NIGERIA SPORTS BILL, 2016

ARRANGEMENT OF CLAUSES

Clause:

[HB. 16.05.600]

C 3079

A BILL

FOR

AN ACT TO PROVIDE FOR THE ADMINISTRATION AND MANAGEMENT OF SPORTS IN NIGERIA, ESTABLISHMENT OF SPORTS INSTITUTIONS AND FACILITIES, HARNESS SPORTS FOR DEVELOPMENT, AND TO ENCOURAGE AND PROMOTE DRUG-FREE SPORTS AND RECREATION IN NIGERIA, AND FOR RELATED MATTERS

Sponsored by Hon. Abubakar Kannike Amuda

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART I.- ESTABLISHMENT, ETC., OF THE NATIONAL SPORTS COMMISSION

1.-(1) There is established the National Sports Commission (in this Act referred to as "the Commission"). Establishment of the National Sports Commission

(2) The headquarters of the Commission shall be located in the Federal Capital Territory, Abuja.

2. The functions of the Commission are to: Functions of the Commission

(a) promote, co-ordinate and implement grassroots, national and international sports programs for Nigeria, in liaison with the relevant sports federations and facilitate the active participation of Nigeria in regional, continental and international sports, including in sports administration;

(b) manage and maintain the sports facilities specified in the First Schedule and any other facilities which the Minister may, by notice in the Gazette, declare to be sports facilities for the purposes of this Bill;

(c) establish, manage, develop and maintain sports facilities, including convention centers, indoor sporting and recreational facilities for the purposes of this Bill;

(d) adopt, develop, plan, set stadia standards and license and

regularly inspect stadia for sporting and recreational use;

(e) establish and maintain a sports museum;

(f) participate in the promotion of sports tourism;

(g) provide the necessary amenities or facilities for persons using the services or facilities provided by the Commission;

(h) operate sports facilities on public grounds in such manner as it deems necessary;

(i) collaborate with other tiers of government, schools and other stakeholders concerned with sports and recreation, in the search, identification and development of sporting talent, provision of sports equipment, facilities and technical training,

(j) identify and recommend talents in sports to national sports federations;

(k) inculcate the sense of patriotism and national pride through sports and recreation, create awareness on matters of national interest through sporting events, create awareness on the benefits of regular participation in sports for healthy living and provide advisory and counseling services to athletes;

(l) determine the national colours to be used in national and international competitions, in consultation with the relevant national sports federations;

(m) facilitate the preparation and participation of Nigerian teams in various international events and the hosting of similar events in the country and recommend members of steering committees for international sports competitions, in consultation with the relevant national sports federations;

(n) recommend to the relevant authorities issuance of work permits and visas to foreign athletes and technical sports personnel, in consultation with the relevant national sports federations;

(o) organize and co-ordinate training, conduct research, maintain a resource centre and provide and engage consultancy services for sports

development programmes, in consultation with the respective national sports federations;

(p) with the approval of the Minister, prescribe charges or fees in respect of:

(i) access to, or use of, any of the resources or facilities of the Commission,

(ii) the provision of programs, services, information or advice by the Commission, and

(iii) the admission of persons to events and activities organized by the Commission;

(r) recommend, in liaison with the relevant organisations, tax exemption for sportspersons; and

(s) perform such other functions related to the implementation of this Bill as may be directed by the Minister.

Powers of the Commission

3. The Commission shall have the power to:

(a) erect buildings and structures and carry out works necessary or desirable for the purposes of its establishment;

(b) appoint agents and attorneys;

(c) engage persons to perform services for sports in Nigeria;

(d) obtain commercial sponsorship for sports and participate in marketing arrangements involving its endorsement of products and services associated with sports;

(e) provide, whether by sale or otherwise, any article or thing bearing a mark, symbol or writing that is associated with the Commission;

(f) regulate the provision of services and use of the facilities of the Commission;

(g) act as an agent for any person engaged, whether within Nigeria or elsewhere, in the performance of services, or the provision of facilities, of a kind, similar or complementary to those performed or provided by the Commission;

(h) undertake the construction or execution of any works on land vested in the Commission; and

(i) make regulations, with the approval of the Minister:

(a) relating to the use, safety or maintenance of the stadia falling within its responsibility,

(b) relating to the erection of structures on, near, over or under the stadia falling within its responsibility,

(c) for the drainage of streets, lands, compounds and buildings adjacent to the stadia,

(d) for the inspection of the level, width and construction of stadia and play grounds, and

(e) for the removal, demolition or alteration of any projection, structure or thing obstructing a stadia or likely to cause damage or inconvenience to sports facility users.

PART 11 - ESTABLISHMENT OF THE NATIONAL SPORTS COMMISSION BOARD

Establishment of the National Sports Commission Board

4.-(1) There is established for the management of the Commission, the National Sports Commission Board (in this Act referred to as "the Board").

(2) The Board shall:

(a) be a body corporate with perpetual succession and a common seal;

(b) may sue and be sued in its corporate name; and

(c) may hold and dispose of property whether movable or immovable.

(3) The Board shall be located in the Presidency and shall not be subject to the direction, control or supervision of any other authority or person in the performance of its functions under this Bill, other than the President.

(4) The provisions of the Third Schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters contained therein.

Composition of the Board

5. The Board shall consist of:

(a) a chairperson, who shall:

(i) be appointed by the President, and

(ii) be a person who holds a degree from a recognized university and is knowledgeable in sports, finance or commerce;

(b) a representative not below the rank of a Deputy Director of:

(i) the Ministry charged with the responsibility for sports,

(ii) the Ministry charged with the responsibility for finance,

(iii) the Ministry charged with the responsibility for education, and

(iv) the Ministry charged with the responsibility for budget and national planning;

(c) the Chief Executive Officer of the National Sports Institute;

(d) the Chief Executive Officer of the National Sports Fund;

(e) the Secretary to the Sports Disputes Tribunal;

(f) a representative of the Association of state Directors of Sport Councils;

(g) 4 persons appointed by the Minister on nomination by:

(i) the sports federations recognized as the national coordinating bodies for the promotion and development of high performance Olympic, Paralympic and Deaflympics sports in Nigeria, and

(ii) the national multi-sport sports organization that is responsible for the adherence to all the codes for sports and recreational bodies;

(h) the Director-General of National Sports Commission, who shall be the Secretary.

