

## **THE SPORTS ACT 2001**

(No. 41 of 2001)

The salient features of the Bill are as follows: -

- (a) The introduction of separate regimes for Sports Federations responsible for individual sports and team sports;
- (b) the setting up of “Comités de Gestion” for the management of government-owned sports infrastructure;
- (c) the provision of courses leading to the “Brevet d’Etat de Cadre Sportif” (B.E.C.S.);
- (d) the authorisation given to a Sports Federation, where the level of participation in a sport is low, to operate in fewer than the prescribed number of sports regions;
- (e) the power given to local authorities to assist Sports Federations to develop and promote sports at grass-root level;
- (f) the requirement that licence holders of Sports Federations are covered by an adequate insurance policy both during training and competition;
- (g) the setting up of Regional Sports Co-ordinating Committees in order to enable a greater involvement of local authorities to assist in promoting regional sports activities;
- (h) the power given to Sports Federations and Multi-sport Organisations to enforce sanctions against the use of prohibited substances;
- (j) the setting up of an Institute for Drug-free Sports to promote participation in sports free from the use of prohibited substances or practices intended to artificially enhance performance, thereby rendering impermissible doping practices, which are contrary to the principles of fair play and medical ethics, and to provide for matters connected thereto;
- (j) The prohibition of a person, who has already held office as President of a Sports Federation for any 2 mandates, from again standing as candidate for the office of President of that Federation;
- (k) the requirement for the Mauritius Football Association to hold elections not later than 3 months after the commencement of the Act and to comply with the provisions thereof;

- (l) and for other team Sports Federations to hold elections not later than 6 months after the commencement of the Act and to comply with the provisions thereof.

## ARRANGEMENT OF CLAUSES

### *Clauses*

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## AN ACT

### To repeal, consolidate and re-enact the law relating to the management and organisation of sports at regional and national levels

ENACTED by the Parliament of Mauritius, as follows -

#### 1. Short title

This Act may be cited as the Sports Act 2001.

### PART I – PRELIMINARY

#### 2. Interpretation

In this Act -

“Appeal Board” means the Board established under section 24;

"Chief Commissioner" has the same meaning assigned to it in the Rodrigues General Assembly Act 2001;

“Commission” means the Mauritius Arbitration Commission for Sports set up under section 13;

“corporate sports club” means a group of persons who organise themselves, according to their trade, calling or profession, in a club for the practice of sports;

“doping”, in relation to the practice of sports, means the administration of any prohibited substance or the application of any practice intended to enhance performance artificially;

“individual sport” means any sport which an individual practices on his own, either in a competition or game, and as specified in Seventh Schedule;

“Institute” means the Mauritian Institute of Drug-Free Sports, established under section 18”;

“international governing body”, in relation to a sport -

- (a) means the relevant international sports federation or other body;
- (b) includes the International Olympic Committee;

“International Olympic Committee” means the Committee responsible for the organisation of Olympic Games with its headquarters in Lausanne, Switzerland;

“international sports federation” means any group of national sports bodies involved in the overseeing and co-ordination of the playing and administration of any particular sport at international level;

“licence” means a licence issued under section 4;

“licence holder” means an athlete, a coach, a referee, a technical official or an administrator who holds a valid licence issued by a Sports Federation;

“Minister” means the Minister to whom responsibility for the subject of sports is assigned;

“Ministry” means the Ministry to which responsibility for the subject of sports is assigned;

“Multisport Organisation” means an association referred to in section 7;

“MSC” means the Mauritius Sports Council;

“National First Division Clubs” and “National Second Division Clubs” means clubs engaged in team sports and which participate in the National Championship Leagues organised under the jurisdiction of their respective Federations, in order to determine the winner of the respective National Division Championship;

“notifiable event” means any sports event which is intended to take place anywhere within or outside Mauritius and with reference to which drug tests or sampling is to be carried out, as determined by the Institute;

“Olympic Committee” means the Mauritius National Olympic Committee established under section 11;

“Paralympic Committee” means the Mauritius National Paralympic Committee referred to in section 12;

“prohibited substance” means any prescribed substance, the use of which is prohibited;

“region” means a geographical area listed in the First Schedule;

“regional clubs” means, in respect of team sports, clubs which participate in the Regional Championship League organised under the the jurisdiction of their respective Federations, in order to determine the winner of that league;

“Regional Sports Committee” means a Committee set up under Section 9;

“Regional Sports Co-ordinating Committee” means a Regional Sports Co-ordinating Committee set up under Section 3;

“sports cadres” means sports coaches;

“Sports Federation” means an association referred to in section 4;

“sports club” means a group of persons who organise themselves in a club for the practice of sports;

“Sports Council” means the Mauritius Sports Council set up in accordance with section 14;

“team sports” means sports practised by a group of players forming one team, either in a competition or game, and as specified in the Seventh Schedule;

“WADA” means the World Anti-Doping Agency.

## **PART II – REGIONALISATION OF SPORT**

### **3. Regional Sports Co-ordinating Committee**

(1) There shall, for each of the regions listed in the First Schedule, be a Regional Sports Co-ordinating Committee which shall operate under the aegis of the Ministry.

(2) The Regional Sports Co-ordinating Committee for Rodrigues shall consist of -

- (a) the President or other nominee of every Regional Sports Committee in Rodrigues;
- (b) a representative of the Ministry;
- (c) a representative of the Ministry responsible for Rodrigues;
- (d) not more than 2 persons having rendered eminent services in the field of sports in Rodrigues appointed by the Chief Commissioner elected under section 14 of the Rodrigues Regional Assembly Act 2001 for such period as he deems fit; and
- (e) not more than 3 persons to represent the interests of the private sector and of sports sponsors, appointed by the Chief Commissioner elected under section 14 of the Rodrigues Regional Assembly Act 2001 for any period not exceeding 2 years;

(3) Subject to subsection (2), every other Regional Sports Co-ordinating Committee shall consist of -

- (a) the President of every Regional Sports Committee;
- (b) a representative of the Ministry;

- (c) a representative of the Ministry to which the responsibility for the subject of Education is assigned;
- (d) a representative of the Ministry of which the responsibility for the Sugar Industry Labour Welfare Fund is assigned;
- (e) 2 representatives of each local authority having jurisdiction under the Local Government Act, over the area for each sports region, to represent its interest; and
- (f) not more than 3 persons to represent the interests of the private sector and of sponsors, appointed by the Minister for a period not exceeding 2 years.

(4) Every Regional Sports Co-ordinating Committee shall, in December of each year, elect, from among its members, a person who is not actively engaged in politics, to be its Chairman for the following year.

(5) Every Regional Sports Co-ordinating Committee shall meet -

- (a) at least once every 2 months; and
- (b) at any time, when it is convened by its President at the request of not less than 5 of its members.

(6) Subject to subsection (7), every Regional Sports Co-ordinating Committee shall -

- (a) monitor and coordinate the activities of every Regional Sports Committee of the region;
- (b) develop and promote the practice of sports in its region;
- (c) ensure that every sports club in its region which is enrolled with the appropriate Regional Sports Committee but not with a Sports Federation or a Multisport Organisation -
  - (i) has as part of its name, the name of the locality where its sports or management premises are situated together with -
    - (A) the words “Sports Club”; or
    - (B) the name of the sport it practises followed by the word “Club”; or
    - (C) the words or expressions such as “United”, “Rovers” or “Union” in the French or English language;

- (ii) admits its members and elects its managers in such a way that no person is disqualified or ineligible by reason of race, community, caste, creed or colour;
- (iii) conducts its business so that it does not foster any ill feeling towards a section of the community; and
- (d) make recommendations to the Minister for the development and promotion of sports in the region.

