –
 - (i) hold office for a period of 2 years; and
 - (ii) be paid such allowance as the Minister may determine.
- (3) (a) The Minister may, where appropriate, appoint any other person having expertise in the field of anti-doping to assist NADO.
- (b) A member referred to in subsection (2)(a)(iii) –
 - (i) shall be appointed on such terms and conditions as the Minister may determine; and
 - (ii) may take part in the proceedings of NADO but shall have no right to vote.
- (4) (a) At any meeting of NADO, the chairperson and 2 other members shall constitute a quorum.
- (b) Subject to this section, NADO shall regulate its meetings and proceedings in such manner as it may determine.
- (5) The Minister –
 - (a) shall designate a public officer to act as secretary to NADO; and
 - (b) may designate such other public officers as he may determine to assist the NADO in the discharge of its functions.
- (6) (a) The Minister may give such written directions of a general character to NADO, not inconsistent with this Act, as he considers necessary in the public interest, and NADO shall comply with those directions and the WADA Code.
- (b) The Ministry may require NADO to furnish such information in such manner and at such time as it may determine in respect of its activities and NADO shall supply that information.

22. Objects of NADO

NADO shall –

- (a) promote participation in sports, free from the use of prohibited substances or other methods intended to artificially enhance performance; and
- (b) ensure that Mauritius complies with any anti-doping code of WADA and any other international agreement concerning the prohibition of the use of drugs and doping in sports to which Mauritius is a party.

23. Functions of NADO

NADO shall, in the discharge of its functions –

- (a) disseminate information and encourage the development of programmes for the education of the community in general and the sporting community on the dangers of doping in sports;
- (b) provide information relating to sanctions for positive testing in doping, the use of prohibited substances and violation of any anti-doping rules;
- (c) develop and implement educational programmes to discourage the practice of doping and anti-doping rule violations in sports;
- (d) set up a centralised independent sample collection and testing programme which may subject any athlete to anti-doping test at short notice, or without notice, both in and out of competition or game;
- (e) coordinate all activities relating to procedures and sample collection in accordance with WADA rules;
- (f) conduct its activities in accordance with any code issued by WADA;
- (g) set up a Therapeutic Use Exemption (TUE) Committee and a Results Management Committee (RMC) in accordance with WADA rules;
- (h) impose appropriate sanctions on athletes and persons found guilty of violating an anti-doping rule in accordance with WADA code; and
- (i) advise the Minister on any matter relating to doping in sports.

24. Cooperation with NADO

(1) (a) Where a National Sports Federation or Multisport Organisation fails to cooperate with NADO in relation to anti-doping rule violations, the National Sports Federation or Multisport Organisation shall be sanctioned in accordance with WADA code.

(b) NADO shall inform every relevant international bodies of the sanction imposed under paragraph (a).

(2) NADO shall inform the athlete or the person found guilty of a violation of an anti-doping rule and the National Sports Federation concerned of the outcome of any anti-doping test effected or of any anti-doping rule violation.

25. Income of NADO

(1) NADO shall derive its income from –

(a) subsidies from Government; and

(b) such other source as the Minister may approve.

(2) Article 910 of the Code Civil Mauricien shall not apply to NADO.

26. Annual report of NADO

(1) NADO shall prepare and submit to the Minister, in accordance with the Statutory Bodies (Accounts and Audit) Act, an annual report together with a statement of accounts audited by a person approved by the Minister, on its operations in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report before the Assembly.

PART VII – NATIONAL WOMEN’S SPORTS COMMISSION

27. National Women’s Sports Commission

(1) (a) There shall be, for the purposes of this Act, a National Women’s Sports Commission, which shall also be known as the *Commission Nationale du Sport Féminin*.

(b) The National Women’s Sports Commission shall be a body corporate.

(c) The National Women’s Sports Commission shall consist of a chairperson and 10 other members, to be appointed by the Minister.

(2) The members of the National Women’s Sports Commission shall –

(a) comprise a majority of members of the female gender;

(b) hold office for a period of 2 years; and

(c) be paid such allowance as the Minister may determine.

(3) (a) At any meeting of the National Women's Sports Commission, the chairperson and 5 other members shall constitute a quorum.

(b) Subject to section, the National Women's Sports Commission shall regulate its meetings and proceedings in such manner as it may determine.

(4) (a) The Minister may give such directions of a general character to the National Women's Sports Commission, not inconsistent with this Act, which he considers necessary in the public interest, and the National Women's Sports Commission shall comply with those directions.

