



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 2 December 2003

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## Government Notices

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### MINISTRY OF BASIC EDUCATION, SPORT AND CULTURE

No. 243 2003

#### COMMENCEMENT OF NAMIBIA SPORTS ACT, 2003 (ACT NO. 12 OF 2003)

Under the powers vested in me by section 41 of the Namibia Sports Act, 2003 (Act No. 12 of 2003), I determine that the Act commences on the date of publication of this notice.

**J. MUTORWA**  
**MINISTER OF BASIC EDUCATION,**  
**SPORT AND CULTURE**

Windhoek, 17 November 2003

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### MINISTRY OF BASIC EDUCATION, SPORT AND CULTURE

No. 244 2003

#### SPORTS REGULATIONS: NAMIBIA SPORTS ACT, 2003

The Minister of Basic Education, Sport and Culture, under section 38 of the Namibia Sports Act, 2003 (Act No. 12 of 2003), on the recommendation of the Commission, has made the regulations set out in the Schedule.

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## PART I

## PRELIMINARY

**Definitions**

1. In these regulations a word or an expression to which a meaning has been given in the Act has that meaning, and

“international federation” means a multinational sports controlling body responsible for a specific sports code and which is recognized as such under regulation 27;

“national sports colours” means the colours and the items specified in regulation 11;

“national sports emblem” means the national sports emblem for Namibia determined by the Minister under section 29 of the Act;

“sports person” means any person who participates in any sports activity organized in terms of these regulations;

“the Act” means the Namibia Sports Act, 2003 (Act No. 12 of 2003); and

“uniformed sports body” means a sports body recognized as contemplated in regulation 27 as a uniformed sports body.

## PART II

## NATIONAL SPORTS BODIES, NATIONAL UMBRELLA SPORTS BODIES, SPORTS CLUBS AND SPORTS FACILITIES

**Registration of national sports body or national umbrella sports body**

2. (1) A sports body that wants to apply for registration as a national sports body or national umbrella sports body in terms of section 26 of the Act, may apply to the Commission in the form of Form 1 contained in the Schedule.

(2) An application made under subregulation (1) must be accompanied by -

- (a) a copy of the constitution, the rules, the membership list of the applicant and, where applicable, the charter or constitution of the international federation to which the applicant is affiliated or seeks to affiliate;
- (b) a list of the sports codes which the applicant represents; and
- (c) other information relevant to the application, if any.

**National sports body or national umbrella sports body to keep books of accounts and to appoint auditors**

3. (1) A national sports body or national umbrella sports body must keep proper books of accounts and information relating to all its affairs and activities so as to at all times present fairly and reflect correctly all its financial transactions and its financial position.

(2) A national sports body or national umbrella sports body must appoint a person who is registered as an accountant or auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), to audit its books of accounts and financial statements.

(3) A national sports body or national umbrella sports body, after the end of each financial year, must -

- (a) prepare a report on its activities during that financial year;
- (b) cause its books of accounts and financial statements to be audited by the person appointed in terms of subregulation (2); and
- (c) submit the report referred to in paragraph (a) and the audited balance sheet and income and expenditure account together with the auditor's report to the Commission as required by section 27 of the Act.

(4) If a national sports body or national umbrella sports body fails to comply with subregulation (1), (2) or (3), the Commission, after giving the sports body an opportunity to make representations, may -

- (a) suspend the sports body's registration;
- (b) terminate the sports body's registration; or
- (c) impose any other appropriate measures,

until such time that the sports body complies.

#### **Registration of sports club**

4. (1) A sports club that wants to be registered with a national sports body may apply to the national sports body concerned in the manner and form determined by that body.

(2) An application made under subregulation (1) must be accompanied by -

- (a) a copy of the constitution and the rules of the sports club; and
- (b) a list of the members of the sports club; and
- (c) any other information a national sports body may require.

(3) A national sports body, within 90 days of receipt of the application made under subregulation (1), must register the sports club, if it is satisfied that -

- (a) the constitution and the rules of the sports club are consistent with these regulations;
- (b) by seeking registration for the sports club, the members and office-holders of the sports club are acting in good faith;
- (c) the objectives of the sports club are the same as or complementary to those of the national sports body;
- (d) the sports club is prepared to abide by the rules of the national sports body and to pay any money to the national sports body that may become due and payable by it; and
- (e) the registration fee has been or will be paid.

(4) A national sports body must keep and maintain a register of all sports clubs registered with it.

(5) The register referred to in subregulation (4) must be open to inspection, free of charge, by any person at the offices of the national sports body concerned during office hours.

**Appeal against decision of sports club**

5. (1) A person who is aggrieved by the decision of a sports club may appeal to the national sports body under which that sports club is registered against that decision in accordance with the constitution and rules of that body.

(2) If a person is not satisfied with the decision of a national sports body the person may appeal to the appeal committee against that decision in accordance with section 35 of the Act.

**Registration of sports facilities**

6. (1) The application for registration of sports facilities referred to in section 32 of the Act must be made in the form of Form 3 contained in the Schedule.

(2) An application referred to in subregulation (1) must -

(a) contain a description of the premises or place intended to be registered and used as sports facilities and its postal and physical address, and any information the Commission may determine; and

(b) be accompanied by the registration fee.

(3) After considering the application made under subregulation (1), the Commission must grant the application and register the sports facilities, if it is satisfied that the sports facilities are suitable and adequate for the purposes they will be used.

**PART III****PAYMENT OF LEVIES TO NATIONAL SPORTS BODY AND FUND****Payment of annual levy by sports club**

7. (1) Subject to regulation 8, a sports club must pay an annual levy in respect of each member registered with the club to the national sports body under which the club is registered on or before 30 November in each year.

(2) A national sports body under which a sports club is registered must notify the sports club in writing of the actual amount due as annual levy for any particular financial year.