(7) The Minister may give such directions of a general nature to a Regional Sports Co-ordinating Committee, not inconsistent with this Act, in the interest of sports, and the Regional Sports Co-ordinating Committee shall comply with those directions.

(8) Every Regional Sports Co-ordinating Committee, other than the Regional Sports Co-ordinating Committee referred to in section 3(2), shall receive such assistance, as may be prescribed, from the local authority having jurisdiction under the Local Government Act, over the area for each sports region.

#### **4. Sports Federations**

- (1) (a) There shall, subject to paragraph (b), be one Sports Federation responsible for the promotion and organisation of every sport listed in Parts I and II of the Second Schedule.
- (b) The Minister may, where he is of opinion that 2 or more sports are technically similar, after consultation with the Olympic Committee, authorise a Sports Federation to be responsible for 2 or more sports.
- (2) Every Sports Federation shall, in respect of the sport for which it is responsible -
  - (a) enrol every sports club and Regional Sports Committee which complies with this Act and with its rules;
  - (b) after consultation with the sports club, allocate it to the appropriate region;
  - (c) determine the Division in which the sports club shall, on enrolment, be entered for the purpose of any national championships;
  - (d) ensure that every sports club enrolled with it -
    - (i) has the name of the locality where its sports or management premises are situated as part of its name;



- (ii) admits its members and elects its managers in such a way that no person is disqualified or ineligible by reason of race, community, caste, creed or colour;
  - (iii) conducts its business so that it does not foster any ill feeling towards a section of the community;
  - (iv) includes in its rules a provision equivalent to rule 2(j) of the Third Schedule;
- (e) represent that sport on the Olympic Committee;
  - (f) be the only sport organisation empowered to -
    - (i) seek and maintain affiliation with the appropriate international governing body;
    - (ii) deliver licences for that sport to the members of a sports club or a Regional Sports Committee enrolled with it;
  - (g) adopt, as part of its rules, the standard basic rules set out in the Third Schedule;
  - (h) operate, independently of every other Sports Federation, under the aegis of the Olympic Committee;
  - (i) ensure the implementation of any rules made, or sanction imposed, by the appropriate international governing body or the Olympic Committee;
  - (j) subject to section 7, select national teams for international competitions;
  - (k) develop and promote sports at grassroot level for the people;
  - (l) arrange for the medical control of the members of every sports club enrolled with it and use all possible means to ensure compliance by those members with any rule against the use of any prohibited substance during training and in regional, national and international competitions;
  - (m) work in collaboration with the appropriate Regional Sports Co-ordinating Committee for the promotion of that sport;
  - (n) make available to the Minister, the Olympic Committee and the Regional Sports Co-ordinating Committee, a copy of its rules; and

- (o) conduct its business in such a manner that it does not foster any ill feeling towards any section of the community.
- (3) Every Sports Federation may -
- (a) receive assistance for the furtherance of its objects from the Ministry, the Sports Council and the Olympic Committee;
  - (b) take such disciplinary action as it thinks fit against -
    - (i) a sports club enrolled with it; or
    - (ii) any member of a sports club who holds a licence issued by it;
  - (c) organise competitions at regional, national or international level;
  - (d) consult the appropriate Multisport Organisation in respect of the programme of activities of that Multisport Organisation for each year; and
  - (e) grant such awards as it thinks fit.

(4) Notwithstanding subsection (2)(i) and (l) and subsection (3)(b), where the result of a doping test conducted in a laboratory recognized by the International Olympic Committee and/or World Anti- Doping Agency reveals that a person holding a licence issued by a Sports Federation has made use of a prohibited substance, such person shall be administered a warning of which such publicity as the Sports Federation may deem appropriate, shall be given, or be banned from participation in any regional, national or international sports event for such period as the appropriate international governing body may determine.

(5) Article 910 of Code Napoleon shall not apply to Sports Federations.

## **5. National General Assembly of Sports Federations**

(1) There shall be a National General Assembly of a Sports Federation which shall consist of voting members and non-voting members.

- (2) The voting members of the National General Assembly shall be -
- (a) in the case of a Federation being responsible for individual sports, 3 representatives elected by the Managing Committee of the Regional Sports Committee for each sport region, each representative having one vote;
  - (b) in the case of a Federation being responsible for team sports -

- (i) three representatives of each of the National First Division clubs, each having one vote;
  - (ii) two representatives of each of the National Second Division clubs, each having one vote;
  - (iii) one representative of each Regional Sports Committee elected from the members representing regional sports clubs on the respective Regional Sports Committee, each having one vote.
- (3) The non-voting members of the National General Assembly shall be -
- (a) the honorary members; and
  - (b) such employees of the Sports Federation as may be co-opted by the President of the Sports Federation.

## **6. National Managing Committee of Sports Federations**

(1) The representatives at the National General Assembly shall elect among themselves, members to form the National Managing Committee made up as follows -

- (a) in the case of a Sports Federation responsible for individual sports, not less than 7 and not more than 11 members elected for a period of 4 years;
- (b) subject to paragraph (c) in the case of a Sports Federation responsible for team sports 11 members elected for a period of 4 years, as follows-
  - (i) 6 representatives from National First Division Clubs;
  - (ii) 3 representatives from National Second Division Clubs; and
  - (iii) 2 representatives from Regional Sports Committees,
- (c) Each of the 6 representatives and each of the 3 representatives referred to in paragraph b (i) and (ii) above shall be from different National First Division Clubs and National Second Division Clubs respectively.

## **7. Multisport Organisations**

(1) Notwithstanding section 4, there shall, for the promotion of sports by, and the organisation of competitions between, the sports clubs or colleges affiliated to them

and the persons holding a licence issued pursuant to subsection (3)(d), be the following Multisport Organisations -

- (a) the Mauritius Secondary Schools Sports Association to which shall be affiliated every secondary school which makes a written application to that effect;
  - (b) the Mauritius Corporate Sports Federation ('Fédération Mauricienne des Sports Corporatifs') to which shall be affiliated every corporate sports club which makes an application to that effect;
  - (c) the Visually Handicapped Persons Sports Federation;
  - (d) the Aurally Handicapped Persons Sports Federation;
  - (e) the Physically Handicapped Persons Sports Federation;
  - (f) the Mentally Handicapped Persons Sports Federation.
- (2)
- (a) Any group made up of persons referred to in subsection (1)(c), (d), (e) or (f) may organise themselves into a sports club having its sports or management premises in a region.
  - (b) Any sports club set up pursuant to paragraph (a) may apply to be affiliated to the appropriate Multisport Organisation.
- (3) Every Multisport Organisation shall -
- (a) conduct its business so that it does not foster any ill feeling towards a section of the community;
  - (b) where appropriate seek and maintain affiliation with the appropriate international governing body;
  - (c) ensure that every sports club affiliated to it conducts its business so that it does not foster any ill feeling towards a section of the community;
  - (d) issue licences and make provision for appropriate insurance cover for, the members of every sports clubs affiliated to it;
  - (e) after consultation with the appropriate Sports Federation, establish its programme of activities for each year and organise competitions at regional, national or international level;
  - (f) select national teams for international competitions;

- (g) arrange for the medical control of the members of every sports club affiliated to it and of the other persons referred to in paragraph (d);
  - (h) use all possible means to ensure compliance, by any such person referred to in paragraph (g), with any rule against the use of any prohibited substance during training and in any regional, national or international competitions.
  - (i) ensure the implementation of any sanction imposed by the appropriate international governing body;
  - (j) adopt, as part of its rules, such standard basic rules as may be prescribed;
- (4) Every Multisport Organisation may -
- (a) take such disciplinary action as it thinks fit against a sports club affiliated to it and any member of a club or other person who is the holder of a licence issued by it;
  - (b) grant such awards as it thinks fit.