(b) The Minister may require the National Women's Sports Commission to furnish such information in such manner and at such time as he may determine in respect of its activities and the National Women's Sports Commission shall supply that information.

28. Objects and functions of National Women's Sports Commission

The National Women's Sports Commission shall –

- (a) encourage and promote the practice of sports by women, and in particular, schoolgirls;
- (b) encourage and carry out appropriate studies to foster the practice of sports by women;
- (c) encourage, organise and assist the training of appropriate sports cadres for the promotion of sports among women;
- (d) work in close collaboration with –
 - (i) the Ministry responsible for the subject of gender equality;
 - (ii) educational institutions; and
 - (iii) national and international sports organisations responsible for the promotion and organisation of sports; and
- (e) advise and make recommendations to the Minister for the promotion of sports for women;
- (f) employ, on such terms and conditions as it may determine, such staff as it considers necessary for the proper discharge of its functions.

29. Income of National Women's Sports Commission

The National Women's Sports Commission shall derive its income from –

- (a) subsidies from Government; and
- (b) such other source as the Minister may approve.

30. Annual report of National Women's Sports Commission

(1) The National Women's Sports Commission shall prepare and submit to the Minister, in accordance with the Statutory Bodies (Accounts and Audit) Act, an annual report together with a statement of accounts audited by a person approved by the Minister, on the operations of the National Women's Sports Commission in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report of the National Women's Sports Commission before the Assembly.

PART VIII – NATIONAL COUNCIL FOR SPORTS IN SCHOOLS AND UNIVERSITIES

31. National Council for Sports in Schools and Universities

(1) There shall be, for the purposes of this Act, a National Council for Sports in Schools and Universities, which shall be a body corporate.

(2) NCSSU shall be administered and managed by a Board which shall consist of –

- (a) a chairperson, to be appointed by the Minister;
 - (b) a representative of the Ministry;
 - (c) a representative of the Ministry responsible for the subject of education;
 - (d) a representative of the Private Secondary Education Authority;
 - (e) a representative of the MSSSA; and
 - (f) 4 other members, having wide experience in the field of sports, to be appointed by the Minister.
- (3) The members of the Board shall –
- (a) hold office for a period of 2 years; and

(b) be paid such allowance as the Minister may determine.

(4) (a) At any meeting of the Board, 6 members shall constitute a quorum.

(b) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it may determine.

(5) (a) The Minister may give such directions of a general character to NCSSU, not inconsistent with this Act, which he considers necessary in the public interest and NCSSU shall comply with those directions.

(b) The Minister may require NCSSU to furnish such information in such manner and at such time as he may determine in respect of its activities and NCSSU shall supply that information.

32. Objects and functions of NCSSU

NCSSU shall –

- (a) ensure the organisation of yearly National Inter-College Sports in collaboration with MSSSA;
- (b) ensure that promising and talented young athletes are identified at a young age and provided the necessary guidance and technical assistance by the relevant National Sports Federation;
- (c) promote, in collaboration with universities, the practice of sports among students and the organisation of sports events;
- (d) assist and collaborate with MSSSA in order to develop the practice of sports in schools and to organise regional schools sports events;
- (e) employ, on such terms and conditions as it may determine, such staff as it considers necessary for the proper discharge of its functions;
- (f) advise the Minister on policy formulation with regard to practice of sports among students.

33. Income of NCSSU

NCSSU shall derive its income from –

- (a) subsidies from Government; and
- (b) such other source as the Minister may approve.

34. Annual report of NCSSU

(1) NCSSU shall prepare and submit to the Minister, in accordance with the Statutory Bodies (Accounts and Audit) Act, an annual report together with a statement of accounts audited by a person approved by the Minister, on the operations of NCSSU in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report of NCSSU before the National Assembly.

PART IX – TRAINING AND SPORTS INSTALLATIONS

Sub-Part A – National Institute of Sports

35. Establishment of Institute

(1) There is established, for the purposes of this Act, a National Institute of Sports which shall be a body corporate.

(2) The Minister may give such written directions of a general character to the Institute, not inconsistent with this Act, which he considers necessary in the interest of sports, and the Institute shall comply with those directions.

36. Objects of Institute

The Institute shall –

- (a) act as the main centre for the consolidation and development of the sports community through education, training, coaching, and for the exchange of information in the field of sports; and
- (b) promote and develop capacity building and sports leadership.