(3) If a sports club is registered with two or more national sports bodies and the members of that sports club are registered in different sports codes, that sports club must pay the annual levy referred to in subregulation (1) to the national sports body under which the sports code falls.

(4) If a person is registered as a member of two or more sports clubs, each of those sports clubs is liable to pay the annual levy in respect of that member to the respective national sports bodies.

(5) If the number of members of a sports club changes during the financial year, the annual levy payable must be assessed by the national sports body concerned on the basis of the average monthly membership of that sports club during that financial year.

(6) If there is doubt as to the number of members of a sports club, the annual levy payable by the sports club must be assessed by the Commission in consultation with that sports club and the national sports body under which that sports club is registered.

(7) If a sports club has been registered with a national sports body for only part of a financial year and has not, during that same financial year been registered with any

other national sports body, the annual levy payable by that sports club must be proportionate to the period during which it was registered.

#### **Payment of annual levy by national sports body**

**8.** (1) For the purposes of assessing the annual levy referred to in section 22 of the Act, the Commission may require a national sports body to provide the Commission, within a specified time, with a return in the form of Form 3 contained in the Schedule, showing -

- (a) the name and address of each sports club registered with the national sports body;
- (b) the total number of the members of each sports club; and
- (c) membership fee in respect of each sports club.

(2) A sports club must provide the information referred to in subregulation (1) to the national sports body under which that sports club is registered upon a request made by the sports body.

(3) Subject to subregulation (4), a national sports body must pay the annual levy received under regulation 7 to the Commission on or before 31 March in each year.

(4) The commission, on application made to it and on reasonable grounds, may extend the period referred to in subregulation (3), but not beyond 90 days.

(5) On or before the date referred to in subregulation (3) or a date determined under subregulation (4), a national sports body must deliver by hand or send by registered post to the Commission -

- (a) a cheque payable to the Sports Development Fund in respect of annual levy;
- (b) a completed return referred to in subregulation (1);
- (c) a list of the names and addresses of sports clubs that have paid their annual levy to that national sports body; and
- (d) a list of names and addresses of sports clubs registered under the national sports body, but which are also registered with other national sports bodies, indicating the sports clubs that have paid their annual levies to those national sports bodies and the names and addresses of those national sports bodies;
- (e) a list of names and addresses of the sports clubs registered with the national sports body which have not paid their annual levies and the reasons for failing to pay; and
- (f) a statement that a sports club has understated its membership in order to evade payment of the annual levy, if the national sports body has proof to that effect.

(6) The Commission, on receipt of the cheque referred to in subregulation (5)(a), must issue out a receipt to the national sports body -

- (a) on the date of receipt, if the cheque was delivered by hand; or
- (b) within seven days of receipt, if the cheque was delivered by post.

(7) The Commission, after the receipt of the cheque and other documents referred to in subregulation (5), may -

- (a) advise the national sports body of any shortfall in annual levy paid; or
  - (b) refund the national sports body any overpayment in annual levy paid.
- (8) The Commission must authorize a national sports body to pay a lesser amount in respect of annual levy, if the national sports body satisfies the Commission that -
- (a) after taking all reasonable steps to collect the annual levy from all the sports club registered with it as required by these regulations, the national sports body failed to collect all the annual levies; or
  - (b) the national sports body cannot pay to the Commission the uncollected annual levies from its own funds.

### **Ticket levy**

9. (1) The ticket levy referred to in section 22 of the Act is payable on every ticket which enables a person to enter -

- (a) any registered sports facilities to watch a sports event organized by a sports club, national sports body or national umbrella sports body; or
- (b) any registered sports facilities to watch a sports event organized by an unregistered sports club or sports body with the assistance of a sports club, national sports body or national umbrella sports body.

(2) A sports club, national sports body or national umbrella sports body which under the notice referred to in section 22 of the Act is required to collect ticket levy must complete a return in the form of Form 4 contained in the Schedule within two days of the completion of the sale of tickets.

(3) If a sports club, national sports body or national umbrella sports body is prepared to assist an unregistered sports club or sports body to hold a sports event on the registered sports facilities -

- (a) the unregistered sports club or sports body must complete and sign -
  - (i) a declaration in the form of Form 5 contained in the Schedule, before the assistance is given; and
  - (ii) a return in the form of Form 4 contained in the Schedule within two days of the completion of the sale of tickets; and
- (b) the sports club, national sports body or national umbrella sports body must appoint one or more persons to monitor the sale of tickets for the sports event.

(4) If a person appointed under subregulation (3)(b) -

- (a) is satisfied that the information supplied under subregulation (3)(a)(ii) is correct such person must sign the relevant part of the return in Form 4 contained in the Schedule; or
- (b) is not satisfied that the information supplied under subregulation (3)(a)(ii) is correct, such person must sign the relevant part of the return on Form 4 referred to in paragraph (a) and submit to the sports club, national sports body or national umbrella sports body that appointed him or her, a written report explaining the reasons why the information is not satisfactory.