## **8. Recognition of Sports Federations and Multisport Organisations**

(1) Every association which wishes to operate as a Sports Federation or a Multisport Organisation shall make a written application to the Minister for recognition.

(2) Every application under subsection (1) shall be accompanied by satisfactory evidence that the applicant -

- (a) has the required administrative and technical set-up to promote satisfactorily the sport specified in the application;
- (b) has adopted as part of its rules -
  - (i) in the case of a Sports Federation, the standard basic rules specified in the Third Schedule;
  - (ii) in the case of a Multisport Organisation, such standard basic rules as may be prescribed;

- (c) in the case of a Multisport Organisation specified in section 5(1)(c), (d), (e) or (f), represents the appropriate category of handicapped persons.

(3) Where the Minister is satisfied that the applicant complies with this Act, he shall issue a conditional certificate of recognition pending the registration of the applicant by the Registrar of Associations under the Registrar of Association Act.

- (4)
  - (a) The applicant shall, not later than 3 months after it has been granted a conditional certificate of recognition, apply to the Registrar of Associations for registration.
  - (b) Where the applicant fails to comply with paragraph (a), its conditional certificate of recognition shall lapse.
  - (c) No association shall be registered as a Sports Federation or a Multisport Organisation unless it has been granted a conditional certificate of recognition.

(5) The Minister shall, after consultation with the Olympic Committee or, as the case may be, the Paralympic Committee, and on being satisfied that an association has been registered as a Sport Federation or a Multisport Organisation, grant a certificate of recognition to the association.

(6) The Minister shall, after consultation with the Olympic Committee or, as the case may be, the Paralympic Committee, suspend or cancel a certificate of recognition where he is satisfied that the Sports Federation or Multisport Organisation no longer fulfils the requirements of this Act.

## **9. Regional Sports Committees**

(1) Subject to subsection (3), every Sports Federation shall, in respect of the sport for which it is responsible, set up a Regional Sports Committee in each region consisting of representatives of sports clubs which comply with this Act and which are enrolled with it.

- (2) A Regional Sports Committee shall -
  - (a) adopt as part of its rules such standard basic rules as may be prescribed;
  - (b) have such powers and duties, not inconsistent with this Act, which the appropriate Sports Federation may assign to it; and
  - (c) shall be registered with the Registrar of Associations.

- (3) (a) Every Sports Federations shall, within 2 years from the date of the coming into force of this Act, implement the provisions of this Act relating to regionalisation;
- (b) Where the level of participation in any sport is low, the Minister may, for a maximum period of 2 years from the end of the period of 2 years specified in subparagraph (a) above, authorise a Sports Federation to operate in a minimum of 8 sports regions or such combined regions as the Minister may think appropriate;
- (c) Notwithstanding subsection 3(b), in the case of sports listed in the Sixth Schedule, the Minister may authorise their operation in a minimum of 8 sports regions or such combined regions as the Minister may think appropriate;
- (4) (a) There shall be a General Assembly of each Regional Sports Committee which shall meet at least once every year and which shall be known as the Regional General Assembly.
- (b) Every sports club enrolled with the Regional Sports Committee shall send one representative to the Regional General Assembly.
- (c) The Regional Sports Co-ordinating Committee may depute one of its members to attend a Regional General Assembly of the Regional Sports Committee and that member shall have no right to vote.
- (d) The representatives present at the first Regional General Assembly shall -
- (i) in the case of a Federation being responsible for individual sports, elect from among themselves, not less than 7 and not more than 11 persons to sit on the Managing Committee of the Regional Sports Committee, for a period not exceeding 4 years; and
- (ii) in the case of a Federation being responsible for team sports, elect from among themselves, not less than 7 and not more than 11 persons, of whom one representative shall be from each National First Division clubs and National Second Division clubs, respectively, and the remaining from representatives of clubs engaged in the Regional League, to sit on the Managing Committee of the Regional Sports Committee for a period not exceeding 4 years.

- (e) The members of the Managing Committee shall, soon after their election, meet to elect from among themselves, a President, a Vice-President, a Secretary and a Treasurer.
- (f) Any vacancy among the membership of the Managing Committee shall be filled by the General Assembly.
- (g) The Secretary of every Regional Sports Committee shall give previous written notice of the holding of every meeting of its Managing Committee to the President of the appropriate Sports Federation, and the latter may attend any such meeting but shall not have the right to vote.

## **10. Sports Clubs**

(1) Every sports club the members of which practise any sport listed in the Second Schedule for competitive purposes shall -

- (a) have as part of its name the name of the locality where its sports or management premises are situated together with -
  - (i) the words “Sports Club”; or
  - (ii) the name of the sport it practises followed by the word “Club”; or
  - (iii) the words or expressions such as “United”, “Rovers” or “Union” in the French or English language;
- (b) admit its members and elect its managers in such a way that no person is disqualified or ineligible by reason of race, community, caste, creed or colour;
- (c) conduct its business so that it does not foster any ill feeling towards a section of the community; and
- (d) be registered with the Registrar of Associations before seeking enrolment with its respective Regional Sports Committee.

(2) Every sports club, the members of which practise a sport listed in Parts I and II of the Second Schedule, other than a secondary school, shall not later than 6 months after its coming into existence, apply for enrolment with the appropriate Regional Sports Committee.



(3) Every corporate sports club shall, not later than 6 months after its coming into existence apply for enrolment with the Mauritius Corporate Sports Federation.

(4) Every sports club, the members of which are persons referred to in section 5(I)(c) to (f) shall, not later than 6 months after its coming into existence, apply for enrolment with the appropriate Multisport Organisation.

(5) An application under subsection (2), (3) or (4) shall include an undertaking that the sports club complies with the requirements of this Act.

(6) (a) Every sports club shall, as soon as it is enrolled with a Regional Sports Committee, be also enrolled with the appropriate Sport Federation.

(b) No sports club shall be enrolled with a Sports Federation unless it has been enrolled with a Regional Sports Committee.

(7) (a) A Sports Federation or a Multisport Organisation may suspend or cancel the enrolment of a sports club where it is satisfied that the club no longer fulfills the requirements of this Act.

(b) Where the enrolment of a sports club has been suspended or cancelled pursuant to paragraph (a), it shall stop or cease to be enrolled, as the case may be, with the Regional Sports Committee with which it was enrolled.

### **PART III - OLYMPIC COMMITTEE**

#### **11. Mauritius National Olympic Committee**

(1) There shall be established, for the purposes of this Act, a Mauritius National Olympic Committee which shall -

- (a) be a non-profit making body corporate;
- (b) adopt, as part of its rules, the standard basic rules set out in the Fourth Schedule;

(2) The objects of the Olympic Committee shall be -

- (a) to promote sports in general and the Olympic movement;
- (b) to promote the enforcement of the rules of the Olympic Charter;
- (c) to encourage and promote the participation of Mauritius in the Olympic games and in Regional, Continental and International

games having the patronage of the International Olympic Committee;

- (d) to undertake the organisation of the games specified in paragraph (c) in Mauritius whenever possible;
  - (e) to ensure the legal protection of the Olympic emblem, flag, symbol and motto and the use of the words “Olympic” and “Olympiad”;
  - (f) to take action against any form of discrimination and violence in sport and to fight against the use of prohibited substances; and
  - (g) to safeguard its autonomy.
- (3) The Olympic Committee shall establish a General Fund -
- (a) into which all monies received by it shall be paid; and
  - (b) out of which all payments required for the purpose of its activities shall be made.
- (4) The Olympic Committee shall derive its income from -
- (a) membership subscriptions;
  - (b) subsidies from the Government and contributions, gifts and bequests from any other source;
  - (c) proceeds from publicity and commercial operations made or conducted while respecting the Olympic spirit; and
  - (d) other fund raising activities.
- (5) The Olympic Committee shall use its funds for the promotion of its objectives and may also, according to its means -
- (a) financially assist a Sports Federation;
  - (b) assist in financing the construction of installations and equipment in the field of sport;
  - (c) generally promote the development of sport;
- (6) No transaction concerning immovable property belonging to or to be purchased by the Olympic Committee shall be of any effect, unless it has been approved by the General Assembly referred to in rule 4 of the Fourth Schedule.