37. Functions of Institute

The Institute shall, in furtherance of its objects –

- (a) assist athletes under training at the Institute in their academic education, vocational training and career development;
- (b) provide sports related scientific and medical services to elite athletes and coaches in order to cater for the needs of the athletes undergoing training programmes;
- (c) ensure the training of technical cadres and sports administrators;
- (d) organise and conduct training courses leading to the *Brevet d'Etat de*

Cadre Sportif (BECS), Certificate, Diploma and Higher Diploma in Sports;

- (e) provide facilities for and engage in research and coaching in the promotion and development of sports philosophy, principles and values;
- (f) organise and conduct examinations and award certificates on its own or in collaboration with universities or other recognised institutions;
- (g) provide accreditation to, and register, coaches in consultation with National Sports Federations;
- (h) collaborate with the Mauritius Olympic Committee, National Sports Federations and any other organisation for the training of high-level athletes and training of technical cadres;
- (i) establish links with foreign training institutions and organisations; and
- (j) provide consultancy and advisory services in the field of sports.

38. Powers of Institute

The Institute shall have such powers as may be necessary to discharge its functions most effectively and may, in particular –

- (a) employ resource persons;
- (b) use resource persons from universities and other institutions;
- (c) enter into an agreement or other relationship with other institutions, at national and international levels, including the incorporation within the Institute of any other institution and the taking over of property, rights, privileges and liabilities of any such institution;
- (d) determine the conditions under which trainees may be admitted to the Institute and the disciplinary provisions to which such trainees shall be subject; and
- (e) levy such fees as it may, with the approval of the Minister, determine.

39. The Board

(1) The Institute shall be administered by a Board which shall consist of –

- (a) a chairperson, to be appointed by the Minister;
- (b) the supervising officer or his representative;

- (c) the Chief Executive Officer of the Institute;
- (d) a representative of the Ministry responsible for the subject of education;
- (e) a representative of the Ministry responsible for the subject of health; and
- (f) 3 other members, having wide experience in the field of sports, to be appointed by the Minister.

(2) The chairperson and the members referred to in subsection (1)(f) shall hold office for a period of 2 years and shall be eligible for reappointment.

(3) Every member shall be paid such allowance as the Board may, with the approval of the Minister, determine.

(4) (a) At any meeting of the Board, 5 members shall constitute a quorum.

(b) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it may determine.

40. Chief Executive Officer

(1) The Board may, with the concurrence of the Minister, appoint a Chief Executive Officer of the Institute on such terms and conditions as the Board may determine.

(2) The Chief Executive Officer shall, in the exercise of his functions –

- (a) be responsible for the execution of the policy of the Board and for the control and management of the day-to-day business and activities of the Institute;
- (b) act in accordance with such directives as he may receive from the Board;
- (c) aim to achieve annual performance targets set by the Board; and
- (d) every 3 months, submit to the Board a report in relation to the activities and finances of the Institute.

(3) The Minister may, in the absence of the Chief Executive Officer, designate a public officer to perform the duties of Chief Executive Officer.

41. Programme Officer

(1) The Board may, with the concurrence of the Minister, appoint a Programme Officer of the Institute on such terms and conditions as the Board may determine.

(2) The Programme Officer shall, in the exercise of his functions –

- (a) ensure the implementation of training and coaching programmes for the Institute;
- (b) plan, monitor and control all training programmes; and
- (c) perform such other duties as the Chief Executive Officer may assign to him.

(3) The Minister may, in the absence of the Programme Officer, designate a public officer to perform the duties of Programme Officer.

42. Income of Institute

(1) The Institute shall derive its funds from –

- (a) Government subsidies;
- (b) any dues or fees levied by the Institute; and
- (c) any other source approved by the Minister.

(2) Article 910 of the Code Civil Mauricien shall not apply to the Institute.

43. Annual report of Institute

(1) The Institute shall prepare and submit to the Minister, in accordance with the Statutory Bodies (Accounts and Audit) Act, an annual report together with a statement of accounts audited by a person approved by the Minister, on the operations of the Institute in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report before the Assembly.

Sub-Part B – Sports Installations and Equipment

44. Sports installations and equipment

(1) The Minister may, after consultation with organisations or authorities

concerned, give such written directions as he considers necessary for the use, by national squads, of any sports installations or equipment set up with the assistance of Government and such directions shall be complied with.

(2) In this section –

“sports equipment” and “sports installation” include sports equipment, sports facilities and sports infrastructure.

