

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN BOXING BILL

(As amended by the Portfolio Committee on Sport and Recreation (National Assembly))
(The English text is the official text of the Bill)

(MINISTER OF SPORT AND RECREATION)

[B 13B—2001]

ISBN 0 621 30929 X

No. of copies printed 1 800

[] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

To provide for a new structure for professional boxing in the Republic; to ensure the effective and efficient administration of professional boxing in the Republic; to recognise amateur boxing; to create synergy between professional and amateur boxing; to establish a Boxing Commission known as Boxing SA; to promote interaction between associations of boxers, managers, promoters, trainers and officials and Boxing SA; and to provide for matters connected therewith.

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Definitions

1. In this Act, unless the context indicates otherwise—
- (i) “boxer” means any person to whom a certificate of registration as such has been issued in terms of section 7(1)(c); 25
 - (ii) “Boxing SA” means the Boxing Commission contemplated in section 4;
 - (iii) “manager” means any person to whom a certificate of registration as such has been issued in terms of section 7(1)(c);
 - (iv) “Minister” means the Minister of Sport and Recreation;
 - (v) “official” means any referee, judge, timekeeper, assistant timekeeper, announcer, second or ringmaster to whom a certificate of registration as such has been issued in terms of section 7(1)(c); 30
 - (vi) “prescribed” means prescribed by regulation made under section 34;
 - (vii) “promoter” means any person to whom a certificate of registration as a promoter has been issued in terms of section 7(1)(c); 35
 - (viii) “tournament” means any function to which the public have access, whether on payment of a charge for admission or not, and at which two or more licensed professional boxers engage in boxing for gain, whether by way of competition, exhibition or otherwise; and
 - (ix) “trainer” means any person to whom a certificate of registration as such has been issued in terms of section 7(1)(c). 40

CHAPTER 1

Objects of Act

2. The objects of this Act are to—
- (a) give effect to the provisions of the Constitution; 45
 - (b) regulate, control and exercise general supervision over professional boxing at tournaments in the Republic;
 - (c) protect and regulate the interests and organisational rights of boxers, trainers, managers, promoters, officials and other stakeholders involved in professional boxing matters; 50
 - (d) promote—
 - (i) orderly collective action;
 - (ii) boxing in the Republic; and
 - (iii) the effective resolution of boxing disputes;

- (e) eliminate undesirable practices and to maintain the highest level of efficiency in boxing;
- (f) provide a framework within which boxers, boxing officials, trainers, managers, promoters and all other stakeholders in professional boxing must—
 - (i) collectively determine terms and conditions of their boxing relationship and other matters of mutual or other interest; and 5
 - (ii) formulate a professional boxing policy;
- (g) give effect to all the rights and obligations incurred in terms of this Act, and also those rights and obligations of a boxer as a member of an international professional boxing body or organisation; 10
- (h) provide for the registration and licensing of stakeholders in professional boxing and to ensure proper control and democratic practices in the process;
- (i) provide for the resolution of boxing disputes through arbitration, appeal and independent alternative dispute resolution services accredited for that purpose; 15
- (j) provide for marketing mechanisms to promote professional and amateur boxing in general;
- (k) provide for the establishment of an infrastructure to acquire boxing facilities for both professional and amateur boxing;
- (l) provide for a working relationship between professional and amateur boxing structures; 20
- (m) provide for the establishment of a joint committee consisting of professional and amateur boxing officials to consider an application from an amateur boxer who is in the national team of the South African National Amateur Boxing Organisation or from any person who wants to become a professional boxer; 25
- (n) recognise that boxing in the Republic consists of a professional and an amateur boxing wing;
- (o) recognise that amateur boxing is governed by its own constitution;
- (p) provide for matters of mutual interest to both professional and amateur boxing; 30
- (q) consider the recognition of all international boxing bodies or organisations and their boxing champions;
- (r) provide for the participation and involvement of women in boxing; and
- (s) provide for incidental matters.

Interpretation of Act 35

3. This Act must be interpreted—

- (a) to give effect to its objects;
- (b) in compliance with the rules and regulations of international boxing bodies or organisations governing professional and amateur boxing; and
- (c) to apply to both male and female boxing. 40

CHAPTER 2

Establishment of Boxing SA

4. A Boxing Commission which is a juristic person known as Boxing SA is established.

Independence of Boxing SA 45

5. Subject to this Act, Boxing SA is an independent body.

Area of jurisdiction and office of Boxing SA

6. (1) Subject to the Constitution, Boxing SA has jurisdiction in all the provinces of the Republic.

