

Government Gazette

Vol. 420, No. 21219, 2 June 2000

GENERAL NOTICE

Notice 2063 of 2000

DEPARTMENT OF SPORT AND RECREATION

The South African Boxing Bill, 2000

The above-mentioned Bill is hereby published for public comments. Comments should be submitted in writing to:

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Comments may also be faxed to (012) 321 6187

Comments must be received by not later than 26 June 2000.

THE SOUTH AFRICAN BOXING ACT

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Definitions

1. In this Act, unless the context indicates otherwise:-

"Boxing SA" means the Boxing Commission contemplated in section 4;

"Director of Development and Transformation" means a person appointed by the Boxing SA in terms of section 9(4) as the Director of Development and Transformation;

"Director of Media and Marketing" means a person appointed by the Boxing SA in terms of section 9(3) as the Director of Media and Marketing;

"local office" means a local office of the Boxing SA established under section 23;

"Minister" means the Minister of Sport and Recreation;

"official" means any referee' judge, timekeeper, assistant timekeeper, announcer, second' trainer or ringmaster to whom a certificate of registration as such has been issued under paragraph (c) of section 7 (1);

"promoter" means any person or body to whom a certificate of registration as a promoter has been issued under sub-paragraph (iii) of paragraph (c) of section 7 (1);

"provincial office" means a provincial office of the Boxing SA contemplated in

section 17; and

"tournament" means any function to which the public have access, whether on payment of a charge for admission or not, and at which two or more persons engage in boxing for gain, whether by way of competition, exhibition or otherwise.

CHAPTER 1

Objects of Act

2. The objects of this Act are

- a. to give effect to the provisions of the Constitution Act;
- b. to regulate, control and exercise general supervision over professional boxing at tournaments in the Republic;
- c. to protect and regulate the interests of boxers, trainers, managers, promoters, officials and other stakeholders involved in professional boxing matters;
- d. to promote:
 - i. orderly collective action;
 - ii. boxer participation in decision making; and
 - iii. the effective resolution of boxing disputes;
- e. to eliminate undesirable practices in boxing;
- f. to provide for and regulate the organisational rights of boxers, trainers, managers, promoters, officials and other stakeholders in boxing;
- g. to provide a framework within which boxers, boxing officials, trainers, managers, promoters and all other stakeholders in professional boxing can:
 - i. collectively determine terms and conditions of their boxing relationship and other matters of mutual or other interest; and
 - ii. formulate a professional boxing policy;
- h. to give effect to all the rights and obligations incurred in terms of this Act, and also those rights and obligations of a boxer as a member of an international professional boxing body or organisation;
- i. to provide for the registration and licensing of stakeholders and to ensure proper control and democratic practices in the process;
- j. to provide for the resolution of boxing disputes through arbitration, appeal and independent alternative dispute resolution services accredited for that purpose;
- k. to provide for marketing mechanisms to promote professional and amateur boxing in general;
- l. to provide for an infrastructure to acquire boxing facilities for both professional and amateur boxing;
- m. to provide for a working relationship between professional boxing structures and amateur boxing structures;
- n. to provide for a joint committee consisting of professional boxing officials and amateur boxing officials to consider applications from amateur boxers who are in the national team of South African National Amateur Boxing Organisation who want to become professional boxers;
- o. to recognise that boxing in South Africa consists of a professional boxing wing and an amateur boxing wing;
- p. to recognise that amateur boxing is governed by its constitution;
- q. to provide for matters of mutual interest to both professional boxing and amateur boxing;
- r. to consider the recognition of all international boxing bodies or organisations and boxing champions;
- s. to provide for regulatory provisions in women boxing; and

- t. to provide for incidental matters.

Interpretation of Act

3. This Act must be interpreted -
- a. to give effect to its objects;
 - b. in compliance with the rules and regulations of international boxing bodies or organisations governing professional and amateur boxing; and
 - c. to apply to both male and female boxing.

CHAPTER 2

Establishment of Boxing SA

4. A juristic person known as the Boxing SA is established.

Independence of Boxing SA

5. Subject to the provisions of the Act, the Boxing SA is independent of any political party, medical and scientific associations, any associations for promoters, boxers, referees, managers, trainers and officials and the media.

Area of jurisdiction and office of the Boxing SA

6. (1) The Boxing SA has jurisdiction in all the provinces of the Republic.
- (2) The Minister, after consulting the Boxing SA, must determine the location of the head office for the Boxing SA;
- (3) The Boxing SA must maintain an office in each province of the Republic and as many local offices as it considers necessary.