(7) Article 910 of the Code Napoléon shall not apply to the Olympic Committee.

(8) (a) Subject to paragraph (b), any document shall be deemed to be executed by or on behalf of the Olympic Committee if it is signed by the President and one of its members appointed for the purpose by the Executive Board referred to in rule 5(1) of the Fourth Schedule.

(b) Every cheque issued by or on behalf of the Olympic Committee shall be signed by -

(i) its President or Vice-President; and

(ii) its Secretary-General or Treasurer.

(9) Service of process on or on behalf of the Olympic Committee shall be made on or by the President or on his behalf.

## **12. Mauritius Paralympic Committee**

(1) There shall be a Mauritius National Paralympic Committee which shall be composed of one representative from each of the Multisport Organisations referred to in section 5(1) (c), (d), (e) and (f).

(2) The Paralympic Committee shall coordinate the participation of handicapped persons in the sports events in which they compete.

(3) The representative of each Multisport Organisation referred to in section 5(1)(c), (d), (e) and (f) shall, on a rotational basis and for a period not exceeding 2 years, be the Chairman of the Paralympic Committee.

(4) Every representative of a Multisport Organisation shall have one vote on any matter before the Paralympic Committee and in case of equality of votes, the Chairman shall have a casting vote.

(5) The Paralympic Committee shall adopt as part of its rules such standard basic rules as may be prescribed.

## **13. The Mauritius Arbitration Commission for Sports**

(1) There shall be a Mauritius Arbitration Commission for Sports which shall operate under the aegis of the Olympic Committee.

(2) The Commission shall have jurisdiction to -

- (a) deal with any dispute relating to sports other than one which involves disciplinary measures;
- (b) adjudicate on any dispute involving Sports Federations, Multisport Organisations, sports clubs and any member thereof, referees and coaches;
- (3) The business of the Commission shall be carried out in accordance with the Fifth Schedule.

## **PART IV – SPORTS COUNCIL**

### **14. Sports Council**

(1) There shall be a Mauritius Sports Council which shall be composed of 12 members, including a Chairman, appointed by the Minister for a period of 2 years, who may be paid such allowance as the Minister thinks appropriate.

(2) The Minister may give such directions of a general nature to the Sports Council not inconsistent with this Act as he considers necessary in the interest of sports and the Sports Council shall comply with those directions.

The Sports Council shall -

- (3) (a) develop and improve among the public at large the practice of sport in conjunction with the other bodies dealing with sport in Mauritius;
- (b) foster and support the provision of facilities for sports;
- (c) encourage and support other persons or bodies in carrying out research and studies into matters concerning any sports and physical activities and dissemination of knowledge and advice on these matters;
- (d) advise and co-operate with the Minister and other bodies dealing with sports and physical activities in Mauritius.
- (e) subject to section 15, allocate grants to any other body dealing with sports which complies with this Act.

### **15. Income of the Sports Council**

- (1) The Sports Council shall derive its income from -
  - (a) subsidies from the Government; and

(b) such other source as may be approved by the Minister.

(2) The Sports Council may call for and receive donations from the public.

(3) Any donation and subsidy received by the Sports Council shall be used by the Council to further the functions of the Council set out in section 14.

(4) Article 910 of the Code Napoléon shall not apply to the Sports Council.

## **16. Grants by the Sports Council**

(1) Where any body or association dealing with sports or physical activities wishes to obtain a grant from the Sports Council, it shall make an application in such form as may be approved by the Sports Council.

(2) Any application referred to in subsection (1) which emanates from a body or association in Rodrigues shall be channelled through the Regional Sports Co-ordinating Committee for that region and the Regional Sports Co-ordinating Committee shall, for the purposes of this section, be deemed to be the applicant.

(3) No application shall be granted under subsection (1) unless the applicant furnishes to the Sports Council -

(a) its calendar of activities together with the corresponding estimated expenditure, for such period as shall be specified in the application form;

(b) information in relation to sponsorship fees received in connection with its calendar of activities; and

(c) such other documents or information as the Sports Council may require.

(4) Where the Sports Council is satisfied that a grant may be made, it may allocate the grant in one lump sum or in not more than 3 installments over a period of one year.

(5) A body or association to which a grant has been made shall submit to the Sports Council a duly audited statement of accounts within 4 months of the expiry of the period referred to in subsection (4), failing which it shall cease to be eligible for any further grant.

## **17. Annual report of the Sports Council**

(1) The Sports Council shall submit to the Minister an annual report on its financial affairs at the end of each financial year.

- (2) The report shall include -
- (a) a balance sheet; and
  - (b) a statement of income and expenditure during the year.

## **PART V - INSTITUTE FOR DRUG-FREE SPORT**

### **18. Establishment of the Institute**

There shall be, for the purposes of this Act, a Mauritius Institute for Drug-Free Sports.

### **19. Objects of the Institute**

The objects of the Institute shall be to -

- (a) promote participation in sports, free from the use of prohibited substances or methods intended to artificially enhance performance thereby rendering impermissible doping practices which are contrary to the principles of fair play and medical ethics, in a manner consistent with protecting the health and well being of competitors, and the rights of all persons who take part in sports;
- (b) encourage the development of programmes for the education of the community in general, and the sporting community in particular, in respect of the dangers of doping in sports.
- (c) provide leadership in the development of a national strategy concerning doping in sports;
- (d) bring about the introduction of a centralised independent sample collection and testing programme, which may subject any sportsperson to dope testing at short notice, or without notice, both in and out of competition;
- (e) encourage the Sports Federations and other sports organisations to adopt uniform independent internationally acceptable sample collection and testing procedures;

- (f) encourage the development and maintenance of a sports drug testing laboratory or laboratories accredited by the International Olympic Committee; and/or World Anti-Doping Agency; and
- (g) to promote and encourage the adoption of uniform sample collection and testing procedures, and education programmes relating to doping in sports internationally.

## **20. Duties and powers of the Institute**

- (1) The Institute shall -
  - (a) draw up and maintain a list of prohibited substances and practices contained in the “List of Doping Classes and Methods”, published annually by the International Olympic Committee, or W.A.D.A. and other relevant Sporting Federations;
  - (b) establish and maintain a Register of Notifiable Events;
  - (c) notify relevant persons and organisations of entries into the Register of Notifiable Events;
  - (d) disseminate information relating to the penalties likely to be imposed if licence holder test positive for doping, or if they fail to comply with requests to provide samples for testing.
  - (e) select licence holders who are to be requested to provide samples for testing;
  - (f) collect samples from licence holders in accordance with approved guidelines; and secure the safe and tamper-free transit of samples to IOC and/or WADA-accredited laboratories for testing;
  - (g) develop and implement educational programmes to discourage the practice of doping in sport;
  - (h) consult with, assist, co-operate with and provide information to governmental and non-governmental organisations and other persons within Mauritius and internationally;
  - (i) take steps aimed at ensuring that Mauritius complies with international agreements and other arrangements concerning the use of drugs and doping in sport, to which Mauritius is a party;

- (j) undertake research, co-ordinate and arrange for research to be undertaken in the field of performance-enhancing drugs and doping practices in sports; and
- (k) encourage the pursuit of optimal sports performances in an environment free from the use of drugs.