(2) Boxing SA, in consultation with the Minister, must determine the location of the head office for Boxing SA. 50

Powers of Boxing SA

7. (1) For purposes of attaining its objects, Boxing SA—
- (a) may acquire, alienate or hire such property as it may consider necessary for the effective performance of its functions but State-funded immovable property may not be alienated without the prior approval of the Minister; 5
 - (b) with the approval of the Minister, may invest or otherwise deal with such funds of Boxing SA as may not immediately be required for the purpose of meeting its financial obligations of which investments Boxing SA is fully responsible and accountable for;
 - (c) may issue certificates of registration to any person who is not a member of Boxing SA as a boxer, official, trainer, manager or promoter and, in each case, must specify in the certificate the period of validity of such certificate; 10
 - (d) may register a person referred to in paragraph (c) as a—
 - (i) boxer or official, to take part in tournaments in the capacity in which he or she has been so registered; 15
 - (ii) trainer, to train any boxer with a view to his or her participation in tournaments as a boxer;
 - (iii) manager, to manage the affairs of any boxer subject to the provisions of this Act in so far as they relate to his or her participation in tournaments as a boxer; 20
 - (iv) promoter, to negotiate, subject to the provisions of this Act, with any boxer with a view to procuring his or her services as a boxer at a tournament;
 - (e) in the case where the licensee requires a different licence, may require him or her to relinquish the current licence; 25
 - (f) may test the ability of any person applying for a certificate of registration as a boxer, trainer or official under paragraph (c) as it deems fit;
 - (g) may require any person applying for a certificate of registration as—
 - (i) a trainer;
 - (ii) a promoter; or 30
 - (iii) a manager,
 to furnish Boxing SA with such information as it may deem necessary;
 - (h) may suspend, cancel or renew any certificate issued under paragraph (c);
 - (i) may issue, subject to such conditions as it may deem fit, licences authorising the holding of tournaments; 35
 - (j) may require any applicant for a licence under paragraph (i) to furnish it with—
 - (i) all agreements entered into between the promoter of the tournament and the boxers and officials who will participate therein not later than 30 days prior to the date of the tournament;
 - (ii) a certificate of physical and mental fitness, in respect of the boxers who will participate in the tournament, issued in such form and by such medical practitioner, whether practising in the Republic or elsewhere, as it may approve, not later than 30 days prior to the date of the tournament; and
 - (iii) full particulars of all arrangements made for the holding of the tournament not later than 30 days prior to the date of the tournament; 45
 - (iv) a specimen of every proposed advertisement relating to and of the proposed programme of the tournament and such further information as to enable it to arrive at a proper decision on the application not later than 30 days prior to the date of the tournament; 50
 - (k) if an agreement between a promoter and a boxer provides for the payment of a fixed amount to a boxer as remuneration for his or her service at any proposed tournament, may—
 - (i) require the promoter to deposit that amount with it on or before any specified date prior to the date of the tournament; and 55
 - (ii) disburse the said amount, subject to the provisions of paragraph (m), according to the terms of the agreement after the tournament has been held;
 - (l) at any time prior to the holding of any tournament, may prohibit any boxer from participating in the tournament if— 60

- (i) after such examination or test for physical and mental fitness as it may deem fit, it is satisfied that the boxer should not be allowed to participate;
or
 - (ii) the boxer refuses to submit himself or herself to an examination or test;
 - (m) may, if any boxer taking part in any tournament is disqualified by the referee for— 5
 - (i) not boxing to the best of his or her ability;
 - (ii) retiring from the tournament without sufficient cause; or
 - (iii) committing a deliberate foul as prescribed,
 - declare the whole or any portion of the amount payable to such boxer for his or her services in the tournament to be withheld pending further investigation and a hearing before a panel designated by Boxing SA; 10
 - (n) may provide for a grading system to enable amateur boxers who are 18 years old or older to become professional boxers;
 - (o) may enforce any refusal, suspension or cancellation of the registration of any boxer, official or promoter; 15
 - (p) may issue a certificate of introduction to any registered boxer, official or promoter proceeding to any place outside the Republic to take part in tournaments, in which case a full professional record of the boxer compiled by Boxing SA and a medical certificate showing the current medical status of the boxer must be attached to the said certificate; 20
 - (q) may set out in a certificate referred to in paragraph (p) such particulars concerning the boxer, official or promoter as Boxing SA deems necessary;
 - (r) may procure the services of any boxer ordinarily resident outside the Republic to participate at tournaments in the Republic, subject to compliance with the Aliens Control Act, 1991 (Act No. 96 of 1991), and to the said boxer producing to Boxing SA on arrival in the Republic, a letter of authorisation from the controlling body by which he or she is licensed along with the full current medical status and professional boxing record of that boxer; 25
 - (s) may establish an investment fund as well as an insurance and medical scheme to be used for such purposes as may be prescribed by regulation under this Act; 30
 - (t) may take any steps which Boxing SA considers necessary or expedient for the due and proper regulation or control of, or to enable it to exercise due and proper supervision over, boxing at tournaments; 35
 - (u) at the request of an international boxing control body which Boxing SA recognises, may exercise or perform in any place outside the Republic any power or function that Boxing SA is capable of exercising or performing by virtue of this Act;
 - (v) may require of any professional boxer taking part in a tournament in any place outside the Republic to— 40
 - (i) furnish Boxing SA with full details in writing of the purse money agreed to regarding the said tournament 30 days before the tournament;
 - (ii) disclose to Boxing SA such other information relating to the boxer's participation in a tournament as Boxing SA may determine; and 45
 - (iii) seek permission from Boxing SA in writing to fight abroad;
 - (w) may organise the conducting of specialised programmes regarding the training of all persons involved in the sanctioning of tournaments;
 - (x) may establish a development fund to develop both amateur and professional boxing; and 50
 - (y) may establish—
 - (i) a boxer's ratings committee consisting of no fewer than three independent members appointed by Boxing SA;
 - (ii) an event sanctioning committee consisting of no fewer than four members appointed by Boxing SA; and 55
 - (iii) such other committees as Boxing SA may deem necessary.
- (2) Boxing SA must give written reasons to any person whose rights have been adversely affected by any administrative action of Boxing SA, on application by such person, and must offer such a person the opportunity of a hearing to show cause why such action should not have been taken. 60

