

CHAPTER 280

NATIONAL SPORTS COMMISSION ACT

1971 No. 34. **An Act to establish the National Sports Commission to be charged with the responsibility of encouraging and developing sports and games throughout Nigeria and other matters incidental thereto.**

[6th September, 1971]

L.N.
58 of 1971.
Commence-
ment.

Establish-
ment of the
National
Sports
Commission.
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Membership
of the
Commission.

1. There is hereby established a body to be known as the National Sports Commission (hereinafter in this Act referred to as "the Commission") which under that name shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

2. (1) The Commission shall consist of the following members—

- (a) a Chairman to be appointed by the National Council of Ministers on the recommendation of the Minister;
- (b) the Chairman of each State's Sports Council;
- (c) two persons to be appointed by the Minister to represent national sports associations;
- (d) one representative of the Armed Forces Sports Council;
- (e) one person to be appointed by the Minister from the Nigeria Police Force after consultation with the Inspector-General of Police;
- (f) one representative of the Nigeria Olympic Committee;
- (g) one woman appointed to represent women's sporting interests;
- (h) one representative of the Nigerian Universities Games Association.
- (i) one representative of the Schools Sports Federation;
- (j) one representative of the Federal Ministry of Education who shall be a physical training instructor; and

(k) one representative of the ministry for which the Minister has responsibility.

(2) The provisions of the Schedule to this Act shall have effect with respect to the constitution and procedure of the Commission and the other matters mentioned therein.

3. (1) The functions of the Commission shall be—

Functions of the Commission.

(a) to encourage the development and organisation of, and participation in sports in Nigeria;

(b) to co-ordinate and integrate efforts to raise the standard of performance in sports throughout Nigeria;

(c) to maintain every stadium owned or controlled by the Federal Government and to direct all activities relative thereto.

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(2) The Commission shall, in all international relations affecting sports, have the sole right to make, on behalf of the States Sports Councils, any necessary arrangements for competitions, technical assistance, recruitment of coaches and for any such other matters as the Commission may think fit.

(3) Without prejudice to the generality of subsection (1) of this section, it shall be the duty of the Commission—

(a) to promote, in co-operation with other sports bodies or sports groups, the physical fitness and general well-being of all persons in Nigeria;

(b) to organise, or assist financially or otherwise, the participation in sports at inter-State, national and international levels;

(c) to train Nigerians to become sportsmen and instructors in sports;

(d) to conduct and encourage research into all matters relating to sports;

(e) to provide and maintain sports centres and facilities for the training of Nigerians as instructors in and organisers of sports;

(f) to ensure the participation of all sportsmen where required in inter-State, national, or international competitions.

Powers of the Commission to enter into contracts, to hold property and to invest.

4. (1) The Commission may enter into such contracts as may be necessary or expedient for giving effect to the provisions of this Act.

(2) Subject to the approval of the Minister, the Commission may acquire and hold such movable or immovable property as may be necessary or expedient for giving effect to the provisions of this Act and may, for the same purpose, sell, lease, mortgage, or otherwise alienate or dispose of any property so acquired and held.

(3) The Commission may invest its funds in such manner and to such extent as it thinks necessary or expedient.

Power of the Commission to borrow.

5. (1) Subject to subsection (2) of this section, the Commission may, for the purpose of giving effect to this Act, borrow any sum of money from any source.

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(2) Subject as herein provided, the Commission may from time to time borrow by overdraft or otherwise howsoever such sums as it may require in the exercise of its functions under this Act whereby the amount in the aggregate outstanding on any loan or on all loans at any time is not more than ₦100,000 so however that the Commission shall not, without the approval of the Minister, borrow any sum of money whereby the amount in the aggregate outstanding as aforesaid at any time exceeds ₦50,000.

Director of Sports and Secretary to the Commission.

6. (1) There shall be a Director of Sports who shall also be the Secretary to the Commission.

(2) Notwithstanding subsection (1) of this section, the Director may designate any other member of the staff of the Commission to act as the secretary to the Commission either generally or in any special case.

(3) The Director or any person appointed pursuant to subsection (2) of this section, to act as secretary shall not be entitled to vote on any question before the Commission unless he is so entitled as a member thereof.

7. (1) The Director, who shall be the chief executive officer of the Commission, shall be appointed by the Minister with the prior approval of the National Council of Ministers.

Appointment of Director and other staff.

(2) Subject to the approval of the Minister, the Commission may appoint such staff and agents as it may deem necessary for the efficient performance of the Commission's duties under this Act.

8. (1) The Federal Civil Service Commission may, by order published in the Federal *Gazette*, declare the office of the Director or of any other person employed by the Commission to be a pensionable office for the purposes of the Pensions Act.

Application of Pensions Act.
Cap. 346.

(2) Subject to subsections (3) and (4) of this section, the Pensions Act shall, in its application to any office by virtue of subsection (1) of this section, have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria.

Cap. 62.

(3) For the purposes of the application of the provisions of the Pensions Act in accordance with subsection (2) of this section—

(a) section 21 of that Act shall have effect as if for references to the Minister there were substituted references to the Commission; and

(b) the power under subsection 4(2) of that Act shall be exercisable by the Commission and not by any other authority.

