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GENERAL NOTICE

NOTICE 705 OF 2010

DEPARTMENT OF SPORT AND RECREATION SOUTH AFRICA

NATIONAL SPORT AND RECREATION ACT, 1998 (ACT NO. 110 OF 1998)

RECOGNITION OF SPORT OR RECREATION BODIES REGULATIONS, 2010

INVITATION TO SUBMIT YOUR INPUTS ON THE DRAFT REGULATIONS
RELATING TO THE RECOGNITION OF SPORT OR RECREATION BODIES
REGULATIONS, 2010

(Hereinafter referred to as "the draft Regulations");

Section 14 (jE) of the National Sport and Recreation Act , 1998 (Act No.110
of 1998) as amended (hereinafter referred to as "the Act") stipulate as
follows:-

"14 The Minister may , after consultation with the Sports Confederation in as far
as high performance is concerned, make regulations-(jE) as to the funding of
sport and recreation "

1. The draft Regulations provide, amongst others, the procedure to be followed relative to the criteria and application for recognition, the appeal procedures and certificate issued after the recognition as well as the provision of the report and constitutional compliance in regard to the recognition of sport and recreation bodies.
2. A copy of the draft Regulations can be obtained from:

(a) Sport and Recreation South Africa by addressing an e-mail
to: Nkosana@srsa.gov.za or legalservices@srsa.gov.za

(b) SRSA, Private Bag x896, Pretoria, 0001(marked for attention to Legal Services); or

(c) Faxed to 0866449707 (att: Legal Services).

3. The inputs must be submitted on or before the 17th August 2010 at the above mentioned addresses.

DEPARTMENT OF SPORT AND RECREATION SOUTH AFRICA

No. R _____ 2010

NATIONAL SPORT AND RECREATION ACT, 1998 (ACT NO. 110 OF 1998)**RECOGNITION OF SPORT OR RECREATION BODIES REGULATIONS, 2010**

I Rev. Dr. Makhenkesi Stofile the Minister of Sport and Recreation South Africa has, under sections 14(a) and (jE) of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998) and after consultation with the Sport Confederation, made the Regulations in the Schedule.

SCHEDULE**Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context indicates otherwise-

'Act' means the National Sport and Recreation Act, 1998 (Act No.110 of 1998) as amended;

'Accounting officer' means Chief Executive Officer or Secretary General for the sport or recreation bodies;

'Chief Director' means the Chief Director of Client Support Services of the Department of Sport and Recreation South Africa;

'Director-General' means the Director-General of the Department of Sport and Recreation South Africa.

Application of Regulations

2. These Regulations apply to all sport or recreation bodies.

Criteria for recognition

3. (1) A sport or recreation body must-
- (a) be properly constituted and operate on democratic principles;
 - (b) have a formal written constitution and an acceptable democratically elected committee which operates in a transparent, accountable and responsible manner;
 - (c) demonstrate an agreed level of management and financial accountability and stability;
 - (d) have affiliates or members within five provinces functioning within the principles of good governance;
 - (e) provide a development program and an equity plan; and
 - (f) be recognised by a relevant international controlling body before it will be recognised as a sport or recreation body.
- (2) Sport or recreation bodies must abide by existing anti-doping legislation and in accordance with the South African Institute for Drug-Free Sport Act, 1997 (Act No. 14 of 1997).

(3) Participation must be available to all sections of the community and not be restricted for reasons of cost, gender or disability or any other form of discrimination.

(4) Elections of office bearers must be conducted at least every 4 years by the members in terms of its constitution. Minutes of meetings and financial statements must be presented for adoption by members on a regular basis.

(5) Sport or recreation bodies' affiliates must align themselves within the geographical boundaries in the Republic.

Application for recognition

4. (1) A sport or recreation body must submit its application to the Chief Director -

- (a) in the prescribed form issued by Sport and Recreation South Africa, contained in Annexure A to these Regulations;
- (b) with two copies of its constitution; and
- (c) with such other information as may be required by the Chief Director in order to assist the Chief Director to determine whether or not the sport or recreation bodies meets the criteria for recognition as contemplated in regulation 3.

(2) The Chief Director must, within 14 days after receiving an application which complies fully with subregulation (1) -

- (a) consider the application and any further information provided by the applicant; and
- (b) if satisfied that the applicant complies with the criteria for recognition, recognise the applicant by entering the applicant's name in the register contained in Annexure C to these Regulations.

(3) If after considering an application, the Chief Director is not satisfied that the application complies with the criteria for recognition, he or she must send a written notice to the applicant –

- (a) informing the applicant of non-compliance;
- (b) providing reasons for his or her decision within 21 days after the receipt of the application; and
- (c) giving an applicant 14 days to comply with the criteria for recognition.