Duties of Boxing SA

- 8.** For purposes of attaining its objects, Boxing SA must—
- (a) compile and publish information statistics and an annual report on its activities;
 - (b) assist in the establishment of an association or federation of associations contemplated in section 28; 5
 - (c) (i) hold meetings at least four times a year; and
(ii) hold meetings at its request or at the request of the associations or federation of such associations contemplated in terms of section 28 to discuss boxing matters; and 10
 - (d) consider applications for recognition of international boxing bodies or organisations and their boxing champions.

Composition of Boxing SA

- 9.** (1) Boxing SA consists of no fewer than four and no more than seven members, of which one member must be appointed as Chairperson and the other members appointed based, among other things, on their expertise and knowledge of women's and amateur boxing, media and marketing related matters and development and transformation. 15
- (2) The Minister must appoint the members of Boxing SA on a part-time basis after consultation with the associations or federation of associations contemplated in section 28. 20
- (3) A person who has been registered by Boxing SA as a boxer, official, trainer, manager or promoter may not be a member of Boxing SA unless such person in writing relinquishes his or her licence to Boxing SA.

Tenure of office, vacancies and remuneration of members of Boxing SA

- 10.** (1) The members of Boxing SA hold office for three years. 25
- (2) Subject to subsection (3), the Minister may remove any member of Boxing SA from office if—
- (a) the member, directly or indirectly or through his or her spouse, partner or business associate, has any financial interest in boxing unless he or she has disclosed such interests before being appointed as a member and has received the Minister's approval in writing to continue to hold such interests; 30
 - (b) the estate of the member is sequestrated;
 - (c) the member becomes of unsound mind;
 - (d) the member is convicted of an offence and sentenced to imprisonment without the option of a fine; 35
 - (e) the member has absented himself or herself from two consecutive meetings of Boxing SA without its leave; or
 - (f) the member does not perform the functions entrusted to him or her by or under this Act satisfactorily.
- (3) (a) If the Minister removes a member from office as contemplated in subsection (2), the Minister may appoint another member. 40
- (b) Such member must serve for the unexpired period of the term of office of the member removed under subsection (2).
- (4) Whenever the office of any member of Boxing SA for any reason becomes vacant before the expiration of the period for which he or she has been appointed, another member must be appointed to fill the vacancy until the expiration of the period for which the vacating member was appointed. 45
- (5) A member whose term of office has expired is eligible for reappointment by the Minister.
- (6) The members of Boxing SA may out of the funds of Boxing SA be paid such— 50
- (a) annual honoraria in respect of their services; and
 - (b) allowances to cover expenses reasonably incurred by them in respect of their attendance of the meetings of Boxing SA or while otherwise engaged in the business of Boxing SA,
- as the Minister may determine in consultation with the Minister of Finance. 55

Meetings and quorum

11. (1) Subject to subsection (2) and section 8(c) all meetings of Boxing SA must be held at such times and places as Boxing SA may determine.

(2) The Chairperson of Boxing SA may at any time, and must at the request of the majority of members of Boxing SA, call a special meeting of Boxing SA to be held at such time and place as he or she may direct. 5

(3) In the absence of the Chairperson from any meeting of Boxing SA, the members present at that meeting must from their number elect a member to preside at that particular meeting.

(4) The quorum for any meeting of Boxing SA must be fifty per cent of the total members of the Commission plus one. 10

(5) All decisions at any meeting of Boxing SA are by resolution of the majority of the members present at the meeting, and in the event of an equality of votes on any matter, the person presiding at the meeting has a casting vote in addition to his or her deliberative vote. 15

(6) The proceedings of Boxing SA are not invalid only by reason of the fact that a vacancy exists on Boxing SA.

