

CHAPTER 49

THE NATIONAL SPORTS COUNCIL OF TANZANIA ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE

CHAPTER 49

THE NATIONAL SPORTS COUNCIL OF TANZANIA ACT

An Act to establish the National Sports Council of Tanzania and to provide for related matters.

[28th April, 1967]

Acts Nos.

12 of 1967

1 of 1968

6 of 1971

[PCh49s1]1. Short title

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

[PCh49s2]2. Interpretation Act No. 6 of 1971

In this Act, unless the context requires otherwise—

"Council" means the National Sports Council of Tanzania established by section 3;

"financial year of the Council" means a year commencing on the first day of July and ending on the next following thirtieth day of June:

Provided that the first financial year of the Council shall commence on the date of coming into operation of this Act and end on the thirtieth day of June, 1968;

"member" in relation to a sports association includes an office bearer of such association;

"Minister" means the Minister for the time being responsible for sports;

"office bearer" in relation to a sports association means any person who is the President, Vice-President, Chairman, Vice-Chairman, Secretary, treasurer, member of the committee or governing or executive body of such association, and also any person who holds in such association any office or position comparable to an office or position mentioned hereinbefore, or any person who is the manager, or assists in the management of the affairs of the association;

"Registrar" means the Registrar of Sports Associations appointed under section 10;

"society" shall have the meaning assigned to that term in the Societies Act *:

Provided that a society shall not cease to be a society for the purposes of this Act, by virtue only of its having been declared not to be a society by an order made under paragraph (g) of the definition "society" in the Societies Act;

"sports association" means any society which provides facilities for amateur sports or physical recreation.

[PCh49s3]3. Establishment of Council

(1) There is hereby established a Council, which shall—

(a) be a body corporate by the name of the National Sports Council of Tanzania, with perpetual succession and an official seal;

(b) in its corporate name be capable of suing and being sued; and

(c) be capable of holding, purchasing and otherwise acquiring, and disposing of any property, movable or immovable, for the purposes of carrying out the functions conferred on the Council by this Act.

(2) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of, and otherwise in relation to the Council.

[PCh49s4]4. Functions of the Council Act No. 6 of 1971

(1) The functions of the Council shall be—

(a) to develop, promote and control all forms of amateur sports on a national basis in conjunction with sports associations by providing–

- (i) training and other staff;
- (ii) grants in aid to national sports associations;
- (iii) stadia, playing fields and other facilities;
- (iv) sports equipment and other sports items as may be necessary for the accelerated development of sports;

(b) to encourage and facilitate co-operation among the various National sports associations;

(c) to approve international and national sports competitions and festivals organised by national and other sports associations;

(d) to organise, in consultation with the national sports associations, national, international and other sports competitions and festivals as a means of exchanging experience and fostering friendly relations with other nations;

(e) to stimulate general interest in all sports by their organisation at all levels;
and

(f) to plan a general policy of sports promotion.

(2) The Council may–

(a) award, in consultation with the national sports associations, medals, diplomas, certificates, trophies and other incentives for the encouragement and promotion of sporting activities;

- (b) sponsor scholarships for the training of coaches and organisers;
- (c) advise the Minister regarding external relations in the field of sports;
- (d) arrange with local authorities for the provisions of sporting facilities at all local levels and endeavour to inculcate a high level of sportsmanship and discipline in all sportsmen;

- (e) provide sports medical clinics and other such facilities;
- (f) raise by public appeals or otherwise funds and property of the Council in the furtherance of the Council's functions and to hold and invest all monies not applied for such purposes as may be thought fit;

- (g) consult with other associations, institutions or persons upon matters of common interest relating to amateur sports, co-ordinate their views and opinions and make representations, on behalf of or in conjunction with any of them, to the public or otherwise on such matters as aforesaid, and generally do all acts and things, whether alone or in co-operation with any other association, institution or person as may be thought fit in the interests of the Council or of any affiliated body, which are considered to be of benefit to sports or physical recreation in the United Republic generally.

(3) The Council—

- (a) shall, when any matter relating to the registration of any sports association, cancellation of registration, exemption from registration or rescission of such exemption is referred to it by the Registrar or the Minister, advise the Registrar or, as the case may be, the Minister, of its views on the matter;

(b) may from time to time, advise the Minister on matters relating to registration, cancellation of registration, exemption from registration, rescission of exemption from registration of sports associations generally or of any particular sports association.

[PCh49s5]5. Appointment of staff

(1) Subject to the prior approval of the Minister, the Council may appoint a Secretary-General and a Treasurer.