Powers of Boxing SA

7. (1) For the purposes of attaining its objects, the Boxing SA has the following powers
- a. to appoint a Chief Executive Officer in consultation with the Minister and such other employees of the Boxing SA on such conditions and at such remuneration as it may determine;
 - b. to acquire, alienate or hire such property as it may consider necessary for the effective performance of its functions but the Boxing SA may not alienate immovable property without the approval of the Minister;
 - c. with the approval of the Minister, to invest or otherwise deal with such funds of the Boxing SA as may not immediately be required for the purpose of meeting its financial obligations;
 - d. to register any person who is not a member of the Boxing SA, a provincial office or a local office of the Boxing SA, as a boxer, official, trainer, manager or promoter and to issue certificates of registration authorising any person who has been so registered:
 - i. as a boxer or official, to take part in tournaments in the capacity in which he or she has been so registered;
 - ii. as a trainer, to train any boxer with a view to his or her participation in tournaments as a boxer;
 - iii. as a manager, to manage the affairs of any boxer subject to the provisions of this Act in so far as they relate to his or her participation in tournaments as a boxer;

- iv. as a promoter, to negotiate subject to the provisions this Act, with any boxer with a view to procuring his or her services as a boxer at a tournament,

and in each case to specify in the certificate the period during which any such certificate shall be valid;
- e. to test the ability of any person applying for a certificate of registration as a boxer, trainer or official under paragraph (d);
- f. to require any person applying for a certificate of registration as -
 - i. a trainer;
 - ii. a promoter; or
 - iii. a managerto furnish the Boxing SA with such information as it may deem necessary;
- g. to suspend, cancel or renew any certificate issued under paragraph (d);
- h. to issue, subject to such conditions as it may deem fit, licences authorising the holding of tournaments;
- i. to require any applicant for a licence under paragraph (h) to furnish the Boxing SA with -
 - i. all agreements entered into between the promoter of the tournament, and the boxers or officials who will participate therein;
 - ii. a certificate of physical and mental fitness in respect of the boxers who will participate in the tournament, issued in such form and by such medical practitioner (whether practising in the Republic or elsewhere) as the Boxing SA may approve;
 - iii. full particulars of all arrangements made for the holding of the tournament;
 - iv. a specimen of every proposed advertisement relating to, and of the proposed programme of, the tournament and such further information as will enable the Boxing SA to arrive at a proper decision on the application;
- j. if an agreement between a promoter and a boxer or official provides for the payment to such boxer or official of a fixed amount as remuneration for his or her service at any proposed tournament, to require -
 - i. the promoter to deposit that amount with the Boxing SA on or before any specified date of not less than 14 days prior to the date of the tournament;
 - ii. the Boxing SA to disburse the said amount, subject to the provisions of paragraph (I), in terms of the agreement after the tournament has been held, and if any such requirement is not complied with, to withdraw any licence which may have been issued under paragraph (h);
- k. at any time prior to the holding of any tournament to prohibit any boxer from participating as such in the tournament if -
 - i. after such examination or test for physical and mental fitness as the Boxing SA may deem fit, it is satisfied that such boxer should not be allowed so to participate; or
 - ii. such boxer refuses at the request of the Boxing SA to submit himself or herself to such examination or test;
- l. if any boxer taking part in any tournament is disqualified by the referee for -

- i. not boxing to the best of his or her ability;
 - ii. retiring from the tournament without sufficient cause; or
 - iii. committing a deliberate foul as prescribed by regulation under this Act, to declare the whole or any portion of the amount payable to such boxer for his or her services in the tournament, to be forfeited and to determine to whom such amount shall be paid;
- m. to provide for an amateur to professional grading system;
- n. to enforce the recognition of any refusal, suspension or cancellation of the registration of any boxer, official or promoter;
- o. to issue a certificate of introduction to any registered boxer, official or promoter proceeding to any place outside the Republic to take part in tournaments;
- p. to procure the services of any boxer ordinarily resident outside the Republic to participate, at tournaments in the Republic subject to the clearance of his or her participation by his or her controlling body recognised by the Boxing SA in writing.
- q. to set out in such certificate such particulars concerning the boxer, official or promoter as the Boxing SA deems necessary;
- r. to establish an investment fund as well as an insurance and medical scheme to be used for such purposes as may be prescribed by regulation under this Act;
- s. to take any steps which the Boxing SA considers necessary or expedient for the due and proper regulation or control of, or to enable it to exercise due and proper supervision over, boxing at tournaments;
- t. at the request of an international boxing control body which the Boxing SA recognises, to exercise or perform in any place outside the Republic any power or function that the Boxing SA is capable of exercising or performing by virtue of this Act;
- u. to impose a fine not exceeding R50 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 36 and to suspend his or her certificate until such fine has been paid;
- v. to require of any professional boxer taking part in a tournament in any place outside the Republic to -
 - i. furnish the Boxing SA 21 days before the tournament with full details in writing of the purse money agreed to between such boxer and a promoter; and
 - ii. disclose to the Boxing SA any other information relating to the boxer's participation in a tournament, as the Boxing SA may from time to time determine;
- w. to organise the conducting of specialised programmes regarding the training of all persons involved in the sanctioning of tournaments; and
- x. to establish a development fund to develop both amateur and professional boxing.

