

REPUBLIC OF SOUTH AFRICA

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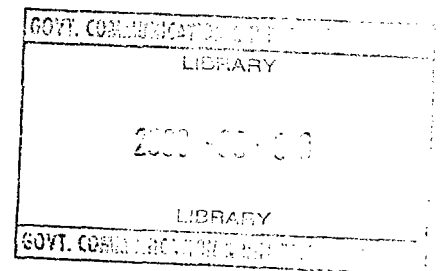
# SOUTH AFRICAN BOXING BILL

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*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill published in Government Gazette No 21456 of 14 August 2000) (The English text is the official text of the Bill)*

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(MINISTER OF SPORT AND RECREATION)



[B 58—2000]

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# **BILL**

**To provide for a new structure for professional and amateur boxing in the Republic; 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.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:

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#### Definitions

1.	In this Act, unless the context indicates otherwise—	25
(i)	“Boxing SA” means the Boxing Commission established in section 4;	
(ii)	“broadcasting” means any form of unidirectional telecommunications intended for the public, sections of the public or subscribers to any broadcasting service having appropriate receiving facilities, whether carried by means of radio or any other means of telecommunication or any combination of the aforementioned, and “broadcast” has the same meaning;	30
(iii)	“Director of Development and Transformation” means the person appointed in terms of section 11 as Director of Development and Transformation;	
(iv)	“Director of Media and Marketing” means the person appointed in terms of section 10 as Director of Media and Marketing;	35
(v)	“local office” means a local office of Boxing SA established under section 26;	
(vi)	“Minister” means the Minister of Sport and Recreation;	
(vii)	“official” means any referee, judge, timekeeper, assistant timekeeper, announcer, second, trainer or ringmaster to whom a certificate of registration as such has been issued in terms of section 7(1)(c);	40
(viii)	“prescribed” means prescribed by regulation made under section 47;	
(ix)	“promoter” means any person or body to whom a certificate of registration as a promoter has been issued in terms of section 7(1)(d)(iv);	
(x)	“provincial office” means any provincial office of Boxing SA established in section 20;	45
(xi)	“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 persons engage in boxing for gain, whether by way of competition, exhibition or otherwise.	

### CHAPTER 1

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#### Objects of Act

2. The objects of this Act are to—
- (a) give effect to the provisions of the Constitution;

- (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; 5
- (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; 10
- (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 15
  - (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;
- (h) provide for the registration and licensing of stakeholders in boxing and to ensure proper control and democratic practices in the process; 20
- (i) provide for the resolution of boxing disputes through arbitration, appeal and independent alternative dispute resolution services accredited for that purpose;
- (j) provide for marketing mechanisms to promote professional and amateur boxing in general; 25
- (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; 30
- (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;
- (n) recognise that boxing in the Republic consists of a professional and an amateur boxing wing; 35
- (o) recognise that amateur boxing is governed by its own constitution;
- (p) provide for matters of mutual interest to both professional and amateur boxing;
- (q) consider the recognition of all international boxing bodies or organisations and their boxing champions; 40
- (r) provide a framework for the participation and involvement of women in boxing; and
- (s) provide for incidental matters.

### **Interpretation of Act** 45

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 women boxing. 50

## **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

5. Subject to the provisions of 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. 5

(2) The Minister, after consulting Boxing SA, must determine the location of the head office for Boxing SA and in consultation with the members of the Executive Council responsible for sport and recreation in each province, the location of each provincial office.

(3) Boxing SA must maintain an office in each province of the Republic and as many 10 . local offices as it considers **necessary**.