(2) Any failure of any Sports Federation to co-operate with the Institute shall be reported to the Minister, who shall take up the matter with the appropriate international governing body.

## **21. The Council**

(1) There shall be a Council of the Institute which shall be responsible for the management and administration of the Institute and shall have general control over the conduct of the affairs of the Institute and take such measures as it thinks fit to achieve the objects of the Institute.

(2) The Council shall consist of 12 members appointed by the Minister, after consultation with the Mauritius National Olympic Committee, for a period of 2 years on such terms and conditions as the Minister may think fit.

(3) The Council shall, after consultation with the Minister, appoint from among its members, a Chairperson and a Vice-Chairperson who shall perform the functions of the Chairman during a vacancy in that office or during the inability of the Chairman to perform his functions.

(4) The Members of the Council shall be eligible for reappointment at the expiry of their office.

(5) The Minister may remove any member of the Council from office where -

- (a) that member contravenes or fails to comply with any provision of this Act;
- (b) that member is unable to perform his or her functions as a member due to physical or mental illness;
- (c) that member is convicted of an offence and sentenced to imprisonment;
- (d) that member without lawful cause is absent from three consecutive meetings of the Council; or
- (e) the Council recommends that such member shall vacate his or her office.



(6) The Minister may designate such public officers as he thinks fit, including a Secretary, to assist in conducting its business.

(7) The Minister may appoint such persons having specialised expertise in any matter on an adhoc basis and on such terms and conditions as he may approve, to assist the Council in the conduct of its business.

(8) A member appointed on a full-time basis shall not, except with the written approval of the Minister, engage in any paid employment outside the duties of the office of the member.

(9) No member of the Council shall engage in any employment which conflicts with the proper performance of the functions of such member.

(10) The Minister may give such directions of a general nature to the Council not inconsistent with this Act as he considers necessary in the interests of sports, and the Council shall comply with these directions.

## **22. Meetings of Council**

(1) The meetings of the Council shall be held at least once monthly at such times and places as the Chairperson may determine.

(2) If both the Chairperson and Vice-Chairperson are absent from a meeting of the Council, the members present shall elect one of their members to preside at that meeting.

(3) The quorum for any meeting of the Council shall be a majority of the total number of members present.

(4) The decision of the majority of the members of the Council present at a meeting shall constitute a decision of the Council, and in the event of an equality of votes concerning any matter, the member presiding at the meeting shall have a casting vote in addition to such member's deliberative vote.

(5) The Council shall determine the procedure for its meetings and shall ensure that the principles of transparency, openness and public participation are observed at such meetings.

(6) The Council shall cause minutes to be kept of its proceedings.

## **23. Income of the Institute**

(1) The Mauritius Institute for Drug-free Sports shall derive its income from -

- (a) subsidies from the Government; and
- (b) such other source as may be approved by the Minister.

(2) The Mauritius Institute for Drug-free Sports may call for and receive donations from the public.

(3) Any donation and subsidy received by the Mauritius Institute for Drug-free Sports shall be used by the Institute to further the functions of the Institute set out in section 20.

(4) Article 910 of the Code Napoleon shall not apply to the Mauritius Institute for Drug-free Sports.

## **24. Appeals Board**

(1) There is established, for the purposes of this Act, an Appeal Board which shall -

- (a) consist of a Chairman, who shall be an attorney or barrister-at-law of not less than 10 years standing and 2 other members, appointed by the Minister after consultation with the Mauritius National Olympic Committee;
- (b) hear and determine any appeal against a decision of a Sports Federation regarding drug-taking or doping under this Act.

(2) Any person aggrieved by a decision of a Sports Federation in respect of drug-taking or doping under this Act, may appeal to the Appeal Board.

(3) The Appeal Board may confirm, vary or set aside any sanction imposed by a Sports Federation in respect of drug-taking or doping.

(4) The members of the Appeal Board shall be appointed on such terms and conditions and shall be paid such fees as the Minister may determine.

(5) The Appeal Board shall regulate its proceedings in such matter as it thinks fit.

## **PART VI – TRAINING AND SPORTS INSTALLATIONS AND “COMITES DE GESTION”**

### **25. Training and Sports Instalations**

(1) Every Sports Federation and every Multisport Organisation shall, in respect of any sport for which it is responsible, arrange for courses of training to be organized including a course of training leading to the award of the “Brevet d’Etat de

Cadre Sportif (B.E.C.S.), in such manner as may be prescribed, to benefit all persons who coach sportsmen in that sport.

- (2) (a) The Minister may, after consultation with the appropriate Sports Federation -
  - (i) set up a National Training Centre (“Centre National d’Entrainement et de Formation”) for every sport listed in Part I of the Second Schedule;
  - (ii) appoint a Chairman and not more than 10 members to make up the Management Committee of every National Training Centre out of which not less than 2 members shall be from the appropriate Sport Federation;
- (b) Every National Training Centre -
  - (i) may set up and operate such regional training centres as it thinks necessary;
  - (ii) shall conduct its business in such manner as may be agreed between its Management Committee, the appropriate Sports Federation and the Minister;

## **26. Sports installations**

(1) Every body or association which manages, or is in any way concerned with the management of any sports installation or equipment set up with assistance from the Government shall -

- (a) having regard to the purpose for which the sports installation or equipment was set up, make it accessible to all sections of the sporting community;
- (b) arrange for the sports installation or equipment to be so designed or adjusted as to make it accessible to the school population and to handicapped persons.

(2) The Minister may, after consultation with the relevant body, association or authority give such directions in writing, as he thinks fit for the use of any sports installation or equipment specified in subsection (1).

(3) The Minister may set up such committees to be known as “Comités de Gestion” as he thinks fit, for the Management of sports installations, and such committees shall have such functions and be constituted in such manner as are set out in the Eighth Schedule.

(4) In this section, “sports installations” includes sports equipment, sports facilities and sports infrastructure.

## **PART VII – MISCELLANEOUS**

### **27. Regulations**

(1) The Minister may -

- (a) make such regulations as he thinks fit for the purposes of this Act;
- (b) by regulations, amend the Schedules.

(2) Any regulation made under subsection (1) may provide for the levying of charges and the payment of fees.

### **28. Consequential amendment**

The Registration of Association Act is amended in section 6(4) by deleting the word '1999' and replacing it by the word '2001'.

### **29. Transitional provisions**

(1) A Regional Sports Council established prior to the commencement of this Act shall be deemed to have been established as a Regional Sports Coordinating Committee pursuant to this Act and any of its members appointed for a specified period of time by the Minister may have his appointment terminated, renewed or otherwise varied.

(2) The Mauritius National Olympic Committee established under the Sports Act 1999 shall be deemed to have been established under this Act.

(3) Every Sports Federation and Multisport Organisation set up under the Sports Act 1999 shall -

- (a) be deemed to have been set up under this Act;
- (b) not later than 6 months after the commencement of this Act, amend its rules so as to comply with this Act, failing which it shall cease to be recognised by the Minister;

(4) Any Regional Sports Committee for individual sports established prior to the commencement of this Act shall be deemed to have been established as a Regional Sports Committee for individual sports pursuant to this Act.

(5) This Act shall apply to any Regional Sports Committee set up, or to any of its Regional General Assembly or National General Assembly held, or to any of its Managing Committees constituted, in any year following the year in which it comes into force.

(6) Notwithstanding any other enactment or rules of any Sports Federation, the Sports Federation known as the Mauritius Football Association shall hold, not later than 3 months after the commencement of this Act, a first Regional General Assembly in each and every sports region with a view to elect the Regional Sports Committees in accordance with section 7, followed by a National General Assembly as required under section 5 with a view to electing a National Managing Committee within the meaning of section 6.