(2) The Council may, from time to time, appoint on such terms and conditions as it may think fit, such other officers and servants as it may think necessary for carrying out its functions under this Act.

[PCh49s6]6. Funds of Council

The funds and resources of the Council shall consist of—

- (a) such sums as may be provided by Parliament for the purpose;
- (b) any loan granted to the Council by the Government or any other person with the approval of the Minister;
- (c) any sums or property which may in any manner become payable to or vested in the Council in respect of any matter incidental to the carrying out of its functions;
- (d) any sums or property which may be donated to the Council:

Provided that the Council shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

[PCh49s7]7. Report by Council

The Council shall, within six months after the end of each financial year, make a report to the Minister on the conduct of its business during that year, and the Minister shall lay a copy thereof before the National Assembly.

[PCh49s8]8. Accounts and audit Act No. 1 of 1968 1st Sch.

(1) The Council shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in a form approved by the Minister, being a form which conforms to the best commercial standards.

(2) The accounts of the Council shall be audited annually by the Tanzania Audit Corporation.

(3) As soon as the accounts of the Council for any financial year have been audited, the Council shall cause to be sent to the Minister a copy of the statement of accounts prepared in respect of that year together with a copy of any report made by the auditors thereon.

(4) The Minister shall, within a period of six months (or such longer period as the National Assembly may by resolution appoint) after the end of the financial year to which the accounts relate, lay a copy of every such statement and auditor's report before the National Assembly.

[PCh49s9]9. Execution of documents

(1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Council—

- (a) if sealed with the seal of the Council and signed by two members thereof;
- (b) if executed in that behalf by one member of the Council appointed by the Council for that purpose and by the Secretary-General.

(2) A deed, instrument, contract or other document executed in accordance with subsection (1) shall, subject to any exception that may be taken thereto on any ground other than that of the competence of the party executing the same on behalf of the Council, be effectual in law to bind the Council and its successors and may be varied or discharged in like manner as that in which it was executed.

[PCh49s10]10. Registrar of Sports Associations Act No. 6 of 1971

The Minister shall appoint a Registrar of Sports Associations and as many Assistant Registrars as he may deem necessary.

[PCh49s11]11. Registration of sports associations Act No. 6 of 1971

(1) Every sports association shall, on or before the thirtieth day of September, 1971 or within fourteen days of its formation or establishment, whichever date first occurs, apply to the Registrar for registration.

(2) Upon application being made in that behalf the Registrar shall, subject to the provisions of this Act, register the association in respect of which such application is being made:

Provided that, subject to the provisions of section 12, the Registrar may in his discretion and shall, if so directed by the Minister, exempt any sports association from registration under this Act.

(3) Subject to the provisions of section 12, the Registrar may in his discretion and shall, if so directed by the Minister, by notice under his hand direct that the registration of any sports association shall cease to have effect and that such sports associations shall be exempt from registration under this Act.

(4) Upon registering or exempting from registration of a sports association, the Registrar shall issue to the association a certificate in the prescribed form which shall be prima facie evidence of the registration or, as the case may be, of the exemption.

[PCh49s12]12. Grounds for refusing registration Act No. 6 of 1971

The Registrar shall refuse to register a sports association or to exempt a sports association from registration—

(a) if he is satisfied that such association is a branch of or is affiliated to or connected with, any organisation or group of a political nature; or

(b) where the Minister is of the opinion that it is undesirable in the public interests to register the association and has directed the Registrar to refuse registration; or

(c) where he is satisfied that the application does not comply with the provisions of this Act or any regulations made hereunder; or

(d) if he is satisfied that the sports association does not exist; or

(e) where he is satisfied that the name under which the sports association is to be registered—

(i) is identical to that of any other existing sports association registered or exempted from registration under this Act; or

(ii) is identical to that of any society registered or exempted from registration under the Societies Act *; or

(iii) so nearly resembles the name any of sports association registered or exempted from registration under this Act or any society registered or exempted from registration under the Societies Act *, as to be likely to deceive the public or the members of the association or the society; or

(iv) is in the opinion of the Registrar, undesirable.

[PCh49s13]13. Minister to give directions Act No. 6 of 1971

(1) The Minister may give directions of a general or specific nature to the Registrar as to the performance of his functions under this Act, and the Registrar shall comply with every such direction.

(2) The Minister may, before giving any direction under subsection (1), consult the Council.

(3) Where the Council has tendered any advice to the Minister affecting the registration or the continuance of registration or exemption from registration of sports associations or of any particular sports association, the Minister shall take into consideration the advice tendered and may act upon it by issuing any direction under this section or under any other provision of this Act, but shall not be bound by any such advice.