(5) On receipt of the report submitted under subregulation (4)(b), the sports club, national sports body or national umbrella sports body must investigate the matter and compile a written report and submit it to -

- (a) the national sports body under which the sports club is registered, in the case of a sports club; or
- (b) the Commission, in the case of a national sports body or national umbrella sports body.
- (6) A national sports body, as soon as reasonably possible, after receipt of a report submitted to it under subregulation (5)(a) must forward the report together with its comments on the matter to the Commission.
- (7) A sports club, national sports body or national umbrella sports body that is required to collect ticket levy under this regulation must pay the ticket levy within 7 days after the holding of a sports event -
- (a) to the national sports body with which the sports club is registered for transmission to the Commission, in the case of a sports club; or
- (b) the Commission, in the case of a national sports body or national umbrella sports body.
- (8) The payment contemplated in subregulation (7) must be effected by delivering it by hand or registered post to the national sports body, in the case of a sports club, or to the Commission, in the case of a national sports body or national umbrella sports body -
- (a) a cheque in respect of ticket levies payable to the Fund;
- (b) a completed return in the form of Form 4 contained in the Schedule; and
- (c) the reports made under subregulations (4) and (5), if any.
- (9) A national sports body, within seven days after receipt of the cheque and documents delivered or posted to it under subregulation (8), must -
- (a) deliver by hand or send by registered post to the Commission the cheque and the documents; and
- (b) issue out a receipt of the cheque and documents to the sports club concerned.
- (10) The Commission, within 14 days after the receipt of ticket levies delivered or posted to it under subregulation (8) or (9), must issue out a receipt to the national sports body or national umbrella sports body, and may -
- (a) advise the national sports body or national umbrella sports body of any shortfall in the money received; or
- (b) refund any overpayment to the national sports body or national umbrella sports body.
- (11) If a sports club, national sports body (or national umbrella sports body that has assisted an unregistered sports club or sports body to hold a sports event is unable to recover the whole or part of the ticket levies from the unregistered sports club or sports body, the Commission must absolve the club or body from liability to recover the ticket levies, if the Commission is satisfied that the failure to recover the ticket levies was not on the part of the club or body.
- (12) Despite subregulation (11), the Commission may recover from an unregistered sports club or sports body any ticket levy which a sports club, national sports body or national umbrella sports body has failed to recover from the unregistered sports club or sports body.



**Submission of returns to Commission**

10. On or before the last day of each month a national sports body must complete and deliver by hand or registered post to the Commission a monthly return in the form of Form 6 contained in the Schedule, that shows -

- (a) the sports activities or events organized by the national sports body during that month; and
- (b) the sports activities or events which, during that month, the national sports body has assisted an unregistered sports club or sports body to organize on or in any registered sports facilities.

**PART IV****NATIONAL SPORTS COLOURS, SPORTS  
EVENTS AND SELECTION OF NATIONAL TEAM****National sports colours**

11. (1) National sports colours which under section 30 of the Act, may be awarded to sportspersons, national team or sports administrator consist of -

- (a) a blazer in black colour, or any colour of the national flag, and a badge embroiled or waived in with the national sports emblem;
- (b) a tie in black colour, or any colour of the national flag, embroiled or waived in with the national sports emblem;
- (c) a shirt or blouse in white colour, or any colour of the national flag;
- (d) a trouser or skirt in grey colour, or any colour of the national flag;
- (e) a scarf in grey colour, or any colour of the national flag; and
- (f) a tracksuit in colours of the national flag.

(2) A battledress to be used by a sportsperson who is participating in an international sports event must be in the colours of the national flag.

**Qualification for national sports colours**

12. (1) A sportsperson called up to play for a national team for the first time does not qualify for full national sports colours.

(2) A sportsperson qualifies for full national sports colours after having participated in two international matches for the same sports code.

**Awarding of national sports colours**

13. (1) A national sports body or national umbrella sports body which, under section 30 (3) of the Act, desires to award national sports colours to a sportsperson or team may apply to the Commission in the form of Form 7 contained in the Schedule.

(2) The application made under subregulation (1), must be submitted together with the application referred to in regulation 15, if it is applicable.

(3) If the Commission -

- (a) approves an application for the award of national sports colours made under subsection (1), it must issue out to the applicant a certificate to that effect; or

- (b) does not approve an application for the award of national sports colours made under subsection (1), the Commission must advise the applicant in writing of the Commission's disapproval and the reasons.
- (4) The Commission may withdraw national sports colours from any person to whom they have been awarded, if -
- (a) the person does not participate in the international sports event for which the colours have been awarded;
- (b) the Commission is satisfied that the criteria used or procedures followed to select that person to participate in the international sports event was improper; or
- (a) the person does -
- (i) an act which is likely to bring the sports code in question into disrepute; or
- (ii) an act which is contrary to the Act or these regulations, or any condition imposed by the Commission under the Act or these regulations.
- (5) A person who wears or displays national sports colours without being authorized to do so by or under the Act or these regulations commits an offence, and is liable to a fine not exceeding N\$2000 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

#### **Production of national sports colours**

14. (1) For the purposes of ensuring consistency and uniformity in the production of national sports colours, the Commission may appoint one or more agents to manufacture, sale or hire out national sports colours.

(2) The Commission, on reasonable grounds and after affording an agent an opportunity to make representations, may withdraw an appointment made under subregulation (1).

(3) Unless the Commission authorized otherwise in writing, a person, other than an agent appointed under subregulation (1), may not manufacture, sale or hire out -

- (a) national sports colours or any representation or imitation of them; or
- (b) an article on which there is a representation or an imitation of national sports colours.

(4) A person who contravenes subregulation (3) commits an offence and is liable to a fine not exceeding N\$2000 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

#### **Hosting of and participating in sports event**

15. (1) An application for the Commission's approval to host an international sports event in Namibia referred to in section 33 of the Act must be made in the form of Form 9 contained in the Schedule.

(2) An application made under subregulation (1) must be lodged at least 60 days before the date of the international sports event.

(3) An application for the Commission's approval to participate in an international sports event referred to in section 33 of the Act must be made in the form of Form 8 contained in the Schedule.