(7) Boxing SA may hold meetings with associations or a federation of associations contemplated in section 28 at such places and times as Boxing SA, in conjunction with the particular association or federation of associations, may find suitable, but must hold a meeting with such associations or federation and associations at least once per year. 20

(8) The quorum for any meeting contemplated in subsection (7) must be fifty per cent of the total members of Boxing SA and fifty per cent of the total members of the associations attending the meeting or federation of associations, as the case may be, plus one. 25

(9) Boxing SA may make decisions on boxing matters by a resolution of the majority of the members attending a joint meeting referred to in subsection (7).

Chief Executive Officer of Boxing SA

12. (1) Boxing SA must, in consultation with the Minister and the Minister of Finance, appoint as a Chief Executive Officer of Boxing SA a person who— 30

- (a) is skilled and experienced in sport;
- (b) has not been convicted of any offence involving dishonesty; and
- (c) has sufficient management experience.

(2) The Chief Executive Officer must—

- (a) perform all the functions that are— 35
 - (i) conferred on him or her in terms of this Act; and
 - (ii) delegated to him or her by Boxing SA;
- (b) manage and direct the activities of Boxing SA;
- (c) supervise the staff of Boxing SA;
- (d) handle international boxing matters in consultation with the Chairperson of Boxing SA; and 40
- (e) ensure that there is development, marketing and transformation of boxing in the Republic.

(3) Boxing SA must, with the approval of the Minister and the Minister of Finance, determine the Chief Executive Officer's conditions of service, remuneration, allowances and any other matters related thereto. 45

(4) The Chief Executive Officer—

- (a) subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), is charged with the responsibility of accounting for money received from whatever source or paid out by or on account of Boxing SA; 50
- (b) must cause the necessary accounting and other related records to be kept; and
- (c) must perform the duties assigned to him or her from time to time by Boxing SA and is, in respect thereof, accountable to Boxing SA.

Performance agreement

13. The Chief Executive Officer contemplated in section 12, must enter into a performance agreement with the Minister and Boxing SA, respectively. 55

Staff of Boxing SA

14. (1) The Chief Executive Officer may appoint staff of Boxing SA after consulting with Boxing SA.

(2) Boxing SA must, with the approval of the Minister and the Minister of Finance, determine the remuneration and any other terms and conditions of service of staff members in consultation with the Minister, but such terms and conditions must be in line with those of officials in the public service. 5

Finances of Boxing SA

15. (1) The funds of Boxing SA consist of— 10

- (a) money appropriated by Parliament;
- (b) fees payable to Boxing SA in terms of this Act;
- (c) grants, donations and bequests made to Boxing SA;
- (d) income earned on the surplus money deposited or invested by Boxing SA; and
- (e) money generated from sponsorships and fundraising.

(2) The financial year of Boxing SA begins on 1 April of each year and ends on 31 March of the following year, except for the first financial year which begins on the commencement date of this Act and ends on 31 March following immediately thereafter. 15

(3) The Chief Executive Officer must as soon as possible but not later than five months after the end of the financial year submit audited financial statements to the Minister for tabling in Parliament. 20

(4) (a) The Chief Executive Officer must keep proper records of all—

- (i) money received or expended by it;
- (ii) its assets and liabilities; and
- (iii) financial transactions entered into by it.

(b) The Chief Executive Officer must, as soon as possible but not later than five months after the end of each financial year, prepare statements of account and a balance sheet showing, with all appropriate particulars, the moneys received and the expenditure incurred by it during, and its assets and liabilities as at the end of, that financial year. 25

(5) The financial statements referred to in subsection (4) must include funds received and held in trust by Boxing SA or expenditure thereof. 30

(6) The financial statements contemplated in subsection (5) must be audited by the Auditor-General.

Contractual capacity of Boxing SA

16. (1) Boxing SA may—

- (a) enter into an agreement with any person, body or organisation or any accredited agency of Boxing SA as contemplated in section 30, to perform any function of Boxing SA on such terms and conditions as Boxing SA may determine subject to obtaining the approval of the Minister if the agreement exceeds an amount as determined by him or her from time to time; and
- (b) perform any of its functions in association with any other person, body or organisation. 40

(2) Any person, body or organisation with whom Boxing SA enters into an agreement must be independent of Boxing SA.

Delegation of powers

17. (1) Boxing SA may, subject to the provisions of subsection (2), delegate in writing any of its powers to— 45

- (a) any member of Boxing SA;
- (b) the Chief Executive Officer; or
- (c) any committee established by Boxing SA.