(4) The period within which compliance must be effected may be extended for not more than 14 days by the Chief Director on good cause shown by the applicant.

(5) If an applicant who has received a notice in terms of subregulation (3) complies with the criteria for recognition timeously, the Chief Director must register the applicant by entering the applicant's name in the register contained in Annexure C to the Regulations.

(6) If an applicant who has received a notice in terms of subregulation (3) has not complied timeously with the criteria set out in that notice, the Chief Director must-

- (a) refuse to recognise the applicant; and
- (b) notify the applicant in writing of the refusal and the reasons for it.

Appeals

5. (1) A sport or recreation body, that is not satisfied with a decision taken against it under these Regulations may within 14 days lodge a written appeal with the Director - General.

(2) The appeal contemplated in subregulation (1) must be submitted with a written statement to the Director-General setting out the grounds upon which the appeal is based.

(3) Until any appeal has been decided by the Director-General, the decision must be regarded to have been validly made or given.

(4) For the purpose of these Regulations the Director-General must appoint an Appeal Tribunal by notice in the *Gazette*, pronouncing the powers and duties of the Appeal Tribunal.

(5) The Appeal Tribunal must promptly decide and dispose of an appeal lodged before it within 14 days and in any case must ensure that the object of lodging the appeal is not defeated by the Appeal Tribunal's delay in reaching its decision.

Certificate of recognition

6. (1) After recognising the sport or recreation bodies, the Chief Director must-
- (a) issue a certificate of recognition in the applicant's name on the prescribed form contained in Annexure B to these Regulations which must include a registration number;
 - (b) send a certificate with the date on which the sport or recreation body was entered in the register and a certified copy of the registered constitution to the applicant.

Effect of recognition

7. (1) The certificate of recognition of a sport or recreation body, is sufficient proof that the sport or recreation body-
- (a) has met all the criteria for recognition; and
 - (b) has been registered in terms of these Regulations.

(2) For the purpose of these Regulations, service of any document directed to a recognised sport or recreation body at the physical address most recently provided to the Chief Director, must be regarded as sufficient service of that document on that sport or recreation body.

(3) A recognised sport or recreation body must reflect its status and registration number on all of its documents.

Duty to provide reports and information

8. (1) Every recognised sport or recreation body must in writing provide the Chief Director with-

- (a) a report of its activities as contemplated in sections 3A, 10(3) and 13A of the Act;
- (b) the names and physical, business and residential addresses of its office-bearers within 1 month after any appointments or elections of its office-bearers, even if their appointments or elections did not result in any changes to its office-bearers;
- (c) the physical address in the Republic for the service of documents as contemplated in regulation 7(2)
- (d) notice of any change of address within 14 days before a new address for service of documents will take effect; and
- (e) such other information as may be required.

(2) The Chief Director may cause any document or other report that is submitted to the Chief Director to be scrutinised, or by means of notice, require a recognised sport or recreation body to submit any information or document reasonably required in order to enable the Chief Director to determine whether the body is complying with-

- (a) the material provisions of its constitution

- (b) its obligations in terms of these Regulations .
- (3) A recognised sport or recreation body must submit the information or document contemplated in subregulation (2) within 14 days after receipt of the notice.
- (4) If the Accounting Officer of a recognised sport or recreation body becomes aware of any instances in which the sport or recreation body has failed to comply with its constitution, the Accounting Officer must notify the Chief Director of the occurrence-
 - (a) within 14 days of becoming aware of it; and
 - (b) in writing with a description of the nature of the non-compliance.
- (5) The duty imposed on an Accounting Officer in terms subregulation (4) supersedes the duty of confidentiality owed to the sport or recreation body.

Changing constitution or name of recognised sport or recreation body

- 9. (1) A recognised sport or recreation body may change its constitution and its name.
- (2) A recognised sport or recreation body that has resolved to change its constitution or its name must provide the Chief Director with -
 - (a) a copy of the resolution and a certificate signed by a duly authorised office-bearer stating that the resolution complies with its constitution and all relevant laws; and
 - (b) the original of its current certificate of recognition.
- (3) Upon receiving the documents contemplated in subregulation (2) from the sport or recreation body that has resolved to change its constitution, the Chief Director must-

- (a) register the new constitution if it meets the criteria for recognition;
 - (b) endorse a copy of the resolution, certifying that the change or replacement of the constitution has been recognised; and
 - (c) send the endorsed copy of the resolution to the sport or recreation body.
- (4) Upon receiving the documents contemplated in subregulation (2) from a sport or recreation body that has resolved to change its name, the Chief Director must-
- (a) enter the new name in the register and issue a certificate of recognition in the new name of the sport or recreation body;
 - (b) remove the old name from the register and cancel the earlier certificate of registration; and
 - (c) send the new certificate to the relevant sport or recreation body.

