

CHAPTER 48A

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CHAPTER 48A

NATIONAL SPORTS COUNCIL

An Act to provide for the establishment of an authority to facilitate the development of sport in Barbados.

1977-55.
1979-15.
1996-23.

[1st February, 1978] Commence-
ment.
1977/12.

PART I

Preliminary

1. This Act may be cited as the *National Sports Council Act*. Short title.
2. For the purposes of this Act Interpretation.
"Council" means the National Sports Council established under section 3(1);
"Fund" means the Reserve Fund established under section 8(1);
"secretary" means the person for the time being acting in the capacity of secretary to the Council.

PART II

Establishment, Status and Functions of the Council

3. (1) For the purposes of this Act, there is established a Council to be known as the National Sports Council. Establishment of National Sports Council. Cap. 1.
- (2) The Council shall be a body corporate and section 21 of the *Interpretation Act* shall apply thereto.
- (3) The provisions of the *Schedule* have effect with respect to the constitution of the Council and otherwise in relation thereto. Schedule.
4. (1) The functions of the Council shall be Functions of the Council.
(a) to stimulate and facilitate the development of sport generally in Barbados;

(b) to develop, maintain and manage sporting facilities, including all playing fields and the National Stadium, provided by the Government for public use; and

(c) to administer the funds of the Council and all Government grants allotted to sporting organisations.

(2) Subject to this Act, the Council may carry on any activity that appears to it to be requisite, advantageous or convenient for, or in connection with, the discharge of its functions under this Act.

Remuneration of members.

5. A member of the Council is entitled, in respect of the office he holds, to such remuneration and allowances, if any, as the Minister determines.

PART III

Financial

Funds and resources of the Council.

6. The funds and resources of the Council shall consist of

(a) such sums as accrue from the operations of the Council;

(b) such sums or property as may become payable to or, as the case may be, vested in the Council;

(c) such sums as the Council borrows or as become available to the Council from sources other than those expressed in paragraphs (a) and (b); and

(d) such amounts as may be voted by Parliament for the purpose.

Application of funds of Council. 1979-15.

7. The funds of the Council shall be applied towards

(a) the meeting of the obligations, and the discharging of any functions of the Council and matters incidental to such obligations and functions; and

(b) the creation and maintenance of the Reserve Fund established under section 8.

Reserve Fund.

8. (1) The Council may, out of its funds, establish a fund to be known as the Reserve Fund.

(2) Subject to subsection (3) and section 12(2), the Council shall

- (a) have control over the management of the Fund;
- (b) determine what amounts shall be credited to the Fund; and
- (c) determine the purposes for which the Fund may be applied.

(3) No part of the Fund shall be applied otherwise than for the purposes of the Council.

9. (1) The Council shall keep accounts of its transactions in such form and in such manner as the Minister approves; the accounts being audited annually by an auditor appointed by the Council with the approval of the Minister. Accounts and audit.

(2) The Auditor-General is entitled, on being required by the Minister, to carry out at any time an investigation into, or special audit of, the accounts of the Council.

10. (1) The members, officers and servants of the Council shall allow the Auditor-General, or, as the case may be, the auditor appointed pursuant to section 9 (1), to have access to all books and documents relating to accounts and all cash and securities of the Council; and, on being requested by him, supply to him all information within their knowledge that relates to the operation of the Council. Right of access by Auditor-General or auditor.

(2) Any person who fails to comply with this section is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding twelve months or both.

11. (1) The Council shall as soon as possible after the expiration of each financial year and in any case not later than the 30th June in each year, submit to the Minister a report containing— Reports to be submitted to Minister and laid before Parliament.

- (a) a detailed account of its activities for the preceding financial year; and
- (b) a statement of its audited accounts.

(2) A copy of the report referred to in subsection (1) shall, together with a copy of the auditor's report on the accounts, be laid on the tables of the Senate and House of Assembly and published in the *Official Gazette*.

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PART IV

Miscellaneous

Power of
Minister to
give
directions.

12. (1) The Minister may, after consultation with the Chairman of the Council appointed under paragraph 1 (2) of the Schedule, give to the Council directions of a general or specific character respecting the policy to be followed in the exercise and performance of its functions affecting matters that appear to the Minister to be of public interest, and the Council shall give effect to such directions.

(2) Notwithstanding subsection (1), the Council shall not, except with the prior approval of the Minister—

- (a) invest any of its funds in any securities;
- (b) dispose of any of its securities;
- (c) acquire or dispose of any real property;
- (d) enter any contract for the purpose of raising loans;
- (e) assign, in respect of any office established by the Council, a salary in excess of such amount as the Minister determines;
- (f) appoint a person to an office established by the Council to which a salary is determined in accordance with paragraph (e); or
- (g) make provisions for payment of pensions, gratuities or similar benefits to officers, members or employees of the Council in respect of services to the Council.

Regulations.

13. The Council may, with the approval of the Minister, make regulations respecting—

- (a) the maintenance of order on premises under the control of the Council;
- (b) the conditions under which premises under the control of the Council may be let or used;
- (c) the powers and duties of officers appointed by the Council to assist in the administration of this Act and the regulations; and
- (d) the prescribing of anything that is by this Act authorised or required to be prescribed.

14. (1) Any person who

Offences.

