



Republic of Namibia
Annotated Statutes

Boxing and Wrestling Control Act 11 of 1980

(OG 4221)

brought into force in relation to boxing on 6 March 1981 by AG Proc. 5/1981 (OG 4402);
the Act has not been brought in force with respect to wrestling

as amended by

Boxing and Wrestling Control Amendment Act 25 of 1980 (OG 4353)

came into force on date of publication: 24 December 1980

Married Persons Equality Act 1 of 1996 (GG 1316)

brought into force on 15 July 1996 by GN 154/1996 (GG 1340)

ACT

To provide for the establishment of a South West African boxing control board and a South West African wrestling control board, to define their objects, to prescribe their powers, duties and functions and to provide for other incidental matters.

(English text signed by the Administrator-General on 2 July 1980)

ARRANGEMENT OF SECTIONS

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BE IT ENACTED by the National Assembly of South West Africa as follows:-

Definitions

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

“board” means -

- (a) with reference to matters affecting boxers or boxing, the South West African Boxing Control Board established by section 2(a); and
 (b) with reference to matters affecting wrestlers or wrestling, the South West African Wrestling Control Board established by section 2(b);

“official” means any referee, judge, timekeeper, assistant timekeeper, announcer, second, trainer or ringmaster;

[definition of “promoter” deleted by Act 25 of 1980]

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

Establishment of boxing control board and wrestling control board

2. There is hereby established -
- (a) a board to be known as the South West African Boxing Control Board; and
 (b) a board to be known as the South West African Wrestling Control Board,

each of which shall be a body corporate, capable of suing and being sued in its corporate name and performing all such acts as may be necessary for or incidental to the carrying out of its objects and the performance of its functions and duties in terms of this Act.

Objects of board

3. The objects of the board are to regulate, control and exercise general supervision over boxing or wrestling at tournaments in South West Africa with a view to the elimination of undesirable practices and the protection of the interests of boxers, wrestlers, promoters, officials and the public generally.

Constitution of board

4. (1) The board shall consist of five persons appointed by the Administrator-General, whom he, subject to the provisions of subsection (2), deems fit to be members of the board and of whom he shall from time to time designate one to be chairman at his pleasure.

(2) In appointing any person to fill a vacancy in the board, the Administrator-General may have regard to any recommendations submitted to him by the board or former members thereof.

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Tenure of office and remuneration of members of board

5. (1) Subject to the provisions of subsection (2), any member of the board shall hold office for such period not exceeding three years as the Administrator-General may at the time of his appointment determine.

(2) The Administrator-General may at any time remove any member of the board from office -

- (a) if the Administrator-General is satisfied that such member directly or indirectly by himself or through his spouse, partner or business associate has any financial interest in boxing or wrestling at tournaments;
- (b) if his estate is sequestrated;
- (c) if he is detained as a mentally ill person under the provisions of any law;
- (d) if he is convicted of an offence and is sentenced in respect thereof to imprisonment without the option of a fine;
- (e) if he has absented himself from two consecutive meetings of the board without its leave; or
- (f) if the Administrator-General is satisfied that there exists any other sufficient reason which renders such member unsuitable to remain a member of the board.

(3) Members of the board shall receive no remuneration in respect of their services on the board but may, out of the funds of the board, be paid such allowances to cover expenses reasonably incurred by them in respect of their attendance of the meetings of the board or while otherwise engaged in the affairs of the board, as the Administrator-General may from time to time determine.

Meetings of board

6. (1) The first meeting of the board shall be held at such time and place as the chairman may determine and all subsequent meetings shall, subject to the provisions of subsection (2), be held at such times and places as the board may determine.

(2) The chairman of the board may at any time and shall at the request of the majority of members of the board call a special meeting of the board to be held at such time and place as he may determine.

(3) If the chairman is absent from any meeting of the board, the members present at that meeting may elect one of their number to preside thereat.

(4) The quorum for a meeting of the board shall be three of the members thereof.

