

Uganda

## National Sports Act, 2023

Act 26 of 2023

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# Uganda

## National Sports Act, 2023

### Act 26 of 2023

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*[Act 26/2023]*

**An Act to provide for the establishment of the National Recognition and Reward Scheme; to provide for the declaration of national sports; to provide for registration of national sports associations and national sports federations; to continue in existence the National Council of Sports; to provide for the administration and management of sports in Uganda; to establish the National Anti-Doping Organisation; to provide for the role of the Uganda Olympic Committee; to provide for the settlement of sports disputes and for related matters.**

## Part I – Preliminary

### 1. Commencement

The Minister shall, by statutory instrument, commence section 7 on a date to be specified in the statutory instrument.

### 2. Object of Act

- (1) The object of this Act is to promote recreation and sports for the citizens of Uganda by the State, in accordance with Article 8A of [the Constitution](#) and National Objective and Directive Principle of State Policy XVII by—
  - (a) consolidating the law relating to the registration and regulation of national sports associations and national sports federations;
  - (b) promoting amateur and professional sports;
  - (c) codifying the obligations of Uganda under international sports governing statutes;
  - (d) providing for sports disputes resolution mechanisms; and
  - (e) promoting the participation of schools and institutions of higher learning in sports.
- (2) In accordance with subsection (1), Government shall—
  - (a) coordinate sports activities at the national level;
  - (b) prescribe the standards to guide the sports industry in Uganda;
  - (c) support capacity building of the human resource engaged in sports; and
  - (d) facilitate the activities of national teams and national athletes representing Uganda in international sports competitions.

### 3. Interpretation

In this Act, unless the context otherwise requires—

“**agent**” means a person who represents an athlete under a professional contract;

“**amateur sport**” means an activity involving physical exertion or skill in which an individual or team competes against another for pleasure as a pastime event or for recreational or health purposes or as training to become professional;

“**athlete**” means a person who participates in a sports event or a sports competition organised by a national sports association or a national sports federation, or regulated by an international sports governing body;

“**beneficial owner**” means a natural person who ultimately owns or controls a national sports association or a national sports federation or the natural person on whose behalf a transaction is conducted in the national sports association or national sports federation, and includes a natural person who exercises ultimate control over a national sports association or a national sports federation;

“**Board**” means the Board established under section [32](#);

“**commercial right**” means a right of a commercial nature, connected with a sports event such as image rights, audio-visual rights, media rights, endorsement and official supplier rights, sponsorship rights, merchandising rights, licensing rights, advertising rights, hospitality rights, promotional rights, incorporeal rights, intellectual property rights, rights arising under the Copyright and Neighbouring Rights Act and includes, any other rights the Minister may by statutory instrument prescribe;

“**Council**” means the National Council of Sports specified under section [27](#);

“**currency point**” has the value assigned to it in Schedule 1 to this Act;

“**doping**” means the use of prohibited substances and methods in any sporting activity whether competitive or recreational in order to artificially enhance performance;

“**manager**” means a person who invests or is employed by an athlete for an economic benefit;

“**Minister**” means the Minister responsible for sports;

“**Ministry**” means the Ministry responsible for sports;

“**National Anti-Doping Organisation**” means the National Anti-Doping Organisation established by section [51](#);

“**national sports association**” means an organisation registered in accordance with this Act to develop, promote, manage and regulate amateur sport;

“**national sports federation**” means an organisation registered in accordance with this Act to develop, promote, manage and regulate a professional sport and an amateur sport;

“**national sports organisation**” means a community sports club, a national sports association and a national sports federation;

“**professional sport**” means an activity involving physical exertion or skill in which an individual or team competes against another as an economic activity with the objective of earning fees or making profit;

“**Prohibited List**” means the list developed by the World Anti-Doping Agency for purposes of identifying prohibited substances and prohibited methods;

“**prohibited substance**” means any substance or class of substances, prescribed on the Prohibited List;

“**promoter**” means a person who invests in an athlete with the intention of improving the athlete’s talent;

“**sports**” means an activity involving physical exertion and skill in which an individual or a team participates or competes;

“World Anti-Doping Agency” means the sports body set up for the purposes of coordinating anti-doping activities worldwide.

#### 4. Organisation of sports at national and international levels

- (1) Sports and sports competitions at the national level, in Uganda, shall be organised through national sports associations and national sports federations.
- (2) Uganda shall be represented at international sports competitions and events by athletes and national teams identified and promoted by the national sports associations and national sports federations and supported by the Government.

#### 5. National Recognition and Reward Scheme

- (1) There is established the National Recognition and Reward Scheme which shall be a scheme of Government to recognise and award outstanding and deserving sports personalities who bring honour to Uganda.
- (2) The Minister may, by statutory instrument, in consultation with the Minister responsible for finance and the Minister responsible for public service, prescribe the awards, including monetary payments, pension and gratuity that may be awarded to the sports personalities under the National Recognition and Reward Scheme established under subsection (1).

### Part II – National sports organisations

#### 6. Declaration of national sport

- (1) A person who intends to have a sport discipline declared a national sport shall, in the prescribed form, make an application to the Council.
- (2) The application referred to in subsection (1) shall—
  - (a) be made by a citizen or a person resident in Uganda; and
  - (b) be accompanied by the prescribed fee.
- (3) The Council may, upon being satisfied that the applicant meets the requirements for the application, declare a sports discipline, a national sport.
- (4) The Council shall, in determining whether a sport discipline is eligible for declaration as a national sport, take into account the following—
  - (a) the nature of the sport;
  - (b) the popularity of the sport;
  - (c) the potential socio-economic impact of the sport;
  - (d) the recognition of the sport by an international sports governing body, where applicable;
  - (e) the presence of sports facilities to be used for the sport;
  - (f) the plan of the applicant to promote the sport in Uganda; and
  - (g) any other factor as the Council may determine.
- (5) The Council may withdraw the recognition of a sports discipline as a national sport discipline where circumstances occur that would render a sports discipline ineligible for declaration under this section.
- (6) Notwithstanding subsection (1), a sport discipline listed in Schedule 2 of this Act shall, from the commencement of this Act, be recognised as a national sport declared under this Act.

## 7. National sports association and national sports federation

- (1) A national sports association and a national sports federation shall be registered under this Act to manage a sports discipline at national level.
- (2) There shall be registered only one national sports association or national sports federation for a sports discipline.
- (3) A national sports association or a national sports federation registered under this Act shall, on registration, be a body corporate with perpetual succession and may, in its corporate name, for and in connection with its functions under this Act—
  - (a) acquire, hold and dispose of movable and immovable property;
  - (b) sue or be sued; and
  - (c) do all such other acts and things for the proper discharge of its functions as may lawfully be done by a body corporate.

## 8. Membership of national sports organisations

Each national sports organisation shall define its membership in its respective constitution.

## 9. Eligibility for registration as national sports association

- (1) A national sports association that wishes to be registered shall—
  - (a) be engaged in amateur sports for the sports discipline;
  - (b) have a national character and for this purpose shall be a sports activity—
    - (i) with the participation of Ugandans in at least fifty percent of the districts of Uganda; and
    - (ii) whose leadership is elected by an annual general assembly comprised of persons drawn from at least fifty percent of the districts of Uganda.
- (2) The Minister shall, by statutory instrument, make regulations to prescribe procedures for transforming a national sports association to a national sports federation.

## 10. Eligibility for registration as national sports federation

A national sports federation that wishes to be registered as such shall be engaged in a sports discipline with a national character and for this purpose shall be a sports activity—

- (a) with the participation of Ugandans in at least seventy-five percent of all the districts of Uganda; and
- (b) whose leadership is elected by an annual general assembly comprised of persons drawn from at least half of the districts of Uganda.

