

REPUBLIC OF SOUTH AFRICA

**BOXING AND WRESTLING
CONTROL AMENDMENT BILL**

(As introduced in the National Assembly)

(MINISTER OF SPORT AND RECREATION)

[B 37—98]

REPUBLIEK VAN SUID-AFRIKA

**WYSIGINGSWETSONTWERP OP
DIE BEHEER VAN BOKS EN STOEI**

(Soos ingedien in die Nasionale Vergadering)

(MINISTER VAN SPORT EN ONTSPANNING)

[W 37—98]

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Boxing and Wrestling Control Act, 1954, so as to substitute a definition; to amend the constitution of the South African National Boxing Control Commission; to further provide for the compensation of the members of the commission; to extend and control the powers of the commission; to increase the amounts that may be advanced to the commission; to further provide for the establishment and functions of provincial boxing control commissions; to further regulate the stopping of a boxing contest or exhibition; and to increase penalties; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 39 of 1954, as amended by section 1 of Act 51 of 1973, section 1 of Act 62 of 1980, section 1 of Act 30 of 1988 and section 1 of Act 88 of 1993

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1. Section 1 of the Boxing and Wrestling Control Act, 1954 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister **[for]** of Sport and Recreation;”.

Amendment of section 4 of Act 39 of 1954, as substituted by section 3 of Act 88 of 1993

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2. Section 4 of the principal Act is hereby amended—

- (a) by the substitution in the words preceding paragraph (a) of subsection (1) for the word “eleven” of the word “twelve”;
- (b) by the deletion of subparagraphs (i) and (ii) of paragraph (a) of subsection (1);
- (c) by the substitution for the first proviso to paragraph (a) of subsection (1) of the following proviso:

“Provided that the Minister shall appoint these **[five]** three members after each provincial commission has been requested in writing by the Minister to nominate two persons in respect of each appointment referred to in subparagraphs **[(i)]** (iii) to (v)”;

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- (d) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
 “(b) the **[chairman]** chairperson of each of the **[six]** nine provincial commissions.”; and
- (e) by the addition of the following subsection: 5
 “(3) The members of the commission shall among their number elect a person to act as a chairperson of the commission, subject to the ratification of such an appointment by the Minister.”.

Amendment of section 5 of Act 39 of 1954, as amended by section 3 of Act 51 of 1973, section 4 of Act 30 of 1988 and section 4 of Act 88 of 1993 10

3. Section 5 of the principal Act is hereby amended—
- (a) by the substitution in the words preceding paragraph (a) of subsection (1) for the expression “4(1)(a)(ii)” of the expression “4(1)(a)(iii)”;
- (b) by the substitution for subsection (3) of the following subsection: 15
 “(3) The members of the commission **[shall receive no remuneration]** may out of the funds of the commission be paid—
- (a) annually, such honoraria in respect of their services on the commission **[but]** ; and
- (b) **[may, out of the funds of the commission, be paid]** such allowances to cover expenses reasonably incurred by them in respect of their attendance of the meetings of the commission or while otherwise engaged on the business of the commission, 20
 as the Minister may determine.”.

Amendment of section 7 of Act 39 of 1954, as amended by section 3 of Act 62 of 1980 and section 6 of Act 30 of 1988 25

4. Section 7 of the principal Act is hereby amended—
- (a) by the deletion at the end of paragraph (o) of the word “and”;
- (b) by the addition of the following paragraphs: 30
 “(q) to impose a fine not exceeding R5 000 on any boxer, official, trainer, manager or promoter for any contravention of or failure to comply with any provision not referred to in section 23 and to suspend his or her certificate until such fine has been paid; and
- (r) to require of any boxer taking part in a tournament in any place outside the Republic to furnish the commission beforehand with full details in writing of the purse money agreed to between such boxer and a promoter and to disclose to the commission any other information relating to the boxer’s participation in a tournament, as the commission may from time to time determine.”; and 35
- (c) by the addition of the following subsection, the existing section becoming subsection (1): 40
 “(2) The commission shall give written reasons to any person whose rights have been adversely affected by any administrative action of the commission, and shall offer such a person the opportunity of a hearing to show cause why such action should not have been taken.”.

Amendment of section 9 of Act 39 of 1954, as amended by section 4 of Act 51 of 1973, section 4 of Act 62 of 1980, section 7 of Act 30 of 1988, section 1 of Act 134 of 1991 and section 6 of Act 88 of 1993 45

5. Section 9 of the principal Act is hereby amended by the substitution in subsection (2) for the expression “R2 000” of the expression “R5 000”.

Amendment of section 10 of Act 39 of 1954, as amended by section 8 of Act 30 of 1988 50

6. Section 10 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The Minister may out of moneys appropriated by Parliament for the purpose, advance to the commission such amounts not exceeding in the aggregate [R10 000] R100 000 as he or she may deem necessary to enable it to carry out its functions.”.

