

BILL No. 25 OF 1993 - Wednesday 10th November, 1993

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

10th November, 1993

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain,
Clerk of the National Assembly.



GUYANA

BILL No. 25 of 1993

NATIONAL SPORTS COMMISSION ACT

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A BILL

Intituled

AN ACT to make provision for the establishment and functions of the National Sports Commission with responsibility for the promotion of sport and for purposes connected therewith.

A.D. 1993

Enacted by the Parliament of Guyana:-

Short title and commencement.

1. This Act may be cited as the National Sports Commission Act 1993 and shall come into operation on such date as the Minister may by order, appoint.

Interpretation.

2. In this Act -

(a) "the Commission" means the National Sports Commission established by section 3;

(b) "member" means a member of the Commission

3. (1) There is hereby established the National Sports Commission which shall be a body corporate.

Establishment and
incorporation of
the National
Sports Commission.

(2) The provisions of the First Schedule shall have effect as to the constitution and proceedings of the Commission and otherwise in relation thereto.

First
Schedule.

(3) The Minister may by order amend the provisions of the First Schedule.

4. The Minister may give to the Commission such directions of a general character as appear to him expedient in relation to the exercise of its functions, and the Commission shall give effect to any such directions.

Policy directions.

5. It shall be the function of the Commission to -

Functions of the
Commission

- (a) promote sports and its organisation by all available methods including the making of grants therefor;
- (b) provide for the establishment, erection and maintenance of sporting and other recreational facilities;
- (c) encourage, in co-operation with any sports organisation, the attainment of high standards in sports;
- (d) encourage the conduct of sporting activities in accordance with the national policy on sports;
- (e) provide advisory and information services;
- (f) co-operate with international bodies and institutions specialised in the field of sports research, physical education, sports administration, sports medicine and journalism;

- (g) present awards to outstanding personalities, institutions or organisations in the field of sports;
- (h) advise the Minister on development and promotion of sports generally;
- (i) secure by such means as it considers appropriate the proper accountability by sports organisations referred to in section 20, for funds and resources made available to such organisations;
- (j) provide assistance to any sports organisation in the audit of their accounts or in relation to any other matter wherein assistance may be needed; and
- (k) do all such acts and things as are in its opinion necessary for, or conducive to, the proper discharge of its functions.

Establishment of
regional sports
committee.

6. (1) The Commission may establish regional sports committees in the three counties of Guyana.

Second
Schedule

(2) The provisions of the Second Schedule shall have effect as to the constitution and proceedings of any regional sports committee and otherwise in relation thereto.

(3) The Minister may by order amend the provisions of the Second Schedule.

(4) Each regional sports committee shall have an office in the region in which it is established.

Advisory units.

7. The Commission may establish advisory units to assist it in the performance of its functions, each unit comprising a Chairman, who shall be a member, and not less than five other persons who need not be members.

Delegation.

8. The Commission may in writing delegate such of its functions as it deems necessary to -

- (a) a regional sports committee;
- (b) a member.

Remuneration of
members of the
Commission and
any regional
sports

9. There may be paid to the members of the Commission and the members of any regional sports committee such remuneration, if any, or allowances, as the Minister may determine.

10. The Commission shall have the power to support and sponsor the participation in events, national, regional or international, of any individual, sportsman or athlete or any sports team, in relation to the national games played in Guyana, the criteria for such support and sponsorship being based on all-round proficiency, performance and sustained effort.

Support and sponsorship of individuals, sportsmen, athletes and sports teams.

11. (1) The Commission may, after consultation with the Minister employ upon such terms and conditions as it thinks fit, a Director of Sports and such other officers and employees as the Commission deems necessary for the proper carrying out of its functions under this Act.

Employment of staff of the Commission.

(2) The Director of Sports shall be the Chief Executive Officer of the Commission, and subject to any general or specific directions of the Commission, be responsible to the Commission for ensuring that the functions of the Commission are properly discharged and objectives achieved.

(3) Notwithstanding the generality of subsection (2) the duties of the Director of Sports shall include responsibility for -

- (a) managing the Secretariat of the Commission;
- (b) managing the funds as directed by the Commission and preparing quarterly financial reports and accounts for presentation at meetings of the commission;
- (c) causing minutes of meetings to be kept, and
- (d) keeping members of the Commission informed, particularly by presenting an activity report at each meeting of the Commission.

(4) The Commission may at any time retain the services of professional persons and may pay such remuneration in respect thereof as the Commission after consultation with the Minister, may determine.

12. The funds and resources of the Commission shall consist of -

Funds and resources of the Commission.