## 11. Application for registration

- (1) A national sports association or a national sports federation eligible for registration under section [9](#) or [10](#), may apply to the Council for registration in the manner prescribed by regulations made under this Act and on payment of the prescribed application fee.
- (2) An application for registration as a national sports association or a national sports federation under subsection [\(1\)](#) shall include—
  - (a) the name and address of the applicant national sports association or national sports federation;

- (b) the leadership and governance structure of the applicant national sports association or national sports federation;
  - (c) the sources of the funds of the applicant national sports association or national sports federation;
  - (d) the name and address of the accounting officer of the applicant national sports association or national sports federation;
  - (e) the sports discipline the applicant national sports association or national sports federation intends to manage;
  - (f) the symbols, slogans and colours of the applicant national sports association or national sports federation;
  - (g) the national and international affiliation of the applicant national sports association or national sports federation, where applicable; and
  - (h) such other information as may be prescribed by regulations.
- (3) An application for registration under this section shall be accompanied by—
- (a) a certified copy of the constitution of the national sports association or the national sports federation;
  - (b) a certified copy of a certificate of incorporation of the national sports association or the national sports federation, where applicable;
  - (c) a list of the members of the national sports association or the national sports federation;
  - (d) a report of the sports activities of the national sports association or the national sports federation conducted within a period of one year prior to the application;
  - (e) a list of the districts of Uganda where the national sports association or the national sports federation has presence;
  - (f) the minutes of the annual general assembly of the national sports association or the national sports federation that elected the leaders of the national sports association or the national sports federation;
  - (g) evidence of payment of the application fee; and
  - (h) any other information that may be prescribed by regulations.

## 12. Consideration of application

- (1) The Council shall—
- (a) publish an application made under section [11](#) in the *Gazette* and in a media of wide circulation; and
  - (b) invite objections to the application from the public.
- (2) An objection made under this section shall be handled in a manner prescribed by regulations.
- (3) The Council may reject an application for registration as a national sports association or a national sports federation, where—
- (a) there is already in existence, a national sports association or a national sports federation responsible for the proposed sports discipline;
  - (b) the applicant is not eligible for registration as a national sports association or a national sports federation under section [9](#) or [10](#);
  - (c) the proposed name of the applicant is misleading or discriminatory; or

- (d) the applicant national sports association or national sports federation submitted false information in the application.
- (4) Where the Council rejects an application for registration, the Council shall notify the applicant, in writing, stating the reasons for the rejection and shall give the applicant an opportunity to be heard.

### **13. Registration of national sports associations and national sports federations**

- (1) The Council shall, upon satisfaction that an applicant national sports association or national sports federation meets the requirements for registration under this Act, register the national sports association or the national sports federation and issue it with a certificate of registration in the prescribed form.
- (2) A certificate of registration may contain such terms and conditions as the Council may prescribe and shall be conclusive evidence of authorisation to operate as a national sports association or a national sports federation within Uganda.
- (3) A certificate of registration issued under this section shall be valid for one year from the date of issuance.

### **14. Renewal of certificate of registration**

- (1) A national sports association or national sports federation which wishes to renew its certificate of registration may apply to the Council for renewal.
- (2) Sections 9, 10, 11 and 12 shall apply to the renewal of a certificate of registration.

### **15. Cancellation of certificate of registration**

- (1) The Council may cancel a certificate of registration issued under this Act where the Council is satisfied that—
  - (a) the national sports association or the national sports federation has violated the terms or conditions of the certificate of registration;
  - (b) the national sports association or the national sports federation no longer meets the requirements for registration as a national sports association or a national sports federation;
  - (c) the national sports association or the national sports federation has breached the provisions of this Act or any other law;
  - (d) the registration was procured through misrepresentation or nondisclosure of material facts;
  - (e) the national sports association or the national sports federation is no longer recognised by the international sports governing body to which the national sports association or the national sports federation is affiliated;
  - (f) the national sports association or the national sports federation no longer serves the purpose for which it was registered; or
  - (g) the national sports association or the national sports federation is insolvent.
- (2) The Council shall, before cancelling the certificate of registration of a national sports association or a national sports federation, notify the national sports association or the national sports federation in writing, of the intention to cancel the certificate and shall give the national sports association or national sports federation an opportunity to be heard.
- (3) A national sports association or a national sports federation whose certificate of registration is cancelled shall cease to operate as a national sports association or a national sports federation.

- (4) Where a certificate of registration is cancelled, the Council shall request the international sports governing body to which the national sports association or the national sports federation is affiliated, to appoint a normalisation committee to take over and control the affairs of the national sports association or the national sports federation for the time being.
- (5) The Council shall remove from the register of national sports associations or national sports federations, a national sports association or a national sports federation whose certificate of registration is cancelled.

## **16. Functions of national sports associations and national sports federations**

- (1) A national sports association or a national sports federation shall, for the sports discipline for which it is registered—
  - (a) for team sports, develop, promote and manage sports clubs and teams of the sports discipline of the national sports association or the national sports federation;
  - (b) for individual sports, develop, promote and manage the athletes of the sports discipline of the national sports association or the national sports federation;
  - (c) promote and coordinate the activities of the sports clubs and teams and for individual sports, the athletes of the national sports association or the national sports federation;
  - (d) in the case of a national sports federation, develop and promote amateur and professional sports;
  - (e) in the case of a national sports association, develop and promote amateur sport;
  - (f) organise and manage national sports competitions for the sports discipline of the national sports association or the national sports federation;
  - (g) train the athletes to constitute national teams to represent Uganda in international sports engagements;
  - (h) represent Uganda on the international governing body for the sports discipline of the national sports association or the national sports federation;
  - (i) maintain a register of its members;
  - (j) constitute a national team for the respective sport discipline;
  - (k) protect the interests of its members; and
  - (l) certify the agents, promoters and managers of the athletes and the management contracts with the athletes.
- (2) The national sports associations or the national sports federations shall give accountability for all monies and donations received from the Government, international sports federations, sponsors, member clubs and teams or individuals.
- (3) In performing its functions, a national sports association or a national sports federation shall—
  - (a) liaise with the Ministry and the Council; and
  - (b) enforce the rules and regulations of the national, regional, continental and international sports governing bodies of the respective sports discipline.

## **17. Independence of national sports associations and national sports federations**

- (1) A national sports association and a national sports federation shall be independent in the—
  - (a) performance of its functions, duties and in the exercise of its powers; and

- (b) interpretation and application of the statutes and regulations of the sports discipline as set by the respective international governing body.
- (2) Notwithstanding subsection (1), the Council may, by notice in writing, give to a national sports association or a national sports federation, directions consistent with the applicable law, the rules of the sports discipline developed by the respective international governing body and best sports practices to ensure proper administration and management of the national sports association or the national sports federation.

## **18. International affiliation of national sports associations and national sports federations**

- (1) A national sports association or a national sports federation may, in accordance with this Act, affiliate with an international sports governing body responsible for the relevant sports discipline.
- (2) For the avoidance of doubt, a national sports association or a national sports federation that is affiliated to an international sports governing body shall, in accordance with this Act, continue to be affiliated to that international sports governing body.
- (3) For purposes of affiliating to an international sports governing body, the certificate of registration issued to a national sports association or a national sports federation shall, in addition to other requirements that may be prescribed by the Minister, by regulations, be required and shall be submitted prior to approval of affiliation by the Council, where applicable.
- (4) The interpretation and application of this Act shall recognise the provisions of the statutes and regulations of the international sports governing body to which a national sports association or a national sports federation is affiliated.