(2) Boxing SA may not delegate the power to— 50

- (a) appoint the Chief Executive Officer;
- (b) deposit or invest surplus money with financial institutions;
- (c) accredit legal firms or auditors as well as to amend, withdraw or renew their accreditation;
- (d) enter into an agreement with an accredited legal firm or accredited auditor under section 16; 55

- (e) appoint medical practitioners; or
- (f) issue licences.
- (3) Boxing SA may attach such conditions to a delegation as it may deem necessary.
- (4) (a) Boxing SA may amend or revoke a delegation at any time after duly notifying the concerned parties in writing of its intention to amend or revoke such a delegation. 5
- (b) The affected party must be given an opportunity to state its case regarding the intention of Boxing SA to amend or revoke a delegation.
- (5) A power delegated to the Chief Executive Officer may be exercised by any staff member of Boxing SA if authorised by the Chief Executive Officer in writing, unless the terms of the delegation to the Chief Executive Officer prohibits him or her from doing so. 10

Tournaments to be authorised

18. A person may not hold or assist in holding any tournament unless a licence to hold such tournament has been issued to him or her by Boxing SA.

Boxers, officials, trainers, managers and promoters to be registered 15

- 19.** A person may not—
- (a) take part in any tournament as a boxer or official;
 - (b) train any boxer with a view to his or her participation in any tournament;
 - (c) manage the affairs of any boxer in so far as they relate to his or her participation in tournaments as a boxer; or
 - (d) negotiate with any boxer with a view to procuring his or her services as a boxer at a tournament,
- unless the person is in possession of a valid certificate of registration as a boxer, official, trainer, manager or promoter, as the case may be, issued to him or her by Boxing SA under section 7(1)(c). 20 25

Prohibition of holding of or taking part in certain tournaments

20. A person may not hold or take part in a tournament, or in any way assist in the holding of such tournament, in which any person who is not registered in terms of this Act takes part.

Tournaments may be stopped or forbidden 30

- 21.** (1) If a tournament has been authorised by Boxing SA and scheduled to take place on a specific date, the promoter of such tournament must—
- (a) notify a member of the South African Police Service of the rank of captain or higher at the police station nearest to the venue of the tournament of the date and time of the tournament; and
 - (b) bring to the attention of such a member of the South African Police Service any possible grounds for disruption at the said tournament.
- (2) The National Commissioner or any provincial commissioner of the South African Police Service or any member of such Service to whom the National Commissioner or a provincial commissioner has delegated his or her powers, or any magistrate, additional magistrate or assistant magistrate who is of the opinion that a tournament being held or about to be held should in the public interest be stopped or forbidden, must convey or cause to be conveyed to the person holding or proposing to hold such tournament or to the participants a notice, whether verbal or in writing, stopping or forbidding such contest or exhibition. 40 45
- (3) Whenever any member of the South African Police Service of the rank of captain or higher is of the opinion that the continuance of any tournament is likely to result in the life of any participant or any person attending the tournament being endangered or in a breach of peace, he or she may order the participants or any person holding or assisting in the holding of the contest or exhibition, to stop the contest or exhibition and may order all persons present thereat to depart. 50
- (4) Any member of the South African Police Service on duty at a particular boxing tournament must have access to any place in which a tournament is being held or is about to be held, but any action taken in terms of this section must be taken after consultation with the member of Boxing SA who is in charge of that tournament. 55

Prohibition of receipt of compensation or benefits

22. (1) No—

- (a) member or employee of Boxing SA;
- (b) person who administers or enforces boxing laws; or
- (c) member of an association or federation of associations contemplated in section 28, 5

may be employed by, enter into an agreement with or receive any compensation or benefit from a promoter, boxer, manager or any person who sanctions, arranges or promotes professional boxing matches or who otherwise has a financial interest in a boxer registered as such by Boxing SA. 10

(2) Any person contemplated in subsection (1) may be compelled by Boxing SA, in writing, to disclose all compensation and benefits he or she has received or donated, as the case may be.

(3) For purposes of this section, “compensation” does not include funds held in trust for payment to another person in connection with a professional boxing match. 15

Firewall between promoters and managers

23. It is unlawful for—

- (a) a boxer’s promoter to have a direct or indirect material or financial interest in that boxer’s manager or management company; or
- (b) a licensed manager or management company— 20
 - (i) to have a direct or indirect financial interest in the promotion of a boxer; or
 - (ii) to be employed by or receive compensation or other benefits from a promoter except for amounts received as consideration under a manager’s contract with a boxer. 25

Protection from exploitation

24. (1) Any contract between a boxer and a promoter or manager must, amongst others—

- (a) specify a minimum number of professional boxing matches per year for a boxer; and 30
- (b) specify the duration of the contract, including any provision for extension of that period.

(2) The period of time for which promotional rights to promote a boxer may be granted—

- (a) under a contract between a boxer and a promoter; or 35
- (b) between promoters in respect of a boxer,

may not exceed 12 months if—

- (i) a boxer is required to grant such rights; or
- (ii) a boxer’s promoter is required to grant such rights in respect of a boxer, as a condition precedent to a boxer’s participation in a professional boxing match against another boxer who is under contract to a promoter. 40

(3) A promoter may not secure exclusive promotional rights from a boxer’s opponents as a condition of participating in a professional boxing match against a boxer, and any contract to the contrary—

- (a) must be regarded to be in restraint of trade and contrary to public policy; and 45
- (b) is unenforceable.

(4) Nothing in this section must be construed as excluding any other law concerning interference with contracts.

Promotional rights under mandatory bout contracts

25. A promoter or Boxing SA may not require from a boxer, who must engage in a mandatory bout under the rules of Boxing SA, to grant promotional rights to a specific promoter for a future professional boxing match. 50

Employment as condition of promoting

26. No person who is a—

- (a) licensee;
- (b) manager;
- (c) matchmaker; or
- (d) promoter,

may require a boxer to employ, retain or provide compensation to any individual or business enterprise whether operating in corporate form or not recommended or designated by that person as a condition of such— 5

- (i) person's working with a boxer as a licensee, manager, matchmaker or promoter;
- (ii) person's arranging for a boxer to participate in a professional boxing match; or 10
- (iii) boxer's participation in a professional boxing match.

Offences and penalties

27. Any person who contravenes any provision of this Act is guilty of an offence and on conviction liable to a fine or to imprisonment not exceeding 12 months or to both such fine and such imprisonment. 15

CHAPTER 3

Boxers', managers', trainers', promoters' and officials' right to freedom of association

28. (1) Every boxer, manager, trainer, promoter and official has the right— 20

- (a) to participate in forming a—
 - (i) boxers' association;
 - (ii) managers' association;
 - (iii) trainers' association;
 - (iv) promoters' association;
 - (v) officials' association; or 25
 - (vi) federation of such associations; and
- (b) to be a member of such association or a federation of such associations, subject to the constitution of the association.

(2) A member of an association or a federation of associations contemplated in subsection (1) has a right, subject to the constitution of that association, to— 30

- (a) participate in all lawful activities of that association or federation;
- (b) participate in the election of any office bearers or representatives; and
- (c) stand for such election and be eligible for appointment as an office bearer or representative and to hold office in such association or federation.

(3) Only one of each of the associations contemplated in subsection (1) may be recognised by Boxing SA subject to the association submitting its constitution to Boxing SA for approval in writing. 35

(4) All recognised associations or federation of associations must submit their annual reports on their activities to Boxing SA once a year.

Protection of boxers, managers, trainers, promoters and officials 40

29. (1) A person may not—

- (a) discriminate against a boxer, manager, trainer, promoter or official for exercising any right in terms of this Act; or
- (b) prevent a boxer, manager, trainer, promoter or official to exercise any right in terms of this Act. 45

(2) No person may advantage, or promise to advantage, a boxer, manager, trainer, promoter or official, if that boxer, manager, trainer, promoter or official in exchange for such advantage is required to refrain from exercising any right in terms of this Act, or from participating in any proceedings in terms of this Act.

(3) A provision in any contract, entered into after the commencement of this Act, that directly contradicts or limits any provision of this Act, is invalid. 50

Accreditation of legal firm, medical doctor or auditor

30. (1) Any legal firm, medical doctor or auditor, or agency thereof, may apply to Boxing SA in the prescribed form for accreditation to perform any of the following functions:

- (a) Resolving disputes through conciliation; 5
- (b) arbitrating disputes that remain unresolved after conciliation;
- (c) scrutinising contracts of boxers; and
- (d) scientific testing of boxers for doping and ensuring that prescribed standards are met.

(2) Boxing SA may require further information in support of the application and, for that purpose, may require the applicant to attend one or more meetings of Boxing SA. 10

(3) Boxing SA may, after considering the application, accredit an applicant to perform any function referred to in subsection (1), or may refuse to accredit the applicant.

(4) Boxing SA must inform accredited applicants in writing of their functions.

Procedures for resolution of disputes

15

31. (1) If there is a dispute concerning any matter regulated by or under this Act, any party to the dispute may, in writing, refer the dispute to Boxing SA.

(2) The party who refers the dispute to Boxing SA must satisfy Boxing SA that a copy of the referral has been served on all the other parties to the dispute.

(3) Boxing SA must attempt to resolve the dispute and must give its ruling in this regard and may make such order as to costs as it deems fit. 20

(4) If the dispute remains unresolved or the parties do not agree with the finding of Boxing SA, any party may refer the matter for arbitration.

Burden of proof

32. In any proceedings under this Act, the burden of proof is on a balance of probabilities, and must be discharged by the applicant or complainant. 25

Application of Act

33. In the event of any conflict arising between this Act and any law in force immediately prior to the date on which this Act takes effect, other than the Constitution and the Public Finance Management Act, 1999 (Act No. 1 of 1999), the provisions of this Act prevail. 30

Regulations

34. (1) The Minister may, after consultation with Boxing SA, make regulations with regard to—

- (a) the manner and form in which any application under this Act must be made; 35
- (b) the nature of the particulars to be furnished with any application under this Act;
- (c) the form of any licence, certificate or other document to be used for purposes of this Act;
- (d) the fees payable to Boxing SA in respect of the grant, issue or renewal of any licence, certificate or other similar document, under this Act; 40
- (e) the powers and duties of officials during tournaments;
- (f) requirements for the registration of any person as a boxer, official, trainer, manager or promoter;
- (g) the rules under which and the manner in which any tournament must be organised; 45
- (h) the manner in which participants must be attired and, in the case of boxers, the nature, weight and quality of gloves and bandages to be used;
- (i) the weighing of participants prior to any tournament, the testing of the physical and mental fitness and the medical examination of participants prior to and during any tournament; 50
- (j) the rating of boxers and the sanctioning of fights between boxers;

- (k) the circumstances under which any specified class of persons are prohibited from attending or taking part in tournaments generally or any specified kind of tournament;
- (l) the submission to Boxing SA by the promoter of a tournament of a statement showing the expenditure incurred in connection with and the income derived from such tournament; 5
- (m) the management of a benevolent fund and the purpose for which such fund may be used;
- (n) the compensation of Boxing SA members and officials;
- (o) the licensing and training standards for trainers, managers, promoters, referees, judges or timekeepers; 10
- (p) matters regarding the contracts between boxers and managers, and boxers and promoters,

and, generally, with regard to any matter that in terms of this Act must be prescribed or any matter that the Minister considers it necessary or expedient to prescribe in order to achieve the objects of this Act. 15

Repeal and amendment of provisions of Act 39 of 1954, saving and transitional provisions

35. (1) Subject to this section, the provisions of the Boxing and Wrestling Control Act, 1954 (Act No. 39 of 1954), mentioned in the third column of the Schedule are repealed or amended as indicated in that column of the Schedule. 20

(2) Any regulation or authorisation made or granted in terms of a repealed provision of the Boxing and Wrestling Control Act, 1954 (Act No. 39 of 1954), must, unless inconsistent with this Act, be regarded as having been made or granted under the corresponding provision of this Act, and remains in force until withdrawn or repealed. 25

(3) Any registration or removal from a register or any other thing done in terms of a repealed provision of the Boxing and Wrestling Control Act, 1954 (Act No. 39 of 1954), must be regarded as having been done under this Act.

(4) (a) The South African National Boxing Control Commission contemplated in section 2 of the Boxing and Wrestling Control Act, 1954 (Act No. 39 of 1954), ceases to exist on the day immediately preceding the date of the first meeting of Boxing SA. 30

(b) All rights, obligations, assets and liabilities acquired or incurred by the South African National Boxing Control Commission immediately vest in Boxing SA and Boxing SA must be regarded as having acquired or incurred such rights, obligations, assets and liabilities in terms of this Act. 35

Short title

36. The Act is called the South African Boxing Act, 2001, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.

Schedule

(Section 35)

Number and year of Law	Short title	Extent of repeal or amendment
Act. No. 39 of 1954	Boxing and Wrestling Control Act, 1954	<p>(a) Amendment of section 1—</p> <p>(i) by the substitution for the definition of “commission” of the following definition: “‘commission’ means <u>Boxing SA established by section 4 of the South African Boxing Act, 2001;</u>”; and</p> <p>(ii) by the deletion of the definitions of “official”, “promoter” and “tournament”.</p> <p>(b) Repeal of sections 2, 3, 4, 5, 6 and 7.</p> <p>(c) Amendment of section 8 by the substitution for the expression “this Act” of the expression “the South African Boxing Act, 2001,”.</p> <p>(d) Repeal of sections 9(1)(a) to (m) and (2), 10 and 11.</p> <p>(e) Amendment of section 13 by the substitution for subsection (5) of the following subsection: “(5) Any person registered in terms of section 7(c) of the <u>South African Boxing Act, 2001</u>, may not be a member of a provincial commission.”.</p> <p>(f) Amendment of section 14 by the substitution for the words preceding the proviso of the following words: “The provisions of sections 5 and 6 as they were in force immediately before the <u>South African Boxing Act, 2001</u>, came into force, shall <i>mutatis mutandis</i> apply to a provincial commission”.</p> <p>(g) Amendment of section 18 by—</p> <p>(i) the substitution in subsection (2) for the proviso of the following proviso: “: Provided that the Minister may at any time remove from his or her office any member of a local commission on the grounds specified in the proviso to [sub-section (1) of section five] <u>section 5(1) as it was in force immediately before the South African Boxing Act, 2001, came into force.</u>”; and</p>

Number and year of Law	Short title	Extent of repeal or amendment
		<p>(ii) the substitution for sub-section (3) of the following subsection: “(3) [Sub-section (2) of section five] <u>Section 5(2) as it was in force immediately before the South African Boxing Act, 2001, came into force shall <i>mutatis mutandis</i> apply to a local commission.</u>”.</p> <p>(h) Repeal of sections 20, 21, 21A, 21B, 22 and 23.</p>

MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN BOXING BILL, 2001

The Bill has been drafted to provide for a new structure to oversee professional boxing in the Republic to—

- (a) create synergy between amateur and professional boxing and
- (b) promote interaction between associations of boxers, managers, trainers, promoters and officials and Boxing SA, the new Boxing Commission.

