

# SPORTS AUTHORITY BILL, 2010

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10<sup>th</sup> July, 2010

## **SPORTS AUTHORITY BILL, 2010**

### **A BILL FOR AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF THE NATIONAL SPORTS AUTHORITY OF THE BAHAMAS**

**Enacted by the Parliament of The Bahamas**

#### **1. Short title and commencement.**

- (1) This Act may be cited as the Sports Authority Act, 2010.
- (2) This Act shall come into force on a date to be appointed by the Minister by notice in the Gazette.

#### **2. Interpretation.**

In this Act —

- “**Authority**” means the National Sports Authority of The Bahamas established under section 3;
- “**Centre**” means the Queen Elizabeth Sports Centre and the Baillou Hill Sports Complex;
- “**Minister**” means the Minister responsible for Sports and Recreation;
- “**registered sporting organization**” means any sporting organization registered with the National Sports Authority of The Bahamas;
- “**sporting organization**” means any non-profit organization constituted for the promotion of or participation in sports and recreation and includes an association;
- “**Stadium**” means the national stadium known as the “Thomas A. Robinson National Stadium”.

### **3. Establishment of The National Sports Authority.**

- (1) There is hereby established a body to be called The National Sports Authority of The Bahamas (hereinafter referred to as the “National Sports Authority”) which shall be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property of whatever kind, to enter into contracts, to sue and be sued in the said name and to do all things necessary for the purposes of this Act.
- (2) The Authority shall be constituted in accordance with the provisions of the *Schedule*.
- (3) The Minister may by Order amend the *Schedule*.

### **4. Appointment of staff.**

- (1) The Authority shall, after consultation with the Minister, appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a General Manager who shall be charged with responsibility of the operations and maintenance of the Centre.
- (2) The Authority shall also appoint and employ at such remuneration and on such terms and conditions as it thinks fit —
  - (a) a Deputy General Manager and such other officers whose responsibilities will include finance, administration, operations, facility maintenance, safety, marketing, public relations and sanitation and environmental services; and
  - (b) a Director of Security who shall be charged with the maintenance of security at the Centre.
- (3) Whenever the General Manager is absent from The Bahamas or is for any reason unable to exercise the powers conferred or perform the duties of his office, the Deputy General Manager shall exercise those powers and perform those duties.
- (4) The Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a secretary, and such other officers, servants or agents it considers necessary to carry out its functions.

### **5. Functions of the Authority.**

The functions of the Authority shall be—

- (a) to manage, maintain, operate and further develop the Centre;
- (b) to manage, maintain and operate the Stadium;
- (c) to own, establish, develop, improve, manage, maintain and take proper control of sporting facilities granted to or secured by the

- Authority and to authorize sporting events thereon to which the public is admitted upon the payment of any direct or indirect fee;
- (d) to develop any property vested in the Authority for sporting purposes;
  - (e) to foster, support or undertake in co-operation with the Minister the provision of facilities for sport;
  - (f) to encourage the promotion, development and co-ordination of competitive sport and the achievement of excellence in competitive sport;
  - (g) to encourage the promotion of sports in The Bahamas generally;
  - (h) to encourage participation in sporting events abroad by individuals and teams from The Bahamas;
  - (i) to facilitate any sporting or sports related activity for the promotion of youth development;
  - (j) to register recognized sporting organizations authorized to use sporting grounds; and
  - (k) to advise the Minister on any matters concerned directly or indirectly with the foregoing.

