

SPORTS ACT, 2016 ACT 394

ARRANGEMENT OF SECTIONS

Section

National Sports Authority

1. Establishment of the National Sports Authority
2. Objects of the Authority
3. Functions of the Authority

Governance of the Authority

4. Governing body of the Authority
5. Tenure of office of members
6. Meetings of members of the Board
7. Disclosure of interest
8. Establishment of committees
9. Allowances
10. Ministerial directives

Administrative and Financial Provisions

11. Appointment of Director-General
12. Functions of the Director-General
13. Appointment of Secretary to the Board
14. Appointment of other staff
15. Funds of the Authority
16. Accounts and audit
17. Annual report and other reports

18. Funds for national sports associations

Regional Sports Committees and District Sports Units

19. Regional Sports Committee

20. Composition of Regional Sports Committee

21. Functions of Regional Sports Committee

22. Tenure of members of Regional Sports Committee

23. District Sports Unit

24. Composition of District Sports Unit

25. Functions of District Sports Unit

26. Tenure of office of members of District Sports Unit

Miscellaneous Provisions

27. Ambush marketing

28. Offences and penalties

29. Regulations

30. Interpretation

31. Repeal and savings

Act

REPUBLIC OF GHANA

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

SPORTS ACT, 2016

AN ACT to establish the National Sports Authority, to provide for the development, promotion and management of sports, and to provide for related matters.

DATE OF ASSENT:

PASSED by Parliament and assented to by the President.

National Sports Authority

Establishment of the National Sports Authority

1. (1) There is established by this Act a body corporate to be known as the National Sports Authority.

(2) For the performance of its functions, the Authority may acquire and hold movable and immovable property, dispose of property and enter into a contract or any other transaction.

(3) Where there is a hindrance to the acquisition of property, the property may be acquired for the Authority under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Authority.

Objects of the Authority

2. The objects of the Authority are

(a) to promote and encourage the organisation and development of, and mass participation in sports;

(b) to encourage increased participation and improved performance in sports; and

(c) to encourage the private sector to contribute to the funding, development and promotion of sports.

Functions of the Authority

3. To achieve its objects, the Authority shall

(a) with the private sector and other agencies, organise and support citizens to participate in sports at district, regional, national and international levels;

(b) facilitate the organisation of national games;

(c) issue licences in respect of matters relating to sports;

(d) provide financial and other assistance to a team or person for the purpose of enabling that team or person to represent the Republic in international competitions in or outside the Republic;

(e) encourage citizens to participate in sporting activities;

(f) advise the Minister on matters in relation to the promotion and development of sports;

(g) ensure the development, establishment and management of public sporting facilities in the country;

(h) encourage the private sector in the development and management of sports facilities in the country;

(i) in collaboration with the Ministry, ensure

(i) the provision of necessary facilities required for building national teams;

(ii) the provision of funds for the purpose of managing national teams;

(iii) the submission of proposals on matters relating to the development and maintenance of national teams;

(iv) transparency and accountability in the development and management of national teams;

(v) that all moneys received by way of sponsorship, gifts and any other benefits for national teams are properly accounted for; and

(vi) the organisation of biannual sports congress to review sports development for the period and map out strategies for sports development for the future;

(j) co-operate with national and international sporting organisations in order to foster and create a conducive sporting environment;

(k) provide assistance to sporting associations that the Authority considers necessary;

(l) undertake research and development related to sports;

(m) promote, encourage and secure the adoption of policies of gender equity, equal opportunity and access to sports, child protection in sports and drug free sports; and

(n) perform any other functions that are necessary for the attainment of the objects of the Authority. "

Governance of the Authority

Governing body of the Authority

4. (1) The governing body of the Authority is a Board consisting of
(a) a chairperson;

(b) the Director-General appointed under section 11;

(c) the Director of the National Sports College, Winneba;

(d) one representative of the Ministry not below the rank of a Director;

(e) one representative of the Ministry responsible for Finance not below the rank of a Director;

(f) one representative of the Ministry responsible for Education not below the rank of a Director;

(g) one person nominated by

(i) the Security Services Sports Association;

(ii) Tertiary Institutions;

(iii) the National Paralympic Committee;

(iv) the Ghana Olympic Committee;

(h) two distinguished sporting personalities nominated by the Minister; and

(i) three persons knowledgeable in sports development, at least, one of whom is a woman.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Board shall ensure the proper and effective performance of the functions of the Authority.

Tenure of office of members

5. (1) A member of the Board shall hold office for four years and is eligible for re appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Director-General.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board, other than the Director-General, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall, in consultation with the Board, determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3) or (4) or section 7(2);

(b) as a result of a declaration under subsection (6); or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of members of the Board

6. (1) The members of the Board shall meet at least once every four months for the dispatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Board convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is eight members of the Board or a greater number determined by the Board in respect of an important matter.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

(7) An act of the Board shall not be invalidated by reason of a vacancy in the membership of the Board or a defect in the appointment of a member.

Disclosure of interest

7. (1) A member of the Board who has an interest in a matter for consideration shall

(a) disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter;

(b) request to be recused from the deliberations of the Board in respect of the matter; and

(c) not participate in the deliberations of the Board in respect of the matter.