- (4) an application made under subregulation (3) must be -
  - (a) lodged -
    - (i) at least 60 days before the date of the international sports event, if the event is to be held inside Namibia; or
    - (ii) at least 30 days before the date of departure of the participants, if the event is to be held outside Namibia; and
  - (b) accompanied by-
    - (i) a letter of invitation from the host or organizer of such international sports event;
    - (ii) a list of names of all the participants, including the team management; and
    - (iii) a programme of that international sports event and other information, if any.
- (5) If the Commission
  - (a) approves an application made under subregulation (1) or (3), the Commission must issue out to the applicant a certificate to that effect; or
  - (b) does not approve the application made under subregulation (1) or (3), the Commission must advise the applicant in writing of the Commission's decision and the reasons for that decision.
- (6) An unregistered sports club may not participate in any sports event organized by a national sports body or national umbrella sports body, without the permission of the Commission.
- (7) A sportsperson who is not registered with a sports club may not participate in an international sports event organized by a national sports body or national umbrella sports body, without the permission of the Commission.

#### **Selection of national team**

16. (1) A person may not represent Namibia in any international sports event unless such person -
- (a) is a Namibian citizen;
  - (b) has been selected to represent Namibia in accordance with this regulation; and
  - (c) has been approved by the Commission to represent Namibia in such event.
- (2) Unless the Commission determines otherwise, a national sports body or national umbrella sports body which wants to select a national team to participate in an international sports event must hold proper and representative trials at regional and national levels to select the best possible national team.
- (3) A national sports body or national umbrella sports body must announce the date, time and place at which regional trials will take place and such announcement must be made at least 14 days before the trials take place.
- (4) A team of selectors nominated by the sports clubs affiliated to the national sports body or national umbrella sports body which wants to select a national team must

participate in the selection at both regional and national trials and at the final selection of such team.

(5) The Commission must ensure that there is always a person representing the Commission at both regional and national trials who, at the end of each trial, must declare, in writing, whether a regional trial was fair or not.

#### **Membership of foreign sports club and participating in sports event by Namibian citizen under foreign sports club**

17. (1) A Namibian citizen who is a member of a sports club and who wants to participate in any sports event outside Namibia may participate in that sports event as a citizen of Namibia, but before participating in that event he or she must inform the organizers of that event of his or her status.

(2) A Namibian citizen who is a member of a sports club, and who becomes a member of a foreign sports club -

- (a) must give the name and address of that foreign sports club to his or her sports club and to the national sports body to which his or her sports club is affiliated not later than 30 days after becoming a member of that foreign sports club; and
- (b) may participate in any sports event with that foreign sports club as a citizen of Namibia, subject to subregulation (3).

(3) If a Namibian citizen referred to in subregulation (2) wants to participate in any sports event as referred to in paragraph (b) of that subregulation, he or she must advise the Commission in writing, and the Commission, after consultation with that person's sports club, may issue out a clearance certificate with or without conditions attached.

(4) A person who contravenes subregulation (2) or (3) commits a misconduct and is liable to disciplinary actions in terms of subregulation (5).

(5) The Commission, after giving the person referred to in subregulation (4) an opportunity to state his or her case, and upon finding that person guilty of misconduct, may -

- (a) direct such person's sports club to cancel his or her membership with such club;
- (b) declare such person ineligible to represent Namibia in any international sports event for a period not exceeding two years; or
- (c) impose a fine not exceeding N\$2000.

(6) A national sports body or national umbrella sports body, in relation to a sports event organized by it, may use any referee, judge, linesperson, coach, trainer or any other person connected to the sports event, as long as such person is affiliated -

- (a) to the national umbrella sports body to which the national sports body is affiliated; or
- (b) to the international federation to which the national sports body or national umbrella sports body is affiliated.

#### **Invitation team**

18. (1) For the purposes of this regulation "invitation team" means any person or group of persons who or which as a representative of Namibia participates in any sports event for entertainment, and not for reward, though a reward may be provided.

(2) A Namibian citizen or a non-Namibian citizen who holds a valid work or residence permit and who has been ordinarily resident in Namibia for a period of six months or more is eligible for selection to an invitation team.

(3) A sportsperson who, or any sports club, national sports body or national umbrella sports body which, wants to participate against a visiting sports team or an individual in any sports event as an invitation team may apply to the Commission for a written approval.

(4) A non-Namibian citizen who holds a valid work or residence permit may participate either as an individual or as a team member in any sports event organized by a sports club, national sports body or national umbrella sports body with the written approval of the Commission.

#### **Additional funding for sports event**

19. A sports code which needs an additional funding for a certain sports event must -

- (a) make a request to the Commission for such funding 90 days before the event takes place, or such fewer days as the Commission may allow in any particular circumstances; and
- (b) make effort to raise funds on its part.

#### **Contingency funds for sports event**

20. (1) The Commission must provide contingency funds to a sports delegation which is to attend a sports event to be held outside Namibia.

(2) A person may not use any money from the contingency funds for anything other than an unforeseen or sudden occurrence.

(3) The contingency funds must be provided in traveler's cheque in the currency of any specific country, but not in hard cash.

(4) The checks and balances to be employed in the control of the contingency funds must -

- (a) be strict and tight, and simple to apply, at all times; and
- (b) be based on the values of ethics, professionalism, accountability and transparency.

(5) The Commission must announce the amount of the contingency funds to the sports delegation at least 14 days before the date of departure.

(6) The Chef de Mission or Head of Delegation must be responsible for the safe-keeping of the contingency funds.

(7) The team management must be jointly responsible for the authorization of any expenses and payments out of the contingency funds.

(8) A requisition booklet with the provision of three team management (Chief de Mission, General Team Manager and Technical Manager) signatories must be maintained to authorize expenses and payments.

(9) Every receipt to be submitted to the Commission must be accompanied by a corresponding requisition referred to in subregulation (8).

(10) The team management must give a comprehensive financial report to the Commission within 21 days after the arrival of the team.

(11) The surplus of the contingency funds must be deposited back into the Fund.

(12) The team management must be jointly liable for any money of the contingency fund that has not been accounted for.