(7) (a) Subject to subparagraph (b) and notwithstanding any other enactment or rules of any Sports Federation, the Sports Federation known as the Mauritius Basketball Federation, the Mauritius Volleyball Association and the Mauritius Handball Association, respectively, shall hold, not later than 6 months after the commencement of this Act, a first Regional General Assembly in each and every sports region with a view to electing the Regional Sports Committees in accordance with section 7, followed by a National General Assembly as required under section 5 with a view to electing a National Managing Committee within the meaning of section 6.

(b) The Presidents of the Mauritius Basketball Federation, the Mauritius Volleyball Association and the Mauritius Handball Association, respectively, duly elected under the Registration of Associations Act 1974 and holding office before the coming into operation of this Act, shall not be deemed to have served one complete mandate and shall accordingly be eligible to stand as candidate for re-election as President of that Federation within the meaning in section 6(5)(c) of the Third Schedule to the Act.

(8) The appointments specified in section 3(2)(d) and (e) shall -

(a) pending the assumption of office by the Chief Commissioner, be made by the Minister responsible for the subject of Rodrigues;

(b) where they have been made under paragraph (a), lapse upon the assumption of office by the Chief Commissioner, and fresh appointments or the reappointment of the persons already appointed, be made by the Chief Commissioner;

### **30. Repeal**

The Sports Act 1999 is repealed.

**31. Commencement**

- (1) This Act shall come into operation on a day to be fixed by Proclamation.
- (2) Different dates may be fixed for the coming into operation of different sections of this Act.

FIRST SCHEDULE

(section 3)

**SPORT REGIONS**

Port Louis  
Beau Bassin/Rose Hill  
Quatre Bornes  
Vacoas/Phoenix  
Curepipe  
Pamplemousses District  
Rivière du Rempart District  
Moka District  
Flacq District  
Black River District  
Savanne District  
Grand Port District  
Rodrigues

**SECOND SCHEDULE**

(section 4)

**Part I**

**OLYMPIC SPORTS**

1. Archery
2. Athletics
3. Badminton
4. Basketball
5. Boxing
6. Cycling
7. Equestrian
8. Football
9. Handball
10. Judo
11. Swimming
12. Table Tennis
13. Tae Kwon Do
14. Tennis
15. Triathlon
16. Volleyball
17. Weightlifting
18. Wrestling
19. Yachting

**Part II**

**NON-OLYMPIC SPORTS**

1. Billiards
2. Bodybuilding
3. Bridge
4. Chess
5. French Boxing
6. Golf
7. Karaté
8. Kick Boxing
9. Motorcycling
10. Petanque
11. Squash
12. Underwater Diving



## **THIRD SCHEDULE**

*(section 4)*

### **STANDARD BASIC RULES FOR SPORT FEDERATIONS**

#### **1. Interpretation**

In these rules -

"authorised officer" means any public officer designated by the Minister of Finance;

"General Assembly" means the General Assembly of a Sports Federation referred to in rules 6 and 11;

"Managing Committee" means the Managing Committee of a Sports Federation referred to in rule 7.

#### **2. Duties and Powers of Sport Federations**

A Sports Federation shall, in respect of the sport for which it is responsible -

- (a) evolve, in collaboration with all sectors concerned, a yearly programme of activities and ensure the implementation, and carry out a qualitative and quantitative evaluation of that programme;
- (b) ratify competition results and keep an up-to-date list of national records;
- (c) take all reasonable steps, where necessary, to ensure that coaches, technical officials, referees, competitors and women athletes shall form separate associations so as to be represented in its Managing Committee;
- (d) arrange for insurance cover against possible accidents by its licence holders and officials during training and competitions;
- (e) contribute to the setting up of installations and equipment required for the development of that sport;
- (f) arrange for regular doping control upon any licensee during and out of competition period;

- (g) make provision in its rules for all disputes involving its office bearers, referees, technical officials, coaches and sportsmen/sportswomen to be referred to the Commission in the first instance;
- (h) make provision for the sports clubs and Regional Sports Committees enrolled with it to be held responsible for any misconduct of their supporters;
- (i) include in those provisions appropriate sanctions to be taken against those sports clubs and regional sports committees for any misconduct of their supporters;
- (j) undertake to-
  - (i) bring before the Commission any dispute which cannot be resolved by amicable means and which is within the jurisdiction of the Commission;
  - (ii) accept the decision of the Commission as being final and conclusive of the dispute;
- (k) conduct the specialised component of the training courses for sport cadres leading to the *Brevet d'Etat de Cadre Sportif ( BECS)*;

### **3. Membership**

- (1) A Sports Federation shall consist of -
  - (a) enrolled Regional Sports Committees and sports clubs, the members of which practise the sport for which it is responsible; and
  - (b) not more than 5 honorary members.
- (2) Any person present at a meeting of the National General Assembly may propose for nomination as honorary member-
  - (a) a person who has rendered exceptional service to and proved his devotion in furtherance of, the objects of the Sports Federation; or
  - (b) a former member of its Managing Committee.

#### **4. Annual dues**

(1) Every member, other than an honorary member, shall pay to the Sports Federation such annual fee on such dates as may be determined by the General Assembly.

(2) A member who fails to pay the membership fee on the date specified in paragraph (1) shall forfeit his right to vote.

#### **5. Termination of membership**

(1) A member shall cease to be a member of a Sports Federation -

- (a) with the winding up or voluntary withdrawal from the Sport Federation of a sports club;
- (b) on the resignation, signified by means of registered letter, or death, of an honorary member;
- (c) where he or it does not comply with the Act;
- (d) where the Managing Committee, after hearing his or its defence, strikes off the roll a member for -
  - (i) pursuit of objectives contrary to the rules of the Sports Federation or causing disrepute to the Sports Federation;
  - (ii) failure to pay to the Sports Federation the annual due referred to in rule 4(1) within 3 months of its being due;
  - (iii) refusal to comply with a decision taken by the National General Assembly;

(2) (a) A member who is struck off the roll by the Managing Committee may appeal to the National General Assembly;

- (b) The National General Assembly may, after hearing the member and examining the reasons for the decision of the Managing Committee, reverse that decision by a majority of members representing not less than three-quarters of the votes of all members present;

#### **6. Annual National General Assembly**

(1) The Annual National General Assembly shall be held not later than 3 months after the end of its financial year.

(2) The National General Assembly may meet at any time when it is convened -

- (a) by the President of the Sports Federation;
  - (b) at the request of the Management Committee; or,
  - (c) at the request of members representing at least one third of the total number of votes of all members of the Sports Federation.
- (3) (a) The quorum at any meeting of the National General Assembly shall be half the number of votes plus one, held by the total number of its members;
- (b) Where there is no quorum at an annual meeting, the annual meeting of the National General Assembly shall be postponed for 14 days and held at the same place and time with the same agenda as the original meeting, irrespective of the number of members present.

(4) The National General Assembly shall consider at its annual meeting the statement of accounts of the Sports Federation for the preceding year, the President's report on the activities of the Sports Federation during the preceding year and the programme of activities of the Sports Federation for the current year.

- (5) (a) There shall be held, not later than 4 months after the closing day of the Summer Olympic Games, a Special General Assembly for the purpose of designating the members of the National Managing Committee;
- (b) The members of the National Managing Committee shall, after their election meet to elect from among themselves a President, one or more Vice Presidents, a Secretary, an Assistant Secretary, a Treasurer, an Assistant Treasurer, who shall assume office immediately after the holding of the Special General Assembly;
- (c) (i) Subject to subparagraphs (ii) and (iii), no person shall hold office as President of the National Managing Committee of a Sports Federation beyond 2 mandates of 4 years each, that is to say, for a maximum of 8 years in total;
- (ii) Should any person for whatever reason default or be ousted whilst serving any mandate before the end of such a mandate, it shall nonetheless be deemed that such a person has served one full mandate for the purposes of this Act;

- (iii) A person specified in subparagraph (i) and (ii) shall be disqualified to stand as candidate for the office of President of a Sports Federation.