- (a) wilfully disrupts any sporting activity sponsored by the Council;
- (b) assaults any member, officer or servant of the Council in the execution of his duty;
- (c) uses any abusive or insulting language to any member, officer or servant of the Council in the execution of his duty; or
- (d) enters or attempts to enter any playing field or the National Stadium or make use of any facilities under the control of the Council, by means of any other method than a prescribed method

is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for a term of 12 months or both.

(2) A person who commits an offence under subsection (1) may be taken into custody without a warrant by any member of the Police Force or by any parish constable who is in the employment of the Council.

(3) Any person who commits a breach of the regulations or any provision of this Act for which no penalty is provided is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for a term of 12 months or both.

15. (1) All persons who at 1st February, 1978 are in the employment of the National Stadium Corporation shall, upon that date, comprise the staff of the Council.

Staff of Council.

(2) Where a vacancy occurs in the membership of the staff of the Council that vacancy shall, subject to section 12(2), be filled by the Council.

16. All persons referred to in section 15(1) shall be deemed to have been appointed by the Council under this Act and shall continue to be employed under terms and conditions no less favourable than those under which they were employed in the service of the National

Saving of existing appointments and preservation of pensions.

Stadium Corporation; and there are hereby preserved to those persons all pension or superannuation rights accruing to them at the time of their transfer to the staff of the Council.

Preservation of rights of persons transferred to staff of Council. 1979-15.

16A. (1) A public officer or public employee who is transferred to the service of the Council continues to be employed under terms no less favourable than those under which he was employed in the public service; and there shall be preserved in respect of that public officer or public employee the rights of that officer or employee to any pension, gratuity or other allowance for which he is eligible at the date of his transfer.

Cap. 25.
Cap. 30.

(2) Where a public officer or public employee is transferred to an office in the service of the Council, the *Pensions Act*, or the *Public Employees Pensions Act*, as the case may be, applies to him as if his service with the Council were other public service within the meaning of those Acts; and the *Pensions Regulations, 1947*, or the *Public Employees Pensions Regulations, 1961*, as the case may be, apply to him accordingly as if the Council were a Scheduled Government within the meaning of regulation 8(1) of the *Pensions Regulations, 1947*.

L.N. 1947
No. 20.

Savings of pension etc. 1996-23.

16B. Where a public officer who has pensionable service is transferred to or becomes employed in the service of the Council, his service with the Council shall, whether or not there was a break in service, be aggregated with his service in the public service and his pension shall be calculated in accordance with the *Pensions Act* and the *Pensions Regulations, 1947* as if all of his service was service in the public service.

Cap. 25.
L.N. 1947
No. 20.

Transfer of assets and liabilities of the National Stadium Corporation.

17. (1) All property (including rights) vested in the National Stadium Corporation immediately before 1st February, 1978, shall, as from that date, be transferred to and vested in the Council.

(2) All liabilities that have been incurred by or on behalf of the National Stadium Corporation in respect of functions performed by that body and are subsisting immediately before 1st February, 1978, shall as from that date have effect as if they had been incurred by the Council.

SCHEDULE

s.3(3).

1. (1) The Council shall consist of not less than 7 persons and not more than 11 persons appointed by the Minister.

(2) The Minister shall appoint a member of the Council to be Chairman and another member to be Deputy Chairman.

(3) In the case of the inability of any member to act, the Minister may appoint a person to act temporarily in the place of such member.

2. A member of the Council shall hold office for a term of 3 years unless he dies, resigns or has his appointment revoked before the end of that term, but

(a) a person who is appointed to fill a vacancy created by the death, resignation or removal from office of a former member shall hold office only for the unexpired portion of the term of that former member; and

(b) every member is, on the expiration of the term of his appointment, eligible for re-appointment for a further term.

3. The Minister may grant leave of absence to a member of the Council and may appoint a person to act temporarily in the place of that member.

4. A member of the Council, other than the Chairman, may resign his office by instrument in writing addressed to the Minister, transmitted through the Chairman and from the date of the receipt of such instrument by the Minister such member shall cease to be a member of the Council.

5. The Chairman may at any time resign his office by instrument in writing addressed to the Minister and from the date of the receipt of such

instrument by the Minister the Chairman shall cease to be Chairman and if the instrument so specifies, cease to be a member of the Council.

6. The Chairman, or, in the event of his being absent from Barbados or for any reason unable to act, the Deputy Chairman may at any time call a special meeting of the Council and shall call such a meeting within seven days after receiving a requisition to do so by any five members of the Council.

7. Five members of the Council shall form a quorum.

8. Decisions of the Council shall be by a majority of votes and where the voting is equal the Chairman shall, in addition to his original vote, have a casting vote.

9. The Council shall meet at such times as may be expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Council determines.

10. Minutes of each meeting shall be duly kept by the Secretary or other person appointed by the Council for the purpose and shall be confirmed by the Council at its next meeting and signed by the Chairman or other person presiding at that meeting.

11. The Council may co-opt persons to attend any of its meetings for the purpose of assisting or advising it respecting any matters with which it is dealing, but a co-opted member shall not have a right to vote.

12. Subject to this Schedule, the Council shall regulate its own proceedings.

13. All documents made by, and all decisions of, the Council shall be signified under the hand of the Chairman or any member authorised to act in that behalf or by the secretary.