## PART V

### DOPING

#### **Doping**

21. (1) For the purposes of this Part -

“doping control official” (DCO) means a person who, on the recommendation of the national sports body or national umbrella sports body or international federation responsible for the relevant sports code, is authorized in writing by the Commission to conduct doping control tests on sportspersons;

“doping control test” (DCT) means any method, process or technique which is used by a doping control official -

- (a) to ascertain the presence or absence of a prohibited substance in a sportsperson’s body tissue or fluid; and
- (b) to determine whether a sportsperson has used or is using a prohibited technique;

“prohibited substance”, includes -

- (a) a substance listed as a prohibited substance by an international federation or by a national sports body or national umbrella sports body which is affiliated to the international federation;
- (b) a metabolite of the substance referred to in paragraph (a);
- (c) any substance that in an artificial way enhances the physical performance of any sportsperson; or
- (d) where the amount or dosage of a substance which can be taken by a sports person is specified by an international federation or by a national sports body or national umbrella sports body which is affiliated to that international federation, an amount or dosage in excess of that specified amount or dosage;

“prohibited techniques” includes -

- (a) the adding of a prohibited substance into a sportsperson’s body;
- (b) the use of a substance or method which alter the quality of any body tissue or fluid to prevent the detection of a prohibited substance in a sportsperson’s body; or
- (c) the employment of any process or technique which is prohibited by an international federation or by a national sports body or national umbrella sports body which is affiliated to that international federation.

(2) If an international federation which, under subregulation (1), is required to impose a prohibition or restriction does not exist or has not imposed any prohibition or restriction, the substances or techniques which may be prohibited or restricted are those which are prohibited or restricted by the International Olympic Committee.

(3) Where, under this Part, a notice is required to be given to any person or body by a national sports body or national umbrella sports body or an international federation that notice may be given -

- (a) by serving it personally on that person or at the offices of such body; or
- (b) by sending it by registered post to the address given in the application for membership or registration.

### **Doping offences**

22. (1) A sportsperson commits an offence of doping, if -

- (a) for the purposes of enhancing that person's physical performance in any sporting activity or event, such person uses a prohibited substance and that substance is found in that person's body tissue or fluid before, during or after participation in that sporting activity or event; or
- (b) such person uses a prohibited technique.

(2) Where a DCO has reasonable cause to believe that a sportsperson has committed the offence of doping, the DCO, by written notice, may require such sportsperson to submit himself or herself to a DCT.

(3) A sportsperson commits an offence, if, after having been served with a notice referred to in subregulation (2), the sportsperson -

- (a) fails to submit himself or herself to a DCT at the place and time specified in that notice;
- (b) fails to comply with the requirements of the DCT;
- (c) without a reasonable excuse, refuses to receive the notice;
- (d) behaves in such a way that makes it impossible for that person to be served with the notice; or
- (e) fails to comply with any instruction given by the DCO in connection with the notice or the DCT.

(4) A DCO or a member of a national sports body or national umbrella sports body or an international federation commits an offence, if such member incites, assists or encourages a sportsperson to commit an offence under this Part.

(5) A national sports body or national umbrella sports body or an international federation may take disciplinary action against a person who commits an offence under this Part and punish such person in accordance with the disciplinary measures prescribed for that offence by such body or federation.

(6) A sportsperson has a duty to ensure that any substance taken by him or her, including medical prescription, does not contain a prohibited substance to avoid liability under this regulation.

### **Doping control tests**

23. (1) The procedure and criterion of selecting sportspersons to undergo a DCT must be that which is prescribed by a relevant international federation and adopted by a national sports body or national umbrella sports body with the approval of the Commission.

(2) A DCT must be done in compliance with rules or requirements prescribed by a relevant international federation and adopted by a national sports body or national umbrella sports body with the approval of the Commission.

#### **Laboratory reports**

**24.** (1) As soon as is reasonably possible after a DCT has been done, the DCO must -

- (a) for analysis, take any sample of bodily tissue or fluid taken from a sportsperson to a laboratory approved by the Commission; and
- (b) compile a written report on the laboratory analysis, sign it and send it to the relevant national sports body or national umbrella sports body.

(2) If the laboratory analysis done under subregulation (1) shows that there is no prohibited substance in the sportsperson's bodily sample -

- (a) the DCT must be regarded as negative and no further action may be taken against such sportsperson; and
- (b) the DCO must send the results of that analysis to the sports club to which such sportsperson is a member or to the national sports body or national umbrella sports body to which such sportsperson's sports club is registered or affiliated.

(3) If the laboratory analysis done under subregulation (1) shows that the sportsperson's bodily sample contains a prohibited substance, the DCT must be regarded as positive and the procedure set out in regulation 22 must be followed.

#### **Procedure where DCT is positive**

**25.** (1) The procedure to be followed after a positive DCT is that which is prescribed by the relevant international federation and afterwards the disciplinary action contemplated in regulation 22 (5) becomes applicable to the sportsperson concerned.

(2) A national sports body or national umbrella sports body may cause to be conducted by an international federation or any person on its behalf an out of competition DCT on any sportsperson at any sports event organized by such body and the sportsperson is obliged to submit to the DCT.

### **PART VI**

#### **GENERAL**

#### **Free entry to registered sports facilities**

**26.** (1) The Commission, on application made to it in the form of Form 10 contained in the Schedule, may temporarily or permanently authorize a staff member of the Ministry, a representative of a sports body or any other person to, free of charge, enter a registered sports facilities to watch a sports activity or event or to do any other things connected to a sports activity or event.

(2) The Commission may authorize its member or employee to, free of charge, enter a registered sports facilities -

- (a) to watch a sports activity or event;
- (b) to inspect any sports equipment, ticket books, receipts or other records connected to a sports activity or event; or



- (c) to investigate any contravention of the Act, these regulations or conditions of registration of a sports facilities.