(5) All decisions at any meeting of the board shall be by resolution by majority vote of the members present, and in the event of an equality of votes on any matter, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

Powers of board

7. In order to achieve its objects, the board shall have power -

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- (a) to appoint a secretary and such other officers on such conditions and at such remuneration as it may determine and to acquire, alienate or hire such property as it may consider necessary for the proper performance of its functions: Provided that immovable property may not be alienated without the approval of the Administrator-General;
- (b) with the approval of the Administrator-General, to invest or otherwise deal with such funds of the board as may not immediately be required for the purpose of meeting its financial obligations;
- (c) to register any person who is not a member of the board, as a boxer, wrestler, official, manager or promoter and to issue certificates of registration authorizing any person who has been so registered -
 - (i) as a boxer, wrestler or official, to take part in tournaments in the capacity in which he has been so registered and, in the case of an official being a trainer, to train any boxer or wrestler for participation in any tournament; or

[subparagraph (i) substituted by Act 25 of 1980]

- (ii) as a manager, to manage the affairs of any boxer or wrestler in so far as they relate to his participation in tournaments as a boxer or wrestler; or
- (iii) as a promoter, to negotiate with any boxer or wrestler with a view to procuring his services as a boxer or wrestler at a tournament,

and in each case to specify in the certificate the period during which any such certificate shall be valid;

- (d) to determine the competency or ability of any person applying for a certificate of registration, with a view to the issue of such certificate and to demand from any such person such information as the board may deem necessary;
- (e) to suspend, cancel or renew any certificate issued under paragraph (c);
- (f) to issue, subject to such conditions as the board may deem fit, licences authorizing the holding of tournaments;
- (g) to require any applicant for a licence under paragraph (f), to furnish the board with -
 - (i) all agreements entered into between the promoter of the tournament and the boxers, wrestlers or officials who will participate therein;

[subparagraph (i) substituted by Act 25 of 1980]

- (ii) a certificate of physical and mental fitness in respect of every boxer or wrestler who will participate in the tournament, issued in such form and by such registered medical practitioner as the board may approve;
- (iii) full particulars of all arrangements made for the holding of the tournament;
- (iv) a specimen of every proposed advertisement or program relating to the tournament,

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[subparagraph (iv) substituted by Act 25 of 1980]

and with such further information as will enable the board to arrive at a proper decision on the application;

- (h) if any agreement between a promoter and a boxer, wrestler or official provides for the payment to such boxer, wrestler or official of a fixed amount as remuneration for his services at or in respect of any proposed tournament, to require the promoter to deposit that amount with the board on or before any specified date prior to the date of the tournament, to be disbursed by the board, subject to the provisions of paragraph (j), in accordance with the agreement, after the tournament has been held, and if any such requirement is not complied with, to cancel any licence which may have been issued under paragraph (f);

[paragraph (h) substituted by Act 25 of 1980]

- (i) at any time prior to the holding of any tournament to prohibit any boxer or wrestler from participating as such in the tournament if, after such examination or test for physical and mental fitness as the board may deem fit, it is satisfied that such boxer or wrestler should not be allowed so to participate, or if such boxer or wrestler refuses at the request of the board to submit himself to any such test or examination;
- (j) if any boxer or wrestler taking part in any tournament is disqualified by the referee for -

- (i) not boxing or wrestling to the best of his ability;
- (ii) retiring from the tournament without sufficient cause; or
- (iii) committing a deliberate foul as defined by regulation under this Act,

to declare the whole or any portion of any amount payable to such boxer or wrestler for his services in the tournament, to be forfeited and to determine to whom or to which fund such amount shall be paid;

- (k) to decide who are the holders of South West African or other titles in respect of boxing or wrestling by any class of persons at tournaments and to provide for the half-yearly grading of boxers or wrestlers or classes of boxers or wrestlers registered under paragraph (c);
- (l) to make arrangements with other bodies controlling or regulating boxing or wrestling at tournaments, for the mutual recognition of any refusal, suspension or cancellation of the registration of any boxer, wrestler, official or promoter;
- (m) to issue a letter of introduction to any registered boxer, wrestler, official or promoter proceeding to any place outside South West Africa in order to take part in tournaments and to furnish in such letter of introduction such particulars in respect of such boxer, wrestler, official or promoter as the board may deem necessary, or to procure the services of any boxer or wrestler ordinarily resident outside South West Africa, at tournaments in South West Africa;
- (n) to establish a benevolent fund to be used for such purposes as may be prescribed by regulation under this Act; and

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- (o) to take such steps as the board may deem necessary or expedient for the due and proper regulation or control of boxing or wrestling at tournaments or to enable it to exercise due and proper supervision over such boxing or wrestling.