(2) The Boxing SA shall give written reasons to any person whose rights have been adversely affected by any administrative action of the Boxing SA, and shall offer such a person the opportunity of a hearing to show cause why such action should not have been taken.

Functions and duties of Boxing SA

8. For purposes of attaining its objects, the Boxing SA shall
- a. compile and publish information statistics and an annual report on its activities;
 - b. assist in the establishment of an association or federation of

- associations in the manner contemplated in section 38;
- c. (i) hold meetings at least four times a year;
- (ii) at its or at the request of the associations or federation of such associations as contemplated in terms of section 38; and
- d. consider recognising international boxing bodies or organisations and their boxing champions.

Constitution of Boxing SA

9. (1) The Boxing SA consists of the following members, namely:

- a. a Chairperson;
- b. a person who shall deal with marketing and media related matters;
- c. a person who shall promote and focus on the following:
- i. women boxing; and
- ii. the development and transformation of professional boxing;
and
- d. a person who shall promote and focus on amateur boxing

who shall be appointed by the Minister either on a full-time or part-time basis after receiving applications for the respective posts via the public media.

(2) A person who has been registered by the Boxing SA as a boxer, official, trainer, manager or promoter may not be a member of the Boxing SA unless such person relinquishes his or her licence in writing to the Boxing SA.

(3) The Boxing SA may appoint a Director of Media and Marketing referred to in section 1 to assist the person referred to in subsection (1) (b) above whose duties shall amongst others include the following:

- i. act as the public relations officer of the Boxing SA;
- ii. promote both professional and amateur boxing to the print media and television;
- iii. market boxing in general including amateur boxing;
- iv. seek sponsorships for the Boxing SA to fund its projects;
- v. identify sources of revenue for the Boxing SA; and
- vi. raise funds for boxing in general including amateur boxing.

(4) The Boxing SA may also appoint a Director of Development and Transformation to assist the person referred to in subsection (1) (c) above whose duties shall amongst others include the following:

- i. the promotion and regulation of women boxing; and
- ii. the development and transformation of professional boxing.

(5) The members of the Boxing SA, the Directors of Development and Transformation, and Media and Marketing as well as the Chief Executive

Officer as contemplated in section 12, must enter into performance agreements with the Minister and the Boxing SA respectively.

Tenure of office, vacancies and remuneration of members of Boxing SA

10. (1) The Chairperson of the Boxing SA shall hold office for such period, and any other member of the Boxing SA referred to in section 9 (1) for such period, but not exceeding three years, as the Minister may determine at the time of appointment but the Minister may, subject to the provisions of subsection (2), at any time remove from office any member of the Boxing SA

- a. who has, in the opinion of the Minister, directly or indirectly by himself or herself or through his or her spouse, partner or business associate any financial interest in boxing at tournaments;
- b. if his or her estate is sequestrated;
- c. if he or she becomes of unsound mind;
- d. if he or she is convicted of an offence and sentenced to imprisonment without the option of a fine;
- e. if he or she has absented himself or herself from two consecutive meetings of the Boxing SA without its leave; or
- f. if in the opinion of the Minister there exists any other sufficient reason which renders such member unsuitable to remain a member of the Boxing SA.

(2) Notwithstanding the provisions of subsection (1), the Minister may at his or her discretion disband the Boxing SA in toto at any time if it is not performing its functions satisfactorily in the opinion of the Minister.

(3) Whenever for any reason the office of any member of the Boxing SA becomes vacant before the expiration of the period for which he or she has been appointed, another person shall be appointed to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(4) The members of the Boxing SA may out of the funds of the Boxing SA be paid -

- a. annually, such honoraria in respect of their services on the Boxing SA; and
- b. such allowances to cover expenses reasonably incurred by them in respect of their attendance of the meetings of the Boxing SA or while otherwise engaged on the business of the Boxing SA,

as the Minister may determine.

Meetings and quorum

11. (1) Subject to subsection (2) and section 6(2) all meetings of the Boxing SA shall be held at such times and places as the Boxing SA may determine.

(2) The Chairperson of the Boxing SA may at any time and shall at the request of majority of members of the Boxing SA call a special meeting of the Boxing SA to be held at such time and place as he or she may direct.

(3) In the absence of the Chairperson from any meeting of the Boxing SA, the members present at that meeting may elect one of their members to preside at that particular meeting.