## **6. Powers of the Authority.**

- (1) The Authority shall have such power as may be requisite or incidental to or in connection with the performance of its functions.
- (2) Without prejudice to the generality of subsection (1), the Authority —
  - (a) may construct, alter and maintain buildings at the Centre;
  - (b) may grant leases, or other interests or concessions in respect of land or buildings in the possession of the Authority on such terms and conditions and subject to the payment of rent or other consideration as the Authority may think fit;
  - (c) may enter into agreements with sporting federations for the benefit of a particular sport;
  - (d) may, subject to the approval of the Minister, by order published in the *Gazette*, impose charges and fees for the use of the Stadium, the Centre and its facilities;
  - (e) may establish, in cooperation with the respective Local Government Council, sports authorities in any island of The Bahamas;
  - (f) may erect buildings, structures and landscape grounds;
  - (g) may receive donations and raise funds by such lawful means as the Authority sees fit;
  - (h) may adopt and charge admission fees for entry upon sports grounds, stadiums and the like;

- (i) may fix and collect other charges for the use of any facilities afforded by the Authority or any property vested in the Authority;
- (j) may, on the recommendation of the Minister, name different parts of any immovable property vested in the Authority as developed from time to time in honour of persons who have made donations or who have made special contribution by time and effort to such development either generally, or in some particular respect, or who are outstanding Bahamian sportsmen or sportswomen;
- (k) may designate in accordance with the National Sports Policy specific sports as core sports when they meet specific criteria, and to withdraw such designation when they no longer meet such criteria;
- (l) may generally, do all such things as may be necessary or desirable for the creation, maintenance and development of sports grounds, the Stadium and other similar undertakings or buildings in furtherance of sport for the benefit of the general public.

**7. Delegation of power.**

- (1) The Authority may delegate to any of its members or employees the power and authority to perform on its behalf such functions and to exercise such powers as the Authority may determine.
- (2) A delegation under subsection (1) shall be revocable at will and shall not preclude the Authority from performing the functions and exercising the powers so delegated.

**8. Minister may give Directions.**

- (1) The Minister may give to the Authority directions of a general or of a specific nature as to the policy to be followed by the Authority in the performance of its functions as appear to the Minister to be requisite in the public interest and the Authority shall give effect to such directions.
- (2) In performing its functions, the Authority shall have regard to the National Sports Policy of the Government and shall comply with any other general policy directives which may from time to time be given to it by the Minister.
- (3) If the Minister so requests, the Authority shall furnish the Minister with —
  - (a) advice on any matter relating to the functions of the Authority under this Act or on such matters as may be specified in the request; and
  - (b) information concerning the performance of its functions.

**9. Power to borrow funds.**

- (1) The Authority may borrow sums required for it for meeting any of its obligations incurred in, or for, the performance of its functions and in that behalf but without prejudice to any other manner or form of issuing securities, the Authority may issue bonds, debentures or other securities in such form as the Authority with the approval of the Minister, determines.
- (2) The power of the Authority under subsection (1) to borrow shall be exercisable only with the approval of the Minister given with the consent of the Minister of Finance as to the amount, the sources of the borrowing and as to the terms on which the borrowing may be effected except that where the borrowing is of an amount not in excess of five million dollars the consent of the Minister of Finance shall not be required under this subsection unless at the respective date the aggregate liability of the Authority ensuing from borrowing without such consent is or would be in excess of that amount.
- (3) An approval given in any respect for the purposes of subsection (2) may be either general or limited to a particular borrowing or otherwise.

**10. National Sports Fund.**

- (1) There shall be established a National Sports Fund to be administered by the Authority, hereafter referred to as “the Fund”.
- (2) There shall be paid into the Fund —
  - (a) all such sums as may be voted from time to time by Parliament;
  - (b) all sums which may accrue to or vest in the Authority by way of grants, subsidies, donations or gifts; and
  - (c) all sums received by the Authority from any other source.
- (3) There shall be paid out of the Fund, such sums as the Authority may determine —
  - (a) for the encouragement, promotion and development of any sport in The Bahamas;
  - (b) for the presentation of any material incentive to any participant in sports or registered sporting organizations in recognition of any exceptional contribution to sports; and
  - (c) for the purpose of carrying out or giving effect to the provisions of this Act.

**11. Accounts.**

- (1) The Authority shall cause proper accounts to be kept of its financial transactions.