Regulations

8. (1) The Administrator-General may, after consultation with the board, make regulations not inconsistent with this 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 board 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) the registration of any person as a boxer, wrestler, official, manager or promoter;
- (g) the rules under which and the manner in which any tournament shall be organized and conducted, including the manner in which that portion of any premises on which actual boxing or wrestling takes place shall be separated from the spectators and be 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 testing of the physical and mental fitness, the medical examination and the weighing of participants prior to any tournament, as well as the use of or any prohibition against the use of stimulants, sedatives or other substances by participants before or during any tournament;
- (j) the submission to the board 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;
- (k) the management of a benevolent fund and the purposes for which such fund may be used;
- (l) a prohibition against the attendance of any particular class of persons at tournaments,

and generally with regard to all matters which by this Act are required or permitted to be prescribed or which the board may consider it necessary or expedient to prescribe for the achievement of its objects.

(2) Regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of one thousand rand or imprisonment for a period of six months.

Funds of the board

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9. (1) The funds of the board shall consist of the fees received by it in pursuance of any regulation made under section 8 and any funds derived from any other sources whatsoever.

(2) The board shall cause full and correct account to be kept of all amounts received or expended by it.

Annual report and financial statement

10. The board shall not later than 31 March of every year, submit to the Administrator-General a report concerning its activities during the year ending on 31 December of the preceding year, together with a copy of an audited statement of its income and expenditure during that year and a balance sheet showing its financial position as at that date.

Tournaments to be authorized

11. No person shall hold or assist in holding any tournament, unless the holding of such tournament has been authorized by a licence issued under section 7(f) and unless the tournament is held in accordance with such conditions as may be imposed by the board under that section.

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

12. No person shall -

(a) take part in any tournament as a boxer, wrestler or official or train any boxer or wrestler for participation in any tournament; or

[paragraph (a) substituted by Act 25 of 1980]

(b) manage the affairs of any boxer or wrestler in so far as they relate to his participation in tournaments as a boxer or wrestler; or

(c) negotiate with any boxer or wrestler with a view to procuring his services as a boxer or wrestler at a tournament,

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

13.

[section 13 deleted by Act 1 of 1996]

Boxing or wrestling contests or exhibitions may be stopped or forbidden

14. (1) If the Commissioner of Police or any deputy commissioner of police or any magistrate or assistant magistrate is satisfied that any boxing or wrestling contest or exhibition which is being or about to be held, should, in the public interest be stopped or forbidden, he shall, verbally or in writing, notify the person holding or proposing to hold such contest or exhibition or the participants, or cause them to be so notified, that he prohibits the boxing or wrestling contest or exhibition.

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(2) Any member of the police while on duty, shall have free access to any place where any boxing or wrestling contest or exhibition is being or about to be held.

(3) Whenever any police officer of or above the rank of sergeant is satisfied that the continuation of any boxing or wrestling match or exhibition is likely to result in the life of any participant or any person attending the boxing or wrestling contest or exhibition being endangered or in a breach of the peace, he 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.

Offences and penalties

15. Any person who -

- (a) contravenes or fails to comply with any provision of section 11;
- (b) holds or attends or takes part in or assists in holding any boxing or wrestling contest or exhibition which has been stopped or prohibited under section 14(1) or continues with it;
- (c) disobeys any order given under section 14(3);
- (d) refuses to allow any member of the police force while on duty, free access to any premises in or on which any boxing or wrestling contest or exhibition is being or about to be held, or obstructs any such member in the execution of his duties under this Act;
- (e) participates as a boxer or wrestler in any tournament after having been prohibited under section 7(i) from so participating in that tournament;
- (f) advertises any tournament by means of an advertisement which differs from any advertisement submitted to the board under section 7(g)(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(c)(i);
- (h) contravenes or fails to comply with the provisions of section 12; or
- (i) contravenes any provisions of section 13,

shall be guilty of an offence and liable on conviction -

- (i) in the case of any offence referred to in paragraph (a), (b), (c), (d), (e), (f), (g) or (i) to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment; and
- (ii) in the case of any offence referred to in paragraph (h), to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Short title and commencement

16. (1) This Act shall be called the Boxing and Wrestling Control Act, 1980, and shall, subject to the provisions of subsections (2) and (3), come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*.

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(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

(3) The provisions of this Act brought into operation in accordance with subsection (1) or (2), may be so brought into operation to such extent as may be stated in the proclamation concerned.