(2) A member ceases to be a member of the Board if that member has an interest in a matter before the Board and

(a) fails to disclose that interest; or

(b) is present or participates in the deliberations of the matter.

Establishment of committees

8. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function determined by the Board.

(2) A committee composed of non-members only is advisory.

(3) Section 7 applies to a member of a committee of the Board.

Allowances

9. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Ministerial directives

10. The Minister may give directives on matters of policy to the Board and the Board shall comply.

Administrative and Financial Provisions

Appointment of Director-General

11. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Authority.

(2) The Director-General shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Director-General

12. (1) The Director-General

(a) is responsible for the day to day administration of the Authority and is answerable to the Board in the performance of the functions under this Act;

(b) is responsible for liaising with the Authority and the Minister with a view of ensuring effective implementation of this Act; and

(c) shall perform any other function determined by the Board.

(2) The Director-General may delegate a function to an officer of the Authority but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Appointment of Secretary to the Board

13. (1) The President shall, in accordance with article 195 of the Constitution, appoint a solicitor as Secretary to the Board.

(2) The Secretary shall

(a) arrange the business for meetings of the Board and cause minutes of proceedings of the Board to be recorded and kept;

(b) perform any other functions that the Board may assign; and

(c) in the performance of functions under paragraph (b), report to the Board through the Director-General.

Appointment of other staff

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint staff that are necessary for the proper and effective performance of the functions of the Authority.

(2) Other public officers may be transferred or seconded to the Secretariat of the Authority or may otherwise give assistance to the Authority

(3) The Authority may engage the services of consultants as determined by the Board.

Funds of the Authority

15. The funds of the Authority include

(a) moneys approved by Parliament;

(b) loans, grants and gifts;

(c) proceeds from special lotteries for sports;

(d) moneys accruing to the Authority in the course of the performance of its functions under this Act including proceeds of matches and competitions;

(e) sponsorships; and

(f) any other moneys approved by the Minister responsible for Finance.

Accounts and audit

16. (1) The Authority shall keep books of account and proper records in relation to them in the form determined by the Auditor-General.

(2) The Board shall submit the accounts of the Authority to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall not later than three months after the receipt of the accounts audit, the accounts and forward a copy of the audit report to the Minister.

Annual report and other reports

17. (1) The Board shall within one month after receipt of the audit report, submit to the Minister an annual report covering the activities and the operations of the Authority for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement the Minister considers necessary.

(4) The Board shall submit to the Minister, any other report which the Minister may request in writing.

Funds for national sports associations

18. (1) Each national sports association shall submit a budget on the activities of the association in respect of

(a) the national team; and

(b) any other national sporting activity.

(2) A national sports association shall account through the Authority to the Minister for moneys received from sponsorship, gifts and any other benefits for the purposes of paragraphs (a) and (b) of subsection (1).

Regional Sports Committees and District Sports Units

Regional Sports Committee

19. (1) The Authority shall, in consultation with the Minister, establish a Regional Sports Committee in each region.

(2) A Regional Sports Committee shall be attached to the office of the Regional Co-ordinating Council.

Composition of Regional Sports Committee

20. (1) A Regional Sports Committee consists of

(a) a chairperson nominated by the Authority on the advice of the Minister responsible for the region;

(b) the Regional Sports Director;

(c) three representatives of district sports units within the region; and

(d) two other members nominated by the Minister responsible for the region at least one of whom is a woman.

(2) The members of the Regional Sports Committee shall be appointed by the Minister.

Functions of Regional Sports Committee

21. The functions of a Regional Sports Committee are

(a) to promote, encourage and develop sports throughout the region,

(b) to co-ordinate the sporting activities of the District Sports Units within the region,

(c) to co-ordinate the activities of the District Sports Units within the region in relation to the care, maintenance and provision of sports facilities in the region,

(d) to assist in the organisation of Regional Sports Festival once every year,

(e) to prepare and submit to the Authority returns on sporting activities in the region, and

(f) to perform any other function assigned by the Board.

Tenure of members of Regional Sports Committee

22. (1) A member of a Regional Sports Committee shall hold office for a period of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Regional Sports Director.

(3) A member may, by writing addressed to the chairperson of the Regional Sports Committee, resign from office.

District Sports Unit

23.(1) Each district shall have a District Sports Unit.

(2) A District Sports Unit is part of the Education Youth and Sports Department of the District Assembly.

Composition of District Sports Unit

24. (1) A District Sports Unit consists of

(a) a chairperson nominated by the Authority in consultation with the District Chief Executive;

(b) a representative of the District Education Office;

(c) the District Sports Director; and

(d) four other persons nominated by the District Chief Executive.

(2) The members of the District Sports Unit shall be appointed by the District Chief Executive.

