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## GENERAL NOTICE

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### NOTICE 706 OF 2010

#### DEPARTMENT OF SPORT AND RECREATION SOUTH AFRICA

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

#### FUNDING OF SPORT AND RECREATION REGULATIONS, 2010

#### INVITATION TO SUBMIT YOUR INPUTS ON THE DRAFT REGULATIONS RELATING TO THE FUNDING OF SPORT AND RECREATION REGULATIONS, 2010 (Hereinafter referred to as "the draft Regulations");

**Section 14 (i) 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-(i) 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 funding, the appeal procedures and exclusion from funding as well as the monitoring and evaluation in regard to the funds allocated. Furthermore section 8(1) of the Act empowers Sport and Recreation South Africa to make regulations in regard to the allocation of physical facilities in terms of the funding policy. The State Law Advisor has approved the content and wording of the draft Regulations.
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](mailto:Nkosana@srsa.gov.za) or [legalservices@srsa.gov.za](mailto: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**

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

I Rev. Dr. Makhenkesi Stofile the Minister of Sport and Recreation South Africa has, under section 14 (i) 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;

**'applicant'** means any sport or recreation body, local municipality, district, metro or any other organization intending to apply for funding in respect of sport or recreation;

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

**‘Chief Financial Officer’** means the Chief Financial Officer 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 and local government.

### **Criteria for funding**

3. Sport and Recreation South Africa must, among others, provide funding for sport and recreation -

- (a) in accordance with its funding policy in terms of section 10 of the Act;
- (b) in accordance to the priorities relative to areas identified from time to time by the Presidency;
- (c) in accordance to the need for a viable development of sport and recreation;
- (d) in order to promote accessibility to sport or recreation;
- (e) in compliance with the guidelines for the promotion of equity, representivity and redress, referred to in section 13A of the Act;

- (f) in compliance with the principles of corporate governance; and
- (g) by the submission of an annual audited report prepared by a respectable auditors company to the Chief Director as contemplated in the Act;

#### **Application procedure for funding**

- 4. (1) An applicant must –
  - (a) submit an application for funding in the prescribed form obtained from the website of Sport and Recreation South Africa to the Chief Director;
  - (b) comply with the criteria referred to in regulation 3;
  - (c) submit a business plan, a cash flow statement and any feasibility studies concerning the project that funding is applied for to the Chief Director; and
  - (d) be recognized by Sport and Recreation South Africa in terms of the Act and the Recognition of Sport or Recreation Bodies Regulations.
- (2) The Chief Director must, within seven days after he or she has considered an application in terms of sub regulation (2) –
  - (a) inform the applicant in writing of his or her decision;
  - (b) provide written reasons for his or her decision;

- (c) give the applicant 14 days to comply with regulations 3 and 4(1) if the reason for his or her decision is non-compliance; or
  - (d) advise the applicant of the appeal procedure with regard to his or her decision.
- (3) An application for funding must be submitted to the Chief Director no later than 31 March of each year.

### **Appeals**

5. (1) An applicant must-
- (a) lodge an appeal with the Director-General within 14 days after receiving the decision of the Chief Director in writing as contemplated in regulation 4(3); and
  - (b) set out the grounds for appeal as contemplated in paragraph (a) .
- (2) The Director-General must-
- (a) consider an appeal within 14 days of the receipt of the application for an appeal ; and
  - (b) inform the appellant in writing of his or her decision within 21 days of the receipt of an appeal.

## Funding

6. (1) The Director-General, in consultation with the Chief Financial Officer, must determine the activities to be funded in relation to sport or recreation within the constraints of the budget of Sport and Recreation South Africa.
- (2) The following activities may be funded in terms of sub regulation (1):
- (a) the development of sport or recreation;
  - (b) training of coaches;
  - (c) infrastructure directly linked to sport or recreation in terms of section 8(1) of the Act;
  - (d) the administration of a development project for sport or recreation;
  - (e) mass participation and club development programmes in relation to sport or recreation;
  - (f) projects that support the identified priority sport codes in the Republic;
  - (g) projects that support the shared use of facilities between schools and their respective communities;
  - (h) public sport or recreation facilities which may be accessible to the broader community;
  - (i) new, rehabilitated or upgraded projects; or
  - (j) intermediate sport or recreation facilities that may serve as regional or district facilities, especially in the rural areas where such facilities do not exist.
- (3) The sport or recreation facility to be funded must comply with the norms and standards obtainable from Sport and Recreation South Africa.

- (4) The Director-General may from time to time determine the proportion of funding in respect of the development of sport or recreation in terms of section 10(2)(a) of the Act.

### **Exclusions**

7. (1) Funding is not available to –
- (a) entities that have not properly utilized previous funding from Sport and Recreation South Africa;
  - (b) pay bonuses and salaries;
  - (c) fund an event, unless such an event focuses on the development of sport or recreation for historically disadvantaged communities or rural areas;
  - (d) cover costs incurred by an implementing agent;
  - (e) upgrade or build facility exclusively for private ownership ; or
  - (f) be used in respect of a feasibility study for sport or recreation.
- (2) No funding as contemplated in section 10 (3)(a) and (b) of the Act, shall be available if an applicant fails to comply with the Act and the Regulations made under the Act.

### **Monitoring and evaluation**

8. The Chief Director must monitor and evaluate all entities that have received funding in terms of these regulations.

### **Short title**

9. These Regulations are called the Funding of Sport and Recreation Regulations, 2010.
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