- (4) The quorum of a meeting of the Boxing SA is five of the members.
- (5) All decisions at any meeting of the Boxing SA are by resolution by majority vote of the members present thereat, and in the event of an equality of votes on any matter, the person presiding at the meeting has a casting vote in addition to his or her deliberative vote.
- (6) The proceedings of the Boxing SA are not invalid only by reason of the fact that a vacancy exists on such Boxing SA.
- (7) The Boxing SA may hold such meetings at such places and times as the Boxing SA in conjunction with the particular association or federation of associations referred to in section 38 may find suitable.
- (8) At least 4 members of the Boxing SA and at least 4 members per association or federation of associations shall constitute a quorum for purposes of the said meetings.
- (9) The Boxing SA may make decisions on boxing matters by way of resolution by majority vote of the members attending a joint meeting referred to in subsection (7) above.

Chief Executive Officer of Boxing SA

12. (1) The Boxing SA must in consultation with the Minister appoint as a Chief Executive Officer of the Boxing SA, a person who-
 - a. is skilled and experienced in boxing and related issues; and
 - b. has not been convicted of any offence involving dishonesty.
- (2) The Chief Executive Officer must -
 - a. perform all the functions that are:-
 - i. conferred on him or her terms of this Act; and
 - ii. delegated to him or her by the Boxing SA.
 - b. manage and direct the activities of the Boxing SA;
 - c. supervise the staff of the Boxing SA; and
 - d. deal with provincial and international boxing matters in consultation with the Chairperson of the Boxing SA.
- (3) The Boxing SA must determine the Chief Executive Officer's conditions of appointment, remuneration, allowances and any other matters related thereto.

Staff of Boxing SA

13. (1) The Chief Executive Officer may appoint staff of the Boxing SA after consulting with the Boxing SA.
- (2) The Boxing SA must determine the remuneration and any other terms and conditions of appointment of staff members.

Finances of Boxing SA

14. (1) The funds of the Boxing SA consist of
 - a. moneys that the Minister may, in consultation with the Minister of Finance and by appropriation by Parliament, allocate as an advance to the Boxing SA which may not exceed R200 000 and shall be made on such conditions and shall be

- repayable at such times as the Minister, after consultation with the Minister of Finance, determine;
- b. fees payable to the Boxing SA in terms of this Act;
 - c. grants, donations and bequests made to the Boxing SA;
 - d. income earned on the surplus money deposited or invested by the Boxing SA; and
 - e. moneys generated from sponsorships and fundraising.

(2) The financial year of the Boxing SA begins on 1 April of each year and ends on 31 March of the following year, except for the first financial year which begins on the commencement day of the Act and ends on the 31 March following immediately thereafter.

(3) In each financial year at a time that will be determined by the Minister, the Boxing SA's estimated income and expenditure must be submitted by the Chief Executive Officer to the Minister.

Contractual capacity of Boxing SA

15. (1) The Boxing SA may

- a. enter into any agreement with any person, body or organisation or any accredited agency of the Boxing SA as contemplated in section 40 to perform any function of the Boxing SA on the terms and conditions as the Boxing SA may determine; and
- b. perform any functions of the Boxing SA in association with
- c. any other person, body or organisation.

(2) Any person, body or organisation whom the Boxing SA enters into an agreement or associates with must be independent to the Boxing SA.

Delegation of Boxing SA's powers, functions and duties

16. (1) The Boxing SA may, subject to the provisions of subsection (2), delegate in writing any of its powers and functions to any member of the Boxing SA, the Director or any committee established by the Boxing SA.

(2) The Boxing SA may not delegate any of the following powers and functions:-

- a. the appointment of the Chief Executive Officer;
- b. the depositing or investing of surplus moneys with financial institutions;
- c. the accreditation of legal firms or auditors as well as the amendment, withdrawal or renewal of their accreditation;
- d. the subsidising of the, accredited legal firms or accredited auditors as contemplated in terms of section 40;
- e. the appointment of medical practitioners; or
- f. the issuing of licences.

(3) The Boxing SA may attach such conditions to a delegation of its powers and functions as it may deem necessary.

(4) (a) The Boxing SA may amend or revoke a delegation at any time after duly notifying the concerned parties in writing of its intention to amend or revoke such a delegation.

(b) The affected party must be given an opportunity to state their case regarding the intention of the Boxing SA to amend or revoke a delegation.

(5) A function delegated to the Chief Executive Officer may be performed by any other

member of the Boxing SA or staff member of the Boxing SA duly authorised thereto by the Chief Executive Officer in writing, unless the terms of the delegation to the Chief Executive Officer prohibits him or her from doing so.

Provincial offices of Boxing SA

17. There shall be a provincial office of the Boxing SA for each of the provinces referred to in section 103 of the Constitution Act.