Tenure of office

6.-(1) The Chairman and members of the Board, shall each hold office:

(a) for a term of 5 years and may be re-appointed for a further term of 5 years and no more; and

(b) on such terms and conditions as may be specified in their letters of appointment.

(2) A person shall cease to hold office as a member of the Board if the person:

(a) becomes bankrupt, suspends payment or compounds with his creditors;

(b) is convicted of a felony or any offence involving dishonesty or fraud;

(c) becomes of unsound mind or is incapable of carrying out his duties;

(d) is guilty of a serious misconduct in relation to his duties; or

(e) resigns his appointment by a letter addressed to the Minister.

(3) A member of the Board may be removed by the President on the recommendation of the Minister, if he is satisfied that it is not in the interest of the Commission or the public that the member continues in office.

(4) A member of the Board shall not hold any other office of emolument whether in the Federal or State public service while so holding office.

Allowance of members

7. Members of the Board shall be paid such allowances and expenses as the Government may direct from time to time.

Powers of the Board

8. The Board shall have power to:

(a) manage and superintend over the affairs of the Commission;

(b) manage, control and administer the assets of the Commission in such manner and for such purposes as best promote the purposes for which the Commission is established;

(c) receive any gifts, grants, donations or endowments made to the Commission or any other monies in respect of the Commission and make disbursements in accordance with the provisions of this Bill;

(d) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Commission;

(e) make rules and regulations for the effective running of the Commission;

(f) promote and pay the staff of the Commission such remunerations and allowances as payable to persons in similar organisations in the country;

(g) enter into such contracts as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Board;

(h) invest any monies of the commission not immediately required for the purposes of this Bill;

(i) make grants or lend money and provide scholarship to sport persons and staff of the commission; and

(j) do any other thing necessary or expedient for the discharge of its functions under the Bill.

PART III - APPOINTMENT OF THE DIRECTOR GENERAL AND OTHER STAFF

Director-General of the National Sports Commission

9.-(1) There shall be for the Commission, a Director General who shall be appointed by the President.

(2) The Director General shall be:

(a) a person distinguished in the area of sports;

(b) subject to the supervision and control of the Board;

(c) the Chief Executive and Accounting Officer of the Commission;

(d) responsible for the execution of the policies and the administration of the daily affairs of the Commission.

Tenure of the Director-General

10.-(1) The Director General shall be appointed for a term of 5 years in the first instance and may be re-appointed for a further term of 5 years and no more, subject to satisfactory performance.

(2) The Director General shall:

(a) be paid such remuneration as may be prescribed in the letter of appointment; and

(b) ensure and perform any other function in compliance with the provision of this Bill.

Resignation of the Director-General

11. The Director General may resign his appointment by writing under his hand and delivered to the Minister.

Staff of the Commission

12.-(1) The Board shall have power to appoint or accept on transfer or on secondment from any public service of the Federation, such other staff as may be in the opinion of the commission, be required to assist the Director General in the discharge of any of his functions under this Bill and shall have power to pay persons so appointed such remunerations (including allowances) as it may, from time to time, determine.

Staff Regulations

13.-(1) The Board may, subject to the provisions of this Bill, make regulations generally relating to the conditions of service of the staff of the Commission and without prejudice to the generality of the foregoing, such regulations may provide for:

(a) appointment, promotion and discipline (including dismissal) of staff;

(b) appeals by such staff against dismissal or other disciplinary measures and until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary.

(2) Staff regulations made, under subsection (1) shall not have effect until approved by the Board and when so approved, the Commission shall cause them to be brought to the notice of all affected persons in such manner as it may determine.

Service in the Commission

14.-(1) Service in the Commission shall be public service for the purpose of the Pensions Reform Act and, accordingly, officers and other persons employed in the Commission shall in respect of their service in the Commission, be entitled to pensions, gratuities and other retirement benefits are prescribed under the Pensions Reform Act.

(2) Nothing in this Bill shall prevent the appointment of a person to any office on terms which may preclude the grant of a pension or gratuity in respect of that office.

PART IV - ESTABLISHMENT OF THE NATIONAL SPORTS DEVELOPMENT FUND

Imposition of Sports Development tax

15.-(1) As from the commencement of this Bill, there shall be charged, payable and allocated monies for sports development comprising:

(a) tax at the rate of 0.5 percent to be charged on the assessable revenue of a company registered in Nigeria except sports lottery (in this Bill referred to as "a company") and carrying on business in Nigeria;

(b) tax at the rate of 2 percent to be charged on the assessable revenue of any sports lottery company carrying on business in Nigeria;

(c) all investments and any other payments required by this Bill; and

(d) such sums as may be appropriated for that purpose by the Federal Government.

(2) The assessable revenue of a company shall be ascertained in the manner specified in the Companies Income Tax Act as the case may be.

Assessment and collection of tax

16.-(1) The Federal Inland Revenue Service (in this Bill referred to as "the Service") shall assess and collect from a company the tax imposed under Section 15 (1) (a) and (b) of this Bill and accordingly:

(a) shall when assessing a company, for companies income tax for an accounting period of the company, also proceed to assess the company for the tax due under this Bill;

(b) ensure that the provisions of this Bill relating to the collection of companies income tax shall, subject to this Bill, apply to the tax due under this Bill.

(2) The tax due imposed by this Bill shall be due and payable within 60 days after the Service has served notice of the assessment on a company.