## **19. Management of sports teams and athletes in international sports competitions**

- (1) A national sports association or a national sports federation shall constitute a national team for the respective sports discipline.
- (2) A national sports association or a national sports federation shall be responsible for developing, selecting, summoning and managing the national team or the representative team for the respective sports discipline.
- (3) A national sports association or a national sports federation shall regulate the management of the national team and the representative team for the respective sports discipline.
- (4) Without limiting the general effect of subsection (2), a national sports association or a national sports federation shall—
  - (a) be responsible for selecting the national team of the sports discipline;
  - (b) facilitate the preparation and the participation of the national team and the national representative team in international sports events and competitions;
  - (c) finance the national team and the national representative team participating in international sports competitions and events;
  - (d) mobilise, solicit and manage the funds of the national team of the sports discipline, including funds received from the Government to finance the expenses of the national team;
  - (e) manage the welfare of the members of the national team of the sports discipline;
  - (f) employ and appoint a coach and other technical personnel for the national team of the sports discipline; and
  - (g) coordinate the involvement of Government and the Council in matters relating to the national team of the sports discipline.

- (5) The Minister shall, by statutory instrument, regulate the management of national teams and athletes in multi-sports discipline in international sporting events and competitions.

## **20. Register of national sports associations and national sports federations**

- (1) The Council shall maintain a register of the national sports associations and the national sports federations that are registered under this Part.
- (2) A national sports association or a national sports federation whose certificate of registration is cancelled shall be removed from the register.
- (3) A national sports association or a national sports federation shall in writing, notify the Council of any changes in the information in the register, within twenty-one days of the change.
- (4) The register shall be in a format prescribed by regulations made under this Act.
- (5) The register may be open to inspection by the public, on payment of fees as may be prescribed.

## **21. Participation in sports competition outside Uganda**

- (1) A national sports association or a national sports federation which intends to—
  - (a) participate in a sports competition outside Uganda;
  - (b) enter or send the national team of the sports discipline, a representative team or individual athletes to an international sports competition;
  - (c) hire an expatriate to undertake any activity on behalf of the national sports association or the national sports federation or the national team of the sports discipline; or
  - (d) be affiliated to an international sport governing body for the respective sports discipline,shall apply to the Council for authorisation to do so, in a manner prescribed by regulations.

## **22. Annual financial report of national sports associations and national sports federations**

- (1) A national sports association or a national sports federation shall, within four months after the end of each financial year of the national sports association or the national sports federation, submit to the Council, a financial report of the association or federation which shall include—
  - (a) the financial statements of the national sports association or the national sports federation, including the audited accounts of the national sports association or the national sports federation;
  - (b) the estimates of revenue and expenditure of the national sports association or the national sports federation for the preceding financial year; and
  - (c) a report of the activities of the national sports association or the national sports federation conducted in the financial year.
- (2) The financial report shall be accompanied by—
  - (a) the minutes of the annual general assembly of the national sports association or the national sports federation;
  - (b) a copy of the amendment to the constitution of the national sports association or the national sports federation, if any;
  - (c) a list of the members of the national sports association or the national sports federation;
  - (d) a list of the management personnel of the national sports association or the national sports federation;

- (e) a statement on the planned activities for the proceeding financial year of the national sports association or the national sports federation;
  - (f) a list of the sponsors of the national sports association or the national sports federation; and
  - (g) any other information as may be requested for by the Council.
- (3) The Council shall examine the financial report and give directions to the national sports association or the national sports federation, as the Council deems necessary.
- (4) The report of the activities referred to under subsection (1)(c) shall include—
- (a) information of the progress and policies of the national sports association or the national sports federation;
  - (b) an assessment of the adequacy of the funding for the sports projects and programme of a national sports association or a national sports federation;
  - (c) a report on the condition and status of the facilities and sports programmes and the degree of change in such conditions and status since the last report;
  - (d) the projected optimal level of the facilities and sports programmes of the national sports association or the national sports federation and the extent of financing required to meet that level;
  - (e) a review of the technical adequacy and proven cost efficiency of the management of the operations of the national sports association or the national sports federation;
  - (f) a progress report on coordination between the national sports association or the national sports federation and the international sports governing body to which it is affiliated and local governments, including challenges encountered and proposals for the future; and
  - (g) any other information as the Council may, in writing, request for.

### **23. Certification of agents, promoters and managers of athletes**

- (1) A person who seeks to be an agent, a promoter or a manager of an athlete shall be certified by the respective national sports association or national sports federation of the athlete.
- (2) An agent, a promoter or a manager of an athlete shall enter into a management contract with the athlete which shall be registered with a national sports association or a national sports federation.
- (3) A national sports association or a national sports federation shall transmit to the Council for registration, the list of agents, promoters and managers of athletes it certifies under subsection (1).
- (4) The Minister shall, by statutory instrument, prescribe for the certification of agents, promoters and managers and prescribe the contents of management contracts of agents, promoters and managers of athletes.

### **24. Register of beneficial owners**

- (1) A national sports association or a national sports federation with beneficial owners shall keep a register of its beneficial owners and shall enter in the register the following particulars—
  - (a) the names and postal addresses of each beneficial owner;
  - (b) the national identification numbers of the beneficial owner;
  - (c) the date on which each beneficial owner was entered in the register as a beneficial owner;
  - (d) the date on which any person ceased to be a beneficial owner; and
  - (e) any other information as the Minister may prescribe by regulations.

- (2) The register of beneficial owners shall be kept at the registered office of the national sports association or the national sports federation except that—
  - (a) if entry of beneficial owners in the register is done at another office of the national sports association or the national sports federation, the register may be kept at that other office; and
  - (b) if the national sports association or the national sports federation arranges with some other person to make entries in the register on behalf of the national sports association or the national sports federation, the register may be kept at the office of that person at which the entries are made, but it shall not be kept at a place outside Uganda.
- (3) A national sports association or a national sports federation shall send notice to the General Secretary of the place where its register of beneficial owners is kept and of any change of the place, within fourteen days after creating the register or changing the place where the register is kept.
- (4) Notwithstanding subsection (2), a national sports association or a national sports federation shall, within fourteen days after creating the register of beneficial owners, transmit a copy of the register to the General Secretary.
- (5) The Minister may, by statutory instrument, make regulations generally for giving effect to this section and the regulations shall prescribe penalties for breach of the regulations.
- (6) Where a national sports association or a national sports federation defaults in complying with subsection (1), (2) or (3), the national sports association or the national sports federation which is in default is liable for each day of default, to a fine of five currency points.

## 25. Dissolution of national sports associations and national sports federations

- (1) A national sports association or a national sports federation may be dissolved by the Council where—
  - (a) the activities of the national sports association or the national sports federation contravene any of the provisions of this Act or any other law; or
  - (b) the national sports association or the national sports federation has acted against the security, unity and territorial integrity of Uganda.
- (2) Notwithstanding subsection (1), the members of a national sports association or a national sports federation may voluntarily dissolve the national sports association or the national sports federation, in accordance with the constitution of the national sports association or the national sports federation.
- (3) A national sports association or a national sports federation shall, in writing and within seven days of making the decision to dissolve a national sports association or a national sports federation, notify the Council.
- (4) The Council may, upon receipt of the notice referred to in subsection (3), issue a certificate of dissolution to the respective national sports association or national sports federation.
- (5) A national sports association or a national sports federation shall publish in the *Gazette* and in a media of wide circulation, a notice of intention to dissolve, at least three months before resolution of the members of the national sports association or the national sports federation to dissolve the national sports association or the national sports federation.