- (a) such sums as may be provided by Parliament;
- (b) such monies as may accrue to the Commission from the sale of tickets for any sporting or fund raising activity;

(c) such monies or other assets, as may accrue to or vest in the Commission by way of loans, grants, subsidies, donations or gifts; and

(d) all other sums or property that may in any manner become payable to or vested in the Commission.

Borrowing powers
of Commission.

13. Subject to section 14, the Commission may, after consultation with the Minister, borrow any monies required by it for meeting any of its obligations or discharging any of its functions.

Guarantee by
Minister of Finance
of borrowing.

14. With the approval of the National Assembly, the Minister responsible for finance may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and interest on any authorised borrowings of the Commission.

Audit and report of
activities.

15. (1) The Commission shall keep proper accounts and other records in respect of its operation which shall be audited annually by the Auditor General.

(2) The Commission shall in each year prepare a report of its activities in the last preceding year and shall furnish such report to the Minister not later than the thirtieth day of June.

(3) A copy of the report of activities together with a copy of the statement of accounts audited shall be printed and laid before the National Assembly not later than the thirtieth day of September in each year.

Estimates of
revenue and
expenditure.

16. The Commission shall, in accordance with the directions of the Minister, submit to the Minister for approval, estimates of revenue and expenditure for the ensuing financial year.

Disclosure of
interest.

17. It shall be the duty of a member who is in any way, whether directly or indirectly, interested in any contract or any other arrangement with the Commission to declare the nature of his interest at a meeting of the Commission and he shall not take part in any discussion relating to the contract or other arrangement.

Protection of
persons acting
under this Act.
Cap. 5:07

18. Any person acting under this Act, shall be entitled to the protection afforded by the Justices Protection Act.

Limitation pro-
visions excluded.
Cap. 7:02

19. The Limitation Act shall not apply to proceedings instituted by the Commission for the recovery of monies due to the Commission or any other property to which a claim is made by the Commission.

Disbursement of
funds from Com-
mission to any
sports organisa-
tion.

20. (1) No grant from the funds of the Commission shall be made to any sports organisation unless the Commission is satisfied that such organisation does not contravene the provisions of this Act, keeps proper accounts and other records in respect of its operations and is prepared to give the undertaking required under subsection (2).

(2) The Commission may make a grant from its funds to a sports organisation where such organisation complies with the provisions

for the purpose for which it was made and that the members and employees of such organisation would allow the Commission to inspect the books and accounts of such organisation and give to the Commission on request all other information as shall be within their knowledge in relation to the utilisation of such grant.

21. The Commission shall be exempt from the payment of customs duty, capital gains tax, corporation tax, income tax, property tax and purchase tax.

Exemption from
taxes and duties.

22. All property whether movable or immovable (including rights and interests therein) of the State referred to in the Third Schedule is hereby declared to be vested in the Commission from the date of the coming into operation of this Act and in respect of such immovable property so vested in the Commission the Registrar of Deeds shall take due notice thereof and shall make such annotations in the records as may be necessary.

Vesting of assets.
Third Schedule

23. The Commission shall as from the date of the coming into operation of this Act, for the purpose of discharging the functions conferred on it by this Act, continue to employ the persons employed by the State in The Department of Sports, Ministry of Education and Cultural Development immediately before that date on terms and conditions which taken as a whole are no less favourable than those applicable to them immediately before that date and shall in respect of any person so employed be the successor of the State with regard to his leave or superannuation rights or benefits whether accrued, earned, inchoate or contingent.

Continuation of employment.

24. The Minister may, after consultation with the Chairman of the Commission, make regulations for carrying out the provisions of this Act.

Regulations.

FIRST SCHEDULE

s.3

Constitution and proceedings of the Commission

1. The Commission shall consist of not less than six nor more than eleven members.

2. The members shall be appointed by the Minister from among persons appearing to him as having had experience of and shown capacity in, matters relating to sports generally, subject to consideration being given for sufficient representation on the Commission of regional sports committees, by the appointment by the Minister of nominees therefrom.

3. The members shall be appointed for a period of not less than two years and may be reappointed at the discretion of the Minister.

4. The Chairman shall be appointed by the Minister from among the members of the Commission. The Commission shall appoint one of its members to be the Vice-Chairman of the Commission.

5. The names of the members, including the Chairman as first constituted and every change in the membership thereof shall be published in the Gazette.

6. Any member other than the Chairman may at any time resign his office as such in writing addressed to the Chairman who shall forward the resignation to the Minister.

7. The Chairman may at any time resign his office as such in writing addressed to the Minister.

8. If the Chairman is absent or is unable to act or if the office is vacant, the Vice-Chairman shall discharge the functions of the Chairman.