Development plan

18. Each provincial office of the Boxing SA and amateur boxing organisation must, before or on 31 December of each year, submit to the Boxing SA a boxing development plan which the provincial office or amateur boxing organisation envisages to implement the following year.

Constitution of provincial office, location, reporting, committees, remuneration of officials and expenditure

19. (1) A provincial office of the Boxing SA shall consist of one representative appointed by the Minister.

(2) The location of a provincial office will be at the office of the provincial department of sport and recreation in each province.

(3) A representative of a provincial office shall report the Member of the Executive Council of the provincial department of sport and recreation of his or her province on a monthly basis regarding the boxing affairs during that specific month.

(4) A representative of a provincial office may, in consultation with the said Member of the Executive Council, set up meetings for discussion with any of the boxing stakeholders regarding boxing issues.

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

(6) Any person registered in terms of section 7(1) (c) may not be a representative of a provincial office unless he or she has relinquished his or her licence in writing to the Boxing SA.

(7) The remuneration of the representative and other officials of a provincial office and the expenditure incurred by a provincial office with the approval of the Boxing SA for the effective performance of the functions of the provincial office, shall be paid out of the funds of the Provincial Office.

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

20. The provisions of sections 10 and 11 shall *mutatis mutandis* apply to a provincial office, but any payments under section 11 (3) must be made out of the funds of the Boxing SA.

Powers and functions of provincial offices

21. A provincial office may, in respect of the province for which it has been established -
 - a. exercise such powers and perform such functions conferred or imposed upon the Boxing SA by this Act as have been delegated to it by the Boxing SA under section 16 save for the issuing of licences;
 - b. carry out the instructions or directions of the Boxing SA;

- c. subject to the approval of the Boxing SA, appoint a secretary and other servants on such conditions and at such remuneration as it may, with the approval of the Boxing SA, determine; and
- d. generally, assist the Boxing SA in the performance of its functions.

Delegation of provincial office's powers and functions

22. A provincial office may, with the approval of the Boxing SA, delegate to a local office any of the powers and functions delegated to that provincial office under section 16 and any power or function so delegated shall be exercised or performed by that local office in respect of the area assigned to it under section 23: Provided that a provincial office shall not be divested of any power or function which it may have so delegated to a local office and may amend or withdraw any decision by a local office.

Establishment of local offices

23. (1) The Minister may at the request of a provincial office and on the recommendation of the Boxing SA, by notice in the Gazette establish a local office for any area within the province for which that provincial office has been established and may by such notice determine the place where meetings of such local office shall be held.

(2) The Minister may at any time at the request of the provincial office of a province within which a local office has been established and on the recommendation of the Boxing SA, by notice in the Gazette extend or reduce the area assigned to such local office under sub-section (1).

Constitution of local office, tenure of office, vacancies and meetings

24. (1) (a) A local office shall consist of the prescribed number of representatives appointed with the approval of the Boxing SA by the provincial office of the province within which the local office has been established.

b. A local office may with the approval of the provincial office concerned co-opt a prescribed number of persons as representatives thereof, either for the performance of a particular function or for the performance of its functions generally.

(2) The representatives of a local office shall hold office for such period as the provincial office may determine at the time of their appointment: Provided that the Minister may at any time remove from his office any member of a local Boxing SA on the grounds specified in the proviso to sub-section (1) of section 10.

(3) Sub-section (2) of section 10 shall *mutatis mutandis* apply to a local office.

(4) All decisions at any meeting of a local office shall be by resolution by majority vote.

Powers and functions of local office

25. A local office may in respect of the area assigned to it under section 23
 - a. exercise such powers and perform such functions conferred or imposed upon the Boxing SA by this Act, as have been delegated to the local office by a provincial office under section 22 save for the issuing of licences;
 - b. carry out the instructions or directions of the provincial office of the province within which the local office has been established; and
 - c. generally, assist the said provincial office in the performance of its functions.

Tournaments to be authorised

26. A person may not hold or assist in holding any tournament unless the holding of the tournament has been authorised by a licence issued under paragraph (h) of section 7(1) and unless the tournament is held in accordance with any conditions imposed by the Boxing SA under that paragraph.

Boxers, officials, trainers, managers and promoters to be registered

27. A person may not-
- a. take part in any tournament as a boxer or official;
 - b. train any boxer with a view to his or her participation in any tournament; or
 - c. manage the affairs of any boxer in so far as they relate to his or her participation in tournaments as a boxer; or
 - d. negotiate with any boxer with a view to procuring his or her services as a boxer at a tournament,

unless he or she is in possession of a valid certificate of registration as a boxer, official, trainer, manager or promoter, as the case may be, issued to him or her under section 7 (1) (d).