(3) The Service may, for the purpose of assessing and collecting the tax imposed by this Bill, devise such forms as it may deem necessary.

Establishment of the National Sports Development Fund

17.-(1) There is established the National Sports Development Fund (in this Bill referred to as "the Fund"), into which shall be paid all monies

specified under section 15 of this Bill, which shall vest in and be operated and managed by the Board of Trustees.

(2) The Fund shall be a body corporate with perpetual succession and a common seal and may:

(a) sue and be sued in its corporate name; and

(b) hold and acquire property whether moveable or immovable.

Utilization of the Fund

18. The Fund shall be utilized for the purposes of sports development, financial support for sports persons and sports federations and any other payments required under the provisions of this Bill to be paid out of the Fund.

Establishment of the Board of Trustees

19.-(1) There is established a Board of trustees for the Fund, known as the National Sports Fund Board of Trustees, which shall consist of:

(a) a chairperson, appointed by the President and who shall be a person knowledgeable in finance, commerce or sports;

(b) a representative not below the rank of a Deputy Director of:

(i) the Ministry charged with the responsibility for sports, and

(ii) the Ministry charged with the responsibility for finance;

(c) the Attorney-General of the Federation or his representative;

(d) the Director General of the National Sports Commission;

(e) a representative of:

(i) Federal inland Revenue Service, and

(ii) National Lottery Regulatory Commission;

(f) the Chief Executive Officer of the Nigeria National Sports Institute;

(g) the Secretary to the Sports Disputes Tribunal;

(h) four trustees appointed by the Minister on nomination by:

(i) the sports federations recognized as the national coordinating bodies for the promotion and development of high performance Olympic, Paralympic and Deaflympics sports in Nigeria, and

(ii) the national sports organization that is responsible for all sports disciplines or recreational bodies;

(i) two other persons with experience in sports marketing, management of national sports organization, or the corporate sector, appointed by the Minister, taking into consideration balance;

(j) the Chief Executive Officer appointed under section 24(1), as the Secretary to the Board of Trustees.

(2) The supplementary provisions contained in the Fifth Schedule to this Bill shall have effect with respect to the proceedings of the Board of Trustees and other matters contained therein.

Cessation of Membership

20.-(1) A member of the Board of Trustees shall cease to hold office if the member:

(a) becomes of unsound mind;

(b) becomes bankrupt or makes a compromise with his creditors;

(c) is convicted of a felony or any offence involving dishonesty; or

(d) is guilty of serious misconduct in relation to his duties.

(2) A member of the Board of Trustees may be removed from office by the President if he is satisfied that it is not in the interest of the Fund or the public that the member should continue in that office.

(3) A member of the Board of Trustees, may resign his appointment by written notice addressed to the President.

(4) Where a vacancy occurs in the membership of the Board of Trustees, a successor shall be appointed by the President to hold office for the remainder of the term of office of the predecessor, so that the successor shall represent the same interest.

Functions of the Board of Trustees

21. The Board of Trustees shall:

(a) monitor and ensure collection of sports tax by the Service and ensure transfer of same to the Fund;

(b) manage and disburse the Fund provided by this Bill;

(c) liaise with the appropriate ministries or bodies responsible for collection or safe keeping of the tax;

(d) receive requests and approve admissible projects after due

consideration;

(e) ensure disbursement of funds to various sports federations, institutions or organisations in Nigeria;

(f) monitor and evaluate the execution of the projects;

(g) invest funds in appropriate and safe securities;

(h) update the Federal Government on its activities and progress through annual and audited reports;

(i) review progress and suggest improvements within the provisions of this Bill;

(j) do such other things as are necessary or incidental to the objects of the Fund under this Bill or as may be assigned by the Federal Government;

(k) make and issue guidelines, from time to time, to all beneficiaries on disbursement from the Fund, on the use of monies received from the Fund; and

(l) generally regulate the administration, application and disbursement of monies from the Fund under this Bill.

Powers of the Board of Trustees

22.-(1) The Board of Trustees has all the powers necessary for the proper performance of its functions under this Bill and, in particular, the Board of Trustees has the power to:

(a) enter into partnerships with such other bodies or federations within or outside Nigeria as it may consider desirable or appropriate and in furtherance of the purposes for which it is established;

(b) where it considers it necessary or desirable, become a member of, or associate with corporations or other bodies or associations for the purposes of assisting or promoting sporting projects, programmes and activities.

(2) The Board of Trustees may, from time to time, delegate any of its functions to a committee, trustee or an employee, but the exercise of such powers shall, to the extent required by the Board of Trustees, be reported within the specified time to a meeting of the Boa rd of Trustees.

Allowances of members of the Board of Trustees

23. Members of the Board of Trustees shall be paid such allowances and expenses as the Federal Government may direct from time to time.

Appointment of Executive Secretary of the National Sports Development Fund

24.-(1) There is for the Fund, an Executive Secretary who shall:

(a) be appointed by the President on the recommendation of the Minister;

(b) be the Chief Executive and Accounting Officer of the Fund;

(c) be a person with good knowledge, cognate and administrative experience in business and sporting affairs;

(d) have qualifications and experience as are appropriate for a person required to perform the functions of that office under this Bill; and

(e) hold office for a period of 5 years in the first instance and may be eligible for reappointment for a further term of 5 years only and on such terms and conditions as to emoluments, and conditions of service as may be specified in his letter of appointment.

(2) The Executive Secretary shall, subject to the direction of the Board of Trustees, be responsible for:

(a) the day-to-day administration of the Fund;

(b) keeping the books and proper records of the proceedings of the Board of Trustees;

(c) the administration of the Secretariat of the Board of Trustees; and

(d) the general direction and control of all other employees of the Fund.

Other Staff of the Fund

25. The Board of Trustees shall have power to:

(a) employ either directly or on transfer or secondment from any civil or public service in the Federation such number of employees as may, in the opinion of the Board, be required to assist the Board of Trustees and the Executive Secretary in the discharge of their functions under this Bill; and

(b) pay to persons so employed, such remuneration (including allowances) as the Board of Trustees may, with the approval of the National Salaries, Incomes and Wages Commission, determine.

Offences

26.-(1) A person who contravenes or fails to comply with provisions of this Bill commits an offence is liable upon conviction to a fine or imprisonment or both.

(2) Subject to the provisions of subsection (3):

(a) if a tax due under section 15 (1) (a) and (b) is not paid within the time specified in that section, the Service shall serve on the company, a demand note for the unpaid tax plus a sum which is equal to 5 per cent of the tax; and

(b) if a sum demanded under paragraph (a) is not paid within 2 months of the demand, the company is liable upon conviction to a fine or imprisonment or both.

(3) Notwithstanding any other provision in this Bill, it is the duty and responsibility of every company liable to pay sports tax to ensure that its annual returns are filed with the Service for the purpose of assessment of sports tax.

(4) The Board of Trustees shall, remit in whole or in part a sum added to the unpaid tax under subsection (2) (a).

(5) Where an offence under this Bill is committed by a body corporate or firm or other association of individuals:

(a) every director, manager, secretary or other similar officer of the body corporate;

(b) every partner or officer of the firm;

(c) every person concerned in the management of the affairs of the association; or

(d) every person who was purporting to act in that capacity, is liable upon conviction to a fine or imprisonment or both, as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Penalties

27.-(1) Except as otherwise provided in this Bill, a person who commits an offence under this Bill shall, on conviction, be liable:

(a) for a first offence, to imprisonment for a term of 6 months or to a fine of up to N500,000.00 or both; and

(b) for a second and subsequent offence to imprisonment for a term of 12 months or to a fine of up to N1,000,000.00 or both.

(2) The institution of proceedings or imposition of a penalty under this Bill shall not relieve a company from liability to pay to the Service, a tax which is or may become due under this Bill.

(3) Notwithstanding subsection (1)(a) and (b), where any company or corporate body liable to file a sports tax return under this Bill fails in any year to file such return, the Service, if it is of the opinion that such a company or corporate body is liable to pay sport tax, may, according to the best of its judgment, determine the amount of assessable profit of such company and make an assessment of sport tax in accordance with the provisions of this Bill.

Jurisdiction

28. The Federal High court shall have jurisdiction to try offenders under this Bill.

Limitation of suits against the Fund, etc. Cap. P41 LFN, 2004

29.-(1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Fund.

(2) Notwithstanding anything contained in any other law or enactment, no suit against any member of the Board of Trustees, the Executive Secretary or any other officer or employee of the Fund for any act done in pursuance or execution of this Bill or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Bill or such law or enactment, duty or authority, shall lie or be instituted in any court unless:

(a) it is commenced within 3 months after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within 6 months after the ceasing thereof.

(3) No suit shall be commenced against a member of the Board of Trustees, the Executive Secretary, officer or employee of the Fund before the expiration of a period of one month after written notice of intention to commence the suit has been served upon the Fund by the intending plaintiff or his agent.

(4) The notice referred to in subsection (3) shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

Service of Documents

30. A notice, summons or other document required or authorized to be served upon the Fund under the provisions of this Bill or any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and addressed to the Executive Secretary at the principal office of the Fund.

Restriction on execution against property of the Fund

31.-(1) In any action or suit against the Fund, no execution or attachment process in the nature thereof shall be issued against the Fund.

(2) Any sum of money which may, by the judgment of any court, be awarded against the Fund shall, subject to any direction given by the court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Fund.

Indemnity of members of the Board of Trustees and officers of the Fund

32. A member of the Board of Trustees, the Executive Secretary, any officer or employee of the Fund shall be indemnified out of the assets of the Fund against any proceeding, whether civil or criminal, in which judgment is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board of Trustees, the Executive Secretary, officer or employee of the Fund.

PART V - FINANCIAL PROVISIONS

Financial year

33. The financial year of the sports institutions established under this Bill shall be the period of 12 months beginning at the commencement of budget

implementation.

Sports Investment Plan

34.-(1) The Minister shall, once in every 5 years and in consultation with the governing bodies, cause to be prepared a sports investment plan.

(2) The sports investment plan prepared under subsection (1) shall outline the development and maintenance priorities relating to specified stadia facilities, training programmes, activities and such other detail as may be specified.

(3) Every sports institution shall not later than 6 months before the end of each financial year, cause to be prepared and submitted to the Minister for approval, an annual sports plan based on the five-year sports investment plan in respect of the ensuing financial year, comprising estimates of expected maintenance, development and capital expenditure of the respective institution in the said financial year to be financed by the National Sports Fund.

(4) The annual work plan prepared or implemented by the National Sports Commission, Board of Trustees, Academy, Sports Disputes Tribunal, the Registrar and the sports federations shall be based on the approved 5 year Sports Investment Plan.

Annual Report

35. The governing bodies shall, not later than six months after the end of each year submit, through the Minister, to the President and the National Assembly a report on the activities of the Commission, Fund and Institute and its administration during the immediate preceding year and shall include in such report the audited accounts of these institutions and the auditor's comments thereon.

Accounts and reports

36. Every sports institution shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and the liabilities of the respective sports institution and shall prepare an annual statement of accounts in conformity with statutory provisions and standards.

Borrowing powers of the Fund

37. The Fund may, with the approval of the Minister and the Minister charged with the responsibility for finance, borrow money required by it for the exercise of its functions and for meeting its obligations.

PART VI - REGISTRATION AND REGULATION OF SPORTS AND LICENSING

Registrar of Sports

38.-(1) There shall be an office of the Sports Registrar which shall be an office within the Civil Service.

(2) The Civil Service Commission shall on the recommendation of the Minister, appoint the Sports Registrar who shall be an equivalent of the rank not less than a Director and be:

(a) in charge of the office of the Sports Registrar;

(b) responsible for the registration and regulation of sports federations and multi-sports bodies representing sports federations at the national level, in accordance with the provisions of this Bill;

(c) responsible for the matters relating to the licensing of professional sports and professional sports persons in accordance with the provisions of this Bill; and

(d) responsible for the arbitration of registration disputes between sports federations.

(3) The Registrar shall keep and maintain a register of the registered sports federations and such other particulars relating to the registered sports federations as may be prescribed.

(4) The Registrar shall issue licenses for professional sports in accordance with the regulations and the requirements that the Minister may prescribe and any other relevant law.

(5) A copy of an entry in the register certified by the Registrar shall, for purposes of any written law, be prima facie evidence of the facts stated in the certificate.

Registration of sports Federation

39.-(1) A body shall not operate as a sports organization unless it is registered under this Bill.

(2) The Registrar shall register sports federations as either:

(a) a sports club;

(b) a state sports association; or

(c) a national sports organization.

(3) An application for registration of a national sport organization shall:

(a) be submitted to the Registrar; and

(b) be in the prescribed form and shall specify:

(i) the name of the sports organization,

(ii) the category under which it is to be registered,

(iii) the office-bearers of the applicant,

(iv) the head office and postal address of the applicant,

(v) sources of funding of the applicant,

(vi) national and international affiliations, if any; and

(vii) such other information as the Minister may prescribe.

(4) An application for registration under this section shall be accompanied by:

(a) a certified copy of the constitution of the applicant; and

(b) such fees as the Minister may prescribe.

(5) A constitution submitted under subsection (3) shall contain, as a basic minimum, the provisions set out in the Second Schedule.

(6) All national sports federations registered under this Bill shall be open to the public in their leadership, activities and membership.

(7) A certificate of registration issued under this section:

(a) shall be conclusive evidence of the Commission to operate throughout the country as may be specified in the certificate of registration; and

(b) may contain such terms and conditions as the Registrar may prescribe.

40. A national sports organization registered under this Bill shall be issued with a certificate of registration in the prescribed form. Certification of registration

Rejection of application

41.-(1) The Registrar may reject an application for registration of a body as a sports organization if the Registrar is satisfied that:

(a) its proposed activities or procedures are not in the national interest; or

(b) the body has given false information to secure registration.

(2) The Registrar shall notify the applicant, in writing, of the rejection of its application for registration within fourteen days from the date of such rejection.

Transition of existing sports federation

42.-(1) A sports organization, which was duly registered under the Companies and Allied Matters Act 2004 or any other statutory provision and existing immediately before the commencement of this Bill shall be required to apply for registration under this Bill within one year after the commencement of this Bill.

(2) A sports organization, which was duly registered under the Companies and Allied Matters Act 2004 and existing immediately before the commencement of this Bill shall not be deemed to be an unlawful sports organization before the period prescribed under subsection (1) has expired.

(3) An existing sports organization that does not apply for registration within the time prescribed in subsection (1), shall not be recognized as a sports organization for the purposes of this Bill:

Provided that an existing sports organization in respect of which:

(a) an application for registration has been made by it under subsection (1) and has not been rejected; or

(b) an appeal has been lawfully made under this Bill and remains undetermined, shall continue to be recognized as a sports organization for the purposes of this Bill.

Effect of registration of existing sports organisation

43.-(1) Upon the registration of an existing sports organization under this Bill:

(a) all the funds, assets and other property, movable and immovable, which immediately before such registration were held by that sports

organization or on its behalf shall vest in the sports organization registered under this Bill;

(b) all rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before the commencement of this Bill were vested in, imposed on or enforceable by or against an existing sports organization shall, be vested in, imposed on or be enforceable by or against the sports organization registered under this Bill.

Cancellation of certificate

44.-(1) The Registrar may cancel a certificate of registration issued to a sports organization under this Bill if the Registrar is satisfied that the:

(a) registration was procured through misrepresentation or non-disclosure of material facts;

(b) terms or conditions attached to the certificate of registration have been violated; or

(c) sports organization has breached the provisions of this Bill or any other law.

(2) The Registrar shall before cancelling the certificate of registration of a sports organization, notify the sports organization of the intended cancellation, giving reasons for the intended cancellation and give the sports organization an opportunity to be heard.

(3) The Registrar shall notify a sports organization, in Writing, of the cancellation of its certificate or registration within fourteen days from the date of such cancellation.

Inspection of sports federation

45.-(1) The Registrar may, at any time, or if so directed by the Minister, cause an inspection to be made by any person authorized by the Registrar in writing, of any sports organization, branch, sub-branch, organ, or any person associated with any sports organization, and of its or his books, accounts and records.

(2) When an inspection is made under subsection (IL the sports organization, branch, sub- branch, organ or person concerned, and every official and employee thereof shall produce and make available to the

person making the inspection all the books, accounts, records and other documents of the sports organization, branch, sub-branch, sub-branch organ or person, its or his affairs and conduct, as the person making the inspection may require, and within seven days or such longer period as he may direct, in writing.

(3) A person who fails to produce any books, accounts, records, document, correspondence, statements, returns or other information within the period specified in the direction under subsection (2) contravenes this Bill; Provided that:

(a) the books, accounts and other documents required to be produced shall not, in the course of inspection, be removed from the premises of the sports organization, branch, sub branch, organ or person, or other premises at which they are produced;

(b) the person making the inspection may make copies of any books, accounts and other documents required for the purposes of his report; and

(c) all information obtained in the course of the inspection shall be treated as confidential and used solely for the purposes of this Bill.

(4) The person conducting an inspection shall submit a report to the Registrar, and the report shall specify any breach or non-compliance with the requirements of this Bill and any regulations made there under, any irregularity in the manner of conduct of affairs of the sports organization, branch, sub-branch, discovered in the course of the inspection that warrants, in the opinion of the person making the inspection, remedial action or further investigation.

Directions to sports organisation after inspection

46. The Registrar may, by notice in writing, and after giving the sports organization, branch, sub-branch or person, reasonable opportunity of being heard, require the sports organization, or in branch, sub-branch, organ or person to comply, within such period as may be specified, with such directions as he considers necessary in relation to any matter arising out of a report.

Intervention in management by Minister

47.-(1) Where a sports organization fails to comply with the recommendations of an inspection, the Minister may:

(a) appoint any person or committee to assume the management, control and conduct of the affairs of the sports organization, to exercise the powers and functions of the sports organization to the exclusion of its officials, including the use of its corporate seal, where the sports organization concerned has been unable to conduct its affairs in a proper manner; or

(b) remove any official of a sports organization who, in the opinion of the Minister, has caused or contributed to any contravention of any provision of this Bill, or any regulations or directions made thereunder or to any deterioration in the financial stability of the sports organization or has conducted himself in a manner which is detrimental to the interest of the relevant sporting discipline, or which has brought the sporting discipline into disrepute.

(2) The appointment of a person or committee under this section shall be for such period as the Minister shall specify in the instrument of appointment, but shall not exceed six months.

(3) A person or committee shall, upon assuming the management, control and conduct of the affairs of a sports organization, discharge his or its duties with diligence and in accordance with sound management and financial principles.

PART VI - ARBITRATION OF SPORTS DISPUTES

48.-(1) There is established the Sports Disputes Tribunal (in this Bill referred to as "the Tribunal").

(2) The Tribunal shall consist of the following members appointed by the Judicial Service Commission in consultation with the National Sports Federations:

(a) a chairperson who shall be a person who is qualified to be appointed as a Judge of the High Court;

(b) at least two members who shall:

(i) be lawyers in Nigeria with at least seven years cognate

experience, and

(ii) have experience in legal matters relating to sports or have been involved in sport in any capacity; and

(c) at minimum of two and maximum of six other persons who have at least ten years' experience in sport, in any capacity.

(3) The Judicial Service Commission shall, in consultation with the national sports federations, appoint a deputy chairperson from the members of the Tribunal appointed under subsection 2(b).

Tenure of members of the Tribunal

49.-(1) The chairperson and members of the Tribunal shall hold office for a term of five years and may be reappointed for one further term of five years and no more.

(2) The chairperson and members of the Tribunal shall serve on part-time basis.

Vacancy in the office of member

50.-(1) The office of a member of the Tribunal shall become vacant if the member:

(a) resigns by giving notice in writing to the Judicial Service Commission;

(b) is convicted of a criminal offence;

(c) is incapacitated by reason of prolonged physical or mental illness from performing his duties;

(d) is adjudged bankrupt;

(e) is otherwise unable or unfit to continue serving as a member of the Tribunal; or

(f) dies.

Jurisdiction of the Tribunal

51. The Tribunal shall determine:

(a) appeals against decisions made by national sports federations or umbrella national sports federations, whose rules specifically allow for appeals to be made to the Tribunal in relation to that issue including:

(i) appeals against disciplinary decisions;

(ii) appeals against non-selection for a Nigerian team or squad;

(b) other sports-related disputes that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear; and

(c) appeals from decisions of the Registrar under this Bill.

Powers of the Tribunal

52. The Tribunal may, in determining disputes apply alternative dispute resolution methods for sports disputes and provide expertise and assistance regarding alternative dispute resolution to the parties to a dispute.

Staff of the Tribunal

53. The Judicial Service Commission shall appoint the Secretary and such other staff of the Tribunal as are necessary for the proper functioning of the Tribunal.

Rules

54. The Chief Justice of Nigeria may in consultation with the chairperson of the Tribunal, and by notice in the Gazette, make rules governing the practice and procedure of the Tribunal having regard to the objectives of this Bill.

PART VIII - MISCELLANEOUS

Conduct of business

55.-(1) The business and affairs of the Board, Board of Trustees and Council shall be conducted in accordance with the Third Schedule of this Bill.

(2) Except as provided in the Third Schedule, the Board, Board of Trustees and Council may regulate their own procedures.

Confidentiality

56.-(1) A member, officer or servant of the sports institutions shall not disclose any information which he has acquired in the performance of his functions as such member, officer or servant to any person except so far as may be necessary for the performance of such functions or for due compliance with an order of any Court.

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding 1 year or to a fine not exceeding N50,000 or to both.

Offences and penalties

57. A person who contravenes any of the provisions of this Bill commits an offence and is liable, upon conviction, to imprisonment for a term not exceeding three years or to a fine not exceeding N500,000 or both.

Protection from liability

58. No matter or thing done by an officer or employee of a sports institution shall, if the thing is done bona fide for executing the functions, powers or duties of the sports institution, render such officer or employee personally liable to any action, claim or demand whatsoever.

Performance agreements

59.-(1) A performance agreement shall be made between the Minister and the respective sports institutions concerning the management by the institutions of the sports programmes and stadia facilities for which the institutions are responsible, and shall include all the activities that are necessary to develop and maintain such stadia and programmes in a satisfactory state.

(2) The performance agreement shall describe the key outputs that a sports institution shall achieve in any financial year, and such outputs shall be defined in terms of performance indicators and targets.

(3) The Minister may request for an independent report from the technical department responsible for sports on the implementation of the performance agreement.

Annual Report of sports institutions

60.-(1) Every sports institution shall, within a period of four months after the end of each financial year, submit to the Minister an annual report dealing generally with the activities and operations of the sports institution.