## 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; 15
  - (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; 20
  - (c) may issue certificates of registration to any person who is not a member of Boxing SA, a provincial office or a local office of Boxing SA, as a boxer, official, trainer, manager or promoter and, in each case, to specify in the certificate the period of such certificate; 20
  - (d) may register any person referred to in paragraph (c) as a— 25
    - (i) boxer or official, to take part in tournaments in the capacity in which he or she has been so registered;
    - (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; 30
    - (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 for a tournament; 35
  - (e) in the case where the licensee requires a licence in a different category, may require him or her to relinquish the current licence;
  - (f) may test the ability of any person applying for a certificate of registration as a boxer, trainer or official under paragraph (d) as it deems fit;
  - (g) may require any person applying for a certificate of registration as— 40
    - (i) a trainer;
    - (ii) a promoter; or
    - (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); 45
  - (i) may issue, subject to such conditions as it may deem fit, licences authorizing the holding of tournaments;
  - (j) may require any applicant for a licence under paragraph (i) to furnish Boxing SA with—
    - (i) all agreements entered into between the promoter of the tournament, and the boxers or officials who will participate therein not later than 7 days prior to the date of the tournament; 50
    - (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 practicing in the Republic or elsewhere, as 55

- Boxing SA may approve not later than 30 days prior to the date of the tournament;
- (iv) full particulars of all arrangements made for the holding of the tournament not later than 30 days prior to the date of the tournament; and
  - (v) a specimen of every proposed advertisement relating to, and of the proposed programme of, the tournament and such further information as to enable Boxing SA to arrive at a proper decision on the application not later than 14 days prior to the date of the tournament;
- (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 require—
- (i) the promoter to deposit that amount with Boxing SA on or before any specified date prior to the date of the tournament; and
  - (ii) Boxing SA to 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—
- (i) after such examination or test for physical and mental fitness as Boxing SA 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—
- (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 by regulation under this Act, 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;
- (n) may provide for a grading system to enable amateur boxers to become professional boxers;
- (o) may enforce any refusal, suspension or cancellation of the registration of any boxer, official or promoter;
- (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;
- (q) may set out in such certificate 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 in 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;
- (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;
- (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;
- (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) (i) may impose a fine of not less than R10000 on any boxer, official, trainer, manager or promoter for any contravention of or failure to comply with section 39; and

- (ii) may suspend the certificate of such boxer, official, trainer, manager or promoter until such fine has been paid;
  - (w) may require of any professional boxer taking part in a tournament in any place outside the Republic to—
    - (i) furnish Boxing SA, 21 days before the tournament, with full details in writing of the purse money agreed to regarding the said tournament; and
    - (ii) disclose to Boxing SA any other information relating to the boxer's participation in a tournament as Boxing SA may determine;
  - (x) may organise the conducting of specialised programmes regarding the training of all persons involved in the sanctioning of tournaments; 10
  - (y) may establish a development fund to develop both amateur and professional boxing; and
  - (z) may establish—
    - (i) a boxer's ratings committee consisting of not fewer than three independent members appointed by Boxing SA; 15
    - (ii) an events sanctioning committee consisting of not fewer than four members appointed by Boxing SA; and
    - (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, and must offer such a person the opportunity of a hearing to show cause why such action should not have been taken.

### **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; 25
  - (b) assist in the establishment of an association or federation of associations contemplated in section 41;
  - (c) hold meetings at—
    - (i) at least four times a year; and 30
    - (ii) at its request or at the request of the associations or federation of such associations contemplated in terms of section 41 to discuss boxing matters; and
  - (d) consider applications for recognition of international boxing bodies or organisations and their boxing champions. 35

### **Composition of Boxing SA**

9. (1) Boxing SA consists of—
- (a) a Chairperson;
  - (b) a person who must deal with marketing and media related-matters;
  - (c) a person who must promote and focus on— 40
    - (i) women boxing; and
    - (ii) the development and transformation of professional boxing; and
  - (d) the President of the Amateur Boxing Organisation, or alternatively the General Secretary, who must promote and focus on amateur boxing.
- (2) The Minister must appoint the members of Boxing SA either on a full-time or part-time basis after, in the case of the members contemplated in subsection (1)(a) to (c), advertising the posts in the public media. 45
- (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. 50

### **Director of Media and Marketing**

10. Boxing SA must appoint a Director of Media and Marketing to assist the member referred to in section 9(1)(b), whose duties, amongst others, include—
- (a) acting as the public relations officer of Boxing SA;

- (b) promoting both professional and amateur boxing to the print media and television;
- (c) the marketing of amateur and professional boxing in general;
- (d) seeking sponsorships for Boxing SA to fund its projects;
- (e) identifying sources of revenue for Boxing SA; and
- (f) the raising of funds for amateur and professional boxing in general.