PART X – SPORTS ARBITRATION TRIBUNAL

45. Sports Arbitration Tribunal

(1) (a) There shall be a Sports Arbitration Tribunal which shall consist of –

(i) a chairperson, who shall be a barrister-at-law or attorney-at-law of not less than 10 years standing, to be designated by the Minister after consultation with the Attorney General;

(ii) one member, who shall have technical competence and experience in sports, to be appointed by the Minister; and

(iii) one member, who shall have technical competence and experience in sports, to be appointed by the Mauritius Olympic Committee.

(b) The Tribunal shall sit on a part-time basis.

(c) Every member of the Tribunal shall, before assuming office, make and sign the declaration set out in the Fifth Schedule before a Magistrate.

(d) The Minister shall cause the names of the members of the Tribunal to be published in the Gazette.

(e) The members of the Tribunal shall be appointed for a period of 4 years and on such other terms and conditions as the Minister may determine.

(2) The Tribunal shall have jurisdiction to adjudicate on any dispute relating to sports referred to it by the Ombudsperson for Sports or any person who feels aggrieved by a decision of the Mauritius Olympic Committee, a National Sports Federation, a Multisport Organisation, a regional sports committee, a sports club, a licensee, any member, referee, coach or other official of a sports organisation.

(3) The Minister may designate a public officer to act as secretary to the Tribunal.

(4) (a) Where any member, or any person related to the member by blood or marriage, has a pecuniary or other material interest in relation to any matter before the Tribunal, that member –

(i) shall disclose the nature of the interest before or at the meeting convened to discuss that matter; and

(ii) shall not take part in any deliberations relating to that matter.

(b) A disclosure of interest made under paragraph (a) shall be recorded in the minutes of proceedings of the meeting convened to discuss that matter.

(5) (a) The Tribunal may make such rules as it may determine for the purpose of dealing with, hearing and adjudicating on disputes referred to it.

(b) Any rules made under paragraph (a) may provide for –

(i) the practice and procedure before the Tribunal;

(ii) the taking of fees and levying of charges.

46. Ombudsperson for Sports

(1) The Minister may, on such terms and conditions as he may determine, appoint an Ombudsperson for Sports after consultation with the Mauritius Olympic Committee.

(2) The Ombudsperson for Sports shall be a person well versed in matters of sports.

(3) Notwithstanding section 45, any person who feels aggrieved by a decision of the Mauritius Olympic Committee, the Mauritius Paralympic Committee, a National Sports Federation, a Multisport Organisation, a regional sports committee, a sports club, a licensee, any member, referee, coach or other official of a sports organisation may, on good cause shown and within 21 days from the date of the decision or a dispute arises, appeal to the Ombudsperson for Sports for conciliation.

(4) On receipt of an appeal under this section, the Ombudsperson for Sports may initiate an enquiry into the matter or invite disputing parties for an amicable settlement of the matter in dispute.

(5) Where the Ombudsperson for Sports comes to the conclusion that an amicable settlement is not possible –

- (a) he may refer the dispute to the Tribunal;
- (b) any of the aggrieved parties may, within 90 days from the date he or it is informed of the conclusion of the Ombudsperson for Sports, have recourse to the arbitration mechanisms under this Act.

(6) The Minister may designate a public officer to assist the Ombudsperson for Sports.

(7) For the purpose of an enquiry under this section, the Ombudsperson for Sports may –

- (a) summon witnesses;
- (b) call for the production of any documents or exhibit.

(8) Any person who fails to comply with subsection (7) shall commit an offence.

PART XI – MISCELLENEOUS

47. Sports Academies

(1) The Minister may, for the purposes of this Act, in collaboration with National Sports Federations and such other person or organisation, whether local or international, as he may determine, set up such sports academies as he may consider necessary.

(2) A sports academy shall strive for excellence in a particular sport by detecting, training and coaching young individuals having potential in a particular sport in order to form elite athletes.

48. Assistance to sports organisations

The Minister may, on a case to case basis and where he considers it necessary, grant assistance, financial or otherwise, to a sports organisation registered under the Registration of Associations Act.

49. Offences

- (1) Any person who –
 - (a) contravenes this Act;

- (b) wilfully makes a false report, furnishes false information, fails to maintain accounts or maintains false accounts; or
- (c) fails to produce any document or record that the Ministry requires for the purposes of this Act,

shall commit an offence.

(2) Any person who commits an offence under this Act shall, on conviction, be liable to a fine not exceeding 100,000 rupees.

50. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Any regulations made under subsection (1) may provide –

- (a) for the implementation of measures for the promotion and development of sports;
- (b) for medical aptitude, anti-doping or screening tests, including such measures as may be required for the purpose of controlling anti-doping;
- (c) for the setting up, operation and management of sports academies, and the requirements for, and conditions relating to, admission to sports academies;
- (d) for the amendment of the Schedules;
- (e) for the levying of fees and charges;
- (f) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees.

51. Repeal

The Sports Act 2013 is repealed.

52. Consequential amendments

(1) The Income Tax Act is amended, in the Second Schedule, in Part II, in Sub-part C, by adding the following new item –

33. Income received by an athlete, as defined under the Sports Act 2016, in terms of –

- (a) financial support he receives within the framework of a sponsorship contract;
- (b) financial assistance he receives in relation to his preparation for, and participation in, a competition;
- (c) a financial reward in respect of his performance.

(2) The Registration of Associations Act is amended, in –

(a) section 6 –

- (i) in subsection (1), by repealing paragraph (ea), the word “and” at the end of paragraph (e) being added;
- (ii) in subsection (4), by deleting the words “Sports Act” wherever they appear and replacing them by the words “Sports Act 2016”;

(b) section 7(1), by deleting the words “Sports Act” and replacing them by the words “Sports Act 2016”.

53. Transitional provisions

(1) A licence issued to an athlete under the repealed Sports Act 2013 shall, at the commencement of this Act, remain valid until its expiry.

(2) (a) A regional sports committee set up, or deemed to be set up, under the repealed Sports Act 2013 shall, at the commencement of this Act, be deemed, subject to it satisfying the requirements of this Act, to be a regional sports committee under this Act.

(b) A sports club recognised by the Minister under the repealed Sports Act 2013 and registered under the Registration of Associations Act shall, at the commencement of this Act, be deemed, subject to it satisfying the requirements of this Act, to be a sports club under this Act.

(c) A regional sports committee referred to in paragraph (a) or a sports club referred to in paragraph (b), which is deemed to be a regional sports committee or sports club, as the case may be, under this Act, shall, at the commencement of this Act, continue to operate under the name under which it was registered.

(3) A National Sports Federation which obtained recognition as such under

repealed Sports Act 2013 shall, at the commencement of this Act, be deemed, subject to its satisfying the requirements of this Act, to be the National Sports Federation responsible for the sport concerned.

(4) Notwithstanding section 16, the members of the Council under the repealed Sports Act 2013 shall, at the commencement of this Act, continue in office for the remainder of their term of office until the Board of the Council is constituted under this Act.

(5) Notwithstanding section 45, any hearing before the Tribunal set up under the repealed Sports Act 2013 which –

- (a) has started and is pending at the commencement of this Act, shall continue as if the repealed Sports Act 2013 were still in operation; or
- (b) has not started at the commencement of this Act, shall, on the commencement of this Act, be transferred to the Tribunal under this Act.

(6) Notwithstanding section 46 –

- (a) any enquiry or conciliation process, under section 42 of the repealed Sports Act 2013, which has started following an appeal and is pending at the commencement of this Act, shall continue as if the repealed Sports Act 2013 were still in operation; or
- (b) an appeal lodged under section 42 of the repealed Sports Act 2013 which has not been considered and dealt with at the commencement of this Act, shall, on the commencement of this Act, be transferred to the Ombudsperson for Sports under this Act.

(7) Where this Act does not make provision for the necessary transition from the repealed Sports Act 2013, the Minister may make regulations for such transition.

54. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

FIRST SCHEDULE

[Section 2]

SPORTS REGIONS

Beau Bassin/Rose Hill

Black River

Curepipe

Flacq

Grand Port

Moka

Pamplemousses

Port Louis

Quatre Bornes

Rivière du Rempart

Rodrigues

Savanne

Vacoas/Phoenix

SECOND SCHEDULE

[Section 4(3)]

RULES APPLICABLE TO NATIONAL SPORTS FEDERATIONS

1. General

Without prejudice to the Registration of Associations Act, a National Sports Federation shall, in its rules, make provision –