Functions of District Sports Unit

25. The functions of a District Sports Unit are to

(a) assist in the formulation and implementation of sports policies, programmes and activities of the District Assembly;

(b) co-ordinate the preparation of annual sports budget of the District Assembly;

(c) advise the District Assembly on

(i) the promotion of efficient management and administration of private sector sports clubs and associations in the district;

(ii) the collection and dissemination of sports statistical data and other information in the district; and

(iii) matters relating to the development of sports in the district including the construction, equipping, operating and maintenance of sports stadia and other sporting facilities in the district;

(d) assist in the organisation of regional sports activities in the district and promote

(i) participation in mass sports;

(ii) sports for excellence; and

(iii) paralympic sports;

(e) assist in the organisation of District Sports Festival at least once every year;

(f) co-ordinate the selection and preparation of district sportsmen and women for inter-district sports festivals and tournaments;

(g) assist in the establishment of sports associations in the district;

(h) encourage the establishment of keep-fit clubs and sports teams in the district;

(i) facilitate the training of community sports leaders and coaches for the keep-fit clubs and sports teams in the district;

(j) participate in the research on matters relating to sports in the district;

(k) facilitate private sector participation in the provision and management of sports infrastructure in the district;

(l) assist in the provision of sports equipment to public sports organizations and activities in the district;

(m) facilitate the preparation of reports on the implementation of sports policies and matters relating to sports to the District Chief Executive in the form provided by the District Assembly; and

(n) ensure proper accounts of all moneys received for the purpose of sports in the District.

Tenure of office of members of District Sports Unit

26. (1) A member of a District Sports Unit shall hold office for a period of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the District Sports Director.

(3) A member may, by writing addressed to the chairperson of the District Sports Unit, resign from the Unit.

Miscellaneous Provisions

Ambush marketing

27.(1) A person shall not engage in ambush marketing.

(2) A person engages in ambush marketing where without written authorisation of the organiser of a sporting event, that person broadcasts, displays, makes, publishes or televises any advertisement, communication statement, mark or image or causes or authorises any advertisement, communication, statement, mark or image to be broadcast, displayed, made, published or televised.

(3) A person who engages in ambush marketing, commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than twenty thousand penalty units or to a term of imprisonment of not less than two years and not more than five years.

(4) Each day of a continuing contravention of subsection (1), constitutes a separate offence and the Court before which a person is charged shall impose a penalty of not more than fifty percent of the minimum penalty for each day during which the offence continues.

(5) For purposes of this section, "ambush marketing" means the connecting by persons of their products with a particular sporting event in the minds of potential customers, without the consent or awareness of the organisers of the event, in order to increase sales, gain media attention and publicity and without having to pay sponsorship for the event.

Offences and penalties

28. A person who contravenes a provision of this Act, for which a penalty is not provided commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units and not more than twenty thousand penalty units or to a term of imprisonment of not less than one month and not more than five years or to both.

Regulations

29. (1) The Minister may, by legislative instrument, make Regulations

(a) to provide for licences in respect of matters relating to sports;

(b) to provide for fees to be charged in relation to the licences;

(c) to prescribe for compliance by national sports associations to the

(i) statutes,

(ii) charters,

(iii) constitutions,

(iv) regulations,

(v) rules, or

(vi) by-laws

of the respective international federations or organisations;

(d) to provide for the registration of sports associations;

(e) to provide for the regulation of persons onto or into any land, building or facility owned by, or under the control of the Authority;

(f) to provide for matters relating to the use of activities involving national teams for purposes of advertising and gaming;

(g) to provide for the regulation of the use of an emblem, logo, design, mark, symbol or name that is associated with the Authority;

(h) to prescribe standards for the establishment and operation of sporting facilities;

(i) to provide for health safety standards at sports centres and facilities;

(j) to prescribe standards for the establishment and operation of sports academies;

(k) to provide for the organisation and hosting of international games and competitions;

(l) to provide measures for the prevention of ambush marketing in sports; and

(m) generally for the effective implementation of the provisions of this Act.

(2) A person who contravenes a provision of Regulations made under this Act commits an offence and is liable to a fine of not less than fifty penalty units and not more than twenty thousand penalty units or to a term of imprisonment of not less than one month and not more than five years or to both.

Interpretation

30. In this Act, unless the context otherwise requires

"Authority" means the National Sports Authority established under section 1;

"Board" means the governing body of the Authority established under section 4;

"Director-General" means the Director-General appointed under section 11;

"district" includes the area of commission of a District Assembly, a Municipal Assembly and a Metropolitan Assembly;

"Minister" means the Minister responsible for Sports;

"Ministry" means the Ministry responsible for Sports;

"prescribed institution" includes the Ghana Police Service, Prison Service, Ghana Armed Forces, a public university and any other tertiary institution prescribed by the Minister;

"prescribed sports" includes amateur and professional football, boxing, athletics, cricket, volleyball, basketball, lawn tennis, table tennis, hockey, squash, handball, cycling, judo, chess, weight lifting and any other sport prescribed by the Minister; and

"team" means a group of athletes that is recognised by the Authority to compete in an approved tournament, competition or game.

Repeal and savings

31.(1) The Sports Act, 1976 (S.M.C.D. 54) is hereby repealed.

(2) Despite the repeal of the S.M.C.D. 54, Regulations, by-laws, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactment and in force immediately before the commencement of this

Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

Date of *Gazette* notification: