



LAWS OF MALAYSIA

Act 576

SPORTS DEVELOPMENT ACT 1997

LAWS OF MALAYSIA**Act 576****SPORTS DEVELOPMENT ACT 1997****ARRANGEMENT OF SECTIONS**

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LAWS OF MALAYSIA

Act 576

SPORTS DEVELOPMENT ACT 1997

An Act to promote and facilitate the development and administration of sports in Malaysia and to provide for matters incidental thereto.

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BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

1. (1) This Act may be cited as the Sports Development Act 1997 and shall apply throughout Malaysia. Short title, application and commencement.
- (2) This Act shall come into force on such date or dates as the Minister may, by notification in the *Gazette*, appoint; and the Minister may appoint different dates for the coming into force of different provisions of this Act and for the application of this Act to different parts of Malaysia.
2. In this Act, unless the context otherwise requires— Interpretation.

"certificate" means the certificate of registration issued under section 18;

"Commissioner" means the Commissioner of Sports appointed under section 10 and includes a Regional, Deputy or Assistant Commissioner of Sports;

Act 125. "company" has the same meaning as is assigned to that expression in the Companies Act 1965 and includes a "corporation" as defined in that Act;

"licence" means the licence issued by the Commissioner under section 36;

"Minister" means the Minister charged with the responsibility for sports;

Act 29. "National Sports Council" means the National Sports Council of Malaysia established under the National Sports Council of Malaysia Act 1971;

"office bearer", in relation to a sports body, includes—

- (a) a member of any subcommittee or other body established or formed by the governing body of a sports body, or by the governing body of a branch of such sports body;
- (b) any person who is responsible to any extent for the management of any of the affairs, or the conduct of any of the activities, of a sports body or of any branch of such sports body; and
- (c) any person who is appointed or authorized to represent, or act on behalf of, a sports body or any branch of such sports body, in any matter, other than a person who is engaged by the sports body to represent, or to act on behalf of, the sports body or any branch of such sports body in his professional capacity or by contractual arrangement;

"sport" means any of the activities listed in the First Schedule;

"sporting activity", in relation to a sport, includes—

- (a) the organization of competitions, seminars, clinics or courses for a sport;
- (b) the sending of participants to sporting competitions or events; and
- (c) any other activity ancillary or related to a sport;

"Sports Advisory Panel" means the panel established under section 27;

"sports body" means an association, club, society or company which acts as the governing or representative body of a sport in Malaysia whether at district, State or national level, whether or not such association, club, society or company is only an affiliate of another association, club, society or company;

"sportsperson" means the participant of a sport, including an athlete;

"State" includes the Federal Territories of Malaysia.

PART II

SPORTS DEVELOPMENT

3. (1) Subject to subsection (2), the Minister shall be responsible for providing or issuing guidelines in relation to the development of sports including the long term development programme for sportspersons, coaches and sports administrators and officials at all levels.

Guidelines in relation to sports development.

(2) The Minister shall not provide or issue any guidelines under subsection (1) where there already exist international guidelines or rules on the same matter.

4. All associations, agencies or bodies that are involved in sports shall consult and co-ordinate with the Minister in relation to any sports matter as may be prescribed by the Minister in the regulations.

Association, etc. to consult and co-ordinate with Minister.

Other
Government
Ministries,
etc. to
consult
Minister.

5. (1) Subject to subsection (2), every Government Ministry or other governmental body at Federal, State or local level may carry out sporting activities or activities relating to physical education or sports, including the development of leadership qualities in physical education and sports.

(2) The Minister may, by notification in writing, require a Government Ministry or governmental body referred to in subsection (1) to consult and co-ordinate with him in relation to the activities referred to in that subsection.

(3) In this section, "Ministry" does not include the Ministry of Youth and Sports.

Co-ordinating
body.
Act 29.

6. Pursuant to its role as provided for in the National Sports Council of Malaysia Act 1971, the National Sports Council shall be the overall co-ordinating body for all sports bodies to promote and develop sports in Malaysia.

Development
of sports
science.

7. The Minister may, towards the development of sports, take all necessary action to encourage the development of sports science in higher educational institutions in Malaysia and for this purpose may render all assistance which he considers necessary.

PART III

OLYMPIC COUNCIL OF MALAYSIA

National
Olympic
Committee.

8. (1) The Olympic Council of Malaysia is recognized by the International Olympic Committee as the National Olympic Committee for Malaysia.

(2) The Olympic Council of Malaysia shall be responsible for ensuring that the participation of Malaysia in the Olympic Games, Asian Games, Commonwealth Games, South East Asian Games and other international athletics competitions is in accordance with the rules and regulations of the International Olympic Committee,

the Olympic Council of Asia, the Commonwealth Games Federation, the South East Asian Games Federation and other international sports bodies to which the Olympic Council of Malaysia is affiliated.

9. Subject to this Act, the provisions of this Act which are applicable to a sports body shall be equally applicable to the Olympic Council of Malaysia and references to a "sports body" in those provisions shall include a reference to the Olympic Council of Malaysia.

Application of Act to the Olympic Council of Malaysia.

PART IV

ADMINISTRATION OF ACT

10. The Minister may appoint a Commissioner of Sports and so many Regional Commissioners, Deputy Commissioners and Assistant Commissioners of Sports and other officers and servants as the Minister thinks necessary for the proper administration of this Act.

Appointment of Commissioner, *etc.*

11. (1) The Commissioner shall have the following powers:

Power of Commissioner to register sports bodies.

(a) to register or refuse to register—

(i) any association, club, society or company as a sports body;

(ii) any sports body registered under the Societies Act 1966;

Act 335.

(b) to impose such conditions as he thinks fit on the registration of a sports body; and

(c) to revoke or suspend the registration of a sports body.

(2) The Commissioner may, in writing, delegate any of its powers under subsection (1) to any person or committee formed by the Commissioner for the purpose and may prescribe in writing such procedures and regulations as he deems necessary for the exercise of the powers so delegated.

12. (1) The Commissioner may direct any person to disclose to the Commissioner any information and produce any report and document within his knowledge or in his possession as may be deemed necessary for the purpose

Power of Commissioner to require disclosure of information.

of exercising any of the powers and functions of the Commissioner under this Act and he may further direct the attendance before him of any person whom he considers necessary to enable him to carry out his powers and functions under this Act.

(2) Any person who—

- (a) fails to comply with the direction of the Commissioner under subsection (1);
- (b) discloses any information which is known to him to be false; or
- (c) produces a report or document which is known to him to be false,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Additional
powers of
Commissioner.

13. In addition to the powers, duties and functions conferred on the Commissioner by this Act and any regulations made thereunder, the Commissioner shall have and may exercise all such powers, discharge all such duties and perform all such functions as may be necessary for the purpose of giving effect to and carrying out the provisions of this Act.

Directions by
the Minister.

14. (1) The Minister may give to the Commissioner any direction not inconsistent with the provisions of this Act as to the exercise and performance of his powers and functions in relation to any sports body and the Commissioner shall give effect to any such direction.

(2) The Commissioner shall furnish the Minister with such information in relation to any sports body as the Minister may require from time to time.

PART V

REGISTRATION AND SUPERVISION OF
SPORTS BODIES

15. (1) Every sports body shall apply to the Commissioner to be registered under this Act to carry out any sporting activity.

Application to be registered to carry out activities.

(2) No sports body shall carry out any of the activities referred to in subsection 25(1) until and unless it has been registered under this Act.

16. Any sports body registered under the Societies Act 1966 shall, on the date of coming into force of this Act, cease to be registered under the Societies Act 1966 and shall, within three months thereof, apply to the Commissioner to be registered under this Act to carry out any sporting activity; and such sports body shall continue to operate as a sports body until notified otherwise by the Commissioner.

Sports bodies registered under the Societies Act 1966. Act 335.

17. Upon an application by a sports body referred to in section 15 or 16, the Commissioner may—

Registration of sports bodies.

(a) register the sports body upon receipt of such fees as may be prescribed by the regulations; or

(b) refuse to register such sports body.

18. (1) The Commissioner, on registering a sports body under section 17—

Certificate of registration.

(a) shall issue a certificate of registration in the prescribed form to the sports body; and

(b) may impose such conditions as he deems fit on the sports body.

(2) A certificate of registration, unless proved to have been subsequently revoked, shall be conclusive evidence for all purposes that the sports body has been duly registered by the Commissioner under this Act.

Grounds for refusal of registration.

19. (1) The Commissioner may refuse to issue a certificate of registration to a sports body unless—

- (a) he is satisfied that such sports body is a non-political organization for the promotion and development of a sport in Malaysia; or
- (b) subject to subsection (2), the constitution or rules of such sports body, with the exception of the Olympic Council of Malaysia, contain provisions for all the matters set out in the Second Schedule or Third Schedule, whichever is applicable, or such other matters which the Commissioner may reasonably require.

(2) Where the matters set out in the Second Schedule or Third Schedule, whichever is applicable, are not incorporated in the constitution or rules of a sports body previously registered under the Societies Act 1966, these matters shall be deemed for the purposes of paragraph (1)(b) to have been incorporated in the constitution or rules of such sports body; but such sports body shall, not later than six months after its registration, amend its constitution or rules so as to provide for all the matters set out in the Second Schedule or Third Schedule, whichever is applicable.

Act 335.

Revocation or suspension of registration by Commissioner.

20. (1) The Commissioner may revoke or suspend the registration of a sports body if the Commissioner is satisfied that such sports body—

- (a) has been registered as a result of a fraud or a mistake or misrepresentation in any material particular;
- (b) has failed to comply with any of the conditions imposed by the Commissioner under section 18;
- (c) has contravened any provision of this Act or any regulations made thereunder;
- (d) is inactive or is no longer a fit and proper entity to be registered to represent its sport in any State or in Malaysia;

- (e) is hindering the development of the particular sport and it is in the public interest to revoke or suspend its registration;
- (f) has failed or neglected to remedy any malpractice, misconduct or irregularity on the part of its office bearers or its members within the period specified in the written notice given by the Commissioner; or
- (g) is inactive, unco-operative or obstructive in the implementation of the regulations, policies or guidelines made under or pursuant to powers under this Act.

(2) Before revoking or suspending the registration of a sports body under subsection (1), the Commissioner shall give the sports body an opportunity to submit reasons, if any, against the proposed revocation or suspension.

21. (1) Any sports body aggrieved by a decision of the Commissioner— Appeals.

- (a) in refusing to register such sports body;
- (b) in imposing conditions on the registration of such sports body; or
- (c) in revoking or suspending the registration of such sports body,

may, within thirty days from the date of the notification of the decision of the Commissioner, appeal to the Minister whose decision thereon shall be final.

(2) Before making any decision under subsection (1), the Minister may refer the matter to the Sports Advisory Panel.

22. The Minister may, pending his decision on an appeal under subsection 21(1), give any direction so as to enable such sports body to continue its functions and may appoint an *ad hoc* committee to manage the affairs of such sports body for a period not exceeding twelve months. Directions to continue functions of sports body.

Internal procedure for resolution of dispute.

23. Every sports body shall resolve any dispute arising amongst its members or with its committee or governing body in accordance with the internal procedures prescribed in the regulations.

Referral of dispute to Minister.

24. (1) Where a dispute cannot be resolved under the internal procedure referred to in subsection 23(1), any aggrieved member or the sports body itself may refer the dispute to the Minister for resolution.

(2) The Minister may, upon the advice of the Commissioner and at any time he deems it necessary and expedient, require any sports body to refer any dispute to him for resolution notwithstanding that the dispute has not been referred to him under subsection (1).

(3) The decision of the Minister under this section shall be final; but the Minister may seek the opinion of the Sports Advisory Panel or any other committee established by the Minister for that purpose before making his decision.

Consequences of refusal of registration or revocation or suspension of registration.

25. (1) Upon the refusal of the Commissioner to register any sports body under section 17 or upon the revocation or suspension of the registration of any sports body under this Act, the following provisions shall apply:

- (a) such sports body shall not organize, conduct, sanction or participate in any activity, including ongoing competitions, events or forum for any sport, whether within or outside Malaysia;
- (b) such sports body shall not receive or continue to receive funding from the Government, the National Sports Council or any statutory body;
- (c) such sports body shall not be a member of any body or organization acting as or purporting to act as the governing body of any sport in Malaysia or represent or purport to represent the participants of any sport in Malaysia;

- (d) such sports body shall not use the phrase "of Malaysia" for any of its activities, or any other form of letters or marking manifesting that its activities are conducted for, in the name of or on behalf of, Malaysia or any part of Malaysia; and
- (e) such sports body shall not organize, participate in or send participants to any sports competition or event manifesting that such undertaking by it is for, in the name of or on behalf of, Malaysia or any part of Malaysia, within or outside Malaysia.

(2) Any office bearer who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit and in the case of a continuing offence, to a fine not exceeding five hundred ringgit per day for each day during which the offence continues.

(3) The Commissioner may, in writing, suspend the operation of subsection (1) in relation to any sports body to such extent and for such period as he thinks fit.

26. The Minister may make such regulations as may be necessary in respect of sports bodies and in particular and without prejudice to the generality of the foregoing, the Minister may make regulations prescribing—

Regulations
in respect of
sports bodies.

- (a) the procedure for the application for registration and registration of sports bodies and the fees to be charged for such registration;
- (b) the duties, powers and functions of sports bodies;
- (c) the procedure for appeals by sports bodies and the fees to be charged therefor;
- (d) the procedure for the appointment of coaches, referees, umpires and judges by sports bodies;
- (e) all matters relating to the dissolution of sports bodies and the revocation of registration of sports bodies; and

- (f) the disqualification of office bearers of sports bodies in certain circumstances.

PART VI

SPORTS ADVISORY PANEL

Establishment
of Sports
Advisory
Panel.

27. There shall be established a panel to be known as the "Sports Advisory Panel" to advise the Minister on all matters referred to it by the Minister and to carry out such functions as may be prescribed to it by the Minister under this Act.

Appointment
of members
of Sports
Advisory
Panel.

28. (1) The Sports Advisory Panel shall consist of the following members to be appointed by the Minister:

- (a) a Chairman; and
- (b) not more than eight other members, two of whom shall be from candidates nominated by the Olympic Council of Malaysia.

(2) The Chairman and members of the Sports Advisory Panel shall hold office for a period not exceeding two years and shall be eligible for reappointment.

(3) The Minister shall determine the remuneration and other terms and conditions of the Chairman and members of the Sports Advisory Panel.

(4) The Minister may declare the office of the Chairman or any member of the Sports Advisory Panel vacant on the ground that he has been found to be unfit to continue in office or unable to perform the duties of his office.

(5) The Chairman or any member of the Sports Advisory Panel may at any time resign from office by giving notice in writing to the Minister.

(6) At any proceedings of the Sports Advisory Panel the quorum shall comprise five members, including the Chairman, and in the absence of the Chairman, any member present at the proceedings may be elected Chairman by the other members present.

29. The Sports Advisory Panel, after holding such inquiry as it thinks necessary, shall make such recommendations to the Minister in relation to any matter referred to it by the Minister under this Act. Recommendation to Minister.

30. (1) The Sports Advisory Panel may direct any person to disclose to the Panel any information and produce any report and document within his knowledge or in his possession as may be deemed necessary for the purpose of exercising any of its powers and functions under this Act and may further direct the attendance before the Panel of any person whom the Panel considers necessary to enable it to carry out its duties and functions under this Act. Power of Sports Advisory Panel to require disclosure of information.

(2) Any person who—

(a) fails to comply with the direction of the Sports Advisory Panel under subsection (1);

(b) discloses any information which is known to him to be false; or

(c) produces a report or document which is known to him to be false,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

31. No action or other legal proceedings shall lie against any member of the Sports Advisory Panel for anything done or omitted to be done in good faith in connection with the exercise of the duties and functions of the Sports Advisory Panel under this Act. No action to lie against the Sports Advisory Panel.

Regulations
in respect of
Sports
Advisory
Panel.

32. The Minister may make such regulations as may be necessary in respect of the Sports Advisory Panel and in particular and without prejudice to the generality of the foregoing, the Minister may make regulations—

- (a) prescribing the procedures to be adopted by the Sports Advisory Panel in dealing with any matter referred to it under this Act and the records to be kept by it;
- (b) prescribing the manner in which the Sports Advisory Panel shall be convened and the place where the Sports Advisory Panel shall hold its sittings;
- (c) generally for the better carrying out of the duties and functions of the Sports Advisory Panel under this Act.

PART VII

MISCELLANEOUS

Approval for
hosting of
international
competition.

33. No person shall bid to host any international sports competition or event in Malaysia without the prior approval in writing of the Minister whose decision thereon shall be final.

Use of
recognized
international
rules and
guidelines
for
competitions.

34. A sports body shall ensure that all sports competitions and events authorized, conducted or participated in by it as well as those held under its auspices, are in accordance with the recognized rules and guidelines of all international governing and regulatory bodies for its sport in all matters, including the standard and qualifications of all participants and officials as well as the health and safety measures for the participants, officials and spectators thereat.

Minister's
approval
required for
"Sukan
Malaysia".

35. A person shall not, without the prior approval in writing of the Minister, organize or conduct any competition or event involving any sport by using the name "Sukan Malaysia" or any derivative or variation of such name.

36. (1) A company shall not involve itself in any sporting activity or in any other activity related to sports, as may be prescribed by the Minister in the regulations, unless it is licensed to do so by the Commissioner. Company to apply for licence to operate.

(2) The licence referred to in subsection (1) may be subject to a fee and such conditions as the Commissioner deems fit to impose.

(3) The Commissioner may, on being satisfied that there are reasonable grounds for doing so, revoke the licence issued to a company under this section after giving that company an opportunity to make representations to him.

37. The Minister may, by order, add to, delete or otherwise amend the Schedules as the Minister thinks necessary for the purpose of giving effect to or carrying out the provisions of this Act. Amendment of Schedules.

38. (1) The Minister may make such regulations as may be expedient or necessary for the purpose of giving effect to or carrying out the provisions of this Act. Regulations.

(2) In particular, without prejudice to the generality of the power conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:

- (a) the forms to be used and the conditions to be complied with in applying to be registered or licensed under this Act;
- (b) the information to be furnished to the Commissioner;
- (c) the standards, technical specifications and requirements for all sports facilities in Malaysia;
- (d) the internal procedures for resolving disputes within a sports body;
- (e) the guidelines for the issuance of a licence to a company; and

(f) prescribing anything which may be prescribed under this Act.

(3) Any regulations made under this section or section 26 may provide that any contravention thereof is an offence and may provide for the imposition of a fine not exceeding five thousand ringgit or a term of imprisonment not exceeding six months or to both for such offence.

General offence.

39. Any person guilty of an offence under this Act for which no penalty is expressly provided shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Protection for appointed person. member of committee, etc.

40. No person or member of a committee appointed by the Minister under this Act or any officer, servant or agent thereof shall be liable to be sued in any court for any act done by him in good faith and in the exercise of any power or performance of any duty under this Act.

General powers of Minister.

41. (1) The Minister may, upon being satisfied that there are special circumstances for doing so, exempt any person from all or any provision of this Act.

(2) Subject to the provisions of this Act and any regulations made thereunder, the Minister shall be the final authority in relation to sports and sports related matters.

Transitional provisions.

42. (1) All applications for registration as a society carrying on activities which may only be carried out by a sports body and all applications for approval by such societies under the Societies Act 1966 which are pending on the date of coming into force of this Act shall, on that date, cease to be dealt with under that Act and shall be dealt with under the provisions of this Act.

Act 335.

(2) Any proceedings or cause of action pending or existing immediately before the date of coming into force of this Act under the Societies Act 1966 may be continued or instituted under that Act as if this Act had not been enacted.

(3) This Act shall not affect any person's liability to be prosecuted or punished for offences committed under the Societies Act 1966 before the date of coming into force of this Act, or any proceedings brought or sentence imposed before that date in respect of such offence. Act 335.

43. (1) The Minister may, by order, make such modifications in the provisions of this Act as may appear to him to be necessary or expedient for the purpose of removing any difficulty occasioned by the coming into force of this Act: Prevention of anomalies.

Provided that the Minister shall not exercise the powers conferred by this section after the expiration of two years from the date of coming into force of this Act.

(2) In this section, "modifications" includes amendments, additions, deletions, substitutions, adaptations, variations, alteration and non-application of any provision of this Act.

FIRST SCHEDULE

(section 2)

The following activities are regarded as sports for the purposes of this Act:

1. Archery
2. Athletics
3. Aquatics
4. Automobile Sports
5. Badminton
6. Basketball
7. Billiards and Snooker
8. Body Building
9. Bowling
10. Boxing

11. Cricket
12. Cycling
13. Equestrian Sports
14. Fencing
15. Football
16. Golf
17. Gymnastics
18. Handball
19. Hockey
20. Judo
21. Karate Do
22. Lawn Bowls
23. Netball
24. Rugby
25. Sepak Takraw
26. Shooting
27. Silat Olahraga
28. Soft Tennis
29. Softball
30. Squash
31. Table Tennis
32. Tae kwan do
33. Tennis
34. Volleyball
35. Waterski
36. Weightlifting
37. Wrestling
38. Wushu
39. Yachting

SECOND SCHEDULE

(section 19)

**CONSTITUTION AND RULES OF SPORTS BODIES
ACTING AS THE GOVERNING OR REPRESENTATIVE
BODY OF ITS SPORT AT NATIONAL LEVEL**

The following matters shall be provided in the constitution or rules:

1. The sports body shall have the following aims and objects:
 - (a) to promote and develop its sport;
 - (b) to maintain good terms with and to be in good standing with the international governing and regulatory body of its sport;
 - (c) to ensure that its constitution and rules are observed and abided by all its members; and
 - (d) to control and exercise jurisdiction over all activities in relation to its sport in Malaysia and by representatives of Malaysia abroad.
2. Its activities are conducted without discrimination as to sex, race, colour, religion, social origin, language, political inclination or any other opinion held by its members.
3. The selection procedures for sportspersons, officials, coaches and any other person to represent Malaysia in its sport are open and fair.
4. Its fully audited accounts with reports on all its activities and the use and disbursement of all its funds for its preceding financial year be submitted to the Commissioner together with such other reports as the Commissioner may require.

THIRD SCHEDULE

(section 19)

**CONSTITUTION AND RULES OF OTHER SPORTS
BODIES UNDER THIS ACT**

The following matters shall be provided in the constitution or rules:

1. The sports body shall have the following aims and objects:
 - (a) to promote and develop its sport;

- (b) to maintain good terms with and to be in good standing with all governing and regulatory bodies of its sport; and
 - (c) to ensure that its constitution and rules are observed and abided by all its members.
- 2. Its activities are conducted without any discrimination as to sex, race, colour, religion, social origin, language, political inclination or any other opinion held by its members.
- 3. Its fully audited accounts with reports on all its activities and the use and disbursement of all its funds for its preceding financial year be submitted to the Commissioner together with such other reports as the Commissioner may require.