Government Gazette 14920

STATE PRESIDENT'S OFFICE

No. 1160.
2 July 1993

It is hereby notified that the State President has assented the following Act which is hereby published for general information:-

No. 88 of 1993: Boxing and Wrestling Control Amendment Act, 1993.

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To amend the Boxing and Wrestling Control Act, 1954, so as to define or further define certain expressions and to delete certain definitions; to change the name of the South African National Boxing Control Board to the South African National Boxing Control Commission; to alter the constitution of the said Commission; to make other provision for the tenure of office of appointed members of the Commission; to make further provision in respect of meetings of the Commission and the quorum for such meetings; to extend the power of the Minister to make regulations; to change the designation provincial boxing control board to provincial boxing control commission; and to alter the constitution of provincial commissions; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 23 June 1993.)

BE IT ENACTED by the State President and 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 and section 1 of Act 30 of l988

1. Section 1 of the Boxing and Wrestling Control Act, 1954 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the deletion of the definition of "board";

(b) by the insertion before the definition of "local board" of the following definitions:

" 'commission' means the South African National Boxing Control Commission contemplated in section 2;

'electoral college' means an electoral college established under section 9;";

(c) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister **of National Education** *for Sport*;"

(d) by the substitution for the definition of "local board" of the following definition:

" 'local **board** *commission*' means a local **board** *commission* established under section 17,", and

(e) by the substitution for the definition of "provincial board' of the following definition:

" 'provincial' **board** *commission'* means a provincial boxing control **board** *commission* contemplated in section 12;".

Substitution of section 2 of Act 39 of 1954, as substituted by section 2 of Act 30 of l988

2. The following section is hereby substituted for section 2 of the principal Act:

"South African National Boxing Control Commission

2. The **board** *body corporate* established by this section before the substitution thereof by section 2 of the Boxing and Wrestling Control Amendment Act, **1988** *1993*, and known as the South African National Boxing Control Board, shall continue to exist **and to be a corporate body** *and shall be known as the South African National Boxing Control Commission*.".

Substitution of section 4 of Act 39 of 1954, as substituted by section 2 of Act 51 of 1973

3. The following section is hereby substituted for section 4 of the principal Act:

"Constitution of commission

4. *(1) The commission shall consist of eleven members namely-*

(a) (i) a chairman;

(ii) an additional member;

(iii) one medical practitioner as defined in section 1 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);

(iv) one public accountant as defined in section 1 of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991);and

(v) one of the following persons, namely-

(aa) a person admitted to practice as an advocate in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964); or

(bb) a person admitted to practice as an attorney in terms of the Attorneys Act, 1979 (Act No. 53 of 1979), who shall be appointed by the Minister: Provided that the Minister shall appoint these five 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) to (v): Provided further that if within the period stated in the request by the Minister to any provincial commission concerned to make the required nominations, such provincial commission has failed to lodge such nominations with the Minister, the Minister may, in making the appointment in respect of which such nominations have not been so lodged, appoint any person whom he considers suitable to be a member of the commission; and

(b) the chairman of each of the six provincial commissions.

(2) Any person registered in terms of section 7 (c) may not be a member of the commission.".

Amendment of section 5 of Act 39 of 1954, as amended by section 3 of Act 51 of 1973 4 and section 4 of Act 30 of l988

4. Section 5 of the principal Act is hereby amended-

(a) by the substitution in subsection (1) for the words preceding the

proviso, of the following words:

"The chairman of the **board** *commission* shall hold of office for such 5 period, and any other member of the **board** *commission referred to in section 4(1)(a)(ii) to (v)* for such period, *but* not exceeding three years, as the Minister may determine at the time of the appointment:"; and

(b) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

" (e) if he has absented himself from two consecutive meetings of the **board** *commission* without its leave;".

Amendment of section 6 of Act 39 of 1954, as amended by section 5 of Act 30 of l988

5. Section 6 of the principal Act is hereby amended-

(a) by the substitution for subsection (4) of the following subsection:

"(4) The quorum of a meeting of the **board** *commission* shall be **three** *five* of the members thereof."; and

(b) by the addition of the following subsection:

"(6) The proceedings of the commission shall not be invalid only by reason of the fact that a vacancy exists on such commission.".