Non-compliance with constitution and obligation by recognised sport or recreation body

10. (1) The Chief Director must-
- (a) send a compliance notice to a recognised sport or recreation body if the sport or recreation body has not complied with-
 - (i) a material provision of its constitution; or
 - (ii) its obligations in terms of regulations 8 or 9 and any other provision of these Regulations within 14 days after becoming aware of non-compliance; and
 - (b) recommend to the Minister to publish such decision in the *Gazette* as contemplated in sections 10(3)(b) and 13 of the Act.
- (2) A compliance notice contemplated in subregulation (1) must-
- (a) be in writing;
 - (b) notify the sport or recreation body of the non-compliance and steps it is required to take in order to comply; and

(c) inform the sport or recreation body that it has 14 days from the date of the notice to comply.

(3) The period within which compliance must be effected may be extended by the Chief Director on good cause shown by the sport or recreation body.

Cancellation of recognition

11. (1) If a recognised sport or recreation body that has received a notice in terms of regulation 10 does not comply with the notice within 14 days, or makes material false representations on any document or other report submitted to the Chief Director, the Chief Director must-

- (a) cancel the certificate of its recognition; and
- (b) notify the sport or recreation body in writing within 7 days of-
 - (i) the cancellation and reasons for it; and
 - (ii) the date on which the registration was cancelled; and
- (c) amend the register accordingly.

(2) When a sport or recreation body's recognition has been cancelled, all the rights, benefits and allowances it enjoyed as a result of being recognised terminate immediately.

(3) For purpose of these Regulations, a cancellation of recognition takes effect on the date on which the certificate of recognition is cancelled by the Chief Director.

(4) Sport and Recreation South Africa may cancel benefits of sport or recreation body in terms of section 10(3)(a) and (b) of the Act.

Appeal against cancellation of recognition

12. (1) A recognised sport or recreation body may refer the decision of the Chief Director to cancel its recognition for arbitration to the Director-General to be considered by the Appeal Tribunal and the procedure as contemplated in regulation 5(1) .
- (2) The Appeal Tribunal must-
- (a) consider applicant appeal; and
 - (b) send a written notice of its decision to the appellant and the Director General stating the reason for the decision.
- (3) If the Appeal Tribunal upholds the appeal-
- (a) the Chief Director must reinstate the recognition of the body by -
 - (i) re-issuing the certificate of recognition; and
 - (ii) amending the register accordingly; and
 - (b) the sport or recreation body must be regarded as not to having had its recognition cancelled.

Register of sport or recreation bodies

13. (1) The Chief Director must keep a register of-
- (a) all sport or recreation bodies that have been recognised;
 - (b) all sport or recreation bodies whose recognitions have been cancelled;
 - (c) all the sport or recreation bodies that have voluntarily de-registered or have been wound up or dissolved.
- (2) Within 2 months after the end of each financial year, the Chief Director must publish in the *Gazette* the names of –
- (a) all sport or recreation bodies that have been recognised;
 - (b) all sport or recreation bodies whose recognition have been cancelled;

- (c) all the sport or recreation bodies that have voluntarily de-registered or have been wound up or dissolved.

Short title

14. These Regulations is called the Recognition of Sport or Recreation Bodies Regulations, 2010.

APPLICATION FOR REGISTRATION BY SPORT OR RECREATION BODIES**1. DETAIL OF SPORT OR RECREATION BODY**

Name of the sport or recreation body

Physical address

Code

Postal address

Code

Tel ()

Fax ()

E-mail

Date of financial year-end

2. PARTICULARS OF OFFICE-BEARERS (If you have more office-bearers than is provided for on this page, provide the particulars of these office-bearers on a separate page and attach it to the application)

Name(s) _____ Name(s) _____

Surname _____ Surname _____

Business Address _____ Business Address _____

Residential Address _____ Residential Address _____

Number ID _____ ID Number _____

Contact details (w) _____ Contact Details (w) _____

(h) _____ (h) _____

Fax _____ Fax _____

E-mail _____ E-mail _____

Capacity in the body _____ Capacity in the body _____

3. REQUIREMENTS FOR RECOGNITION OF THE BODY AND RECREATION BODIES' CONSTITUTION

(1). Compulsory requirements for recognition in terms of these regulations

- (a) Each requirements from (a) to (o) must be reflected in the constitution. The Chief Director may not recognise the sport or recreation body, unless it complies with all requirements reflected from (a) to (o).
- (b) Indicate in column 2 where in your body's constitution the requirements listed in column 1 are provided for

