



EXTRAORDINARY
OFFICIAL GAZETTE
THE BAHAMAS
PUBLISHED BY AUTHORITY

NASSAU

29th July, 2011

(C)

ACTS No. 28 / 2011
29 / 2011



No. 29 of 2011

SPORTS AUTHORITY ACT, 2011

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF THE NATIONAL SPORTS AUTHORITY OF THE BAHAMAS

(Date of Assent – 27th July, 2011)

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act may be cited as the Sports Authority Act, 2011.
- (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 a federation, association or club;
- “**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 travelling to or 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 may
 - (a) construct, alter and maintain buildings at the Centre;
 - (b) 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) enter into agreements with sporting federations for the benefit of a particular sport;
 - (d) 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) establish, in cooperation with the respective local government council, sports authorities in any island or grouping of islands of The Bahamas;
 - (f) erect buildings, structures and landscape grounds;
 - (g) receive donations and raise funds by such lawful means as the Authority sees fit;

- (h) adopt and charge admission fees for entry upon sports grounds, stadiums and the like;
- (i) fix and collect other charges for the use of any facilities afforded by the Authority or any property vested in the Authority;
- (j) 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) 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 sports 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.
- (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.
- (4) Any borrowing by the Authority of an amount in excess of five million dollars shall be subject to affirmative resolution of both chambers of Parliament.
- (5) In subject (4), the expression "subject to affirmative resolution of both chambers of Parliament" means that any such borrowing shall not be permitted unless and until approved by a resolution of both those chambers.

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 all such sums —
 - (a) as may be voted from time to time by Parliament;
 - (b) which may accrue to be vested in the Authority by way of grants, subsidies, donations or gifts; and
 - (c) received by the Authority from any other source.
- (3) There shall be paid out of the Fund, such sums as the Authority may determine for —
 - (a) the encouragement, promotion and development of any sport in The Bahamas;
 - (b) 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) 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. Regulations.

- (1) The Minister may make regulations for carrying the provisions of this Act into effect and without prejudice to the generality of this provision, 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 administration of the National Sports Fund;
 - (g) the purpose of carrying out or giving effect to the provisions of the Act.
- (2) Regulations made under paragraphs (d) and (f) 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 sports in general.

13. 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*).

SCHEDULE

(section 3)

1. Membership of the Authority.

(1) The Authority shall consist of nine members appointed by the Minister by Order published in the Gazette, one of whom shall be —

- (a) the President of the National Olympic Committee of The Bahamas or his nominee;
- (b) the Director of Sports, *ex officio*; and
- (c) the General Manager, *ex officio*.

(2) The Minister shall appoint a chairman and a deputy chairman of the Authority from among members appointed under paragraph (1) and, if the chairman is absent or unable to act, the deputy chairman shall act as chairman during the time the absence or inability continues.

(3) The Minister shall in appointing the members of the Authority take into consideration any representations that may be made by registered sporting organizations and at least two members shall be appointed representative of the sporting community, upon the recommendation of the federations.

2. Disqualification of membership of Authority.

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

- (a) is or has been adjudged by a competent court to be of unsound mind;
- (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. Tenure of office.

A member of the Authority shall hold office for a period, not exceeding three years, as the Minister may direct in the instrument appointing such member and such member shall be eligible for reappointment on the expiration of his term of office.

4. Resignation.

A member of the Authority, other than an *ex officio* member, may at any time resign his office by instrument in writing addressed to the Minister and from the date of receipt

by the Minister of the instrument that member shall cease to be a member of the Authority.

5. Removal from office.

The Minister may by instrument in writing, revoke the appointment of a member of the Authority if the Minister thinks it expedient to do so.

6. Vacancies.

If a member vacates office by reason of death, resignation or removal, the Minister may appoint a person in place of that member and such person shall hold office for the unexpired term of the person who has vacated office.

7. 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.

8. Publication.

The appointment, removal, death or resignation of a member of the Authority shall be published in the Gazette.

9. Remuneration.

There shall be paid from the funds of the Authority to the chairman and other members of the Authority such remuneration, whether by way of honorarium, salary or fees, and such allowances, if any, as the Minister may determine.

10. Meetings.

(1) The Authority shall meet as often as may be required for the performance of its functions.

(2) The chairman, or in his absence, the deputy chairman shall preside at all meetings of the Authority.

(3) The chairman, or in his absence, the deputy chairman and three other members of the Authority shall form a quorum.

(4) The decisions of the Authority are by a majority of votes and in any case in which the voting is equal, the member constituting the majority of the Authority presiding at the meeting shall have, in addition to an original vote, a casting vote.

(5) Minutes of each meeting in proper form are to be kept by the secretary or any officer that the Authority may appoint for that purpose, and confirmed by the Authority

at the next meeting and signed by the chairman or a member of the Authority designated by the chairman as the case may be.

(6) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority for the purpose of assisting any particular meeting of the Authority or advising the Authority in any matter with which the Authority is dealing, but no co-opted person has the right to vote.

(7) Where a quorum is present, the validity of any proceeding of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member.

11. Authority to regulate its proceedings.

Subject to this Schedule, the Authority has the power to regulate its proceedings.

12. Seal.

(1) The seal of the Authority must be kept in the custody of an officer of the Authority as the Authority may approve, and may be affixed to instruments pursuant to a resolution of the Authority and in the presence of the chairman or the deputy chairman and one other member of the Authority.

(2) The seal of the Authority must be authenticated by the signature of the chairman or the deputy chairman and one other member, and the seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, and all decisions of the Authority may be signified under the hand of the chairman or the deputy chairman and one other member of the Authority designated by the chairman.