9. The Commission shall meet once every month to ensure the proper discharge of its functions under this Act and shall regulate its procedure and may make rules therefor.

SECOND SCHEDULE

s.6

Constitution and proceedings of a Regional Sports Committee

1. A regional sports committee shall consist of not more than five members appointed by the Commission, acting with the approval of the Minister from among persons in each county appearing to the Commission to be qualified as having had experience of and shown capacity in matters relating to sports or as representing sports organisations.

2. The members of a regional sports committee shall be appointed for a period of not less than two years.

3. The Chairman of a regional sports committee shall be appointed by the Commission.

4. A regional sports committee may regulate its own procedure.

5. A regional sports committee shall meet once every month or at such other times as may be necessary.

THIRD SCHEDULE

s.22

PART A

MOVABLE PROPERTY

1. All the movable property of the State in the possession of the entities mentioned in Part B on the date immediately preceding the

date of the coming into operation of this Act, including office and sports equipment, furniture, television, photo-copier, reffridgerators, freezers, and other electrical and electronic equipment, beds and bed linen, cooking equipment, stationery, account books, documents and other records, sums in accounts in the name of, and debts owed to, the said entities, as inventorised on the 5th day of October, 1993, a copy whereof has been lodged with the Auditor General on the 5th day of October, 1993.

2. The buildings situated at Woolford Avenue, Georgetown, housing the National Sports Development Centre.

PART B

IMMOVABLE PROPERTY

The land together with the buildings erected thereon comprising the following entities -

1. The buildings housing the Department of Sport situated at N^{1/2} Lot 22 Brickdam and Sendall Place, Stabroek, Georgetown, as shown on DLS Plan Number 19557, on land more fully described as follows -

Description of Land

The boundaries of N^{1/2} Lot 22 Stabroek hereon bordered red commences at a nail set in concrete 105 feet east of the centre line of Sendall Place and 54.8 feet South of the centre line of Brickdam and extend thence S15° 58' W(tr) for a distance of 95.4 feet to a wood paal branded J.E.D., thence N74° 23' W(tr) for a distance of 75.6 feet to a wood paal branded O.S., thence N15° 58' E(tr) for a distance of 95.4 feet to a wood paal branded O.S., thence S74° 23' E(tr) for a distance of 75.6 feet back to the point of commencement. The N^{1/2} Lot 22 Stabroek contains an area of 0.1655 Acre.

2. The buildings housing the National Sports Hall situated at Homestretch Avenue, Georgetown, as shown on DLS Plan No. (17045), on land more fully described as follows -

Description of Land

The boundaries of Block "A" commences at a wood paal branded A.B. at a distance of 14.01 feet West of Block "B" at a bearing of N102° 03' 15" (tr) extends thence at the said bearing for a distance of 296.5 feet to an iron paal branded G.L.D., thence N 12° 03' 15" (tr) for a

distance of 417.95 feet to a wood paal branded A.B., thence N 282° 03' 15" (tr) for a distance of 296.5 feet to wood paal branded A.B., thence N 192° 03' 15" (tr) for a distance of 417.95 feet to said wood paal branded A.B. at the point of commencement. Block "A" herein described contains an area of 2.8450 acres.

This tract of land surveyed herein is State Land. See folio 156 in Licences of Occupancy 1826-1831 and DL 1/2/2341.

3. The buildings housing the National Gymnasium situated at Mandela Avenue, Georgetown, on land more fully described as follows -

Description of land

Lands owned by the State, between Princes Street and Sussex Street West of Mandela Avenue and East of the La Repentir, on the basis of an exchange agreement between the State and the Georgetown City Council whereby the said lands were given to the State in exchange for the State lands on which the Luckhoo Swimming Pool is located.

EXPLANATORY MEMORANDUM

At present the responsibility of Government for the promotion of Sports and provision of sports facilities is discharged by the Department of Sport under the direction of the National Sports Development Council appointed by the Minister of Education and Cultural Development. The Council is funded mainly through a subvention from the Ministry of Education and Cultural Development. It does not have a legal status and as such is limited in its ability to attract additional resources or funds, in its promotion of Sports and in its exercise of authority over sports associations.

This Bill seeks to establish the Council as the body corporate to be called the National Sports Commission to more adequately enhance the development of sports. The Commission is also empowered to establish regional sports committees throughout Guyana thereby ensuring country-wide development of sports.

The Bill also contains provisions to secure proper accountability by sport associations for all funds received from Govern-

ment through the Commission. It also vests in the Commission the properties of the State now in the possession of the National Sports Development Council.

Ramnauth Bisnauth,
Senior Minister of Education
and Cultural Development.