[PCh49s14]14. Method of effecting registration Act No. 6 of 1971

(1) The Registrar shall effect registration of a sports association, by entering in a register kept for that purpose, the particulars given in the application form and the date of such entry.

(2) Subject to the payment of the prescribed fee, the register may be searched and examined by any person during the usual office hours, on application being made to the Registrar.

[PCh49s15]15. Rescission of exemption Act No. 6 of 1971

(1) The Registrar may in his discretion and shall, if directed to do so by the Minister, rescind at any time the exemption granted by him under section 11.

(2) A sports association shall within twenty-one days from the date of the receipt of notification of rescission of exemption under subsection (1) apply for registration or exemption from registration under this Act or under the Societies Act * or dissolve itself.

[PCh49s16]16. Cancellation of registration Act No. 6 of 1971

(1) The Registrar may in his discretion cancel at any time the registration of any sports association effected under this Act if he is satisfied that it is desirable so to do on the ground that the association concerned—

(a) is a branch of, affiliated to or connected with, any organisation or group of a political nature;

(b) is being used or is likely to be used for any unlawful purpose or for any purpose prejudicial to or incompatible with the maintenance of peace, order and good government; or

(c) has altered its objects or pursues objects other than its declared objects; or

(d) has failed to comply with any provision of this Act or regulations made hereunder or with any requirement made under this Act or such regulations:

Provided that prior to cancelling any registration the Registrar shall notify his intention to cancel the registration to the association concerned and shall give it an opportunity to submit reasons, if any, why the registration should not be cancelled.

(2) Where any sports association the registration of which has been cancelled under subsection (1) is aggrieved by such cancellation, it may within twenty-one days of being notified of the cancellation, appeal to the Minister, and the Minister's decision on such appeal shall be final and binding upon the association as well as the Registrar.

(3) Where the registration of any sports association has been cancelled under this section, the association shall within thirty days of the date upon which it is notified or, where there has been an appeal under subsection (2) within thirty days of the confirmation of the cancellation by the Minister, dissolve itself, unless the association can lawfully operate as a society under the Societies Act * .

[PCh49s17]17. Cessation of existence of sports association Act No. 6 of 1971

(1) If the Registrar has reason to believe that any sports association registered under this Act or exempted from registration under this Act, has ceased to exist, he may publish in the Gazette a notification calling upon such association to furnish him with proof of its existence as a sports association, within three months from the date of such notification.

(2) If, at the expiration of three months, the Registrar is satisfied that the association has ceased to exist, the Registrar may, by notice published in the Gazette,

cancel the registration of the association or as the case may be, rescind the exemption from registration, and upon publication of such notice the association shall cease to be a registered or exempt association, as the case may be.

(3) Where a sports association ceases to be a registered or an exempt association by virtue of a notification under subsection (2), the association shall, within thirty days from the date of the publication of the notice under that subsection, dissolve itself unless the Registrar by another notice published in the Gazette cancels the notice issued under subsection (2) or unless the association can lawfully operate as a society under the Societies Act *.

[PCh49s18]18. No association to operate in contravention of this Act Act No. 6 of 1971

(1) It shall be unlawful for any person to be a member or office bearer of a sports association or to act on behalf of an association or to enter into any transaction or to participate in any meeting or other activity whatsoever of the association or to do any act or thing in furtherance of the objects of the association where—

(a) such association has not been registered or granted exemption from registration under this Act or under the Societies Act *; or

(b) the exemption from registration under this Act has been rescinded and the association has not applied for registration under this Act or under the Societies Act or for exemption from registration; or

(c) the registration of the sports association has been cancelled under section 16 and thirty days have elapsed since notification of the cancellation or where there has

been an appeal from such cancellation, thirty days have elapsed since confirmation of the cancellation by the Minister, and the association cannot lawfully operate as a society under the Societies Act; or

(d) a notice under subsection (2) of section 17 has been published in respect of the association and such notice has not been cancelled by any subsequent notice and the association cannot lawfully operate as a society under the Societies Act.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) Nothing in this section shall apply to any act or thing done for the sole purpose of obtaining registration under this Act or registration under the Societies Act or exemption from registration under this Act or under the Societies Act or of the winding up of the affairs of the association.

(4) In any proceeding for an offence under subsection (2) the burden to prove that the act or thing was done for any of the purposes stated in subsection (3) shall be upon the person charged.