(3) The Commission must issue the person for whom a free entry has been authorized under subregulation (1) or (2), with an identity card that bears the person's name, photograph and designation, and the signature of the chairperson of the Commission.

(4) A person referred to in subregulations (1) and (2) must produce his or her identity card if demanded by a person who is in charge of the sports facilities concerned.

(5) A person who refuses or obstructs entry to a registered sports facilities to the person referred to in subregulations (1) or (2) who complied with subregulation (4), commits an offence and is liable to a fine not exceeding N\$2000 or imprisonment for a period not exceeding six months.

### **Recognition of uniformed sports bodies, international federations and competitive sports codes**

27. (1) The Commission, for the purposes of coordination, organizing and cooperation in sports matters, may recognize -

- (a) any uniformed sports body to which sports clubs in the Namibian Defence Force, Namibian Police Force and Namibian Prisons and Correctional Services may affiliate, in so far as it abide by its constitution and rules;
- (b) any international federation to which national sports bodies or national umbrella sports bodies may affiliate, in so far as it abide by its constitution and rules;
- (c) competitive sports codes.

(2) The Commission must keep a list of -

- (a) the sports bodies contemplated in subsection (1)(a) and (b); and
- (b) all competitive sports codes on both amateur and professional levels, including those held amongst people with disabilities.

### **Summons to appear before appeal committee**

28. The summons to appear before the appeal committee referred to in section 35(9)(a) of the Act must be in the form of Form 11 contained in the Schedule.

## SCHEDULE

### INDEX TO FORMS

Form 1	Application for registration as national sports body or national umbrella sports body	(Reg 2)
Form 2	Application for registration of sports facilities	(Reg 6)
Form 3	National sports body's annual levy return	(Reg 8)
Form 4	Ticket levy return by sports club and body	(Reg 9)
Form 5	Declaration by person, sports club or sports body	(Reg 9)
Form 6	Monthly return by national sports body	(Reg 10)
Form 7	Application for national sports colours	(Reg 13)
Form 8	Application for participation in sports event	(Reg 15)
Form 9	Application for hosting of international sports event	(Reg 15)
Form 10	Application for free entry to registered sports facilities	(Reg 26)
Form 11	Summons to appear before Appeal Committee	(Reg 28)

## Form 1

## NAMIBIA SPORTS COMMISSION

NAMIBIA SPORTS ACT, 2003 (Act No. 12 of 2003):

APPLICATION FOR REGISTRATION AS A NATIONAL SPORTS BODY  
OR A NATIONAL UMBRELLA SPORT BODY  
(Section 26, regulation 2)

1. Name of applicant:

\_\_\_\_\_

Postal address: \_\_\_\_\_

Physical address: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

2. Is a copy of your Constitution attached to your application?

 Yes No

3. Are the Rules of your sports body attached?

 Yes No

4. Is the Charter of the International Federation to which your sports body is affiliated attached?

 Yes No Not applicable

5. For a national sports body attach the list of your members to your application.

6. For a national umbrella sports body attach a list of the sports codes affiliated to your sports body.

7. Who are the members of your Executive Committee?

**Name****Position**

(a)	_____	_____
(b)	_____	_____
(c)	_____	_____
(d)	_____	_____
(e)	_____	_____
(f)	_____	_____
(g)	_____	_____

8. Who are the appointed registered auditors of your sports body's accounts?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Attached proof of the appointment of the auditors contemplated in paragraph (8).

We certify that the information provided in this application is true and correct to the best of our knowledge.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
CAPACITY

\_\_\_\_\_  
DATE

**For Office Use Only**

Approved

Not Approved

Comments (if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF CHAIRPERSON  
OF THE COMMISSION

\_\_\_\_\_  
DATE

**Form 2**

**NAMIBIA SPORTS COMMISSION**

NAMIBIA SPORTS ACT, 2003 (ACT NO. 12 OF 2003):

**APPLICATION FOR REGISTRATION OF SPORTS FACILITIES  
(Section 32, regulation 6)**

Name of Applicant: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Tel : \_\_\_\_\_ Fax: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Description of facilities:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Intended use of the facilities:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Physical location of the facilities:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ownership of the facilities:

(a) Private

(b) State-owned

(c) Community-owned

What is the number of the Title Deed .....

Please attached a certified copy of the Title Deed.

Registration fee amount N\$ \_\_\_\_\_

We certify that the information given in this application is true and correct to the best of our knowledge.

\_\_\_\_\_  
SIGNATURE OF SECRETARY-GENERAL

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF CHAIRPERSON/PRESIDENT

\_\_\_\_\_  
DATE

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**For Office Use Only**

Approved

Not Approved

Comments:

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\_\_\_\_\_  
SIGNATURE OF CHAIRPERSON  
OF THE COMMISSION

\_\_\_\_\_  
DATE

Form 3

**NAMIBIA SPORTS COMMISSION**

NAMIBIA SPORTS ACT, 2003 (ACT NO.12 OF 2003):

NATIONAL SPORTS BODY'S ANNUAL RETURN  
(Regulation 8)

1. Name of national sports body: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Postal address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Calendar year in respect of which return is being submitted: 20\_\_\_\_\_

4. Details of sports clubs registered with the national sports body:

Name and address of sports club	Date of first registration with the national sports body	Number of members	Membership fee

5. Details of levy paid or payable:

(a) Total amount of levy calculated on membership of sports clubs that are registered with the national sports body (See Note). N\$ \_\_\_\_\_

- (b) Less -
  - (i) amount of levy for current year previously forwarded to the Namibia Sports Commission by national sports body N\$\_\_\_\_\_
  - (ii) any reductions for registration of the national sports body with the Namibia Sports Commission for less than a year (See Note) N\$\_\_\_\_\_
- (c) The balance of levy due and payable by the national sports body N\$\_\_\_\_\_

We certify that this return is true and correct to the best of our knowledge.