#### **Director of Development and Transformation**

- 11.** Boxing SA must appoint a Director of Development and Transformation to assist the member referred to in section 9(1)(c), whose duties, amongst others, include— 10
- (a) promotion and regulation of women boxing; and
  - (b) development and transformation of professional boxing.

#### **Performance agreements**

- 12.** The members of Boxing SA and the Chief Executive Officer contemplated in section 15, must enter into performance agreements with the Minister and Boxing SA, respectively. 15

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

- 13. (1)** The members of Boxing SA hold office for three years.
- (2) Subject to subsection (3), the Minister may remove any member of Boxing SA from office for any good reason, including if—
- (a) a member, directly or indirectly or through his or her spouse, partner or 20  
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;
  - (b) the estate of a member is sequestrated;
  - (c) the member becomes of unsound mind; 25
  - (d) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine; or
  - (e) he or she has absented himself or herself from two consecutive meetings of Boxing SA without its leave.
- (3) (a) If the Minister removes a member from office as contemplated in subsection 30  
(2), the Minister may appoint another member.
- (b) Such member must serve for the unexpired period of the term of office of the member removed under subsection (2).
- (4) Whenever for any reason the office of any member of Boxing SA becomes vacant before the expiration of the period for which he or she has been appointed, another 35  
member must be appointed to fill the vacancy until the expiration of the period for which the vacating member was appointed.
- (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— 40
- (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. 45

#### **Meetings and quorum**

- 14. (1)** Subject to subsection (2) and section 6(2), 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 the members of Boxing SA, call a special meeting of Boxing SA to be held 50  
at such time and place as he or she may direct.



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

(4) The quorum for a meeting of Boxing SA is three members.

(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, 5 the person presiding at the meeting has a casting vote in addition to his or her deliberative vote.

(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 10 contemplated in section 41 at such places and times as Boxing SA, in conjunction with the particular association or federation of associations, may find suitable.

(8) At least two members of Boxing SA and at least four members per association or federation of associations constitute a quorum for the purpose of a meeting referred to in subsection (7). 15

(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**

15. (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- 20

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

(2) The Chief Executive Officer must—

- (u) perform all the functions that are— 25

- (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; and

(d) handle provincial and international boxing matters in consultation with the 30 Chairperson of Boxing SA.

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

(4) The Chief Executive Officer—

(a) subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), is 35 charged with the responsibility of accounting for money received from whatever source or paid out by or on account of Boxing SA;

(b) must cause the necessary accounting and other related records to be kept; and

(c) must perform the functions assigned to him or her from time to time by 40 Boxing SA and is, in respect thereof, accountable to Boxing SA.

### **Staff of Boxing SA**

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

(2) Boxing SA, in consultation with the Minister, must determine the remuneration and any other terms and conditions of service of staff members, but such terms and 45 conditions must be in line with those of officials in the public service.

### **Finances of Boxing SA**

17. (1) The funds of Boxing SA consist of—

(a) money appropriated by Parliament;

(b) fees payable to Boxing SA in terms of this Act; 50

(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 day of the Act and ends on 31 March following immediately thereafter.

(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. 5

(4) (a) Boxing SA must keep proper records of all—

(i) moneys received or expended by it;

(ii) its assets and liabilities; and

(iii) financial transactions entered into by it. 10

(b) Boxing SA must as soon as possible, but not later than six 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.

(5) The financial statements referred to in subsection (4) must exclude funds received and held in trust by Boxing SA or expenditure thereof. 15

### **Contractual capacity of Boxing SA**

**18. (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 43, to perform any function of Boxing SA on the terms and conditions as Boxing SA may determine; and 20

(b) perform any of its functions in association with any other person, body or organisation.

(2) Boxing SA may not enter into an agreement with any person who, or any body or organisation which, has a pecuniary or other interest in Boxing SA. 25

### **Delegation of powers**

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

(a) any member of Boxing SA; 30

(b) the Chief Executive Officer;

(c) the Directors contemplated in sections 10 and 11;

(d) any committee established by Boxing SA; or

(e) provincial and local offices.