Prohibition of holding of or taking part in certain boxing contests or exhibitions

28. (1) A person may not hold or assist in the holding of or take part in (whether as a boxer, referee, judge, timekeeper, assistant timekeeper, announcer, second or ringmaster) any boxing contest or exhibition in which any of the following persons takes part, namely -
- a. any person whose application for registration as a boxer was refused by the Boxing SA;
 - b. any person who was registered under this Act as a boxer but is no longer so registered including any person whose registration certificate as a boxer has been suspended under section 7(1)(g), while it is so suspended;
 - c. any person who is not registered under this Act as a boxer, but who for gain has taken part in any boxing contest or exhibition (whether in the Republic or elsewhere).

(2) A person may not train any person referred to in paragraphs (a), (b) or (c) of sub-section (1) with a view to such person's participation in any boxing contest or exhibition.

Boxing contests or exhibitions may be stopped or forbidden

29. (1) Whenever the Commissioner or any Deputy Commissioner of police or any magistrate, additional magistrate or assistant magistrate is of the opinion that a boxing contest or exhibition being held or about to be held, should in the public interest be stopped or forbidden, he or she shall convey or cause to be conveyed to the person holding or proposing to hold such contest or exhibition or to the participants, a notice, whether verbal or in writing, stopping or forbidding such contest or exhibition.

(2) Whenever any officer of the police of above the rank of sergeant is of the opinion that the continuance of any boxing 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 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.

(3) Any member of the police on duty shall at all times have free access to any place in which any boxing contest or exhibition is being held or about to be held.

(4) If the Boxing SA has authorised the holding of any tournament and such

tournament is attended by the Boxing SA or any member of the Boxing SA -

- a. any action in terms of this section shall be taken only after the Boxing SA or that member has been consulted;
- b. the place where that tournament is being held shall be entered upon only with the consent of the Boxing SA or that member.

Conflict of interest

30. (1) No -

- a. member or employee of the Boxing SA or representative or employee of a provincial office;
- b. person who administers or enforces boxing laws; or
- c. member of an association or federation of associations as contemplated in section 38

may -

- i. be employed at;
- ii. contract with; or
- iii. receive any compensation from

any person who -

- aa. sanctions;
- bb. arranges; or
- cc. promotes

professional boxing matches or who otherwise has a financial interest in an active boxer currently registered as a boxer by the Boxing SA.

(2) For purposes of this section, the term "compensation" does not include funds held in escrow for payment to another person in connection with a professional boxing match.

Firewall between promoters and managers

31. (1) It is unlawful for -

- a. a boxer's promoter to have a direct or indirect financial interest in that boxer's licensed manager or management company; or
- b. a licensed manager or management company
 - i. to have a direct or indirect financial interest in the promotion of a boxer; or
 - ii. to be employed by or receive compensation or other benefits from a promoter except for amounts received as consideration under a manager's contract with a boxer.

(2) Subsection (1) does not prohibit a boxer from acting as his or her own promoter or manager.

Prohibition on receipts on gifts or benefits

32. (1) Except as provided in subsection (2), no officer or employee of the Boxing SA, provincial or local office may receive any compensation, gift, or benefit directly or indirectly from a promoter, boxer, or manager.

(2) Subsection (1) does not apply to -

- a. the receipt of payment by a promoter, boxer, or manager of a fee payable in terms of this Act; or
- b. the receipt of a gift or benefit of a minor value.

Protection from exploitation

33. (1) Any contract between a boxer and a promoter or manager shall -

- a. include mutual obligations between the parties;
- b. specify a minimum number of professional boxing matches per year for a boxer; and
- c. set forth a specific period of time during which the contract will be in effect, including any provision for extension of that period due to the boxer's temporary inability to compete because of an injury or other cause.

(2) The period of time for which promotional rights to promote a boxer may be granted -

- a. under a contract between a boxer and a promoter; or
- b. between promoters with respect to a boxer,

may not be greater than 12 months in length if -

- i. a boxer is required to grant such rights; or
- ii. a boxer's promoter is required to grant such rights with respect to a boxer

as a condition precedent to a boxer's participation in a professional boxing match against another boxer who is under contract to a promoter.

(3) A promoter exercising promotional rights with respect to such boxer during the 12-month period beginning on the day after the last day of the promotional right period described in subsection (2) may not secure exclusive promotional rights from a boxer's opponents as a condition of participating in a professional boxing match against a boxer, and any contract to the contrary -

- i. shall be considered to be in restraint of trade and contrary to public policy; and
- ii. unenforceable.

(4) Nothing in this section shall be constructed as pre-empting any other law concerning interference with contracts.

Promotional rights under mandatory bout contracts

34. Neither a promoter nor the Boxing SA, provincial or local office, may require a boxer, in a contract arising from a professional boxing match that is a mandatory bout under the rules of the Boxing SA, to grant promotional rights to any promoter for a future professional boxing match.