## **7. Managing Committee**

(1) No persons shall be eligible for election as member of the Managing Committee where he is a public officer posted in or employed by the Ministry, even on a part time basis.

- (2) (a) The National Managing Committee may co-opt on the Committee -
  - (i) the Chairman of the appropriate National Training Centre;
  - (ii) a representative of referees' or technical officials' association;
  - (iii) a representative of coaches' association;
  - (iv) a representative of athletes' association;
  - (v) a representative of women's association, where applicable.

(b) No co-opted member shall have the right to vote.

(c) The National Technical Director or Advisor/Coach appointed by the Minister, the national coach and the administrative secretary of a Sports Federation shall attend every meeting of the National Managing Committee but shall not have the right to vote.

(3) No person shall be a member of a Management Committee unless he has attained the age of 18 and he is a Mauritian citizen -

- (a) domiciled in Mauritius;
- (b) residing for more than 9 months in a year in Mauritius.

(4) The Managing Committee shall meet at least once monthly or at any time when it is convened by its President or at the request of at least 5 of its members.

(5) The quorum shall be constituted by more than half the number of voting members of the Managing Committee.

(6) A member of the Managing Committee who has unreasonably absented himself from 3 consecutive meetings of the Committee may be removed from office or suspended by the Committee.

- (7) (a) The National General Assembly may revoke the Managing Committee by taking a vote to that effect with a majority of three quarters of the total number of votes held by all members of the Assembly;
- (b) Where a National Managing Committee is revoked under paragraph (a), a new National Managing Committee shall be elected within a period of one month of the date of revocation of the last Committee.

(8) No member shall take part in the deliberation of the Managing Committee on any matter which directly concerns any sportsman to whom he is related by blood or marriage.

## **8. Office bearers of a Sports Federation**

(1) The office bearers of the Managing Committee shall also be the office bearers of the Sports Federation.

(2) The President shall be responsible for the proper running of the Sports Federation.

(3) The President shall notify the Minister, the Olympic Committee, the Sports Council of any change effected to the membership of the Managing Committee within 2 weeks of the date of the change.

## **9. Annual Report**

(1) The Treasurer of a Sports Federation shall prepare an annual report on the financial affairs of the Sports Federation at least one week before the date on which the National General Assembly holds its annual meeting.

(2) The report shall include -

- (a) a balance sheet;
- (b) an audited statement of income and expenditure during the year;
- (c) the report of the auditor on the accounts; and
- (d) an estimated budget for the following year.

(3) The report shall be submitted to the Minister, the Olympic Committee and the Sports Council not later than one month after the date of its approval by the National General Assembly.

(4) Any Sports Federation the turnover of which exceeds 500,000 rupees for any year shall cause its statement of income and expenditure to be audited by a qualified auditor as specified in the Companies Act 1984.

#### **10. Books of account**

All the books of accounts of a Sports Federation shall be presented on demand for inspection to an authorised officer or to any member of the Managing Committee.

#### **11. Amendment to rules and dissolution**

(1) An amendment to the rules of a Sports Federation or its dissolution shall be effected by a meeting of the National General Assembly specially convened for that purpose-

- (a) by the Managing Committee; or,
- (b) at the request of members holding at least half the total number of votes of all members of the Sports Federation which is notified to the Managing Committee at least one month before the date intended for the meeting.

(2) Where there is a proposal to amend the rules of a Sports Federation or to dissolve the Sports Federation, all the members of the Sports Federation shall be informed of the proposal at least 2 weeks before the date intended for the special meeting of the National General Assembly.

(3) The quorum for the special meeting of the National General Assembly shall be three-quarters of the total number of votes held by all the members of the Assembly.

(4) The decision to amend the rules of, or to dissolve, a Sports Federation shall be taken by a majority of members representing not less than three-quarters of the votes held by members present.

(5) The minutes of proceedings of the special meeting of the National General Assembly recording the decision to amend the rules of a Sports Federation or to dissolve a Sports Federation shall be submitted not later than 15 days after the decision to the Minister, the Mauritius National Olympic Committee and the Mauritius Sports Council.

## **FOURTH SCHEDULE**

*(section 9)*

### **STANDARD BASIC RULES OF THE MAURITIUS NATIONAL OLYMPIC COMMITTEE**

#### **1. Interpretation**

“Executive Board” means the Executive Board referred to in rule 5(1);

“Non-Olympic Sports Federation” means a Sports Federation affiliated to the International governing body of sport which does not feature on the Olympic Programme and which is not recognised by the International Olympic Committee;

“Olympiad” means a period of 4 years between 2 Olympic Games;

“Olympic Charter” means the Charter established by the International Olympic Committee;

“Olympic emblem or flag” means the emblem or flag of the International Olympic Committee with 5 interlaced rings of blue, yellow, black, green and red colour respectively;

“Olympic Sports Federation” means a Sports Federation affiliated to the international governing body of a sport and recognised by the International Olympic Committee as responsible for a sport which features on the Olympic Programme;

“retired athlete” means an athlete who has taken part in any games organised under the patronage of the International Olympic Committee.

#### **2. Use of Olympic emblem, flag, motto and name**

(1) Except on the occasion of the Olympic Day, the Olympic Committee may make use of the Olympic emblem, flag, symbol, motto or flame only upon the express approval of the International Olympic Committee.

(2) The Olympic Committee may also have its own emblem which shall be approved by the International Olympic Committee.

#### **3. Membership of the Olympic Committee**

(1) The Olympic Committee shall be composed of -

(a) a representative designated in writing by every Sports Federation;

(b) members of the International Olympic Committee, if any, and



- (c) such honorary members, if any, who may enable it to perform its tasks more efficiently or who have rendered eminent services to the cause of sport or olympism, to be appointed by the General Assembly for the duration of the current Olympiad.
- (2) The members referred to in paragraph (1) shall -
    - (a) be Mauritian nationals who are of age 18 and over; and
    - (b) serve on a voluntary basis.
  - (3) Membership of the Olympic Committee shall cease -
    - (a) in the case of a member referred to in paragraph (1)(a), where -
      - (i) the Sports Federation is dissolved;
      - (ii) the recognition of the Sports Federation is suspended or cancelled; or
      - (iii) the Sports Federation in writing designates another person to be its representative;
    - (b) in the case of a member referred to in paragraph (1)(b) and (c), upon his resignation signified by means of registered letter.
  - (4) The Executive Board may, after giving a hearing to the member concerned, expel a member for-
    - (a) non-payment of any membership subscription;
    - (b) infringement of the Olympic Charter; or
    - (c) loss of Mauritian nationality.
  - (5) A member aggrieved by the decision of the Executive Board under paragraph (4) may appeal to the General Assembly whose decision shall be final.