(2) Boxing SA may not delegate the— 35

(a) appointment of the Chief Executive Officer;

(b) depositing or investing of surplus moneys with financial institutions;

(c) accreditation of legal firms or auditors as well as the amendment, withdrawal or renewal of their accreditation;

(d) subsidizing of the accredited legal firms or accredited auditors contemplated in terms of section 43; 40

(e) appointment of medical practitioners; or

(f) issuing of 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. 45

(b) The affected party must be given an opportunity to state their case regarding the intention of Boxing SA to amend or revoke a delegation.

(5) A power delegated [o the Chief Executive Officer may be performed by any of the Directors referred to in sections 10 and 11 or a 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. 50

### **Provincial offices of Boxing SA**

20. A provincial office of Boxing SA is established for each of the provinces referred to in section 103 of the Constitution. 55

**Development plan**

21. Each provincial office of Boxing SA and amateur boxing organisation must, before or on 31 December of each year, submit to Boxing SA and the relevant member of the Executive Council responsible for sport and recreation of each province, a boxing development plan which the provincial office or amateur boxing organisation envisages to implement the following year. 5

**Composition of provincial office, location, reporting, meetings, remuneration of officials and expenditure**

22. (1) A provincial office of Boxing SA consists of one representative appointed by the Minister after consultation with the members of the Executive Council responsible for sport and recreation of each province. 10

(2) The location of a provincial office must be as contemplated in section 6(2).

(3) A representative of a provincial office must—

(a) report to the member of the Executive Council responsible for sport and recreation of his or her province on a monthly basis regarding boxing affairs during that specific month; and 15

(b) forward a copy of such report to Boxing SA and the Minister.

(4) A representative of a provincial office may, in consultation with the said member of the Executive Council—

(a) set up meetings for discussion with any of the boxing stakeholders regarding boxing issues; 20

(b) coopt the services of other persons to assist him or her in the performance of his or her duties; and

(c) establish an advisory board of not fewer than four members to ensure the smooth running of boxing. 25

(5) A representative of a provincial office holds office for a period not exceeding three years determined by the Minister at the time of his or her appointment.

(6) A person registered in terms of section 7(1)(c) may not be a representative of a provincial office unless he or she has relinquished his or her licence, in writing, to Boxing SA. 30

(7) The remuneration of the representative and other officials of a provincial office and any expenditure incurred by a provincial office for the effective performance of the functions of the provincial office must, with the approval of Boxing SA, be paid out of the funds of the provincial office.

**Removal from office, vacancies, remuneration of members, meetings and quorum in respect of provincial office** 35

23. The provisions of sections 13 and 14 apply, with the necessary changes, to a provincial office, but any payments contemplated in section 13(6) must be made out of the funds of Boxing SA.

**Powers and duties of provincial offices** 40

24. A provincial office, in respect of the province for which it has been established—

(a) may exercise such powers and must perform such duties conferred or imposed upon Boxing SA by this Act as have been delegated to it by Boxing SA under section 19;

(b) must carry out the instructions or directions of Boxing SA; 45

(c) and subject to the approval of Boxing SA, must appoint a secretary and other officials on such conditions and at such remuneration as it may, with the approval of Boxing SA, determine; and

(d) generally, must assist Boxing SA in the performance of its functions.

**Delegation of provincial office's powers and duties** 50

25. (1) A provincial office may, with the approval of Boxing SA, delegate to a local office any of the powers and duties delegated to that provincial office under section 19.

(2) Any power or duty so delegated must be exercised or performed by that local office in respect of the area assigned to it under section 26, but a provincial office is not to be divested of any power or function which it may have so delegated to a local office and may amend or withdraw any **decision by a local office**.

#### **Establishment of local offices**

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**26.** (1) The Minister may at the request of a provincial office and on the recommendation of Boxing SA, by notice *in the Gazette*, establish a local office for any area within the province for which that provincial office has been established and may by such notice determine the place where meetings of such local office must be held.