- (a) for the composition, the voting rights and the powers of its General Assembly and its Managing Committee;
- (b) for the setting up of an arbitration committee to resolve disputes involving its office bearers, referees, technical officials, coaches, licensees and such other persons as it may determine;
- (c) that every sports club affiliated with it and its regional sports committees be responsible for any misconduct of their supporters;
- (d) for the employment of an administrative secretary, the duties to be assigned to him and the delegation to him of the day-to-day business of the federation;
- (e) in compliance with the Equal Opportunities Act, to ensure that no person is discriminated against in relation to the membership of its Managing Committee;
- (f) for enabling its Managing Committee to set up subcommittees, including a technical and training subcommittee, and a disciplinary subcommittee;
- (g) for the vacation of office by the President on his election to the presidency of the Mauritius Olympic Committee;
- (h) for the formalities to be fulfilled by any person who wishes to obtain a licence from it, including the production of an appropriate medical certificate and, in the case of a minor, parental authorisation;
- (i) for the modalities applicable for the transfer of an athlete from one sports club, whether set up in Mauritius or elsewhere, to another;
- (j) for affiliation of sports clubs and the setting up of regional sports committees;
- (k) for its proper functioning, provided such rules are not inconsistent with the Sports Act 2016 or the rules specified in this Schedule.

2. General Assembly of National Sports Federation

(1) (a) The quorum at a meeting of the General Assembly shall be half the number of votes plus one held by the total number of sports clubs affiliated with it.

(b) Where there is no quorum at a meeting of the General Assembly, that meeting shall be postponed for 14 days and held at the same place and time with the same agenda as the original meeting, irrespective of the number of representatives present.

(2) (a) There shall be held, not later than 31 March after the closing day of the Summer Olympic Games, a Special General Assembly to elect members of the Managing Committee.

(b) The members of the Managing Committee shall be elected in accordance with the rules of the National Sports Federation.

(c) The President of a National Sports Federation may be removed from office by members representing not less than three-quarter of the votes of all members present.

(d) The voting members shall, except for a newly registered National Sports Federation –

(i) consist of at least one representative from every sports club affiliated with the National Sports Federation and which has participated in competitions over the preceding year;

(ii) in the case of a team sport, include a fair representation of each constituent body of the National Sports Federation as defined in its rules.

(3) Every National Sports Federation shall make provision in its rules for –

(a) the convening of a General Assembly of the National Sports Federation not later than 45 days before the date fixed for the Assembly;

(b) the President of every sports club affiliated with it to forward to the secretary of the National Sports Federation the name of its representative(s) eligible to vote at a General Assembly not later than 5 days before the date fixed for the Assembly;

(c) voting at a General Assembly to be done only by persons present at the Assembly;

- (d) the right of admission to a General Assembly of an observer deputed by the Mauritius Olympic Committee;
- (e) the number of members to be elected for the Managing Committee;
- (f) ensuring that the number of members referred to in paragraph (e) is not less than 7 and not more than 11 for an individual sport and not less than 7 and not more than 15 for a team sport;
- (g) replacement of members; and
- (h) the holding of a General Assembly to elect a new Managing Committee within 45 days from the date the quorum of the Managing Committee is not in compliance with paragraph (f).

(4) Every motion purported to be put on the agenda shall be sent to the secretary of the National Sports Federation not later than three days before the date fixed for the Assembly.

(5) Voting shall be by show of hands or secret ballot if the majority of representatives present and entitled to vote so requests.

(6) The General Assembly shall, by taking a vote, have the power to revoke the auditor of the National Sports Federation and any or all the members of the Managing Committee provided a majority of three quarters of the total number of persons present at the Assembly vote to that effect.

(7) Where all the members of the Managing Committee are revoked, a new Managing Committee shall be elected within a period of one month from the date of revocation of the last Committee.

(8) For the purpose of paragraph (7), the members present at the General Assembly which revoked the members of the Managing Committee shall set up a transitory committee and designate a President to preside that committee and a secretary who shall be responsible to organise the election of the new Managing Committee.

(9) Where the election of members to form the new Managing Committee results in a tie for the last seat, a new vote shall be taken for such seat and, where this results in a new tie, the seat shall be filled by a drawing of lots unless one of the candidates for the seat voluntarily withdraws.