\_\_\_\_\_  
 FULL NAME OF TREASURER                      SIGNATURE                      DATE

\_\_\_\_\_  
 FULL NAME OF CHAIRPERSON/  
 PRESIDENT                      SIGNATURE                      DATE

**NOTE**

The annual levy is calculated at the rate of N\$\_\_\_\_\_ per member of a sports club registered with the national sports body concerned, regardless of the number of sporting activities in which the sports club member participates or the number of different sports clubs of which he or she is a member.

If a national sports body has been registered with the Namibia Sports Commission, or a sports club has been registered with a national sports body, for only part of a year, the levy payable for the year in respect of its membership is reduced proportionally.

**For Office Use Only**

Amount received N\$ \_\_\_\_\_

Receipt Number: \_\_\_\_\_ Date of receipt: \_\_\_\_\_

Full name of the receiver: \_\_\_\_\_ Signature: \_\_\_\_\_

Comments (if any):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF TREASURER                      DATE  
 OF THE COMMISSION

## Form 4

## NAMIBIA SPORTS COMMISSION

NAMIBIA SPORTS ACT, 2003 (ACT NO. 12 OF 2003):

TICKET LEVY RETURN  
(Regulation 9)PART I  
GENERAL INFORMATION

1. Name of person, sports club or sports body responsible for organizing the sports event: \_\_\_\_\_
2. Postal address: \_\_\_\_\_  
\_\_\_\_\_
3. Name and physical address of facilities used: \_\_\_\_\_  
\_\_\_\_\_
4. Date on which sports event took place: \_\_\_\_\_  
\_\_\_\_\_
5. Duration of the sports event: \_\_\_\_\_  
\_\_\_\_\_ hours/days

## PART II

## SALES OF TICKETS ACCORDING TO CATEGORIES OR CLASSES

Category or class of ticket (according to age, stand or standards etc)	Number of tickets sold	Selling price per ticket	Total sales	Total levy realized (%)
<b>Gross Totals</b>				



PART III

DECLARATION BY PERSON, SPORTS CLUB OR BODY  
RESPONSIBLE FOR THE HOSTING OF THE SPORTS EVENT

I/We\* declare that the information given by me/us\* in Part I and II of this return is true and correct to the best of my/our\* knowledge.

\_\_\_\_\_  
NAME IN BLOCK LETTERS

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

*\*Delete the inapplicable*

PART IV

DECLARATION BY PERSONS APPOINTED TO  
MONITOR SALES OF TICKETS

I/We\* declare that having properly monitored the sale of tickets recorded in Part II for the sports event specified in Part I of this return, I/We\* are satisfied/not satisfied that the information set out in this return is correct.

Comments (if any): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
NAME IN BLOCK LETTERS

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
NAME IN BLOCK LETTERS

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
NAME IN BLOCK LETTERS

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
NAME IN BLOCK LETTERS

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Comments (if any): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**For Office Use Only**

Amount received N\$ \_\_\_\_\_

Receipt number: \_\_\_\_\_ Date of receipt: \_\_\_\_\_

Name of the receiver: \_\_\_\_\_ Signature: \_\_\_\_\_

Approved

Not Approved

Comments ( if any) \_\_\_\_\_

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SIGNATURE OF TREASURER  
OF THE COMMISSION

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DATE

Form 5

**NAMIBIA SPORTS COMMISSION**

NAMIBIA SPORTS ACT, 2003 (ACT NO. 12 OF 2003):

**DECLARATION BY UNREGISTERED SPORTS CLUB OR BODY  
(Regulation 9)**

Name of applicant: \_\_\_\_\_

Postal address: \_\_\_\_\_

Physical address: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Name of registered sports club or body willing to assist: \_\_\_\_\_

Physical address: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Name of registered sports facilities to be used:

Physical address: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Details of the sports event: \_\_\_\_\_

\*I/We declare that our unregistered sports club/sports body will hold the sports event with the assistance of the sports club/sports body mentioned above and that the information given in this declaration is true and correct to the best of our knowledge.

_____ SIGNATURE OF THE APPLICANT	_____ CAPACITY	_____ DATE
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_____ SIGNATURE OF REGISTERED SPORTS CLUB/BODY WILLING TO ASSIST	_____ CAPACITY	_____ DATE
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**For Official Use Only**Approved Not Approved

Comments (if any): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF CHAIRPERSON  
OF THE COMMISSION

\_\_\_\_\_  
DATE

**Form 6**

**NAMIBIA SPORTS COMMISSION**

NAMIBIA SPORTS ACT, 2003 (ACT NO. 12 OF 2003):

MONTHLY RETURN BY NATIONAL SPORTS BODY  
(Regulation 10)

Name of national sports body: \_\_\_\_\_

Postal address: \_\_\_\_\_

Monthly Return for (name of month): \_\_\_\_\_

Nature of sports activity/event	Date of sports activity/event	Number of tickets sold	Total amount realized per activity/event	Total levy realized per activity/event	Receipt Numbers
<b>Own Activities and Events</b>					
<b>Assistance Rendered</b>					
<b>Gross Total</b>					

We certify that the information given in this monthly return is true and correct to the best of our knowledge.