(2) The Minister may at any time, at the request of the provincial office of a province within which a local office has been established and on the recommendation of Boxing SA, by notice in the *Gazette*, extend or reduce the area assigned to such local office under subsection (1).

#### Composition of local office, tenure of office, vacancies and meetings

**27.** (1) (a) A local office consists of the prescribed number of representatives appointed with the approval of Boxing SA by the provincial office of the province within which the local office has been established. 15

(b) A local office may, with the approval of the provincial office concerned, co-opt a prescribed number of persons as representatives thereof, either for the performance of a particular function or for the performance of its functions generally. 20

(2) The representatives of a local office hold office for such period as the provincial office may determine at the time of their appointment but the Minister may at any time remove any member of a local office from office on the grounds specified in section 13(2).

(3) Section 13(4) and (5) applies, with the necessary changes, to a local office. 25

(4) All decisions at any meeting of a local office must be by resolution by majority vote.

#### **Powers and duties of local office**

**28.** A local office, in respect of the area assigned to it under section 26—

(a) may exercise such powers and must perform such duties conferred or imposed upon Boxing SA by this Act, except the issuing of licences; 30

(b) must carry out the instructions or directions of the provincial office of the province within which the local office has been established; and

(c) generally, must assist the said provincial office in the performance of its Functions. 35

#### Broadcasting rights of tournaments

**29.** (1) Broadcasting rights of a boxing tournament vest in the promoter of such a tournament, subject to the Broadcasting Act, 1999 (Act No. 4 of 1999), and subsection (2).

(2) The promoter referred to in subsection (1) must apply in writing and obtain prior approval of Boxing SA to broadcast such a tournament 30 days before the said tournament takes place. 40

(3) Boxing SA may determine criteria which maybe varied from time to time for the allocation of such broadcasting rights.

(4) Boxing SA may— 45

(a) in writing, grant the allocation of such broadcasting rights to the promoter for the particular tournament; or

(b) not grant the allocation of the broadcasting rights to the promoter for the said tournament by allocating the broadcasting rights to-

(i) another promoter as Boxing SA deems fit after informing the former promoter of its reasons for disapproval in writing, but Boxing SA may not withhold such approval unreasonably; or 50

- (ii) itself if circumstances, in Boxing SA's opinion, exist which justify such a decision.

#### **Tournaments to be authorised**

30. 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. 5

#### **Boxers, officials, trainers, managers and promoters to be registered**

31. 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 10
- (d) negotiate with any boxer with a view to procuring his or her services as a boxer in 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 15 under section 7(1)(d).

#### **Prohibition of holding of or taking part in certain tournaments**

32. 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. 20

#### **Tournaments may be stopped or forbidden**

33. (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 venue; and 25
- (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 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. 35

(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. 40

(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 performed in terms of this section must be taken after consultation with a member of Boxing SA who is in charge of that tournament. 45

#### **Prohibition on receipt of gifts or benefits**

34. (1) No-

- (a) member or employee of Boxing SA or representative employee of a provincial or local office;
- (b) person who administers or enforces boxing laws; or
- (c) member of an association or federation of associations as contemplated in section 41,

may be employed by, enter into an agreement with or receive any compensation, gift 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.

(2) Any person contemplated in subsection (1) may be compelled by Boxing SA, in writing, to disclose all the benefits or gifts 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.

### **Firewall between promoters and managers**

35. It is unlawful for—

- (a) a boxer’s promoter to have a financial interest in that boxer’s manager or management company; or
- (b) a licensed manager or management company to—
  - (i) have a director indirect financial interest in the promotion of a boxer; or
  - (ii) 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.

### **Protection from exploitation**

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

- (a) a minimum number of professional boxing matches per year for a boxer; and
- (b) 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
- (b) between promoters with respect to a boxer,

may not exceed 12 months if a—

- (i) boxer is required to grant such rights; or
  - (ii) 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.

(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—

- (i) must be regarded to be in restraint of trade and contrary to public policy; and
- (ii) is unenforceable.