(4) Nothing in the foregoing provisions shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

9. (1) If it appears to the Commission that a member of the Commission should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Commission shall after consultation with the interests, if any, represented by that member make a recommendation to that effect to the Minister, and if the Minister approves the

Removal from office of members of the Commission.

recommendation he may declare, in writing, the office of that member vacant.

- (2) Without prejudice to subsection (1) of this section—
- (a) any member who is absent from two consecutive ordinary meetings of the Commission shall file his explanation in writing with the secretary for consideration by the Commission and if the explanation is not accepted by the Commission, the Commission shall recommend to the Minister that the member be removed from office and the Minister may declare, in writing, the office of that member vacant;
 - (b) where the Commission is satisfied that the continued presence on the Commission of any member is not in the interest of Nigeria or of sports or of the Commission, the Commission may recommend to the Minister that that member be removed, and the Minister may declare, in writing, the office of that member vacant.

Annual
reports and
estimates.

10. (1) The Commission shall on or before 1st October each year prepare and present to the Minister a report of its proceedings and operations during the period of twelve months ending on 31st December in that year, and the report shall be accompanied by a certified copy of the audited accounts of the Commission for that period.

(2) A copy of every such report together with the audited accounts shall be laid before the National Council of Ministers as soon as may be after the presentation thereof to the Minister.

(3) The Commission shall not later than 1st August in each year or as soon thereafter as the Minister may in a proper case allow submit to the Minister for approval its estimates of revenue and expenditure in respect of the year beginning with 1st January in the following year.

Accounts
and audit.

11. The Commission shall keep proper accounts, in a form which conforms with accepted commercial standards, of its receipts, payments, assets and liabilities and shall submit the same from time to time but not less frequently than annually for auditing by auditors appointed from the list of auditors and

in accordance with the guidelines supplied by the Auditor-General of the Federation.

12. (1) The funds and resources of the Commission shall consist of—

Funds and resources of the Commission.

- (a) such funds as may from time to time be provided by the Federal Government;
- (b) such funds as may be collected or received by the Commission from other sources either in the execution of its functions or in respect of any property vested in the Commission; and
- (c) such interests as may accrue to the Commission from investments made by virtue of this Act.

(2) No funds shall be raised internationally by the Commission without the approval of the Minister.

13. No member of the Commission shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Commission.

Members not personally liable.

14. (1) The Commission may, within the scope of its authority under this Act, make standing orders relating to any internal and domestic matters placed by this Act under its control and particularly to the matters mentioned in paragraph 9 of the Schedule to this Act.

Power to make standing orders.

(2) All such standing orders shall be in writing and shall come into force when sealed with the seal of the Commission, unless some other date for commencement be therein prescribed.

(3) Nothing in subsection (2) of this section shall make it obligatory for the Commission to publish any or all of the said standing orders in the *Federal Gazette*.

15. (1) Subject to the provisions of this Act, the Minister may give general or specific directives to the Commission and the Commission shall comply with and give effect to any such directives.

Power of Minister to give directives, etc.

(2) The Commission shall give to the Minister such information and returns relating to its activities actual or proposed as the Minister may from time to time require.

Commis-
sion's
relationship
with national
sports
associations.

16. (1) Subject to the provisions of this section, the Commission may set up national sports associations for each kind of sport and may appoint chairmen and other members thereof; accordingly all matters relating to the constitution, affiliation, recognition, of international competitions and to officers of national sports associations shall be submitted for approval to the Commission.

(2) Subject to the approval of the Minister, it shall be the duty of the Commission to supervise and, where in the opinion of the Commission it is necessary to do so, take over and manage for such a period as the Commission may think fit the affairs of any national sports association.

(3) No Government financial assistance shall be given to national sports associations except through the Commission which shall determine the amount and the terms of the grant; and no new grants shall be made in any case until the audited accounts of the previous year, if any, have been submitted and accepted by the Commission.

(4) Without prejudice to subsection (2) of this section, the Commission shall not interfere with the general administration of national sports associations set up under this Act but may give directions when in its opinion it is necessary to do so.

(5) For the purposes of this section, "national sports association" means the body responsible for the administration and organisation of a particular sport on a national basis in Nigeria and recognised as such by the Commission.

Quorum and
procedure of
bodies
established
by this Act.
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17. Subject to the provisions of this Act and any standing orders made thereunder, the quorum and procedure of any body of persons established by this Act shall be as may be determined by that body.

Transitional
provisions.

18. (1) Property held immediately before the appointed day on behalf of the National Sports Council of Nigeria by any person shall, on that day and thereafter by virtue of this Act

and without any further assurance, vest in the Commission and be held by it for the purposes of the Commission.

(2) The persons who, immediately before the appointed day were holding the offices of Chairman and secretary respectively of the National Sports Council of Nigeria shall, until fresh appointments to those offices are made under this Act, hold the offices of the Chairman and secretary under this Act.