## 26. Community sports clubs

- (1) A person who wishes to register a community sports club shall apply to the Council for a certificate of registration.

- (2) A community sports club registered under this Act shall, on registration, be a body corporate with perpetual succession and may, in its corporate name, for and in connection with its functions under this Act—
  - (a) acquire, hold and dispose of movable and immovable property;
  - (b) sue or be sued; and
  - (c) do all such other acts and things for the proper discharge of its functions as may lawfully be done by a body corporate.
- (3) The Minister shall, by statutory instrument, make regulations to prescribe—
  - (a) the application procedures and requirements for a community sports club;
  - (b) criteria for registration of a community sports club;
  - (c) deregistration of a community sports club;
  - (d) matters relating to dissolution of a community sports club; and
  - (e) other matters required to be prescribed for purposes of giving effect to the operation and administration of community sports clubs.

### **Part III – National Council of Sports**

#### **27. National Council of Sports**

- (1) The National Council of Sports in existence at the commencement of this Act shall continue in existence, subject to this Act.
- (2) The National Council of Sports in existence at the commencement of this Act shall administer this Act.
- (3) The Council shall be a body corporate with perpetual succession and shall have an official seal.
- (4) The Council shall, in its own name, be capable of suing and being sued and may for the discharge of its functions under this Act—
  - (a) acquire, hold and dispose of movable and immovable property; and
  - (b) do all acts and things as a body corporate may lawfully do.

#### **28. Official seal of Council**

- (1) The official seal of the Council shall be in a form determined by the Board.
- (2) The official seal shall, when affixed to any document, be authenticated by the signatures of the Chairperson and the secretary of the Board.
- (3) In the absence of the Chairperson, the person performing the functions of the Chairperson shall authenticate the official seal of the Board.
- (4) A document purporting to be an instrument or contract executed or issued by or on behalf of the Council in accordance with this section shall be considered to be so executed or issued until the contrary is proved.

#### **29. Functions of Council**

- (1) The Council shall—
  - (a) recognise a sports discipline as a national sports discipline;

- (b) register national sports organisations;
  - (c) promote and regulate the activities of national sports associations and national sports federations and where necessary, award medals, certificates of recognition, trophies and other incentives;
  - (d) in collaboration with the national sports associations, national sports federations, local governments, educational institutions, communities and the private sector, as may be applicable—
  - (e) make provisions for sports facilities, equipment and training;
  - (f) promote sportsmanship by searching for, identifying and developing sporting talent and ensuring discipline among sports persons;
  - (g) create public awareness on matters of national interest through sporting events and on the benefits of sports to health;
  - (h) organise sports clinics and provide advisory and counselling services to athletes;
  - (i) develop, manage, operate and maintain the public sports facilities vested in the Council under this Act;
  - (j) establish, operate and maintain sports museums;
  - (k) approve the expenditure by national sports associations and national sports federations of funds and grants received from the Government;
  - (l) facilitate cooperation between and amongst national sports associations and national sports federations;
  - (m) in collaboration with the Ministry, facilitate the participation of Ugandan athletes and national teams in international sports competitions;
  - (n) approve the hosting of international sports competitions and sports festivals by national sports associations and national sports federations; and
  - (o) perform any other function as may be required under this Act.
- (2) For the purposes of subsection (1)(b), the Council shall maintain registers of the national sports organisations registered under this Act in a format prescribed by regulations made under this Act.
- (3) The Council shall cooperate with the Ministry and other Ministries, departments and agencies of Government in the implementation of this Act.

### **30. Directions by Minister**

The Minister may, in writing, give directions to the Council with respect to the policy to be implemented by the Council.

### **31. Supervision of national sports associations and national sports federations**

- (1) The Council shall supervise the national sports associations and the national sports federations.
- (2) For the purposes of subsection (1), the Council may—
  - (a) inspect the offices and facilities of a national sports association or a national sports federation or appoint a person to inspect the offices and facilities on its behalf; and
  - (b) undertake or cause an audit of the books of accounts and records of a national sports association or a national sports federation.

- (3) The Council shall, every year, conduct a compliance test on a national sports association or a national sports federation to examine the compliance of the national sports association or the national sports federation with this Act and the constitution of the national sports association or the national sports federation.
- (4) The Council may appoint a person to conduct the compliance test on behalf of the Council.
- (5) A national sports association or a national sports federation shall cooperate with the Council or a person appointed by the Council under subsection (4).
- (6) A national sports association or a national sports federation shall, within one month of being requested by the Council or a person appointed by the Council, submit to the Council or the person appointed by the Council, information requested for by the Council or the person appointed by the Council.
- (7) The results of a compliance test shall be submitted to the Council and the Council shall in case of non-compliance by a national sports association or a national sports federation, inform and direct the national sports association or the national sports federation, as the case may be, to remedy the non-compliance not later than ninety days from the date of notification of the non-compliance.

### 32. Board of Council

- (1) The Council shall have a Board which shall be the governing body of the Council.
- (2) The Board shall consist of seven members appointed by the Minister.
- (3) The Minister shall appoint a chairperson of the Board from among the members of the Board.
- (4) The Board shall comprise of—
  - (a) a representative of the Ministry responsible for sports;
  - (b) two persons who shall be representatives of all traditional regions of Uganda specified in the First Schedule of [the Constitution](#);
  - (c) a representative of national sports associations or national sports federations;
  - (d) a representative of athletes;
  - (e) a representative of the private sector; and
  - (f) a person with knowledge and experience in sports administration.
- (5) The Minister shall, in appointing members of the Board, take into consideration the following—
  - (a) interests of the sports sector;
  - (b) stakeholders of the sports sector;
  - (c) persons with disability; and
  - (d) gender balance.
- (6) In this section, “representative” means a person appointed by the Minister to be a member of the Board to represent the stakeholders referred to in subsection (4)(a), (b), (c), (d) and (e).

### 33. Tenure of office of member of Board

- (1) A member of the Board shall hold office for four years and is eligible for re-appointment for one further term.
- (2) A member of the Board shall hold office on terms and conditions specified in his or her instrument of appointment.

- (3) A vacancy on the Board shall be filled within ninety days, using the procedure prescribed by regulations made under this Act.
- (4) The Minister shall, in prescribing the procedure for filling the vacancy under subsection (3), provide that a person appointed to fill the existing vacancy serves for a term of four years and is eligible for reappointment in accordance with subsection (1).

#### **34. Termination of appointment to Board**

- (1) A member of the Board may, at any time, resign his or her office by giving notice of thirty days in writing to the Minister.
- (2) The Minister may terminate the appointment of a member of the Board—
  - (a) if information relating to the conduct of the member, which could have precluded his or her appointment, is brought to the attention of the Minister;
  - (b) for incompetence;
  - (c) for misbehaviour or misconduct;
  - (d) for abuse of office;
  - (e) for failure to disclose, at a Board meeting, a matter in which he or she has a personal interest;
  - (f) where the member is not able to perform the functions of his or her office arising from infirmity of body or mind, as may be ascertained by a medical officer;
  - (g) where the member is convicted of an offence and is sentenced to imprisonment for a term of six months or more by a competent court;
  - (h) where the member is declared bankrupt by a competent court; or
  - (i) where the member, without prior notice to the Chairperson of the Board, is absent for four consecutive meetings of the Board, without sufficient cause.
- (3) The Minister shall, before terminating a member of the Board under subsection (2)(a), (b), (c), (d), (e), (f) or (i), afford the member an opportunity to be heard.

#### **35. Remuneration of members of Board**

The Chairperson and the members of the Board shall be paid such remuneration as the Minister may, in consultation with the Minister responsible for finance and the Minister responsible for public service, specify in the instruments of appointment.