- (2) The accounts of the Authority shall be made up in respect of each financial year and audited by the Auditor-General or an Auditor approved by the Auditor-General.
- (3) The statement of accounts, together with a balance sheet and statement of revenue and expenditure of the Authority, when so audited, shall be submitted to the Minister with the Auditor's report.
- (4) Every report furnished under subsection (1) shall be laid in both Houses of Parliament.
- (5) The Minister may from time to time direct the Authority or a sporting organization to furnish to him in such form as he may require, returns of accounts and other information in respect of their property and activities and the Authority or the sporting organization shall carry out every such direction within the specified time-frame.

## **12. Compensation for risk.**

- (1) The Minister may by Order published in the *Gazette* direct that any sporting organization or class of sporting organizations mentioned by him in such order, shall insure or provide compensation by way of indemnity for any player or class or description of players who participate in any sport locally or internationally on behalf of that organization against the risk of any accidental injuries or death likely to occur to such player in the course of participation in national team practice or competition locally or abroad.
- (2) Any insurance referred to in subsection (1) shall provide for the payment of compensation—
  - (a) to such player for any bodily hurt or injury suffered by him; or
  - (b) to the dependants of the player in the event of death resulting to him from such participation.
- (3) Upon and by virtue of the appointment of any person to be the Minister having the responsibility for the administration of this Act, the benefit of all deeds, contracts, bonds, securities and things in action vested in his predecessor at the time of his predecessor ceasing to hold office shall be transferred to and vested in and enure for the benefit of the person so appointed in the same manner as if he had been contracted with instead of his predecessor and as if his name had been inserted in all such deeds, contracts, bonds or securities instead of the name of his predecessor.

## **13. Regulations.**

- (1) The Minister may make regulations for —
  - (a) any matter required by this Act to be prescribed or in respect of which regulations are authorised by this Act to be made;

- (b) the registration by the Authority of sporting organizations in The Bahamas;
  - (c) the procedure to be followed in any appeal against the decisions or actions of the Authority and the scale of fees and costs in respect thereof;
  - (d) the supervision of the standards adopted by registered sporting organizations in the appointment of coaches, referees, umpires and judges;
  - (e) the books to be maintained by sporting organizations in respect of moneys received and expended by them;
  - (f) the criteria required for specific sports to be designated as core sports and the criteria by which such designation may be removed;
  - (g) the administration of the National Sports Fund;
  - (h) the quorum for meetings of the Authority;
  - (i) the purpose of carrying out or giving effect to the provisions of the Act.
- (2) All regulations made under this section shall be subject to negative resolution.
- (3) Regulations made under paragraphs (d), (f) and (g) of subsection (1) shall be made in consultation with the registered sporting organizations and shall not conflict with recognised international rules and practices relating to any particular sport or to sport in general.

#### **14. Exemption from Real Property Tax.**

The Authority shall be exempt from the payment of real property tax imposed under the Real Property Tax Act (*Ch. 375*)

#### **15. Savings.**

Nothing in this Act shall affect—

- (a) any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed;
- (b) any thing done under any written law so repealed prior to the coming into force of this Act unless the contrary intention appears.

## SCHEDULE

(section 3)

### 1. Membership of the Authority.

- (1) The Authority shall consist of the following members —
  - (a) nine members appointed by the Minister by Order published in the Gazette, one of whom shall be the President of the National Olympic Committee of the Bahamas or his nominee; and
  - (b) the Director of Sports, *ex officio*.
- (2) The Minister shall in appointing the members of the Authority take into consideration any representations that may be made by registered sporting organizations.

### 2. Disqualification for membership of Authority or committee.

A person shall be disqualified from serving on the Authority or any committee if he —

- (a) is or has been adjudged by a competent court to be of unsound mind; or
- (b) is or has been adjudged by a competent court to be an insolvent or bankrupt; or
- (c) is convicted in a court of law for any offence involving dishonesty or punishable by imprisonment.