(3) Within twelve months next following the appointed day the Minister, if he thinks fit, may by order published in the *Federal Gazette* make transitional or saving provisions not inconsistent with the provisions of this Act.

19. In this Act, unless the context otherwise requires—

Interpretation.

“Chairman” means the Chairman of the Commission appointed in accordance with section 2(1) of this Act;

“Commission” means the National Sports Commission established by virtue of section 1(1) of this Act;

“the Director” means the Director of Sports appointed pursuant to section 7(1) of this Act;

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“functions” includes powers and duties;

“member” means a member of the Commission;

“Minister” means the Minister responsible for sports;

“national sports association” has the meaning assigned to it in section 16(5) of this Act;

“Nigeria Olympic Association” means the Olympic Association of Nigeria recognised as such by the Commission;

“sports” includes any game or recreational activity approved by the Commission for the purposes of this Act;

“secretary” means secretary to the Commission appointed in accordance with section 7(1) of the Act;

“States Sports Councils” means bodies established in each of the States of the Federation charged with responsibility for sports within each State and recognised as such by the Commission;

“Universities Games Association” means the Games Association of the universities functioning in Nigeria and recognised as such by the Commission.

Short title.

20. This Act may be cited as the National Sports Commission Act.

SCHEDULE

Section 2(3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

Tenure of office of members, etc.

1. (1) A member of the Commission shall hold office for a period of three years beginning with the date on which he was appointed.

(2) The remuneration, terms and conditions of service of the Chairman shall be determined by the Commissioner.

(3) Every notice of appointment to, or change in the membership of, the Commission may be published in the *Federal Gazette*.

(4) A member of the Commission other than the Chairman may by notice in writing addressed to the Minister through the Chairman, resign his office and that member shall, on the day of the receipt of the notice by the Minister, cease to be a member.

(5) The Chairman may resign his membership by notice in writing addressed to the Minister and unless the Minister rejects the notice, the Chairman shall, on the day of the receipt of the notice by the Minister, cease to be a member.

(6) A person ceasing to hold office as a member of the Commission otherwise than by removal for misconduct or for inability to perform the functions of his office shall be eligible for re-appointment.

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2. (1) Members of the Commission shall receive no remuneration but may be paid such travelling and other allowances as may from time to time be approved by the Minister.

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(2) In the case of members representing States Sports Councils, all travelling expenses incurred by members travelling in both directions to and from their respective States to attend meetings of the Commission shall be met by the respective States Sports Councils; but all residential, boarding and travelling expenses incurred by members at the venue of any of the said meetings shall be met by the Commission.

(3) The provisions of this paragraph shall not apply to members of the disciplined forces.

3. (1) Where a vacancy occurs in the membership of the Commission, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest and shall be appointed by the same authority as his predecessor.

(2) The Commission may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Committees

4. (1) The Commission shall appoint three standing committees which shall carry out such functions as the Commission may delegate to them and which shall be designated as follows, that is—

- (a) the Finance and Establishments Committee;
- (b) the Facilities (Structures and Equipment) Committee; and
- (c) the Sports Development Committee;

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and, subject to the foregoing, the Commission may appoint such other committees to advise it on the exercise and performance of its functions under this Act as it may from time to time consider necessary.

(2) Every such committee shall consist of—

- (a) a Chairman who shall be appointed by the Commission from among the members of the Commission;
- (b) not more than five other persons (whether or not they are members of the Commission), so however that any non-member of the Commission co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and to count towards a quorum.

(3) In this paragraph “Chairman” means Chairman of a committee.

Proceedings of the Commission

5. (1) The Commission shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than twice a year.

(2) The Chairman may at any time, and shall at the request in writing of the Minister or of not less than four members one each from a different State, summon a meeting; and if the Chairman fails so to do, the Minister may himself summon a meeting.

(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.

6. (1) Where the Commission or a committee of the Commission desires to obtain the advice of any person on any particular matter, it may co-opt that person as a member for a meeting whether or not expressly convened for the purpose of considering that matter.

(2) A person so co-opted shall not be entitled to vote nor shall he count towards a quorum.

7. (1) Every question put before the Commission at a meeting shall be decided by a majority of votes of the members present and voting.

1979 No. 34. (2) Ten members, six of whom shall be chairmen of States Sports Councils, shall form a quorum at any meeting of the Commission.

(3) The Chairman shall, at any meeting, have a vote and, in the case of an equality of votes, may exercise a casting vote.

8. The Chairman shall preside at all meetings of the Commission, but if he is absent from any meeting of the Commission, the members present shall elect one of their number to preside at that meeting.

9. Subject to the provisions of this Act, the Commission may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Miscellaneous

10. (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Commission by any person generally or specifically authorised by it for that purpose.

(2) Any member of the Commission or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or the committee, shall forthwith disclose his interest to the Commission or the committee and shall not vote on any question relating to such contract or arrangement.

11. (1) The common seal of the Commission shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Commission and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman or some other member authorised generally or specifically by the Commission to act for that purpose.

(3) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

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CHAPTER 280

SUBSIDIARY LEGISLATION

No Subsidiary Legislation