3. Managing Committee

- (1) No person shall be a member of a Managing Committee unless –

- (a) he is 18 years of age;
 - (b) he is a citizen of Mauritius;
 - (c) he is domiciled in Mauritius; and
 - (d) he resides for more than 9 months in a year in Mauritius.
- (2) The Managing Committee shall meet at least once monthly.
- (3) The quorum shall be constituted by more than half the number of voting members of the Managing Committee.
- (4) (a) No member shall take part in the deliberations of the Managing Committee on any matter which directly concerns an athlete or coach to whom he is related by blood or marriage.
- (b) A member referred to in paragraph (a) shall disclose, in writing, the nature of his relationship.
- (5) Every person wishing to stand as a candidate for election in its Managing Committee shall –
- (a) send a written and signed notification to that effect by registered post so as to reach the office of the regional committee of the sports region concerned not later than 21 days before the date fixed for the General Assembly of the National Sports Federation;
 - (b) include, in the notification, his name, surname and private address.
- (6) A regional sports committee referred to in paragraph (5)(a) shall send the names of 3 representatives to stand as candidate at the General Assembly to the secretary of the Managing Committee not later than 10 days before the date fixed for the General Assembly.
- (7) A representative referred to in paragraph (5) may, at least four days before the date fixed for the General Assembly, withdraw his candidature by notice in writing to the secretary of the Managing Committee.
- (8) Where the number of candidates to stand for election in the Managing Committee is equal to or less than the number of seats to be filled, the candidates shall be declared elected at the General Assembly.

(9) Where the number of candidates to stand for election in the Managing Committee exceeds the number of seats to be filled, the election shall take place by secret ballot.

(10) For a vote to be valid, the elector shall on the basis of one vote per candidate vote for the same number of candidates required to fill the vacancies on the Managing Committee.

(11) Where an election cannot take place for lack of quorum or where the number of candidates is less than the number of seats to be filled, another General assembly shall be immediately fixed within a fortnight and the secretary of the National Sports Federation shall, through the press in one of the daily newspapers approved by the Registrar of Associations, invite for candidature, where necessary, for the remaining number of seats to be filled.

(12) Where all the seats are not filled during the second General Assembly, the member presiding the meeting shall invite candidatures from the members present.

(13) A person specified in section 9(5) and (6) of the Sports Act 2016 shall not be eligible to stand as candidate as an officer of a National Sports Federation.

(14) Elections for officers of the Managing Committee –

- (a) shall be held, for each position on the Managing Committee, in accordance with the rules of the National Sports Federation; or
- (b) shall, after their election, be made by electing or designating from among themselves a President, one or more Vice Presidents, a Secretary an Assistant Secretary, a Treasurer and an Assistant Treasurer who shall assume office as from their election.

(15) Where the President of the Managing Committee is absent, the Managing Committee shall be presided by the Vice-President and, where the latter is absent, the Managing Committee shall be presided by a member of the Managing Committee designated by the officers of the Managing Committee for that purpose.

(16) (a) Decisions by the Managing Committee shall be taken by a majority of the votes cast by the members present.

(b) In case of an equality of votes, the President shall have a casting vote.

(c) Voting shall, where a majority of the members present at a meeting of the Managing Committee so requests, be by secret ballot.

4. Powers of Managing Committee

The Managing Committee shall have the power to –

- (a) incur expenditure in such manner as specified in its rules;
- (b) appoint, and fix the emoluments of, employees to carry out the work of the National Sports Federation and to secure, with or without remuneration, the services of any person for any purpose;
- (c) appoint a qualified accountant for the preparation of the accounts of the National Sports Federation.

5. Office bearers of National Sports Federation

(1) The Managing Committee shall be responsible for the proper running of the National Sports Federation.

(2) The secretary of the National Sports Federation shall notify the Permanent Secretary of the Ministry, the Mauritius Olympic Committee, the Sports Council and the Registrar of Associations of any change effected to the membership of the Managing Committee within 2 weeks of the date of the change.

6. Termination of membership

A sports club shall cease to be affiliated with a National Sports Federation –

- (a) with the winding up or voluntary withdrawal from the federation of a sports club;
- (b) where it does not comply with the Sports Act 2016;
- (c) where the Managing Committee, after hearing its defence, strikes off the roll a sports club for –
 - (i) pursuit of objectives contrary to the rules of the federation or causing disrepute to the federation;
 - (ii) failure to pay to the federation the required annual fee;
 - (iii) refusal to comply with a decision taken by the General Assembly;

- (d) where its registration as a registered association has been cancelled by the Registrar of Associations.
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THIRD SCHEDULE

[Section 9(7)]

**FAITHFUL DECLARATION WHEN STANDING AS CANDIDATE FOR
ELECTION AS A MEMBER OF THE MANAGING COMMITTEE
OF A NATIONAL SPORTS FEDERATION**

I,, bearing National Identity Card number,
(*name*)
and residing at, declare that I comply with the
(*address*)
provisions of section 9(5) and (6) of the Sports Act 2016.

.....

Name

.....

Signature

.....