### 3. Vacancies.

- (1) Any member of the Authority appointed by the Minister shall unless he vacates his office by death, resignation or removal, hold office for a period of three years.
- (2) The Minister may, if he considers it expedient to do so, remove any member from a sports committee appointed by him.
- (3) Any person appointed in place of a member who has vacated office by death, resignation or removal shall hold office for the unexpired term of office of the person who has vacated office.
- (4) Any appointed member may resign his office by notice in writing addressed to the Minister.
- (5) A member whose term of office has expired shall be eligible for reappointment.

**4. Temporary appointments.**

If any member appointed by the Minister is temporarily unable to discharge the duties of his office on account of ill health, absence from The Bahamas or any other cause, the Minister may appoint some other person to act as a member in his place.

**5. Validity of proceedings.**

No act or proceeding of the Authority shall be deemed to be invalid by reason only of the existence of any vacancy among its members or defect in the appointment of any member thereof.

**6. Regulation of procedure.**

The Authority may, with the approval of the Minister, make rules to regulate the procedure at meetings of the Authority and for the transaction of business at such meetings.

**7. Seal.**

- (1) The seal of the Authority shall be affixed to any instrument in the presence of the Chairman, Secretary and the Treasurer of the Authority.
- (2) The seal of the Authority shall be kept in the custody of the Treasurer.

## OBJECTS AND REASONS

Clause 1 of the Bill provides for the title and commencement of the new Act.

Clause 2 of the Bill defines the terms used in the Bill.

Clause 3 of the Bill seeks to establish the National Sports Authority. According to this clause, the National Sports Authority is intended to be a body corporate with perpetual succession and a common seal. This clause also seeks to identify the provide that the National Sports Authority shall have the power to take hold and dispose of land.

Clause 4 of the Bill seeks to provide for the appointment of staff by the Authority, in particular a General Manager, a Deputy General Manager and a Direct of Security.

Clause 5 of the Bill seeks to outline the functions of the National Sports Authority, e.g. to foster, support or undertake in co-operation with the Minister the provision of facilities for sport.

Clause 6 of the Bill grants the National Sports Authority all the powers that are necessary or incidental to fulfilling its functions.

Clause 7 of the Bill provides for the delegation of power by the Authority to any of its members or employees.

According to clause 8 of the Bill, the Authority must function in accordance with the policy of the Government and is subject to any policy directives which the Minister may give. The clause also seeks to provide for the Authority to furnish the Minister with any advice or information relating to the performance of its functions.

Clause 9 of the Bill seeks to provide for the power by the Authority to borrow funds.

Clause 10 of the Bill seeks to establish a National Sports Fund. According to this clause, the National Sports Fund is to be administered by the National Sports Authority. This clause also seeks to identify the source of monies which will be paid in to the Fund as well as lists the purposes for which the Fund will be used.

Clause 11 of the Bill stipulates that the National Sports Authority shall cause proper accounts of its financial transactions to be maintained, such accounts should reflect the activities of the Authority for each financial year and are to be audited by the Auditor General. In addition, this clause seeks to provide for the Authority to submit the statement of accounts, together with a balance sheet and

statement of revenue and expenditure accompanied by the Auditor's report, to the Minister. Every report is to be laid in both Houses of Parliament.

In clause 12 of the Bill provision is made for the Minister to appoint by Order any sporting organization or class of sporting organization to insure any player or class or description of players who participate in any sport on behalf of that organization against the risk of any accidental injuries or death which is likely to occur in the course of any play.

Clause 13 of the Bill makes provision for the Minister to make regulations.

Clause 14 of the Bill seeks to exempt the Authority from the payment of real property taxes.

Clause 15 of the Bill provides for a savings provision.

The Schedule seeks to provide for the constitution of the Authority in accordance with clause 3(3) of the Bill.