#### **36. Meetings of Board**

Schedule 3 to this Act shall have effect in relation to the meetings of the Board and other matters provided for in that Schedule.

#### **37. Committees of Board**

- (1) The Board may constitute a committee to advise it on any matter concerning the functions of the Board, as the Board may determine.
- (2) The Board shall determine the terms of reference of a committee and the composition of a committee, and in consultation with the Minister responsible for finance and the Minister responsible for public service, the terms and conditions of service of a member of a committee.

### 38. Secretariat of Council

- (1) There shall be a secretariat of the Council headed by the General Secretary.
- (2) The Secretariat shall, under the direction and supervision of the Board, perform the functions of the Council, specified in section [29](#).

### 39. General Secretary

- (1) The General Secretary shall be appointed by the Board on such terms and conditions as may be specified in the instrument of appointment.
- (2) Notwithstanding subsection [\(1\)](#), the General Secretary shall hold office for five years and is eligible for re-appointment for one further term.
- (3) The General Secretary shall be the accounting officer of the Council.
- (4) The General Secretary shall be a person of high moral character and proven integrity with knowledge and experience in sports science, law, sports administration, social sciences, humanities, development studies or public administration.
- (5) The General Secretary shall cease to hold office where he or she resigns his or her office, in writing, addressed to the Chairperson of the Board.
- (6) The Board may remove the General Secretary from office—
  - (a) where he or she has been declared bankrupt by a competent court;
  - (b) if he or she is convicted of a criminal offence, where the maximum penalty of the offence exceeds six months imprisonment without the option of a fine;
  - (c) for inability to perform the functions of his or her office arising from infirmity of body or mind, as may be ascertained by a medical officer;
  - (d) for abuse of office;
  - (e) for misbehaviour or misconduct; or
  - (f) for incompetence.
- (7) For the purposes of subsection [\(6\)\(c\)](#), the Board shall, prior to removing the General Secretary from office, notify the General Secretary, in writing, and shall give him or her an opportunity to be heard.

### 40. Functions of General Secretary

- (1) Subject to the general supervision and control of the Board, the General Secretary shall be the chief executive of the Council and shall—
  - (a) oversee the day-to-day operation and administration of the Council;
  - (b) implement the policies and programmes of the Board and the agreed objectives, performance targets and service standards agreed upon by the Board;
  - (c) manage the assets and liabilities of the Council;
  - (d) advise the Board on matters relating to sports and the functions of the Council;
  - (e) administer, supervise and exercise disciplinary control over the staff of the Council;
  - (f) keep the records of all transactions of the Council;
  - (g) keep the minutes of meetings and other records of the Board;

- (h) liaise with the relevant national sports associations or national sports federations with a view of implementing the functions of the Council and promoting sports in Uganda; and
  - (i) perform any other function necessary for the proper implementation of this Act or as may be assigned by the Board.
- (2) The General Secretary shall, in the performance of his or her functions, be answerable to the Board.

#### **41. Other officers and staff of Council**

- (1) The Board may, on the advice of the General Secretary, appoint other officers and staff of the Council.
- (2) An officer or staff appointed under this section shall hold office on such terms and conditions as may be determined by the Board and as may be specified in his or her instruments of appointment.

### **Part IV – financial and other matters**

#### **42. Funds of Council**

The funds of the Council shall consist of—

- (a) money appropriated by Parliament; and
- (b) grants and donations from the Government, or with the approval of the Minister and the Minister responsible for finance from any other source.

#### **43. Audit**

The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Council.

#### **44. Annual report and other reports**

- (1) The Board shall, within three months after the end of each financial year, submit to the Minister, a statement of the activities of the Council of the preceding financial year.
- (2) The Board shall, as may be requested, submit to the Minister, such other reports on its activities or on any other matter.
- (3) The Minister shall, within two months after the receipt of the annual report, submit the annual report to Parliament with any statement which he or she considers necessary.

#### **45. Compliance with Public Finance Management Act**

The Council shall at all times comply with the Public Finance Management Act.

### **Part V – Sports for schools and institutions of higher learning**

#### **46. Authorised sports activities for schools and institutions of higher learning**

- (1) The Council shall, with the approval of the Ministry and in consultation with the Ministry responsible for health, authorise the sports activities in which pupils and students in schools and institutions of higher learning may participate.
- (2) A school and an institution of higher learning shall offer at least fifteen sports activities for the pupils or students, which shall be sports activities authorised by the Council under subsection (1).

#### 47. Participation in sports for pupils and students

A pupil and a student shall be entitled to participate in the sports activities offered by the school or institution of higher learning of the pupil or student, as the case may be.

#### 48. National sports competitions

- (1) The Ministry shall, in consultation with the Council, organise sports competitions for schools and institutions of higher learning, for the sports disciplines authorised by the Council under section [46](#).
- (2) The schools and institutions of higher learning referred to in subsection [\(1\)](#) shall be categorised as —
  - (a) primary level schools;
  - (b) secondary level schools;
  - (c) tertiary institutions; and
  - (d) universities.
- (3) The sports competitions for the primary level of education shall be for pupils of up to fourteen years and students of up to twenty years for the secondary level of education.
- (4) The sports competitions, including training for the competitions, shall be undertaken in accordance with the schedule issued by the Ministry.

#### 49. Sports associations and national sports committee

- (1) For purposes of the national sports competitions referred to in section [48](#), each category of schools or institutions of higher learning referred to in the section shall have a sports association.
- (2) There shall be appointed, each year, a national sports committee to organise sports competitions for schools and institutions of higher learning for that year.
- (3) The national sports committee shall comprise nine members who shall be appointed by the Minister from amongst persons nominated by the respective sports associations.
- (4) For the purpose of subsection [\(3\)](#), each sports association shall nominate twenty members, from whom the Minister shall appoint members of the national sports committee.

### Part VI – Sports academies

#### 50. Sports academies

- (1) There shall be in Uganda, sports academies to provide specialised training in particular sports disciplines for athletes and sports persons.
- (2) A person who seeks to operate a sports academy in respect of a sports discipline shall be licenced by the Council on approval of the respective national sports federation.
- (3) The Council shall, in licensing a sports academy, safeguard the welfare, rights and best interest of a child.

## Part VII – Establishment, composition and functions of National Anti-Doping Organisation

### 51. Establishment of National Anti-Doping Organisation

- (1) There is established, in accordance with the requirements of the World Anti-Doping Code, the National Anti-Doping Organisation.
- (2) The National Anti-Doping Organisation shall be a body corporate with perpetual succession and shall have an official seal.
- (3) The National Anti-Doping Organisation shall, in its own name, be capable of suing and being sued and may for the discharge of its functions under this Act—
  - (a) acquire, hold and dispose of movable and immovable property; and
  - (b) do all acts and things a body corporate may lawfully do.

### 52. Composition of National Anti-Doping Organisation

- (1) The National Anti-Doping Organisation shall consist of the following members—
  - (a) a chairperson; and
  - (b) four other members, with knowledge and experience in anti-doping or sports.
- (2) The Minister shall appoint members of the National Anti-Doping Organisation on such terms and conditions as the Minister may determine.
- (3) A member of the National Anti-Doping Organisation shall hold office for three years and is eligible for re-appointment for one further term only.
- (4) A member of the National Anti-Doping Organisation shall be paid such remuneration as the Minister may, in consultation with the Minister responsible for finance, determine.