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

### **Promotional rights under mandatory bout contracts**

37. A promoter, Boxing SA or a provincial or a local office 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.

### **Employment as condition of promoting**

38. 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

**39.** 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 twelve months or to both a fine and such imprisonment. 15

#### Appeal to provincial office or Boxing SA

40. (1) Any promoter, manager, official or boxer who feels aggrieved at a decision of any local office or provincial office, may appeal in the prescribed manner, within the prescribed period and upon payment of the prescribed fee, to Boxing SA.
- (2) After considering the appeal, Boxing SA may— 20
- (a) confirm, set aside or vary the decision against which the appeal is lodged;
  - (b) refer the matter back to the local office or provincial office concerned, as the case may be, with the instruction to obtain further evidence;
  - (c) order any party to the appeal to produce in writing or to give verbally, on a specific date, such further evidence as Boxing SA may deem necessary; 25
  - (d) take such steps as it deems necessary for the just, speedy and fair settlement of the matter; and
  - (e) make such order as to costs as it **deems fit**.

## CHAPTER 3

### Boxers', managers', trainers', promoters' and officials' right to freedom of association 30

- 41. (1)** Every boxer, manager, trainer, promoter and official has the right—
- (a) to participate in forming a— 35
    - (i) boxers' association;
    - (ii) managers' association;
    - (iii) trainers' association;
    - (iv) promoters' association;
    - (v) officials' association; or
    - (vi) federation of such associations; and
  - (b) to be a member of such association or a federation of such associations, 40
 

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—
- (a) participate in all lawful activities of that association or federation;
  - (b) participate in the election of any office bearers or representatives; and 45
  - (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.

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

- 42. (1)** A person may not—
- (a) discriminate against a boxer, manager, trainer, Promoter or official 'or 50
 

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.

(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 5 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.

#### **Accreditation of legal firm, medical doctor and agencies or auditor**

43. (1) Any legal firm, medical doctor or auditor may apply to Boxing SA in the 10 prescribed form for accreditation to perform any of the following functions:

(a) Resolving disputes through conciliation;

(b) arbitrating disputes that remain unresolved after conciliation;

(c) scrutinizing contracts of boxers; and

(d) scientific testing of boxers for doping and ensuring that prescribed standards 15 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.

(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. 20

(4) Accredited applicants must be informed by Boxing SA in writing of their functions.

#### **Procedures for disputes**

44. (1) If there is a dispute regarding the interpretation or application of any provision of this Act, any party to the dispute may, in writing, refer the dispute to Boxing SA. 25

(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.

(4) If the dispute remains unresolved or the parties do not agree with the finding of 30 Boxing SA, any party may refer the matter for arbitration to an independent person or body, appointed jointly by the parties.

#### **Burden of proof**

45. 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. 35

#### **Application of Act**

46. In the event of any conflict, arising between this Act and any other law other than the Constitution, the provisions of this Act prevail.

#### **Regulations**

47. The Minister may, after consultation with Boxing SA, make regulations with 40 regard to-

(a) the manner and form in which any application under this Act must be made;

(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 the 45 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;

(e) the rights 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;
  - (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; 5
  - (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;
  - (j) the circumstances under which any specified class of persons is prohibited from attending or taking part in tournaments generally or any specified kind of tournament; 10
  - (k) 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; 15
  - (l) the management of a benevolent fund and the purpose for which such fund may be used;
  - (m) the coaching of boxers;
  - (n) the compensation of Boxing SA members and ring officials;
  - (o) the licensing and training standards for trainers, managers, promoters, referees, judges or timekeepers; 20
  - (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 necessary or expedient to prescribe in order to achieve the objects of this Act. 25

### **Repeal of laws**

48. The laws set out in column 1 of the Schedule are repealed to the extent set out in column 3 of that Schedule.

### **Short title**

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49. The Act is called the South African Boxing Act, 2000, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.

