

NATIONAL SPORTS COMMISSION DECREE 1971



ARRANGEMENT OF SECTIONS

Sections

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SCHEDULE

SCHEDULE—Supplementary Provisions relating to the Commission, etc.

Decree No. 34

[See section 20 (2)].

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) There shall be established a body to be known as the National Sports Commission (hereafter in this Decree 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.

Establishment of the National Sports Commission and of the Executive Committee.

(2) There shall be a body to be known as the Executive Committee of the Commission (hereafter in this Decree referred to as “the Executive Committee”).

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

- (a) a chairman appointed by the Commissioner;
- (b) a secretary appointed in accordance with section 8 (1) of this Decree;
- (c) the chairman and secretary of each State's Sports Council;

Constitution of the Commission and of the Committee.

(d) twelve persons appointed by the Commissioner after consultation with the appropriate bodies to represent national sports associations ;

(e) five persons one each from the Army, the Navy, the Air Force, the Police Force and the Department of Prisons (hereafter in this Decree together referred to as "the disciplined forces") appointed by the Commissioner on the nomination of the appropriate body ;

(f) the chairman and the secretary of the Universities Games Association ;

(g) one woman appointed by the Commissioner to represent women's sports ;

(h) one person appointed by the Commissioner to represent physical medicine ;

(i) one person appointed by the Commissioner on the nomination of the Association to represent the Nigeria Olympic Association ;

(j) one person appointed by the Commissioner on the nomination of the Federal Commissioner for Education to represent schools' sports ; and

(k) five other persons appointed by the Commissioner to represent sports generally.

(2) The following members of the Commission shall constitute the Executive Committee—

(a) the chairman of the Commission ;

(b) the secretary of the Commission ;

(c) the chairmen of the States Sports Councils ;

(d) one person appointed by the Commissioner from the representatives of the national sports associations ;

(e) one person appointed by the Commissioner from the representatives of the disciplined forces ;

(f) one person appointed by the Commissioner from the representatives of the Universities Games Association ;

(g) the appointed woman member ;

(h) the representative of physical medicine ;

(i) the representative of the Nigeria Olympic Association ;

(j) the representative of schools' sports ; and

(k) two persons appointed by the Commissioner from among those appointed to represent sports generally.

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

Functions of
the Com-
mission and
of the
Committee.

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

(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.

(2) The Commission shall, in all international relations affecting sports, have the sole right to make, on behalf of 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) above, 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.

(4) Subject to the policy laid down by the Commission, the Committee shall be responsible for the day to day administration of the affairs of the Commission.

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

(2) Subject to the approval of the Commissioner, 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 Decree 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.

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

(2) The Commission shall not, without the approval of the Commissioner as to the amount, the source, and as to the terms on which the borrowing may be effected, borrow any sum of money whereby the amount in the aggregate outstanding on any loan or on all loans at any time exceeds £10,000.

(3) For the purposes of this section, the Commissioner's approval may be unconditional or subject to conditions.

6.—(1) There shall be established a board to be known as the National Stadia Management Board (in this Decree referred to as "the Board") which shall consist of fifteen members comprising—

(a) the chairman, the secretary, and five other members of the Commission, and

(b) eight other persons, not being members of the Commission, to be appointed by the Commissioner ;

and the chairman of the Commission shall also be the chairman of the Board.

(2) The Board shall be charged with the duty of maintaining every stadium in Nigeria owned or controlled by the Federal Military Government, and of directing all activities relative thereto.

7.—(1) There shall be a secretary to the Commission who shall also be secretary to the Committee and to the Board.

(2) In the absence of the secretary the chairman may appoint a suitable person to act as secretary for any particular meeting.

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

Power of the Commission to borrow.

Establishment and Constitution of the National Stadia Management Board.

Secretary to the Commission.

(3) The secretary or a person appointed under subsection (2) above shall not be entitled to vote on any question before the Committee or the Board unless he is so entitled as a member of the Commission.

Appointment of secretary and other staff.

8.—(1) The secretary, who shall be the chief administrative officer of the Commission, shall be appointed by the Commission on such terms and conditions as it may think fit, and he shall have power to exercise general authority over the staff and shall be responsible to the Commission for the discipline of the staff.