[PCh49s19]19. Information to be furnished by sports association Act No. 6 of 1971

(1) The Registrar may at any time, by notice under his hand, order any sports association registered or exempted from registration under this Act, to furnish him, in writing, with—

(a) a true and complete copy of the constitution and the rules of such association in force at the date of such order;

(b) a true and complete list of office bearers of such association at the date of such order;

(c) a true and complete return of the number of meetings held by such association within the period of six months immediately preceding such order;

(d) such accounts, returns and information as may be prescribed.

(2) An order given under subsection (1) shall specify the period within which the information shall be supplied:

Provided that—

(a) in no case shall such period be less than thirty days calculated from the date upon which the order is served upon an office bearer of the association or any person who is concerned with the management of the affairs of the association or delivered at the registered office of the association;

(b) the Registrar may, on application being made to him and no good cause being shown, grant an extension of time at his discretion.

[PCh49s20]20. Registrar may call for audited accounts Act No. 6 of 1971

(1) The Registrar may at any time, by notice under his hand, order any sports association, registered or exempted from registration under this Act, to furnish him without delay, audited accounts of the association, within such period as may be specified in such notice:

Provided that such period shall not be less than thirty days calculated from the date upon which the notice is served upon an office bearer of the association or any person

concerned with the management of the association or is delivered at the registered office of the association.

(2) For the purposes of this section "audited" means audited by an auditor approved by the Registrar and such approval may be given either generally or for any particular audit.

(3) Without prejudice to the provisions of subsection (1) or subsection (2) the Registrar may at any time, by notice under his hand, order any sports association registered or exempted from registration under this Act, within such time as may be specified in such notice, to permit its accounts to be inspected by himself or by any person authorised by him in writing.

(4) Every office bearer and every person assisting in the management of the association in respect of which a notice under subsection (3) has been served, shall supply to the Registrar, or the person authorised by the Registrar, such information relating to the accounts of the association and other matters incidental thereto as the Registrar or such authorised person may require, and when an inspection is undertaken by a person authorised by the Registrar, such person shall make a report on his inspection and shall, at the earliest practicable opportunity, submit such report to the Registrar with such recommendations as he may deem fit to include.

(5) A sports association, the registration of which has been cancelled or the exemption from registration of which has been rescinded on the grounds of its failure to comply with an order under this section, shall not be entitled to apply for registration

under this Act or under the Societies Act until it has first complied with the notice issued under this section.

[PCh49s21]21. Persons responsible for supplying information Act No. 6 of 1971

(1) Any notice issued by the Registrar in relation to any sports association under section 19 or section 20, shall be binding up every office bearer and upon every person concerned with the management of the affairs of the association, whether or not the notice was served upon such office bearer or such person, and whether or not such office bearer or such person was aware of such notice.

(2) Where any sports association fails to comply with the whole or any part of any notice served under section 19 or section 20, every office bearer and every person concerned with the management of the affairs of the association, commits an offence and is liable on conviction, in the case of the office bearer or person concerned with the management of the affairs of the association upon whom the notice was actually served, to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment, and in the case of any other person, to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

(3) If any information supplied to the Registrar in compliance with the notice issued under section 19 or any information supplied to the Registrar or the person authorised by him, in compliance with a notice issued under section 20, is incorrect or incomplete in any material particular, the person who has supplied such information commits an offence and shall be liable on conviction to a fine not exceeding five thousand

shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

[PCh49s22]22. Discretion to publish information if beneficial to members Act No. 6 of 1971

The Registrar may, where it appears to him to be in the interests of the members of a sports association registered or exempt from registration under this Act so to do, take such steps as may be necessary to publish to such members by advertisement in the Gazette or any newspaper or in any such other manner as he may deem fit, any information furnished by or on behalf of the association or reported to the Registrar under section 19 or section 20.

[PCh49s23]23. Evidence Act No. 6 of 1971

In any proceeding under this Act—

(a) where it is proved that a club, company, partnership or association, is in existence, it shall be presumed that such club, company, partnership or association is a society within the meaning assigned to that term by section 2 unless the contrary is proved;

(b) where it is proved that any club, company, partnership or association is in existence, it shall be presumed that such club, company, partnership or association is a sports association, unless it is proved that it is a society registered or exempted from registration under the Societies Act;

(c) the burden to prove that any sports association has been registered or has been exempted from registration under this Act or the Societies Act, shall lie on the person alleging the same;

(d) where any books, accounts, writings, lists of members, seal, banner or insignia are found in the possession of any person or in the premises occupied by any person, it shall be presumed, unless the contrary is proved, that such person is the office bearer of that association, and where such presumption is rebutted, it shall be presumed, unless the contrary is proved, that such person is a member of that association.