### 53. Functions of National Anti-Doping Organisation

- (1) The National Anti-Doping Organisation shall promote anti-doping in sports in Uganda—
  - (a) and shall for this purpose—
    - (i) in collaboration with the Ministry, develop a national strategy to address doping in sports;
    - (ii) promote and implement the World Anti-Doping Code and associated International Standards;
    - (iii) periodically publish the International Standards on anti-doping in the *Gazette*;
    - (iv) provide athletes and athlete support personnel with the procedures for the collection and testing of samples of specimen as specified by the World Anti-Doping Code and International Standards;
    - (v) select the sports persons to provide bodily samples for testing and collect the samples in accordance with the approved World Anti-Doping Code and International Standards; and
    - (vi) implement the Anti-Doping Administration and Management System program;

- (b) by testing and analysing samples of specimen of sports persons using laboratories accredited by the World Anti-Doping Agency and securing the safe transmission of the samples to those laboratories;
  - (c) by undertaking or coordinating research or causing research to be undertaken in the field of performance-enhancing substances and methods and doping practices in sports;
  - (d) by carrying out investigations in matters of doping in sports and may for this purpose, summon any person and examine any document or evidence;
  - (e) by operationalising the Prohibited List of the World Anti-Doping Agency;
  - (f) by maintaining a Whereabouts Register and a Registered Testing Pool;
  - (g) by conducting anti-doping education; and
  - (h) by carrying out any other function conferred under this Act and any other relevant treaty.
- (2) The National Anti-Doping Organisation shall in the performance of its functions—
- (a) respect the rights of every person involved in an anti-doping control process, including children and persons with disabilities;
  - (b) cooperate with the Ministry and other Ministries, departments and agencies of Government and non-governmental organisations; and
  - (c) not require the consent or permission of any person to perform a function or be under the direction or control of any person or authority.
- (3) The Minister shall, by statutory instrument, make regulations to prescribe for the management and effective functioning of the National Anti-Doping Organisation.

## **Part VIII – Uganda Olympic Committee**

### **54. The Uganda Olympic Committee**

- (1) The Uganda Olympic Committee in existence immediately before the commencement of this Act is continued in existence subject to the provisions of this Act.
- (2) The Uganda Olympic Committee shall be a body corporate with perpetual succession and an official seal and may, for the discharge of its functions under this Act—
  - (a) acquire, hold and dispose of movable and immovable property;
  - (b) sue and be sued in its corporate name; and
  - (c) do all acts and things as a body corporate may lawfully do.
- (3) The membership of the Uganda Olympic Committee shall be in accordance with the provisions of the Olympic Charter.
- (4) The Uganda Olympic Committee shall, in collaboration with the Ministry and the Council—
  - (a) organise the participation of Ugandan athletes in Olympic games;
  - (b) promote the development of athletes and the training of coaches and athletes to participate in Olympic games; and
  - (c) perform any other function prescribed under the Olympic Charter.
- (5) The Uganda Olympic Committee, shall in the performance of its functions under this Act and the Olympic Charter, only recognise a national sports association or a national sports federation that is registered by the Council.

## Part IX – Settlement of sports disputes

### 55. Arbitrators

- (1) The settlement of sports disputes shall be by arbitrators who shall be appointed under this Part.
- (2) The Minister shall appoint arbitrators from nominations made by the Council and each national sports association and national sports federation.
- (3) The parties to a sports dispute may choose at least three arbitrators from the list of arbitrators appointed under subsection (2).
- (4) For the avoidance of doubt, the number of arbitrators chosen by the parties shall be an odd number.
- (5) The Minister shall update the list of arbitrators once every two years.
- (6) A person shall not be qualified to be appointed an arbitrator under subsection (1) unless the person—
  - (a) is an advocate of the High Court; or
  - (b) has worked with a national sports association or a national sports federation for at least three years.
- (7) A person shall not be appointed as an arbitrator if the person—
  - (a) has been convicted of an offence under this Act;
  - (b) has been declared bankrupt by a competent court; or
  - (c) has been banned by a national sports association or a national sports federation for a period of more than three years.
- (8) The Minister may remove an arbitrator for—
  - (a) inability to perform his or her functions arising from mental incapacity;
  - (b) abuse of office;
  - (c) misbehaviour or misconduct;
  - (d) incompetence; or
  - (e) failure to perform roles of arbitrator for at least three sports disputes once appointed by a party to a dispute.

### 56. Cost of arbitration

- (1) Each party to a sports dispute shall bear the cost it incurs during arbitration.
- (2) Notwithstanding subsection (1), every national sports association and a national sports federation shall pay an annual arbitration fee to the Council.
- (3) The Minister may, by statutory instrument, prescribe the amount of the annual arbitration fee referred to in subsection (2).
- (4) The Council shall apply the annual arbitration fees referred to in subsection (2) to offset the costs incurred during arbitration.

### 57. Arbitration to be provided in constitutions

- (1) There shall be a provision in the constitution of every national sports association and national sports federation—
  - (a) recognising the jurisdiction of arbitrators appointed under this Part and obligating the settlement of sports disputes between the national sports association or national sports federation and its members or the Council;
  - (b) recognising the decision of the arbitrators as final;
  - (c) obligating the national sports association or the national sports federation and its members to respect and comply with the decision of the arbitrators; and
  - (d) prohibiting the settlement of sports disputes between a national sports association or a national sports federation and its members by courts of judicature, including the interpretation and application of the constitution and regulations of the national sports association or the national sports federation.
- (2) A constitution of a national sports association or a national sports federation that deviates from or does not include provision for the matters referred to in subsection (1) shall be null and void.
- (3) The Council shall not register a national sports association or a national sports federation that does not include the provisions prescribed in subsection (1) in its constitution.

### 58. Application of Arbitration and Conciliation Act

For purposes of arbitration in respect of a matter which this Part has not expressly made provision, [the Arbitration and Conciliation Act](#) shall apply with necessary modifications.

## Part X – Offences and penalties

### 59. Prohibition of doping

- (1) An athlete shall not use, consume or have in his or her possession a substance or use a method of sport banned by the World Anti-Doping Agency.
- (2) An athlete who uses, consumes or has in his or her possession a substance or uses a method of sport banned by the World Anti-Doping Agency commits an offence and shall be subject to the sanctions of the World Anti-Doping Agency.
- (3) A person who—
  - (a) administers to an athlete a substance or uses a method of sport banned by the World Anti-Doping Agency;
  - (b) encourages the use of a substance or a method of sport banned by the World Anti-Doping Agency; or
  - (c) sells, displays for sale or has in his or her possession a substance or a method of sport banned by the World Anti-Doping Agency, commits an offence and shall be subject to the sanctions of the World Anti-Doping Agency.

### 60. Prohibition of unlawful utilisation of commercial rights

- (1) A person who, without the authorisation of a national sports association, a national sports federation or an athlete, uses a commercial right of a national sports association, a national sports federation or of an athlete, commits an offence and is liable, on conviction, to a fine not exceeding seventy-two currency points or to imprisonment for a term not exceeding three years, or both.

- (2) Court may, in addition to the penalty imposed under subsection (1), order the person convicted to pay to the national sports association, the national sports federation or the athlete, as the case may be, compensation equivalent to the value of the commercial right utilised.

### **61. Prohibition of unauthorised use of sports results in betting**

- (1) A person licensed under the Lotteries and Gaming Act, shall not allow betting on a sports activity or use results of a sports competition organised by a national sports association or a national sports federation without the written authorisation of the national sports association or the national sports federation.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment for a term not exceeding ten years, or both.
- (3) Court may, in addition to the penalty imposed under subsection (2), order the person convicted to pay compensation to the national sports association, national sports federation or athlete, as the case may be.