Substitution of section 12 of Act 39 of 1954, as substituted by section 7 of Act 88 of 1993 5

7. The following section is hereby substituted for section 12 of the principal Act:

“Provincial boxing control commissions

12. (1) There shall be a provincial boxing control commission for each of the provinces referred to in section 103 of the Constitution. 10

(2) The provincial boxing control commissions that exist at the commencement of the Boxing and Wrestling Control Amendment Act, 1998, shall continue to exist, with appropriate name changes where applicable.”.

Amendment of section 15 of Act 39 of 1954 15

8. Section 15 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

“(2) Each provincial commission contemplated in section 12 shall before or on 31 December of each year submit to the commission a boxing development plan which the provincial commission envisages to implement the following year.”. 20

Amendment of section 22 of Act 39 of 1954, as amended by section 9 of Act 62 of 1980 and section 12 of Act 30 of 1988

9. Section 22 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Whenever any officer of the police of or above the rank of sergeant is of the opinion that the continuance of any boxing or wrestling contest or exhibition is likely to result in the life of any participant or any person attending the contest or exhibition being endangered or in a breach of the peace, he or she shall order the participants or any person holding or assisting in the holding of the contest or exhibition, to stop the contest or exhibition and may order all persons present thereat to depart: Provided that in the event of a boxing contest or exhibition such officer may only act after consultation with any member of the commission or of any other boxing commission present at the contest or exhibition.”. 25
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Amendment of section 23 of Act 39 of 1954, as substituted by section 10 of Act 62 of 1980 and amended by section 13 of Act 30 of 1988 and section 4 of Act 134 of 1991 35

10. Section 23 of the principal Act is hereby amended—

- (a) by the substitution in paragraph (i) for the expression “R4 000” of the expression “R10 000”; and
 - (b) by the substitution in paragraph (ii) for the expression “R2 000” of the expression “R10 000”.
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Transitional provisions

11. The persons who, immediately before the commencement of this Act, are members of the commission by virtue of section 4(1)(a)(i) and (ii) of the principal Act, shall upon such commencement cease to be members of the commission.

Short title and commencement 45

12. (1) This Act shall be called the Boxing and Wrestling Control Amendment Act, 1998.

(2) Sections 2(d), 7 and 8 shall come into operation on a date determined by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE BOXING AND WRESTLING CONTROL AMENDMENT BILL, 1998

It is necessary to amend the Boxing and Wrestling Control Act, 1954 (Act No. 39 of 1954), to make provision for the following:

The definition of Minister (clause 1), is amended in order for Minister to be defined as the Minister "of Sport and Recreation", instead of "for Sport".

Clauses 2 and 11 make provision for the expunction of the present chairperson and the additional member of the South African National Boxing Control Commission and for the chairperson of each of the nine provincial boxing commissions to be included as members of the Commission. The members of the Commission shall among their number elect a person to act as chairperson of the Commission, subject to the ratification of such an appointment by the Minister.

Payment of honoraria and allowances to the members of the Commission shall be determined by the Minister (clause 3), to compensate the members for their services and sacrifices in the above regard.

Provision is made for the imposing of a fine not exceeding R5 000 on any boxer, official, trainer, manager or promoter for any contravention of or failure to comply with any provision not already referred to in section 23 of the Act and to suspend the certificate of such person until such fine is paid (clause 4), empowering the Commission with more punitive powers to control boxing. Provision is also made for the control of such powers.

The Commission may require any boxer fighting outside the Republic to furnish the Commission with full details in writing regarding the purse money as well as any other information relating to such fight as the Commission may determine (clause 4), in order to protect the interests of boxers fighting abroad.

Provision is made for the increase of the maximum fine to be prescribed for any contravention of or failure to comply with any regulation (clause 5).

The Minister may advance to the Commission out of money appropriated by Parliament an amount not exceeding R100 000 (as opposed to R10 000 in the Act), as he or she may deem necessary to enable the Commission to carry out its functions (clause 6).

Provision has been made for the establishment of nine provincial boxing commissions to conform to the provisions of the Constitution (clause 7).

Clause 8 makes provision for the submission each year by each provincial boxing commission of a boxing development plan for the following year to the Commission to ensure that the development of boxing is controlled.

A police officer of or above the rank of sergeant may stop a boxing or wrestling contest or exhibition if the life of any participant or any person attending the contest or exhibition is endangered or if it is in breach of the peace. A proviso that such police officer must consult with any member of the Commission or of any other commission present in the case of a boxing contest or exhibition is added (clause 9).

Provision has also been made for heavier penalties not exceeding R10 000 for offences in terms of section 23 of the Act (clause 10).

Save for clauses 2(d), 7 and 8, the Bill will come into operation on promulgation in the *Gazette* (clause 12).

PARLIAMENTARY PROCEDURE

The Department and the State Law Advisers are of the view that this Bill must be dealt with in accordance with the procedure established by section 76(1) of the Constitution since it provides for legislation envisaged in section 44(2) of the Constitution, namely intervention in a Schedule 5 matter.

PERSONS AND BODIES CONSULTED

- * The provincial departments of Sport and Recreation
- * The National Sports Council
- * The South African National Boxing Control Commission
- * The provincial boxing control commissions