**Schedule**

(Section 48)

<b>Number and year of law</b>	<b>Short title</b>	<b>Extent of repeal</b>
Act No. <b>39 of 1954</b>	Boxing and Wrestling Control Act, 1954	The whole save for the regulations promulgated in terms of Government Notice R.2248 of 26 November 1993
Act No. 51 of 1973	Boxing and Wrestling Control Amendment Act, 1973	The whole
Act No. 62 of 1980	Boxing and Wrestling Control Amendment Act, 1980	The whole
Act No. 30 of 1988	Boxing and Wrestling Control Amendment Act, 1988	The whole
Act No. 134 of 1991	Boxing and Wrestling Control Amendment Act, 1991	The whole
Act No. 88 Of 1993	Boxing and Wrestling Control Amendment Act, 1993	The whole
Act No. 136 of 1998	Boxing and Wrestling Control Amendment Act, 1998	The whole

## MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN BOXING BILL, 2000

The Bill has been drafted to provide for a new boxing structure to oversee professional and amateur boxing in the Republic and to 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 four members appointed by the Minister on a part-time or full-time basis. Provision is made for the appointment of two directors of Boxing SA to handle media and marketing and development and transformation matters (clauses 10 and 11). Members of Boxing SA are required to enter into performance agreements with the Minister (clause 12). 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 13). The meetings and quorum for such meetings have also been provided for in the Act (clause 14).

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 who to manage and direct the activities of Boxing SA as well as supervise and appoint the staff of Boxing SA (clauses 15 and 16).

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 17 and 18). The Bill also provides for the delegation of the powers and duties of Boxing SA (clause 19).

In terms of the Bill a provincial office consisting of 1 representative for each province must be established, which, together with the amateur boxing organisation, are compelled to submit a development plan on activities to Boxing SA annually (clauses 20 and 21). A provincial office of Boxing SA must be located at the offices of the member of the Executive Council ("the MEC") responsible for sport and recreation in each province and each representative must report to the relevant MEC on a monthly basis regarding boxing matters (clause 22) and may be removed from office by the Minister (clause 23). Clauses 24 and 25 makes provision for the functions of a provincial office and the delegations of such functions.

Broadcasting rights of boxing tournaments will, subject to certain conditions, vest in the promoters of such tournaments (clause 29), and tournaments must be authorised by Boxing SA (clause 30).

Clause 31 provides for the registration of boxers, officials, trainers, managers and promoters. Clause 32 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 33).

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 is also being addressed (clause 34) and a firewall has been created between a boxer's promoter and manager (clause 35).

Clause 36 provides for the prohibition on the receipt of gifts and benefits of major value by members, employees, etc. of Boxing SA from a promoter, manager or boxer, whilst clause 37 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 38) nor may a licensee, manager, matchmaker or promoter require a boxer to employ, etc. the services of any individual or business as a prerequisite for such person working with the boxer amongst others.

The Bill further provides for various offences and penalties (clause 39) and for appeal procedures to Boxing SA or its provincial offices regarding any grievances against the decision of a provincial or local office of Boxing SA (clause 40).

Clause 41 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 42 against discrimination.

Any legal firm, medical doctor, auditor or agency may now be accredited by Boxing SA to resolve, scrutinise contracts and test boxers scientifically for doping (clause 43).

Procedures for disputes have also been catered for in clause 44. The burden of proof in any proceedings under this Bill lies with the party who alleges the other party infringing his or her rights (clause 45). In terms of clause 46 the provisions of this Bill must prevail over any other Act in the event of conflict.

Clause 47 empowers the Minister to make regulations. Clause 48 provides for the repeal of certain laws and clause 49 contains the short title.

### **IMPLICATIONS FOR PROVINCES**

The provincial departments for sport and recreation will **only** be involved insofar as their MECS will assist the Minister when he appoints the representatives of the provincial offices of Boxing SA. The respective MECS will also have to make available at their premises, offices for the representatives of the provincial offices of Boxing SA. The said representatives will then report to the MECS on a monthly basis regarding the boxing affairs under their control and furnish the Minister and Boxing SA with a copy thereof (clause 22).

### **IMPLICATIONS FOR LOCAL GOVERNMENT**

None.

### **OTHER BODIES CONSULTED**

The provincial departments of Sports and Recreation.

The 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**

The State Law Advisers and the Department of Sport and Recreation are of the opinion that this 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.