[PCh49s24]24. Winding-up Act No. 6 of 1971

Where, under the provisions of this Act, any sports association is required to dissolve itself, the President shall have power to make, in relation to such association, any or all of the orders which he has power to make in relation to an unlawful society under section 30 of the Societies Act *, and the provisions of that Act which relate to such order or orders shall apply mutatis mutandis to every order made by the President under this section.

[PCh49s25]25. Consent of Director of Public Prosecutions for prosecution Act No. 6 of 1971

No person shall be prosecuted for any offence under this Act or under any regulations made hereunder, save with the prior consent, in writing, of the Director of Public Prosecutions.

[PCh49s26]26. Protection of officers Act No. 6 of 1971

No matter or thing done by any public officer shall, if done bona fide in the execution or purported execution of any of the provisions of this Act, subject such officers to any action, liability, claim or demand whatsoever.

[PCh49s27]27. Decision of Registrar and Minister to be final Act No. 6 of 1971

(1) Subject to the provisions relating to appeals, every decision of the Registrar made under the provisions of this Act shall be final and shall not be subject to review by any court.

(2) Every decision of the Minister under this Act, whether on appeal or otherwise, shall be final and shall not be subject to review by any court.

[PCh49s28]28. Regulations Act No. 6 of 1971

The Minister may make regulations for the better carrying into effect of the purposes and provisions of this Act and in particular for—

(a) the establishment of national sports associations and the affiliation of such associations to the Council;

(b) the functions of national sports associations;

(c) the payment of fees by affiliated associations;

(d) the establishment and composition of committees to which the Council may delegate its functions;

(e) the release from employment and the terms and conditions thereof, of persons taking part in national or international sports events;

(f) forms of application for registration or exemption from registration under this Act;

(g) fees payable upon registration or for exemption from registration under this Act;

(h) power to search any premises used or suspected of being used for the purpose of any sports association and the circumstances under which any such premises may be entered and searched;

(i) power to require the attendance of persons before the Registrar to give evidence or to produce any document relevant to any question relating to registration, exemption from registration or rescission of exemption from registration of any sports association or otherwise relevant to the activities of any sports association;

(j) power to require sports associations to maintain registered offices;

(k) the manner in which service of notices, orders and other documents may be effected upon sports associations or office bearers of a sports association or any person concerned with the management of the affairs of a sports association;

(l) any matter which may be prescribed.

SCHEDULE

CONSTITUTION AND PROCEEDINGS OF THE COUNCIL

(Section 3(2))

1. Constitution of Council

(1) The Council shall consist of—

- (a) a chairman, who shall be appointed by the Minister;
- (b) seven or more other members who shall be appointed by the Minister; and
- (c) such other members as the Minister shall appoint under subparagraph (2).

(2) Each sports association which is affiliated to the Council shall be entitled to nominate one person for appointment to the Council and the Minister shall, unless for special reasons he declines to do so, appoint persons so nominated to be members of the Council.

(3) A member of the Council shall, unless his appointment is sooner terminated by the Minister or he otherwise ceases to be a member, hold office for such period as the Minister may specify in his appointment or, if no such period is specified, for a period of three years from the date of his appointment, and shall be eligible for re-appointment.

(4) Any member of the Council may at any time resign by giving notice in writing to the Minister and from the date specified in the notice or, if no date is specified, from the date of the receipt by the Minister of the notice, he shall cease to be a member of the Council.

(5) If any member of the Council is without the permission of the Council absent from more than four consecutive meetings of the Council or without such permission is absent from the United Republic for a period exceeding one year he shall cease to be a member of the Council.

2. Casual vacancies

Where any member of the Council ceases to be a member before the normal expiration of his term of office, the Minister after consulting the Council may appoint

another person in his stead to hold office until such first-named person's term of office would have expired had he not ceased to be a member as aforesaid.

3. Quorum and procedure

(1) The Council shall meet at such times as may be necessary or expedient for the transaction of business.

(2) At any meeting of the Council five members thereof shall constitute a quorum.

(3) The Council may elect any member thereof to be Vice-Chairman of the Council.

(4) At any meeting of the Council the Chairman shall preside or, in the absence of the Chairman, if a Vice-Chairman has been elected, the Vice-Chairman shall preside or, if no Vice-Chairman has been elected or if the Vice-Chairman is also absent, the members present at the meeting shall elect one of their number to be Chairman for that meeting.

(5) In the event of an equality of votes, the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.

(6) Minutes in proper form of each meeting of the Council shall be kept and shall be confirmed by the Council at the next meeting and signed by the Chairman of that meeting.