Column 1	Column 2
REQUIREMENTS FOR RECOGNITION	Applicable reference in constitution
(a) Sport or recreation body's name(s)	
(b) Body's main and ancillary objectives	
(c) Body's income and property are not distributable to its members or office bearers, except as reasonable compensation for service rendered	
(d) Representatives (i) Disability (ii) Women (iii) Youth	
(e) Provision for the body 'continuance' existence notwithstanding changes in the composition of its members or office-bearers	
(f) Members or office-bearers have no rights in the property or other assets of the body solely by virtue of their being members or office-bearers.	
(g) Powers of the body	
(h) Body's structure and mechanism for its governance	
(i) Rules for convening and conducting meetings,	

including quorums required for and the minutes to be kept of these meetings	
(j) Manner in which decisions are to be made	
(k) Provision made for the body's financial transactions to be conducted by means of a banking account	
(l) Date for the end of the body's financial year	
(m) Procedure for changing the constitution	
(n) Procedure by which the body may be wound up or dissolved	
(o) Provision that, when the body is wound up or dissolved, any assets remaining, after all its liabilities have been met, must be transferred to another sport or recreation body having similar objectives	

(2). **Optional provisions**

- (a) These provisions are optional (i.e. not compulsory) but desirable, as they strengthen the governance procedure in the constitution.
- (b) Indicate in column 2 where in your body's constitution the provisions listed in column 1 are located.

Column 1	Column 2
OPTIONAL PROVISIONS FOR RECOGNITION	Applicable reference in constitution
(a) Qualifications for and admission to membership of the body	
(b) Circumstances in which a member may no longer be entitled to the benefits of membership	
(c) Provisions for termination of membership	
(d) Provisions for appeals against loss of the benefits of	

membership or against termination of membership, the procedure for such appeals and the body to which such appeals may be made	
(e) Provisions for membership fees and matters determining membership fees and other payments by members	
(f) Provision that members or office-bearers do not become liable for any of the obligations and liabilities of the body solely by virtue of their status as members or office-bearers of the body.	
(g) Provision for the appointment of office-bearers and tabulation of their respective functions	
(h) Procedure for nominating, electing or appointing office-bearers.	
(i) Circumstances and manner in which office-bearers may be removed from office, provision for appeals against such removal, procedure for such appeals the body to which such appeals can be made	
(j) Provision that office-bearers are not personally liable for any loss suffered by any person as a result of an act or omission which occurs in good faith while the office-bearers are performing functions for or on behalf of the body	
(k) Provisions for making investments	
(l) Purpose for which the funds of the body may be used	
(m) Provision for acquiring and controlling assets	

4. ADDITIONAL INFORMATION REQUIRED

The completion of this part of the application form is not compulsory. The Directorate for Client Support Services seeks this information for administration, background and research purposes. Your application shall not be prejudiced if this part of the application form is not completed.

Date when the body was established:

Sport or recreation body's area of operation:

Geographical:

Sector: _____

Is the organisation affiliated to any other body or structure? (if yes, please specify the name and contact details of this body or structure)

5. DECLARATION BY PERSON SUBMITTING THIS APPLICATION

I, the undersigned, declare that I am duly authorised by my sport or recreation body to complete and submit the application and that the information contained in this form is to the best of my knowledge correct.

Names:

Signature:

Capacity:

Date:

6. DUTIES OF RECOGNISED SPORT OR RECREATION BODIES

Once your sport or recreation body has been recognised it must-

- (a) reflect its recognised status or recognition number on all its documents;
- (b) keep accounting records;
- (c) draw up financial statements;
- (d) arrange for an accounting officer to prepare a written report;
- (e) preserve its books of account, supporting vouchers, membership record and financial records and documents; and
- (f) submit to the Chief Director-
 - (i) a narrative report;
 - (ii) details of any change of its office-bearers;
 - (iii) details of any changes of its address at which it must receive documents;
and
 - (iv) details of any changes in its constitution or its name.

CERTIFICATE OF RECOGNITION OF SPORT OR RECREATION BODY**CERTIFICATE OF RECOGNITION OF SPORT OR
RECREATION BODY**

In terms of the National Sport and Recreation Act, 1998 (Act No.110 of 1998), I am satisfied that-

(Name of the sport or recreation body)

Meets the criteria for recognition.

The body's name was entered into the register on _____
date

Recognition number



Director-General

Date

REGISTER OF SPORT OR RECREATION BODIES

[illegible]