Employment as condition of promoting

35. No person who is a -

- a. licensee;
- b. manager;
- c. matchmaker; or
- d. promoter

may require a boxer to employ, retain, or provide compensation to any individual or business enterprise (whether operating in corporate form or not) recommended or designated by that person as a condition of -

- a. such person's working with a boxer as a licensee, manager, matchmaker, or promoter;
- b. such person's arranging for a boxer to participate in a professional boxing match; or
- c. such boxer's participation in a professional boxing match.

Offences and penalties

36. Any person who -

- a. contravenes or fails to comply with the provisions of section 26;
- b. holds, assist in holding, attends or takes part in any boxing contest or exhibition which has been stopped or forbidden under section 28 (1);
- c. disobeys any order given under section 28 (2);
- d. refuses to allow any member of the police force on duty, free access to any premises in or on which any boxing contest or exhibition is being or about to be held or obstructs such member in the execution of his or her duties under this Act;
- e. participates as a boxer in any tournament after being prohibited under section 7(1)(k) from so participating in that tournament;
- f. advertises any tournament by means of an advertisement which differs from any advertisement submitted to the Boxing SA under section 7(1)(i)(iv);
- g. allows any official to take part in a tournament in a capacity other than that in which he was registered under section 7(1)(d)(i);
- h. contravenes or fails to comply with the provisions of section 27; or
- i. contravenes the provisions of sections 28, 30, 31, 32, 33(2) and (3), 34 and 35

shall be guilty of an offence and liable on conviction -

- i. in the case of an offence referred to in paragraphs (a), (b), (c), (d), (e), (f), (g) or (i) to a fine not exceeding R10 000 or to imprisonment for a period of not exceeding twelve months or to both such fine and such imprisonment; and
- ii. in the case of an offence referred to in paragraph (h), to a fine not exceeding R10 000 or to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

Appeal to provincial office or Boxing SA

37. (1) Any promoter, manager, official or boxer who feels aggrieved at a decision of any local office or provincial office, may appeal in the prescribed manner, within the prescribed period and upon payment of the prescribed fee, to the provincial office concerned or to the Boxing SA, respectively.

(2) After considering the appeal, the provincial office concerned or the Boxing SA as the case may be, may -

- a. confirm, set aside or vary the decision against which the appeal is lodged;
- b. refer the matter back to local office or provincial office concerned, as the case may be, with the instruction to obtain further evidence;
- c. order any party to the appeal, to produce in writing or to give verbally, on a specific date, such further evidence as the provincial office or the Boxing SA, as the case may be, deems necessary;
- d. take such steps as it deems necessary for the just, speedy and cheapest settlement of the matter; and

- e. make such order as to costs as it deems fit.

CHAPTER 3

Boxers', managers', trainers', promoters' and officials' right to freedom of association

38. (1) Every boxer, manager, trainer, promoter and official has the right -

a. to participate in forming a -

- i. boxers' association;
- ii. managers' association;
- iii. trainers' association;
- iv. promoters' association;
- v. officials' association; or
- vi. federation of such associations; and

b. to join such an association or a federation of such associations, subject to the constitution of the association.

(2) Every member of a boxers', managers', trainers', promoters' or officials' association or federation of associations has a right, subject to the constitution of that association -

- a. to participate in all lawful activities mentioned in subsection (1);
- b. to participate in the election of any office bearers or representatives; and
- c. to stand for such election and be eligible for appointment as an office bearer or representative and to hold office in such association or federation of associations.

Protection of boxers, managers, trainers, promoters and officials

39. (1) No person may discriminate directly or indirectly against a boxer, manager, trainer, promoter or official for exercising any right conferred by this Act.

(2) Without limiting the general protection conferred by subsection (1), no person may do, or threaten to do, any of the following -

a. require a boxer, manager, trainer, promoter or official -

- i. not to be a member of an association or federation of associations referred to in section 38; and
- ii. to relinquish his or her membership of a the said association or federation of associations;

b. require a boxer to -

- i. refrain from challenging for a particular international or continental boxing title; and
- ii. fight under such international boxing body unless such body fails to comply with the basic requirements of all stakeholders in boxing;

c. prevent a boxer, manager, trainer, promoter or official from exercising any right conferred by this Act or from participating in any proceedings in terms of this Act; or

d. prejudice a boxer, manager, trainer, promoter or official in the exercising of his or her rights as mentioned in section 38.

(3) No person may advantage, or promise to advantage -

- a. a boxer;
- b. manager;
- c. trainer;
- d. promoter; or
- e. official

in exchange for that boxer, manager, trainer, promoter or official -

- i. not exercising any right conferred by this Act; or
- ii. not participating in any proceedings in terms of this Act.

(4) A provision in any contract, whether entered into before or after the commencement of this Act, that directly contradicts or limits any provision of this Act, is invalid.