(2) An annual report submitted under subsection (1) shall include:

(a) information with regard to the progress and policies of the sports institution;

(b) a copy of the audited accounts of the sports institution in respect of that year together with the report of the Auditor-General;

(c) report submitted in relation to that financial year by the Auditor-General;

(d) an overview of the operations of the sports institution;

(e) an assessment of the degree to which performance targets have been achieved;

(f) an assessment of the adequacy of sports projects and programme funding;

(g) a report on the condition and status of the stadia and sports programmes and the degree of change in such condition and status since the last report, the projected optimal level of the facilities and programmes and the extent of financing required to meet that level;

(h) a review of the technical adequacy and proven cost efficiency of sports management operations;

(i) a report on progress achieved concerning coordination between the sports institutions and county governments and national sports organisations, including any challenges encountered and proposals for the future;

(j) generally a report on the degree to which the objectives of this Bill have been realized and the levels of compliance with the provisions of this Bill; and

(k) such other information as the Minister may request, in writing.

Directions to sports institutions

61.-(1) The Minister shall oversee the performance of the activities of the sports institutions established by this Bill and may, in writing, give the sports institutions directions on matters of policy not inconsistent with the provisions of this Bill.

(2) The Minister may appoint an oversight committee for purposes of subsection (1).

Maintenance, development and protection of stadia

62.-(1) Notwithstanding anything in any law to the contrary, no body, or other person shall exercise any power relating to the control, maintenance, development or protection of any stadia except where such power has been delegated by National Sports Commission established under this Bill or by the Minister.

(2) Notwithstanding subsection (1), the National Sports Commission shall encourage community and private sector participation in

stadia construction, maintenance and management under its supervision and guidance.

Protection of Names

63. Any person who, without the written approval of the sports institution, assumes for the purposes of business, or registers in terms of any written law relating to companies or business names under the names:

(a) "National Sports Commission";

(b) "National Sports Institute" or "Nigeria National Sports Institute";

(c) "Sports Fund", or "National Sports Fund", commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or a fine not exceeding one N1,000,000, or both.

Transitional provisions

64. The transitional provisions set out in the Fourth Schedule shall apply upon the commencement of this Bill.

Regulations

65. The Minister may make regulations:

(a) generally for the carrying into effect the provisions of this Bill; and

(b) prescribing anything that may be prescribed under this Bill.

Anti-doping Rules

66.-(1) Every person involved in sports and recreation shall observe anti-doping rules.

(2) The Minister shall make regulations for the better management of anti-doping activities and such regulations-may prescribe penalties for contravention of subsection(1).

Interpretation

67.-(1) In this Bill:

"Board" means the Board of National Sports Commission constituted in accordance with section 4(1);

"Board of Trustees" means the National Sports Fund Board of Trustees established under section 19;

"Minister" means the Minister charged with the responsibility for sports;

"club members" includes officials and other athletes;

"Council" means the Council of the Institute constituted in accordance with section 35;

"Director-General" means the Director- General of the National Sports

Commission appointed under section 9 or a person authorized to act on his behalf;

"lottery" means a lottery as defined in the National Lottery Regulatory Commission Act;

"national sports organization" includes an umbrella body responsible for Olympic, non- Olympic, Paralympic or Deaflympic sports or multi-sport organization responsible for all sports disciplines or recreational bodies or body responsible for a particular sport nationally;

"professional sports" means sports for which a contract for engagement and remuneration has been entered into by a club or sports organization and the professional sports persons;

"professional sports person" means a person who is, on the basis of a contract for engagement and remuneration, preparing or training for the purposes of participating in the relevant sports competition;

"recreation" means voluntary participation in a physical or mental activity for enjoyment, improvement of general health, well-being and the development of skills of an individual;

"Registrar" means the Sports Registrar appointed under section 38;

"sport" includes all forms of physical or mental activity which, through casual or organized participation, or through training activities, aims at expressing or improving physical and mental well-being, forming social relationships or obtaining results in competition at all levels, and includes any other activity as the Minister may, from time to time and after consultation with the technical department responsible for sports, prescribe;

"sports agencies" includes the sports institutions and sports federations;

"sports institutions" means the National Sports Commission, the National Sports Fund Board of Trustees, the Nigeria National Sports Institute and the Sports Disputes Tribunal established under this Act;

"sporting event" means a sporting contest, competition, tournament or game open to participation and attendance by the public;

"National Sports Commission" means the National Sports Commission established under section 1;

"Sportsperson's representative" means a person who is duly authorized and registered as such according to the constitution of the respective sports organization;

"Tribunal" means the Sports Disputes Tribunal established under section 48;

Citation

68. This Bill may be cited as the Nigeria Sports Bill, 2016.

FIRST SCHEDULE

(Section 2(b))

SPORTS FACILITIES UNDER THE MANAGEMENT OF THE NATIONAL SPORTS COMMISSION

1. Any other sports facilities acquired, established or developed by the Commission.

SECOND SCHEDULE

(Section 39)

MATTERS TO BE PROVIDED FOR IN THE CONSTITUTIONS OF SPORTS FEDERATIONS

The Constitution of a body seeking registration as a sports organization shall provide that:

(a) elections of officials and athletes at the national, branch and sub-branch levels shall be done directly by members;

(b) only citizens of Nigeria shall be eligible for election as the chairperson, secretary or treasurer of a body at the national level;

(c) the elections contemplated in paragraph (a) shall be held at regular intervals after a period of between two years and four years, and persons elected as officials thereof shall consequently hold office for a term not exceeding four years, but are eligible for re-election for one more term only;

(d) subscription to anti-doping policies and rules which conform with the World Anti- Doping Agency Code and compliance with the requirements set out in an anti- doping policy and rules of the national anti-doping

organization; and

(e) subscription to Court of Arbitration for Sports policies and rules which conform with requirements set out in Sports Disputes Tribunal policy and rules for sports disputes resolution.

(f) that the election of officials at national, branch and sub-branch levels shall be done directly and only registered club members are entitled to vote at those elections;

(g) that the selection of the Nigerian team and the technical personnel shall be done in good time and transparently using fair criteria;

(h) that the criteria for authorization and registration of sportspersons and sportspersons' representatives shall be codified, transparent and fair.