(2) Subject to the approval of the Commissioner, the Commission may appoint such staff and agents as it may deem necessary to the Commission and the Board.

Removal from office of members of the Commission.

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 Commissioner, and if the Commissioner approves the recommendation he may declare, in writing, the office of that member vacant.

(2) Without prejudice to subsection (1) above—

(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 Commissioner that the member be removed from office and the Commissioner 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 Commissioner that that member be removed, and the Commissioner 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 Commissioner a report of its proceedings and operations during the period of twelve months ending on 31st March 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 Federal Executive Council as soon as may be after the presentation thereof to the Commissioner.

(3) The Commission shall not later than 1st August in each year or as soon thereafter as the Commissioner may in a proper case allow submit to the Commissioner for approval its estimates of revenue and expenditure in respect of the year beginning with 1st April 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 a qualified auditor approved annually in that behalf by the Federal Commissioner for Finance.

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

(a) such funds as may from time to time be provided by the Federal Military 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 Decree.

Funds and resources of the Commission.

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

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 Decree, make standing orders relating to any internal and domestic matters placed by this Decree under its control and particularly to the matters mentioned in paragraph 9 of the Schedule to this Decree.

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) above 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 Decree, the Commissioner may give general or specific directives to the Commission and the Commission shall comply with and give effect to any such directives.

Power of Commissioner to give directives, etc.

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

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.

Commission's relationship with national sports associations.

(2) Subject to the approval of the Commissioner, 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) above, the Commission shall not interfere with the general administration of national sports associations set up under this Decree 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 Decree.

17. Subject to the provisions of this Decree and any standing orders made thereunder, the quorum and procedure of any body of persons established by this Decree 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 Decree 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 Decree, hold the offices of the chairman and secretary under this Decree.

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

Interpretation.

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

"the Board" means the National Stadium Management Board established in pursuance of section 6 (1) of this Decree ;

"chairman" means chairman of the Commission appointed in accordance with section 2 (1) of this Decree ;

"Commission" means the National Sports Commission established by virtue of section 1 (1) of this Decree ;

"Commissioner" means the Federal Commissioner charged with responsibility for matters relating to sports ;

"disciplined forces" has the meaning assigned to it in section 2 (1) (e) of this Decree ;

"functions" includes powers and duties ;

"member" means a member of the Commission ;

"national sports association" has the meaning assigned to it in section 16 (5) of this Decree ;

"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 Decree ;

"secretary" means secretary to the Commission appointed in accordance with section 8 (1) of the Decree ;

“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.

20.—(1) This Decree may be cited as the National Sports Commission Decree 1971 and shall apply throughout the Federation.

Citation,
extent and
commence-
ment.

(2) This Decree shall come into force on such day as the Commissioner may by order published in the Federal Gazette appoint, in this Decree referred to as “the appointed day”.

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 Commissioner through the chairman, resign his office and that member shall, on the day of the receipt of the notice by the Commissioner, cease to be a member.

(5) The chairman may resign his membership by notice in writing addressed to the Commissioner and unless the Commissioner rejects the notice, the chairman shall, on the day of the receipt of the notice by the Commissioner, 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.

2.—(1) Members of the Commission (other than the chairman, the secretary and the members of the Committee) shall receive no remuneration but may be paid such travelling and other allowances as may from time to time be approved by the Commissioner.

(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 or of the Committee or of the Board 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 may appoint one or more committees (other than standing committees) to advise it on the exercise and performance of its functions.

(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 Commissioner 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 Commissioner 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 the votes of the members present and voting.

(2) Fifteen members, four 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 Decree, 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.

MADE at Lagos this 6th day of August 1971.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its effect)

The Decree establishes a National Sports Commission. The Commission is to be charged with the responsibility of encouraging and developing sports and games throughout Nigeria. It is to be the sole body to co-ordinate activities relating to sports and games in Nigeria and to arrange for all international fixtures and programmes in connection therewith.

The Decree also sets up a National Stadia Management Board which will be responsible for the maintenance of all stadia in Nigeria owned or controlled by the Federal Military Government.