Accreditation of legal firms and agencies or auditors

40. (1) Any legal expert or auditor or agency of it may apply to the Boxing SA in the prescribed form for accreditation to perform any of the following functions -

- a. resolving disputes through conciliation; and
- b. arbitrating disputes that remain unresolved after conciliation; and
- c. scrutinising contracts of boxers.

(2) The Boxing SA may require further information in support of the application by the legal expert or auditor or agency and, for that purposes, may require the applicant to attend one or more meetings of the Boxing SA as it may determine.

(3) The Boxing SA may, after considering the application, accredit an applicant to perform any function referred to in subsection (1) above, or request the applicant to furnish the Boxing SA with any further information as it may determine in order to ascertain whether -

- a. the services provided by the applicant meet the Boxing SA's standards; and
- b. the applicant is able to conduct its activities effectively.

(4) Accredited applicants must be clearly informed by the Boxing SA in writing of their functions and duties.

Procedures for disputes

41. (1) If there is a dispute regarding the interpretation or application of any provisions of sections 38 and 39, any party to the dispute may, in writing, refer the dispute to the Boxing SA.

(2) The party who refers the dispute to the Boxing SA must satisfy the Boxing SA that a copy of the referral has been served on all the other parties to the dispute.

(3) The Boxing SA must attempt to resolve the dispute and must give its ruling in this regard.

(4) If the dispute remains unresolved or the parties do not agree with the finding of the Boxing SA, any party may refer it for arbitration to an independent person or body, appointed jointly by the parties.

Burden of proof

42. In any proceedings under this Act, the burden of proof lies with the party who engaged in a conduct infringing the rights of the other party: Provided that such party should prove that the conduct did not infringe the provisions of this Chapter.

Application of Act

43. In the event of any conflict relating to a matter dealt with in this Act, arising between this Act and the provisions of any other law other than the Constitution or an Act amending this Act, the provisions of this Act shall prevail.

Regulations

44. (1) The Minister may, after consultation with the Boxing SA, make regulations not inconsistent with this Act and the Constitution Act, with regard to -
- a. the manner and form in which any application under this Act shall be made;
 - b. the nature of the particulars to be furnished with any application under this Act;
 - c. the form of any licence, certificate or other document to be used for the purposes of this Act;
 - d. the fees which shall be payable to the Boxing SA in respect of the grant, issue or renewal of any licence, certificate or other similar document, under this Act;
 - e. the rights and duties of officials during tournaments;
 - f. requirements for the registration of any person as a boxer, official, trainer, manager or promoter;
 - g. the rules under which and the manner in which any tournament shall be organised, including the manner in which that portion of any premises on which and the ring in which boxing takes place shall be isolated and equipped and the facilities to be provided in connection therewith;
 - h. the manner in which participants shall be attired and, in the case of boxers, the nature, weight and quality of gloves and bandages to be used;
 - i. the weighing of participants prior to any tournament, the testing of the physical and mental fitness and the medical examination of participants prior to and during any tournament;
 - j. the circumstances under which any specified class of persons shall be prohibited from attending or taking part in tournaments generally or any specified kind of tournament;
 - k. the submission to the Boxing SA within a prescribed period after any tournament, by the promoter thereof, of a statement showing the expenditure incurred in connection with and the income derived from that tournament;
 - l. the management of a benevolent fund and the purposes for which such fund may be used;
 - m. the coaching of boxers;
 - n. the compensation of Boxing SA members and ring officials;
 - o. the licensing and training standards for trainers, managers, promoters, referees, judges or timekeepers and ringside physicians;
 - p. matters regarding the contracts between boxers and managers, and boxers and promoters,

and generally with regard to any matter that in terms of this Act may or must be prescribed or any matter that the Minister or the Boxing SA considers necessary or expedient to prescribe or have governed by regulation in order to achieve the primary objects of this Act.

Short title

45. The Act is called the South African Boxing Act, 2000 and comes into operation on a date to be fixed by the President by proclamation in the Gazette.

SCHEDULE 1

LAWS REPEALED

Number and year of Law	Short title	Extent of repeal
Act No. 39 of 1954	Boxing and Wrestling Control Act, 1954	The whole save for the Regulations promulgated in terms of Government Notice R 2248 of 26 November 1993
Act No. 51 of 1973	Boxing and Wrestling Control Amendment Act,1973	The whole
Act No. 62 of 1980	Boxing and Wrestling Control Amendment Act,1980	The whole
Act No. 30 of 1988	Boxing and Wrestling Control Amendment Act,1988	The whole
Act No. 134 of 1991	Boxing and Wrestling Control Amendment Act,1991	The whole
Act No. 88 of 1993	Boxing and Wrestling Control Amendment Act,1993	The whole