THIRD SCHEDULE

(Sections 4 and 19)

THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD AND BOARD OF TRUSTEES

Meetings of the Board or Board of Trustees

1.-(1) The first meeting of the Board or Board of Trustees shall be convened by the chairperson and, subsequently, the Board or Board of Trustees shall meet as often as necessary for the transaction of business at such places and at such times as may be decided upon by the Board or Board of Trustees, but it shall meet at least once every three months.

(2) The chairperson shall preside at every meeting of the Board or Board of Trustees, and in the absence of the chairperson, the deputy chairperson and in the absence of the deputy chairperson, the members present may appoint a member from among themselves to preside at that meeting.

(3) The chairperson or in the absence of the chairperson, the deputy chairperson and in the absence of the deputy chairperson, a member appointed by the Board or Board of Trustees, may at any time call a special

meeting upon a written request by a majority of the members.

(4) Notice of every meeting of the Board or Board of Trustees shall be given in writing to each member at least five days before the day of the meeting.

Quorum

2.-(1) Subject to subsection (2), five members, excluding the ex-officio members shall constitute a quorum for the conduct of business at any meeting of the Board or Board of Trustees.

(2) When there is no quorum, or for the continuation of a meeting of the Board or Board of Trustees, due to the exclusion of a member from the deliberations on a matter in which the member has disclosed a personal interest, the other members present may if they deem it expedient so to do:

(a) postpone the consideration of that matter until there is a quorum without that member; or

(b) proceed to consider and decide the matter as if there was a quorum.

Decisions of the Board or Board of Trustees

3.-(1) All questions proposed at a meeting of the decisions of the Board or Board of Board of Trustees shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to the deliberative vote.

(2) A decision may be made by the Board or Board of Trustees without a meeting by circulation of the relevant papers among the members of the Board or Board of Trustees, and by the expression of the views of the majority of the members in writing but any member shall be entitled to require that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the Board or Board of Trustees.

Minutes of proceedings

4.-(1) The Board or Board of Trustees shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board or Board of Trustees at the next

meeting of the Board or Board of Trustees and signed by the chairperson or the person presiding at the meeting.

(2) The chairperson of the Board or Board of Trustees shall submit to the Minister a copy of the minutes of each meeting of the Board or Board of Trustees as soon as the minutes have been confirmed.

Power to co-opt

5. The Board or Board of Trustees may co-opt any person to participate in its deliberations, but a person so co-opted shall have no right to vote.

Committees of the Board or Board of Trustees

6.-(1) The Board or Board of Trustees may establish committees of the Board or Board of Trustees:

(i) to inquire into and advise the Board or Board of Trustees, on any matter concerning the functions of the Commission as the Board or Board of Trustees may refer to the committee, and

(ii) to exercise such powers or perform such functions as the Board or Board of Trustees or may delegate or refer to the committee;

(2) A committee appointed under subparagraph (1) shall consist of a chairperson and other persons, whether members of the Board or Board of Trustees or not, as the Board or Board of Trustees may determine.

(3) The Board or Board of Trustees may require a committee appointed under this section to act co-opting the Board or Board of Trustees or jointly or in co-operation with any other committee.

(4) Members of a committee appointed under this section may be paid such allowances as the Board or Board of Trustees may, with the approval of the Minister, determine.

(5) Subject to any direction given by the Board or Board of Trustees, a committee appointed under this section may regulate its own procedure.

Board or Board of Trustees to regulate its own procedure

7. Subject to the provisions of this Schedule, the Board or Board of Trustees, of National Sports Commission or the Fund may regulate its own procedure.

FOURTH SCHEDULE

(Section 71)

TRANSITIONAL PROVISIONS

(1) In this section:

"commencement day" means the date when this Act comes into operation;

"former Commission" means the National Sports Commission existing under executive fiat;

"Institute" means the National Institute of Sports established by Section 1 of the National Institute for Sports Act, Cap. N52 LFN 2004.

(2) On the commencement day, all the funds, assets and other property both movable and immovable, which immediately before such date were vested in the former Commission or in the Institute shall by virtue of this subsection, vest in the Commission or the Institute.

(3) On the commencement day, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against the former Commission or the Institute shall be deemed to be vested, imposed or enforceable against the Commission or Institute.

(4) Any reference in any written law or in any document or instrument to the former Commission or the Institute shall, on and after the commencement day, be construed to be a reference to the Commission or the Institute.

(5) The annual estimates of the former Commission or the Institute for the financial year in which the commencement day occurs shall be deemed to be the annual estimates of the Commission or the Institute for the remainder of that financial year.

(6) The administrative directions made by the Commission or Institute or by the Permanent Secretary which are in force immediately before the commencement day shall, on and after such day, have force as if they were directions made by the Commission or Institute or the Permanent Secretary under this Act.

(7) Any person who is an officer or employee of the former Commission or the Institute immediately before the commencement date of this Act shall be deemed to be an officer or employee of the Commission or the Institute on the same terms he or she was serving before the enactment of this Act.

Provided that such person shall, within a period of six months from the commencement day, exercise his or her option either to:

(a) enter into a written contract of service with the Commission or Institute, whereupon his or her service with the Government shall be deemed to have been terminated without right to severance pay but without prejudice to all other remuneration and benefits payable upon such termination; or

(b) be re-deployed by the Government.

(8) The members of the former Commission or Institute and the Chief Executive Officer shall continue in office as members of the Commission or Institute and the Chief Executive Officer respectively until the expiry of their existing terms.

EXPLANATORY MEMORANDUM

This Bill seeks to provide a proper framework for the administration and management of sports in Nigeria, establish sports institutions and facilities to harness sports for development, and to encourage and promote drug-free sports and recreation in Nigeria.