

Seychelles

## National Sports Council Act

Act 2 of 1982

Legislation as at 30 June 2012

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# Seychelles

## National Sports Council Act

### Act 2 of 1982

Commenced on 26 May 1982

*[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]*

*[Act 2 of 1982; S.I. 44 of 1982; Act [2 of 1986](#); Act [16 of 1997](#)]*

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the National Sports Council Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**Chairman**" means the Chairman of the Council in terms of the Schedule;

"**Council**" means the National Sports Council established under this Act;

"**Director**" means the person for the time being appointed as Director of the Council under [section 6](#);

"**Member**" means a member of the Council and includes the Chairman;

"**Secretariat**" means the Secretariat of the Council in terms of [section 6](#);

"**Sports Federation**" means a national federation of Seychelles for an individual sport such as football, volleyball, boxing, hockey, sailing or any other sport approved by the Minister; and

"**Sports pool**" means a scheme or competition in which prizes are offered for forecasts of the results of future sporting events in Seychelles to those who participate in such scheme or competition by placing a stake on the results of those events.

### Part II – The Council

#### 3. National Sports Council

- (1) There is established by this Act the National Sports Council, which shall be a body corporate with perpetual succession.
- (2) The Schedule applies with respect to the membership of the Council.

#### 4. Functions

- (1) The Council is a body for coordinating sports in Seychelles, with the following functions—
  - (a) to promote the playing and organisation of sports in Seychelles by all available methods;
  - (b) to encourage, in cooperation with the Sports Federations, the attainment of high standards in sports;
  - (c) to ensure that sports are run in accordance with the of the Government;
  - (d) to approve calendars and programmes proposed by the Sports Federations;

- (e) to encourage and support participation in sporting events abroad by individuals and teams from Seychelles;
  - (f) to enter into and maintain relations with international organisations likely to grant financial, material or technical assistance for the development of sports in Seychelles; and
  - (g) to co-operate with international bodies and institutes which are specialised in the field of sports research, physical education, medicine or sports journalism.
- (2) The Council may do anything which a body corporate may law-fully do and perform or which is necessary or helpful to carry out its functions.
- (3) In particular, but without prejudice to these general powers, and subject to the provisions of this Act, the Council may,—
- (a) provide advisory and information services;
  - (b) provide assistance to persons promoting or developing sports in Seychelles;
  - (c) make grants for the promotion of sports in Seychelles;
  - (d) run sports shops for the sale of sports equipment and sportswear;
  - (e) establish committees to advise or assist it in performing its function;
  - (f) acquire, buy, sell, dispose, rent or hire, exchange, pledge or mortgage any movable or immovable property or interest therein;
  - (g) subject to the approval of the Minister responsible for Finance, borrow money;
  - (h) accept gifts and donations;
  - (i) subject to the approval of the Minister responsible for Finance, make investments of money;
  - (j) subject to section 170 (Lotteries) of the Penal Code, promote and run lotteries or other competitions to raise funds for the Council;
  - (k) make such charges for its services under this Act as it thinks fit;
  - (l) undertake such other activities in furtherance of its functions as the Minister may allow by order published in the *Gazette*; and
  - (m) notwithstanding anything in any other law, promote and run a sports pool either by itself or in collaboration with any other person.

#### 4A.

The Minister may, in consultation with the Council, give to the Council directions in writing on the policy to be followed by the Council in the performance of its functions and the Council shall comply with those directions.

### Part III – Procedure of Council

#### 5. Meetings of Council

- (1) The Chairman shall preside at all meetings of the Council.
- (2) The Council shall meet at such intervals as the Members may decide, but not less frequently than every 3 months.
- (3) The Chairman shall may at any time and shall, at the request in writing of more than one half of the Members and without delay, convene a special meeting of the Council.

- (4) A notice convening a special meeting of the Council shall state the purposes for which it is convened.
- (5) Except for a special meeting convened by the Chairman on his own initiative, not less than 7 days notice of a meeting shall be given to Members.
- (6) 5 Members, who must include the Chairman, constitute a quorum.
- (7) Questions before the Council shall be decided by a majority of votes of the Members present and voting at the meeting.
- (8) The Chairman has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (9) Subject to this Act, the Council shall regulate its meetings, proceedings and conduct as it thinks fit.

## **Part IV – The Secretariat**

### **6. Secretariat**

- (1) The administration and work of the Council shall be carried out by a Secretariat directed by the Director.
- (2) The Director and staff of the Secretariat shall be appointed by the Council with the approval of the Minister on such terms and at such remuneration as may be determined by the Council.
- (3) Remuneration payable under this section shall be paid by the Council.
- (4) The Director shall be responsible to the Council for—
  - (a) the effective operation of the day to day activities of the Council;
  - (b) representing the Council in correspondence and in national and international contacts;
  - (c) management and control of funds of the Council;
  - (d) drafting, communicating and filing minutes and all other documents of the Council;
  - (e) subject to the general directions of the Council, the furtherance of the objects of the Council;
  - (f) keeping the Council informed of the activities of the Secretariat particularly by presenting an activity report at each meeting of the Council and a financial report and statement of accounts, prepared for each period of three months, immediately preceding the date of the report, at the meeting of the Council immediately following the date of the report.
- (5) The Council may provide for the training, career development and discipline of the Secretariat.

## **Part V – Financial provisions**

### **7. Funds and assets etc. in Council**

The funds and property of the Council shall consist of—

- (a) money appropriated by an Appropriation Act and paid to the Council;
- (b) rights, interests, assets or liabilities of the Government vested in the Council under [section 8](#);
- (c) money paid to the Council by way of grants, subsidies, donations, loans, fees, subscriptions, rent, repayments of principal, interest and royalties;
- (d) profits from any sports shop run by the Council;

- (e) money from sports activities organised under the patronage of or for the benefit of the Council;
- (f) money derived from the sale of property held by or on behalf of the Council;
- (g) sums due on any investment made by the Council;
- (h) other money and property lawfully received by the Council for the purposes of the Council;
- (i) accumulations of income derived from any money or property of the Council; and
- (j) income derived by the Council from any sports pool promoted and run by, or in collaboration with, the Council.

## 8. Vesting Government

- (1) The President may authorise the vesting in the Council of any rights, interests, assets or liabilities of the Government.
- (2) The Minister shall thereafter take any further action necessary to vest in or transfer to the Council any rights, interests, assets or liabilities authorised to be vested under subsection (1) and any titles thereto.
- (3) Notwithstanding any law to the contrary, where under subsection (1) the President has authorised the vesting in the Council of a loan to the Government, the Minister shall have power, subject to the terms of the loan, to assign the loan to the Council.

## 9. Use of funds of the Council

The funds or property of the Council may be used—

- (a) for the expenses of the Council and the Secretariat under this Act;
- (b) for the expenses outside Seychelles of Seychelles national sports team; or
- (c) for the expenses of Sports Federations.

## 10. Bank account property of Council

- (1) All money belonging to the Council shall, as soon as practicable after it has come into the hands of the Director or other person authorised to receive money on behalf of the Council, be paid into a bank account in name of the Council.
- (2) No money shall be withdrawn from that bank account except on the signature of the Director and one other member of the Council.

## 11. Financial year

- (1) The financial year of the Council shall end on 31st December in each year.
- (2) The Minister responsible for Finance may amend subsection (1) by order in the *Gazette*.

## 12. Estimates and accounts

- (1) For each financial year the Council shall prepare and submit to the Minister and to the Minister responsible for Finance, not later than such date as the Minister directs, estimates of the income and expenditure of the Council, including its capital budget, for the coming financial year and for any longer period required by the Minister.
- (2) The Council shall cause to be kept all proper books and records of account of its income, expenditure, assets and liabilities.

- (3) Where funds have been received by the Council for a specific purpose, the estimates and accounts of the Council shall show the application of those funds.

### 13. Audit

- (1) At the end of each financial year the accounts of the Council shall be audited by an auditor appointed by the Minister responsible for Finance after consultation with the Council.
- (2) The auditor shall satisfy himself that the accounts of the Council have been properly prepared in accordance with sound accounting principles and he shall either—
  - (a) state in his report that—
    - (i) the accounts have been properly prepared in accordance with the books and records of the Council;
    - (ii) the books and records of the Council have been properly kept and contain information adequate for the purposes of his audit;
    - (iii) the balance sheet and income and expenditure account of the Council give a true and fair view of the Council's financial position; and
    - (iv) the financial affairs of the Council have been properly conducted; or
  - (b) notify the Minister responsible for Finance that he is unable to complete his report as provided in paragraph (a), giving his reasons therefor.
- (3) The auditor shall submit his report to the Minister and to the Minister responsible for Finance and shall forward a copy of his report to the Council.

### 14. Annual Report

- (1) Within six months of the end of the financial year the Council shall submit—
  - (a) to the Minister an Annual Report dealing with the activities of the Council during that year; and
  - (b) to the Minister and the Minister responsible for Finance the accounts of the Council for that year audited in terms of [section 13](#).

### 15. Exemption etc

- (1) The Council is not subject to the Companies Act.
- (2) Subject to subsection (3), the Council is exempt from—
  - (a) tax on income and profit;
  - (b) all other taxes, duties, fees, rates, cess or other imposts under any law,on its assets, profits, operations and property or on grants, gifts or legacies to it.
- (3) Subsection (2) does not exempt the Council in respect of sports shops run by the Council under section 4(3)(d) or similar commercial activities or a sports pool provided and run by, or in collaboration with, the Council under section 4(3)(m).
- (4) The Minister may, whether for the purpose of removing doubt as to the extent of this section or for the purpose of extending the immunities of the Council, by order in the *Gazette* specify any tax, duty, fee, rate, cess or other impost as one to which the Council shall not be liable, and the law relating thereto shall have effect accordingly.

## Part VI – Miscellaneous

### 16. Regulations

The Minister may make regulations—

- (a) for the better carrying out of the objects and purposes of this Act; or
- (b) amending a Schedule.

### Schedule (Section 3(2))

#### Membership of Council

1. The members of the Council are—
  - (a) the Minister or his delegate who will be its Chairman;
  - (b) seven other members appointed by the Minister from among persons who, in the opinion of the Minister, have had experience in sports activities either by participation in or organising such activities; and
  - (c) the Director.
2. Each member appointed under paragraph 1(b) holds office for a period of three years and is eligible for reappointment;
3. The Council may propose the replacement of a member appointed under paragraph 1(b) if he absents himself without the permission of the Council from 3 consecutive meetings of the Council of which he has had notice under section 5(5).