Date

FOURTH SCHEDULE

[Section 12(3)]

RULES APPLICABLE TO REGIONAL SPORTS COMMITTEES

1. General

Every regional sports committee shall –

- (a) adopt rules approved by its National Sports Federation which shall be in conformity with the Sports Act 2016;
- (b) have such powers and duties, not inconsistent with this Sports Act 2016, as its National Sports Federation may assign to it;
- (c) uphold and operate on the principles of good governance, transparency, democracy, fairness and non-discrimination; and
- (d) at a General Assembly, elect and delegate not more than 3 representatives to stand as candidate, for the election of a new Managing Committee, at the General Assembly of the National Sports Federation.

2. General Assembly

(1) There shall be a General Assembly which shall meet at least once every year for the purpose of taking stock of any relevant development at regional level.

(2) There shall be a General Assembly every four years for the purpose of electing the persons who shall be the officers of the regional sports committee for the next mandate.

(3) A regional sports committee shall, not later than 10 days before the date fixed for the General Assembly of its National Sports Federation, send to the secretary of the National Sports Federation, the names of its 3 representatives together with the declaration referred to in section 9(7) of the Sports Act 2016.

(4) Every sports club allocated to a regional sports committee shall send to the General Assembly of its regional sports committee one representative who has been a member of the sports club for at least one year immediately preceding the General Assembly.

(5) Where the total number of sports clubs in a sports region is less than 7, every sports club shall send an equal number of representatives to the General Assembly so that the total number of clubs exceeds or equals 7.

(6) Where a minimum of 50 per cent of the members of a regional sports

committee regional sports committee constituting the General Assembly of the regional sports committee so require, an election for the General Assembly of a regional sports committee shall be supervised by an officer deputed by the Electoral Commissioner.

(7) A General Assembly of a regional sports committee shall be convened by the secretary of the Managing Committee of the regional sports committee at least fourteen days before the General Assembly.

(8) The representatives shall vote by raising of hands or by secret ballot where requested by a majority of representatives present.

(9) The representatives present at the General Assembly of a regional sports committee shall elect amongst themselves not less than 7 and not more than 11 persons to sit on the Managing Committee of the regional sports committee for a period of 4 years.

(10) Notice of candidature for election to the Managing Committee of the regional sports committee shall be given to the secretary of the Managing Committee of the regional sports committee not later than 3 days before the date scheduled for the General Assembly of the regional sports committee.

(11) Where there are fewer candidates than the required number, the General Assembly of the regional sports committee shall elect any representative present to complete the Managing Committee.

(12) Where there is a tie for the remaining seats on the Managing Committee of the regional sports committee, the seats shall be filled by a drawing of lots unless there is a voluntary withdrawal.

3. Managing Committee

(1) The members of the Managing Committee shall, not later than 7 days after their election, meet to elect from among themselves a President, a Vice-President, a Secretary, an Assistant Secretary, a Treasurer and an Assistant Treasurer.

(2) The Managing Committee shall meet –

- (a) at least once quarterly;
- (b) at the request of the President; or
- (c) at the motivated request of half of its members.

(3) A meeting of the Managing Committee shall be convened by the secretary of the Managing Committee not less than 5 days before the date fixed for the meeting.

(4) Half of the number of members of the Managing Committee plus one shall constitute the quorum for a meeting of the Managing Committee.

(5) The President of the regional sports committee shall preside the General Assembly and the Managing Committee of the regional sports committee and ensure that all relevant laws, rules and regulations are followed.

(6) The secretary shall keep minutes of the proceedings of every meeting of the Managing Committee.

4. Cases of indiscipline

(1) Any case of misconduct by members of a sports club of a sports region shall be referred to the Managing Committee of the National Sports Federation.

(2) Any member against whom disciplinary action is taken by the National Sports Federation may appeal to the General Assembly of the National Sports Federation.

(3) Notification of such appeal shall be made by registered letter within 15 days of the date of receipt of the decision of the Managing Committee of the National Sports Federation.

(4) The secretary of the National Sports Federation shall convene the General Assembly of the National Sports Federation within 30 days from the date of receipt of the appeal from any member.

FIFTH SCHEDULE

[Section 45]

SPORTS ARBITRATION TRIBUNAL

OATH ON APPOINTMENT

I,, do make oath/solemnly affirm that I will
(name)
faithfully assume the office of arbitrator and I will not on any account for the good
management of the Tribunal, disclose the deliberations or votes of the Tribunal and
that I will act independently and objectively to the best of my judgment.