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 l980, section 7 of Act 30 of 1988 and section 1 of Act 134 of 1991

6. Section 9 of the principal Act is hereby amended by the insertion after paragraph (m) of subsection (1) of the following paragraph:

"(n) the establishment and functioning of the electoral college for a provincial commission,".

Substitution of section 12 of Act 39 of 1954, as substituted by section 9 of Act 30 of 1988 and amended by section 2 of Act 134 of 1991

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

"Provincial boxing control commissions

12. (1) The provincial boxing control board established for each province by this section before the substitution thereof by section **9** *7* of the Boxing and Wrestling Control Amendment Act, **1988** *1993*, shall continue to exist *as a provincial boxing control commission*: Provided that for the province of the Cape of Good Hope there shall be **two** *three* provincial **boards** *commissions* from such date and for such districts as the Minister may determine by notice in the Gazette.

(2) The members of the first **board** *commission* of each additional provincial **board** *commission* established after the commencement of the Boxing and Wrestling Control Amendment Act, **1991** *1993*, in terms of the proviso to subsection (1) for the province of the Cape of Good Hope, shall be appointed **by the Minister after nominations have been submitted to him** in the manner determined in section 13(1) by the provincial board existing at the commencement of the said Act for the said province."

Substitution of section 13 of Act 39 of 1954, as amended by section 5 of Act 51 of 1973, section 5 of Act 62 of 1980 and section 3 of Act 134 of 1991

8. The following section is hereby substituted for section 13 of the principal Act:

"Constitution of provincial commissions, remuneration of officials and expenditure

13. (1) A provincial commission shall consist of nine members appointed by the Minister, namely-

(a) (i) one medical practitioner as defined in section 1 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);

(ii) one public accountant as defined in section 1 of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991); (iii) one of the following persons, namely-

(aa) a person admitted to practice as an advocate in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964); or

(bb) a person admitted to practice as an attorney in terms of the Attorneys Act, 1979 (Act No. 53 of 1979); and

(iv) two additional members:

Provided that the Minister shall at his discretion appoint the said

five members after the electoral college of the said province has submitted to him the names of three persons in respect of each category referred to in subparagraphs (i), (ii) and (iii), and of six persons in respect of the additional members referred to in subparagraph (iv); and

(b) one member to represent each of the following four categories, namely-

(i) boxers;

(ii) managers, trainers and seconds;

(iii) promoters and matchmakers;

(iv) ring announcers and ring officials (including judges, referees, time keepers and ring masters):

Provided that the Minister shall appoint such four members after the electoral college for the province concerned has been requested in writing by the Minister to nominate one person in respect of each category: Provided further that if within the period stated by the Minister in his request to such electoral college to make the required nominations, such electoral college has failed to lodge such nominations with the Minister, the Minister may, in making the appointments, appoint any person whom he considers suitable to be a member of that provincial commission.

(2) The nominations in terms of subsection (1) shall be made after persons having an interest have been requested by the electoral college in an Afrikaans and an English newspaper circulating in the area of that provincial commission to submit to the electoral college concerned the names of persons for nomination in the different categories.

(3) A member of a provincial commission shall hold office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment.

(4) The members of a provincial commission shall from among their number elect a person to act as chairman of the commission.

(5) Any person registered in terms of section 7(c) may not be a member of a provincial commission.

(6) The remuneration of the secretary and other officials of a provincial commission and the expenditure incurred by a provincial commission with the approval of the commission for the effective performance of the functions of the provincial commission, shall be paid out of the funds of the commission.".

Substitution of section 14 of Act 39 of 1954

9. The following section is hereby substituted for section 14 of the principal Act:

"Removal from office, vacancies, remuneration of members, meetings and quorum in respect of provincial commission

14. The provisions of sections 5 and 6 shall mutatis mutandis apply to a provincial **board** *commission*: Provided that any payments under section 5(3) shall be made out of the funds of the **board** *commission*.".

Substitution of expression in Act 39 of 1954

10. The principal Act is hereby amended by the substitution for the expression "board", wherever it occurs, of the expression "commission".

Short title

11. This Act shall be called the Boxing and Wrestling Control Amendment Act, 1993.