In order to achieve the aims of the Bill, provision is made for Boxing SA to fulfil the various objects of the Bill (clause 2). Clause 3 provides for the way in which the Bill should be interpreted.

Clauses 4, 5, 6, 7, 8 and 9 provide for the establishment, powers and duties of an independent juristic person, Boxing SA, which will control boxing in the Republic. Boxing SA has specified functions for the purposes of attaining its objects (clauses 7 and 8). Boxing SA will consist of no fewer than four and no more than seven members appointed by the Minister on a part-time basis. The members may be paid, out of the funds of Boxing SA, such honoraria annually and such allowances for expenses reasonably incurred by them as the Minister, in consultation with the Minister of Finance, may determine (clause 10). The meetings and quorum for such meetings have also been provided for in the Bill (clause 11).

The Bill further provides for the appointment of a Chief Executive Officer by Boxing SA, in consultation with the Minister and the Minister of Finance. The Chief Executive Officer will manage and direct the activities of Boxing SA as well as supervise and appoint the staff of Boxing SA (clauses 12 and 14). The Chief Executive Officer will be required to enter into a performance agreement with the Minister and Boxing SA (clause 13).

Provision has also been made for the funds of Boxing SA which will come from various sources as well as for the capacity in which Boxing SA may enter into agreements with other parties (clauses 15 and 16). The Bill also provides for the delegation of the powers and duties of Boxing SA (clause 17).

Clause 18 proposes that tournaments must be authorised by Boxing SA. Clause 19 provides for the registration of boxers, officials, trainers, managers and promoters. Clause 20 prohibits the holding of or taking part in certain boxing fights by certain persons. Under specific circumstances boxing contests may be stopped or forbidden (clause 21).

The conflict of interest between a member and employee, etc. of Boxing SA and a person who sanctions, arranges or promotes a professional boxing fight has also been addressed (clause 22) and a firewall has been created between a boxer's promoter and manager (clause 23). Clause 24 protects a boxer from being exploited by a promoter or manager. Promotional rights to a promoter for a future boxing fight may not be granted by a boxer (clause 25) and a licensee, manager, matchmaker or promoter may not require a boxer to employ, retain or provide compensation to any individual or business as a prerequisite to such person working with the boxer (clause 26).

The Bill also provides for various offences and penalties (clause 27).

Clause 28 makes provision for boxers, managers, trainers, promoters and officials to form their respective associations or federation of associations which will be directed in terms of its constitution. These categories of persons are protected under clause 29 against discrimination.

Any legal firm, medical doctor or auditor, or agency thereof, may now be accredited by Boxing SA to resolve disputes through conciliation, scrutinise contracts and test boxers scientifically for doping (clause 30).

Procedures for the resolution of disputes have also been catered for in clause 31. The burden of proof in any proceedings under this Bill is on a balance of probabilities and must be discharged by the party who alleges that the other party is infringing his or her rights (clause 32). In terms of clause 33 the provisions of this Bill, in the event of conflict, will prevail over any other law, other than the Constitution, in force immediately prior to the date on which this Bill takes effect.

Clause 34 empowers the Minister to make regulations. Clause 35 provides for the repeal of the Boxing and Wrestling Control Act, 1954 (Act No. 39 of 1954), and clause 36 contains the short title.

Implications for provinces

None

Implications for local government

None

Consultation

The provincial departments of Sports and Recreation.
 The National Olympic Committee of South Africa (Nocsa).
 Women and Sport South Africa (Wassa).
 The South African National Recreation Council (Sanrec).
 The National Departments of—

- * Health;
- * Finance;
- * Public Service and Administration;
- * Foreign Affairs;
- * Communications;
- * Home Affairs;
- * Safety and Security; and
- * Justice.

Parliamentary procedure

On 20 September 2000 the Joint Tagging Mechanism (JTM) found that the *South African Boxing Bill* [B 58—2000] includes provisions to which the procedure set out in section 75 of the Constitution applies as well as provisions to which the procedure set out in section 76 of the Constitution applies. The JTM classified the Bill as a mixed section 75/76 Bill and, since there is no procedure whereby Parliament can pass such a mixed Bill, found that the Bill was out of order.

The *South African Boxing Bill* [B 58—2000] has thereupon been redrafted omitting the provisions to which the procedure set out in section 76 of the Constitution applies. The State Law Advisers and the Department of Sport and Recreation are of the opinion that the redrafted Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

Printed by Creda Communications

ISBN 0 621 30929 X