#### **4. General Assembly of the National Olympic Committee**

- (1) The supreme authority of the Olympic Committee shall be its General Assembly which shall be -
  - (a) composed of the members referred to in rule 3(1); and

- (b) the only body entitled to amend the rules of the Olympic Committee.
- (2) The General Assembly shall meet in ordinary session at least once a year in order to -
- (a) hear the President's report on the activities of the Executive Board;
  - (b) examine the audited statement of income and expenditure as presented by the Treasurer;
  - (c) approve the budget for the following year;
  - (d) appoint an auditor; and
  - (e) decide on any other item on the agenda.
- (3)
- (a) Subject to rule 5(1), the General Assembly shall also meet in special session once every four years in order to elect the members of the Executive Board;
  - (b) The meeting referred to in subparagraph (a) shall take place not less than 2 months not more than 6 months after the closing date of every Summer Olympic Games.
- (4)
- (a) Subject to subparagraph (b), every member referred to in rule 3(1)(a) and (b) shall be entitled to vote at every meeting of the General Assembly;
  - (b) Where specific Olympic matters are concerned, only the members referred to in rule 3(1)(b) and those members representing Sports Federations responsible for Olympic sports shall be entitled to vote at every meeting of the General Assembly;
- (5)
- (a) The Secretary General shall give not less than 15 days previous written notice to every member of the Olympic Committee of the holding of a General Assembly and of the agenda therefor;
  - (b) No vote shall be taken on any decision taken at a meeting of the General Assembly where less than one half of the members are present;
  - (c) Where there is an equality of votes the President shall have a casting vote.

## **5. Administration and Management of the Olympic Committee**

(1) The Olympic Committee shall be administered by an Executive Board which shall consist of -

- (a) 9 members elected from among representatives of Olympic Sports Federations;
- (b) members of the International Olympic Committee, if any;
- (c) one representative elected among the Non-Olympic Sports Federations from the list recognised by the International Olympic Committee;
- (d) a retired athlete appointed in such manner as may be determined by the other members of the Executive Board;
- (e) one honorary member.

(2) The Executive Board shall meet -

- (a) not later than 14 days after the holding of a Special General Assembly referred to in rule 4(3) to elect from among the members specified in paragraph (1)(a) and (b), a President, 2 Vice Presidents, a Secretary-General, and a Treasurer; and
- (b) thereafter at least once every 2 months.

(3) Any decision taken at a meeting of the Executive Board shall be valid if at least one half of its members are present.

(4) Where there is an equality of votes, the President shall have a casting vote.

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## **FIFTH SCHEDULE**

*(section 11)*

### **RULES OF THE MAURITIUS ARBITRATION COMMISSION FOR SPORTS**

#### **1. Composition**

(1) The Olympic Committee shall, through its Executive Board -

- (a) after consultation with the Minister, appoint a number of persons, not exceeding 15 to be members of the Commission for a period of 4 years, of which-

- (i) not less than one third shall be barristers or attorneys of not less than 10 years' standing;
  - (ii) the remainder shall be persons having outstanding competence and experience in sports;
  - (iii) none of whom shall have a direct or indirect interest in any matter at issue;
- (b) in case the seat of a member becomes vacant through death, resignation, revocation or any other cause, appoint another person in accordance with subparagraph (a) to replace him for the remainder of his term of office;
  - (c) cause the names of the members to be published in such manner as it thinks fit.

(2) Every member of the Commission shall, before assuming office, make and sign the following declaration before the Magistrate -

“I do swear (or solemnly affirm) that I will faithfully assume the office of arbitrator and I will not on any account for the good management of the Commission, disclose the deliberations or votes of the Commission and that I will act independently and objectively to the best of my judgment.”

## **2. Preliminaries to hearing**

(1) No person shall bring before the Commission a dispute which is the subject of proceedings before a court of law.

(2) In case of dispute between two parties, both parties must agree to refer such dispute to the Commission and undertake to abide by the decision of the Commission which shall be final and conclusive.

- (3) Any person who brings a dispute before the Commission shall -
  - (a) do so by registered letter addressed to the Secretary of the Olympic Committee setting out the grounds of his complaint;
  - (b) make a declaration to the effect that all other means of amicable settlement have been exhausted;
  - (c) make a deposit of 5,000 rupees to cover the costs of the arbitration.

### 3. Hearing of disputes

(1) On receipt of a complaint referred to in rule 2(3), the Secretary of the Olympic Committee shall -

- (a) cause the Executive Board to appoint 3 persons from among the members of the Commission (one of whom shall be a barrister or an attorney who shall chair the proceedings), none of whom shall have a direct or indirect interest in the matter at issue;
- (b) invite any other party to the dispute, by registered letter, to submit a Statement of Case in reply to the complaint not later than 15 days after the issue of the letter;
- (c) at the end of the time limit specified in subparagraph (b) refer the matter to the persons appointed to arbitrate;

(2) The arbitrators appointed pursuant to paragraph 1(a) shall -

- (a) summon the parties to the dispute, by registered letter, to attend the hearing which shall take at such time and place as they may appoint;
- (b) hear the parties to the dispute who may be legally or otherwise represented;
- (c) make an award on the matter not later than 2 months after the conclusion of the hearing;
- (d) except where the parties otherwise agree -
  - (i) make such award as they think fit for the costs of the arbitration against the losing party;
  - (ii) determine what part, if any, of the deposit made pursuant to rule 2(3)(c) should be reimbursed to the claimant;

**SIXTH SCHEDULE**

*[(section 9(3)(c))]*

**OLYMPIC SPORTS**

1. Archery
2. Equestrian
3. Triathlon
4. Yachting

**NON-OLYMPIC SPORTS**

1. Golf
2. Motorcycling
3. Squash
4. Underwater Diving

## **SEVENTH SCHEDULE**

*(section 2)*

### **LIST OF INDIVIDUAL SPORTS**

#### **Part 1**

##### **OLYMPIC**

1. Archery
2. Athletics
3. Badminton
4. Boxing
5. Cycling
6. Equestrian
7. Judo
8. Swimming
9. Table Tennis
10. Tae Kwon Do
11. Tennis
12. Triathlon
13. Weightlifting
14. Wrestling
15. Yachting

##### **NON-OLYMPIC**

1. Billiards
2. Body Building
3. Bridge
4. Chess
5. French Boxing
6. Golf
7. Karaté
8. Kick Boxing
9. Motorcycling
10. Petanque
11. Underwater Diving
12. Squash

## **PART 11**

### **LIST OF TEAM SPORTS**

#### **OLYMPIC**

1. Basket Ball
2. Football
3. Handball
4. Volleyball



## **EIGHTH SCHEDULE**

*(section 26(3))*

### **COMITE DE GESTION**

1. (a) A Committee shall manage the sports instalations, facilities and equipment placed at its disposal by the Sports Council or the Ministry of Youth and Sports, as the case may be, in order to ensure its effective operation, use and maintenance;
- (b) a detailed list of the facilities and equipment available will be prepared and signed by representatives of the Mauritius Sports Council and the Committee.
2. The Committee shall consist of -
  - (a) The Sports co-ordinator of the region;
  - (b) a representative, whether a village councillor or a municipal councillor or any person, of the local authority concerned;
  - (c) a representative or representatives of the Sports Federation(s) using the said installation; and
  - (d) 3 economic operators from the region nominated by the Minister for a period not exceeding 2 years.
3. The Ministry will be responsible for all capital works and Committee shall ensure the proper operation and maintenance of the sports instalation
4. Where the Committee considers that there is a need for additional sports instalations, it may, at its own expense, and after obtaining the authorisation of the Ministry through the Mauritius Sports Council, to acquire such sports instalations.
5. The Committee shall have the responsibility for the allocation of the sports facilities for football, athletics and other sports where facilities are available and, for any use, the Ministry shall be initially consulted through the Mauritius Sports Council.
6. Without prejudice to the other provisions of this Schedule, the Committee shall be responsible for -
  - (a) the day-to-day running and management as well as the maintenance of all instalations including parking facilities, fencing and training grounds outside the sports ground;
  - (b) the employment of the necessary operational staff, including labour force, as may be appropriate subject to the approval of the Mauritius Sports Council;

- (c) the raising of funds for the effective management and maintenance of the sports instalations;
- (d) subscribing appropriate insurance covers for the sports instalations and related facilities; and
- (e) presentation of an annual report, including a statement of accounts duly audited by the Director of Audit, to the Minister through the Mauritius Sports Council.