### **62. Prohibition of betting by specified persons**

- (1) A person who—
  - (a) is a match official, referee, umpire or match adjudicator;
  - (b) is a coach or trainer;
  - (c) is an athlete, or a participant in a sports discipline;
  - (d) is an owner of a sports club;
  - (e) is a member of a national sports association or a national sports federation; or
  - (f) is an employee of a national sports association, a national sports federation or a sports club,shall not bet or advise any person on any betting activity, in relation to a sports activity, event or competition organised by a national sports association or a national sports federation.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seventy two currency points or to a term of imprisonment not exceeding three years, or both.

### **63. Prohibition of manipulation of sports result or sports competition**

- (1) A person shall not manipulate a sports result or the course of a sports competition.
- (2) For purposes of subsection (1), a person shall be taken to manipulate a sports result or the course of a sports competition where the person—
  - (a) directly or indirectly, promises, offers or gives undue advantage to another person with the aim of improperly altering the sports result or the course of a sports competition;
  - (b) directly or indirectly, solicits or accepts undue advantage, promise or offer, for himself, herself or for another person, with the aim of improperly altering a sports result or the course of a sports competition;
  - (c) predetermines a sports result or the course of a sports competition;
  - (d) acts in a manner that ensures the occurrence of an improper performance, act, omission or an outcome which is the subject of an illegal bet relating to a sport or a sporting event;

- (e) provides confidential information relating to a sport or a sports competition to a person and the person to whom information is provided, uses the information to improperly alter a sports result or the course of a sports competition;
  - (f) receives money or any other reward or benefit individually or collectively to underperform or to withdraw from a sports competition or sporting event;
  - (g) being an umpire, match adjudicator or match referee, deliberately misapplies the rules of the sports competition or sporting event for financial reward or benefit; or
  - (h) being a curator, a member of the venue, grounds or support staff, or any person in charge of a turf, playing ground or playing surface, receives a financial reward or benefit to prepare the turf, playing ground or playing surface of any sport or sporting event in a manner that causes or leads to the alteration of a sports result or the course of a sports competition.
- (3) A person who knows or has reason to believe that a person has committed an offence under subsection (1) shall report the matter to the Uganda Police Force and the respective national sports association or national Sports federation.
- (4) A person who contravenes subsection (1) or (3), commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding five years, or both.

#### **64. Prohibition of acts of violence and hooliganism**

- (1) A person shall not commit an act of violence or hooliganism at a sports event or sports competition organised by a national sports association or a national sports federation.
- (2) A person who does an act—
- (a) that is calculated to lead to destruction or damage to property;
  - (b) that physically injures a person;
  - (c) that disturbs the peace and order at a sports competition or a sporting event; or
  - (d) with intent to disrupt a sports competition or a sporting event or to intimidate or annoy a match official, a referee, an umpire, a match adjudicator, a coach, a trainer, an athlete, or any other participant in a sports discipline—
    - (i) threatens, injures, assaults, shoots or unlawfully restrains that person;
    - (ii) throws a projectile, a liquid, a substance upon or applies a fluid or substance to that person; or
    - (iii) incites a person to do an act of violence against that person, commits an offence and is liable, on conviction, to a fine not exceeding four hundred eighty currency points or to imprisonment for a term not exceeding ten years, or both.
- (3) Court may, in addition to the penalty prescribed in subsection (2), order that the person who is convicted—
- (a) makes good the loss and damage suffered by a person as a result of the unlawful action; and
  - (b) is banned from participating in or attending sports events and sports competitions for a period not exceeding three years.

#### **65. Prohibition of exploitation of participants in sports activities**

- (1) A person shall not emotionally, financially or sexually exploit a participant in a sports event or sports competition.

- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding four hundred eighty currency points or to imprisonment for a term not exceeding ten years, or both.
- (3) The court may, in addition to the penalty imposed under subsection (2), order the convicted person to pay compensation to the victim.

#### **66. Prohibition of dealing with counterfeit sport materials**

- (1) A person who imports, manufactures, distributes, produces, sells or offers for sale or trades or displays for sale any counterfeited Ugandan branded sports material, attire, apparel or other item without the authorisation of a national sports association or a national sports federation responsible for the sports discipline to which the Ugandan branded sports material, attire, apparel or other item relates, commits an offence.
- (2) A person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding one hundred twenty currency points or to imprisonment for a term not exceeding five years, or both.
- (3) Court may, in addition to the penalty imposed under subsection (2), order the person to pay the affected national sports association or national sports federation, damages and compensation for the loss suffered by the national sports association or the national sports federation.

#### **67. Prohibition of unlawful access to sports events and competitions**

- (1) A person who, without authorisation, enters, stays, remains or allows a person to enter, stay, remain or access a sports event or competition organised by a national sports association or a national sports federation commits an offence and is liable, on conviction, to a fine not exceeding one hundred twenty currency points or to imprisonment for a term not exceeding one year, or both.
- (2) Court may, in addition to the penalty imposed under subsection (1), order the person to pay the affected national sports association or national sports federation, damages and compensation for the loss suffered by the national sports association or the national sports federation.

#### **68. Prohibition of electronic media production of sporting events and competitions**

- (1) A person who, without the authorisation of a national sports association or a national sports federation, captures by camera, the still or moving pictures or records by an audio recorder, activities at an event or competition organised by a national sports association or a national sports federation, for commercial purposes commits an offence and is liable, on conviction, to a fine not exceeding one hundred twenty currency points or to imprisonment for a term not exceeding five years, or both.
- (2) Court may, in addition to the penalty imposed under subsection (1), order the person to pay the affected national sports association or national sports federation, damages and compensation for the loss suffered by the national sports association or the national sports federation.

#### **69. Offence of illegal participation in sports competitions**

- (1) A person shall not—
  - (a) falsify the information of the identity, age or level of education of a person who participates in a sports competition; or
  - (b) offer another person money or any other form of payment or settlement, in exchange for the enrolment, registration or the transfer of the person in a specific sports team, in order for the person to participate in a sports competition for the sports team.

- (2) A person who contravenes this subsection commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or to imprisonment for a term not exceeding ten years, or both.

#### **70. Prohibition to act as agent, promoter or manager of athlete without certification by national sports associations or national sports federations**

- (1) A person who is not certified in accordance with this Act shall not act as an agent, promoter or manager of an athlete.
- (2) A person who acts as an agent, promoter or manager of an athlete contrary to this Act commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or to imprisonment for a term not exceeding three years, or both.

#### **71. Prohibition of broadcast of sports events and competitions**

- (1) A person shall not, without the authorisation of a national sports association or a national sports federation, broadcast a sports competition or sporting event organised by the national sports association or the national sports federation.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one hundred twenty currency points or to imprisonment for a term not exceeding five years, or both.

#### **72. Offences committed by body corporate**

- (1) A body corporate shall be deemed to have committed an offence under this Act if the act or omission constituting the offence was committed—
  - (a) by a person who—
    - (i) has the power to represent the body corporate;
    - (ii) has the authority to take decisions on behalf of the body corporate; or
    - (iii) has authority to exercise control over the affairs of the body corporate; or
  - (b) for the benefit of the body corporate.
- (2) Where an offence prescribed under this Act is committed by a body corporate, court shall—
  - (a) hold a principal officer in the body corporate liable for the offence committed and penalty prescribed under this Act; and
  - (b) in addition to any penalty prescribed under this Act, impose a penalty not exceeding twenty thousand currency points for the offence.

#### **73. General penalty**

A person who contravenes a provision of this Act for which no penalty is prescribed, commits an offence and is liable, on conviction, to a fine not exceeding seventy-two currency points or to imprisonment for a term not exceeding one year, or both.