\_\_\_\_\_  
NAME OF CHAIRPERSON/  
PRESIDENT

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

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**For Office Use Only**

Date of receipt: \_\_\_\_\_

Name of the receiver: \_\_\_\_\_ Signature: \_\_\_\_\_

Comments (if any): \_\_\_\_\_

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\_\_\_\_\_  
SIGNATURE OF THE TREASURER  
OF THE COMMISSION

\_\_\_\_\_  
DATE

Form 7

**NAMIBIA SPORTS COMMISSION**

NAMIBIA SPORTS ACT, 2003 (ACT NO.12 OF 2003):

APPLICATION FOR NATIONAL SPORTS COLOURS

(Section 30, regulation 13)

1. Name of applicant: \_\_\_\_\_

Postal address: \_\_\_\_\_

Physical address: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

2. Sports code: \_\_\_\_\_

Junior or senior person/team: \_\_\_\_\_

3. Sports event: \_\_\_\_\_

4. Venue: \_\_\_\_\_

5. Date on which the sports event starts: \_\_\_\_\_

6. Duration of sport event: \_\_\_\_\_ hours/days

**NOTES**

7.1 Application for national sports colours must be submitted at least *21 days* before the commencement of the event, if it is held in Namibia, or the departure of the team, if it is held outside Namibia.

7.2 Every National team selected to participate, whether the team members have previously received colours or not must apply to the Commission for official approval of the team's participation in terms regulation 15.

7.3 National colours must be officially presented by a member of the Commission.

7.4 Information/documents to accompany the application:

7.4.1 *Letter of Invitation* from the host country confirming that the event is an international event;

7.4.2 *Program* of the sports event;

7.4.3 Copies of the team members: Passport/proof of citizenship, the copies must include the *Expiry Date*.

7.6 A written report must be handed in to the Commission within *14 days* after the sports event.

We certify that the information given in this application, including the Annexure, is true and correct to the best of our knowledge, and that we have acquainted ourselves with the information set out in the Note.

\_\_\_\_\_  
SIGNATURE OF APPLICANT\_\_\_\_\_  
CAPACITY\_\_\_\_\_  
DATE**For Office Use Only**

Approved

Not Approved





**NAMIBIA SPORTS COMMISSION**

NAMIBIA SPORTS ACT, 2003 (ACT NO. 12 OF 2003):

**APPLICATION FOR PARTICIPATION IN  
INTERNATIONAL SPORTS EVENT  
(section 33(2), regulation 15)**

Sportsperson  Sports club  Umbrella Sports Body  National Sports Body

Name of applicant: \_\_\_\_\_

Postal address: \_\_\_\_\_

Physical address: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Sports event: \_\_\_\_\_

Date of sports event: \_\_\_\_\_ Host country: \_\_\_\_\_

Duration of sports event: \_\_\_\_\_ (hours/days)

Total number of delegation: Participants: \_\_\_\_\_ Officials: \_\_\_\_\_

We certify that the information given in this application is true and correct to the best of our knowledge.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
CAPACITY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF THE  
MOTHERBODY

\_\_\_\_\_  
CAPACITY

\_\_\_\_\_  
DATE

**For Office Use Only**

Approved

Not Approved

Comments (if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF CHAIRPERSON  
OF THE COMMISSION

\_\_\_\_\_  
DATE

Form 9

**NAMIBIA SPORTS COMMISSION**

NAMIBIA SPORTS ACT, 2003 (ACT NO. 12 OF 2003):

APPLICATION FOR HOSTING OF INTERNATIONAL  
SPORTS EVENT

(Section 33(1), regulation 15)

Person  Sports club  Umbrella Sports Body  National Sports Body

Name of applicant: \_\_\_\_\_

Postal address: \_\_\_\_\_

Physical address: \_\_\_\_\_

Tel : \_\_\_\_\_ Fax : \_\_\_\_\_ E-mail: \_\_\_\_\_

Sports event: \_\_\_\_\_

Date of sports event: \_\_\_\_\_ Duration: \_\_\_\_\_

Total number of Participants: \_\_\_\_\_ Officials: \_\_\_\_\_

\*I/We certify that the information given in this application is true and correct to the best of our knowledge.

\_\_\_\_\_  
SIGNATURE OF APPLICANT                      CAPACITY                      DATE

\_\_\_\_\_  
SIGNATURE OF THE MOTHERBODY                      CAPACITY                      DATE

**For Office Use Only**

Approved

Not Approved

Comments (if any):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF CHAIRPERSON OF THE COMMISSION                      DATE

**NAMIBIA SPORTS COMMISSION**

**APPLICATION FOR FREE ENTRY TO REGISTERED  
SPORTS FACILITIES  
(Regulation 26)**

Name of Applicant: \_\_\_\_\_

Position/occupation: \_\_\_\_\_

ID number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Physical address: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Purposes for which a free entry is required \_\_\_\_\_

I hereby certify that the information given in this application is true and correct to the best of my knowledge.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

**For Office Use Only**

Approved

Not Approved

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF CHAIRPERSON  
THE COMMISSION

\_\_\_\_\_  
DATE

Form 11

APPEAL COMMITTEE

NAMIBIA SPORTS ACT: 2003 (ACT NO. 12 OF 2003):

SUMMONS TO APPEAR BEFORE APPEAL COMMITTEE  
(Section 35(9)(a), regulation 28)

You, Mr/Ms/Dr \_\_\_\_\_  
ID Number: \_\_\_\_\_ Occupation: \_\_\_\_\_  
of \_\_\_\_\_  
\_\_\_\_\_ (residential address).

Postal address: \_\_\_\_\_

Work address: \_\_\_\_\_

are summoned to appear before the Appeal Committee established by section 35 of the Sports Act, 2003 (Act No. 12 of 2003) to hear appeals against decisions of the Namibia Sports Commission, National Sports Bodies and National Umbrella Sports Body, to -

- (a) give evidence concerning the matter; and
- (b) produce any document in your possession, custody or control which has a bearing upon the matter,

between \_\_\_\_\_ (Appellant)  
and \_\_\_\_\_

\_\_\_\_\_ (Respondent)

at \_\_\_\_\_ (place)

on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

SIGNATURE OF CHAIRPERSON  
OF THE APPEAL COMMITTEE

DATE

\_\_\_\_\_