### **Part XI – Miscellaneous**

#### **74. Participation of minors in sports activities**

- (1) A minor of sixteen years of age or more may participate in a sports activity with adult participants.

- (2) For the purposes of subsection (1)—
- (a) the sports activity shall be a sports activity authorised by the Council in accordance with this Act;
  - (b) the minor and the parent or guardian of the minor shall receive legal advice on the matter from the organisers of the sports activity and the parent or guardian of the minor shall give consent, in writing, to the participation of the minor; and
  - (c) where payment is to be made for the participation of the minor, the parent or guardian of the minor shall enter into a contract, for the minor, with the organisers of the sports activity.

#### **75. Public sports facilities**

- (1) The land on which public sports facilities are situated and the public sports facilities thereon shall vest in the Council.
- (2) The Council shall not sell, lease, mortgage, dispose of or otherwise deal with land on which public sports facilities are situated and public sports facilities, and the land on which the public sports facilities are situated shall not be a subject of execution.

#### **76. Ownership of commercial rights**

- (1) Each respective national sports association or national sports federation and its respective members are the original owners of all the commercial rights coming under their respective sport discipline, without any restrictions to content, time or place.
- (2) A national sports association or a national sports federation shall make regulations for the respective sports discipline to regulate the exploitation of commercial rights and manage the benefit of the value generated from exploitation of the commercial rights for their respective use and among the members of the national sports associations and the national sports federations.

#### **77. Protection from liability of Board, officers and staff of Council**

A member of the Board, an officer or staff of the Council shall not be held liable for an act or omission done in good faith in the exercise of his or her functions under this Act.

#### **78. Duty not to disclose information**

- (1) A member of the Board, an officer or staff of the Council shall not unlawfully disclose any information obtained in the course of his or her employment.
- (2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding forty-eight currency points or to imprisonment for a term not exceeding one year, or both.

#### **79. Regulations**

- (1) The Minister may, in consultation with the Board, make regulations for the better carrying into effect the provisions of this Act.
- (2) Without prejudice to subsection (1), the Minister shall in consultation with the Board, make regulations—
  - (a) for the management and maintenance of public sports facilities vested in the Council;
  - (b) prescribing anything required to be prescribed under this Act; and (c) prescribing the fees to be paid under this Act.

**80. Power to amend Schedules**

- (1) The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to this Act.
- (2) The Minister may, by statutory instrument, amend Schedule 3 to this Act.

**81. Repeal and savings**

- (1) The National Council of Sports Act, [Cap. 48](#) (Revised Edition, 2000) is repealed.
- (2) A statutory instrument made under the National Council of Sports Act repealed under subsection (1), which is in force immediately before the commencement of this Act, shall remain in force, until it is revoked by a statutory instrument made under this Act.
- (3) A certificate issued by the Council or an agreement entered into by the Council before the commencement of this Act shall remain valid until it is revoked under this Act.
- (4) Notwithstanding subsection (3), a certificate or agreement referred to in that subsection, whose provisions are inconsistent with this Act, shall be amended by the Council within one year from the date of commencement of this Act.
- (5) A national sports association or a national sports federation, which was duly registered by the Council before the commencement of this Act and which is in existence before the commencement of this Act, shall have effect as if it was registered under this Act provided that the national sports association or the national sports federation shall, within twelve months from the date of commencement of this Act, comply with the provisions of this Act.

**82. Transfer of contracts, assets and liabilities**

- (1) The persons employed by the Council at the commencement of this Act, shall continue in the employment of the Council.
- (2) All the property, assets, rights and interests of the Council before the commencement of this Act shall continue to be the property, assets, rights and interests of the Council.
- (3) All obligations and liabilities, including gratuity and retirement benefits, subsisting against the Council before the commencement of this Act shall continue to subsist against the Council.

**83. Pending court proceedings and execution of orders of court**

- (1) Any pending court proceedings or execution of orders of court which were enforceable by or against the Council immediately before the commencement of this Act, or which are connected with the assets vested in the Council or the functions of the Council, shall be enforceable by or against the Council as they would have been enforced by or against the Council immediately before the commencement of this Act.
- (2) Any pending court proceedings or execution of orders of court against the Council arising out of matters connected with the Council, shall continue against the Council until they are disposed of.

**Schedule 1 (Sections 3, 80(1))****Currency point**

A currency point is equivalent to twenty thousand shillings.

**Schedule 2 (Section 6(6))****National Sports Disciplines Recognised at Commencement of Act**

1. American football
2. Archery
3. Athletics
4. Badminton
5. Baseball and softball
6. Basketball
7. Body building and fitness
8. Boxing
9. Canoe kayak
10. Chess
11. Cricket
12. Cycling
13. Darts
14. Dancesport
15. Deaf sports
16. Dragon boat
17. Draughts
18. Fencing
19. Floorball
20. Football
21. Golf
22. Gymnastics
23. Handball
24. Hockey
25. Judo
26. Kabaddi
27. Lacrosse
28. Ludo
29. Motor sports
30. Netball
31. Parasport
32. Pool

33. Roll ball
34. Rowing
35. Rugby
36. Scrabble
37. Skating
38. Sports climbing
39. Squash rackets
40. Swimming
41. Table tennis
42. Taekwondo
43. Tennis
44. Ultimate frisbee
45. Volleyball
46. VX
47. Weightlifting
48. Woodball
49. Wrestling
50. Zurkhaneh sports

### **Schedule 3 (Sections 36, 80(2))**

#### **Meetings of Board and related matters**

##### **1. Meetings of Board**

- (1) The Chairperson shall convene a meeting of the Board at times and places as the Board may determine and the Board shall meet for the discharge of business at least once every three months.
- (2) The Chairperson may, at any time, convene a special meeting of the Board and shall call a special meeting within fourteen days, if requested to do so in writing by at least four members of the Board.
- (3) A notice of a meeting of the Board shall be given in writing to each member at least seven working days before the day of the meeting.
- (4) The Chairperson of the Board shall preside over every meeting of the Board and in the absence of the Chairperson, the members present shall appoint a member from among their number to preside at the meeting.

##### **2. Quorum**

- (1) The quorum for a meeting of the Board is five members of the Board.
- (2) Where quorum is not realised at, or for the continuation of, a meeting of the Board, 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 quorum was realised.

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

### 3. Minutes of meetings

- (1) The General Secretary shall record and keep the minutes of all the meetings of the Board in a form approved by the Board.
- (2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation at its next meeting following to that which the minutes relate and when so confirmed, shall be signed by the Chairperson, in the presence of the members present at the meeting at which the minutes are approved.
- (3) The Chairperson of the Board shall submit to the Minister a copy of the minutes of each meeting of the Board as soon as the minutes are confirmed.

### 4. Power to co-opt

- (1) The Board may invite any person, who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in the proceedings of the Board.
- (2) A person attending a meeting of the Board under this paragraph may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote at the meeting.

### 5. Validity of proceedings not affected by vacancy

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

### 6. Disclosure of interest of members

- (1) A member of the Board who is in any way directly or indirectly interested in any matter before the Board, shall disclose the nature of his or her interest at a meeting of the Board.
- (2) A disclosure made under subparagraph (1) shall be recorded in the minutes of the meeting.
- (3) A member of the Board who makes a disclosure under subparagraph (1) shall not—
  - (a) be present during any deliberation of the Board with respect to that matter; or
  - (b) take part in any decision of the Board with respect to that matter.
- (4) For purposes of determining whether quorum is realised, a member withdrawing from a meeting or who is not taking part in the meeting under subparagraph (3) shall be treated as present.

### 7. Board to regulate its own proceedings

Subject to this Schedule, the Board may regulate its own procedure or any other matter relating to its meetings.