

# Gibraltar Sports and Leisure Authority Act, 2002

## Principal Act

<b>Act. No. 2002-04</b>	<i>Commencement (LN.2005/072)</i>	21.4.2005
	<i>Assent</i>	25.3.2002
Amending enactments	Relevant current provisions	Commencement date
Act. 2005-37	Long title, ss. 1(1), 2, 3(1)-(3), 4(1), 6(2)(a)-(b), (g), 11(1), 22A, 23(1)	23.5.2005

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AN ACT TO MAKE PROVISION FOR THE PROVISION OF SPORTS AND LEISURE FACILITIES AND SPORTS AND LEISURE DEVELOPMENT PROGRAMMES IN THE COMMUNITY, AND, IN THAT REGARD, TO ESTABLISH THE GIBRALTAR SPORTS AND LEISURE AUTHORITY; AND FOR CONNECTED PURPOSES.

**Title and commencement.**

1.(1) This Act may be cited as the Gibraltar Sports and Leisure Authority Act, 2002.

(2) The provisions of this Act shall come into operation on such day as the Minister may appoint, and different days may be so appointed for different purposes.

**Interpretation.**

2. In this Act, unless the context otherwise requires—

“Authority” means the Gibraltar Sports and Leisure Authority (“GS&LA”) established by section 3;

“Chief Executive Officer” means the Chief Executive of the Authority appointed under section 10;

“Minister” means the Minister with responsibility for sport.

**Establishment of GSA.**

3. (1) There is hereby established a Gibraltar Sports and Leisure Authority which shall consist of the following members—

- (a) the Minister as Chairman;
- (b) the Chief Executive Officer;
- (c) two persons appointed by the Minister after consultation with the Gibraltar Sports Advisory Council; and
- (d) three other persons appointed by the Minister.

(2) Members of the Authority (other than a member referred to in paragraph (a) or (b) of subsection (1)) shall hold office for such period and upon such terms as the Minister may deem appropriate.

(3) If the Minister is satisfied that any member referred to in paragraph (c) and (d) of subsection (1)—

- (a) has been absent from three consecutive meetings of the Authority without reasonable excuse;
- (b) has become bankrupt;
- (c) has been convicted of a criminal offence and been sentenced to a term of imprisonment;
- (d) is incapacitated by physical or mental illness; or
- (e) is otherwise unable or unfit to discharge the functions of a member,

the Minister may, by notice in the Gazette, declare his office as a member of the Authority to be vacant and thereupon his office shall become vacant.

(4) A member who wishes to resign his office shall give three months prior written notice to the Authority.

(5) The Chairman or any member of the Authority other than a member to whom subsection (3)(b) to (e) applies who ceases to be a member shall be eligible for re-appointment.

(6) The Minister shall appoint a person who is an employee of the Authority to be the Secretary of the Authority.

#### **Authority to be body corporate.**

4.(1) The Authority shall be a body corporate with perpetual succession under the name of the Gibraltar Sports and Leisure Authority and shall have a common seal which shall be officially and judicially noted.

(2) The common seal of the Authority may only be affixed to an instrument in the presence of the Chairman or the Chief Executive Officer or other person authorised by the Minister for that purpose, and one other member of the Authority; the persons so present shall sign the instrument as witnesses to the sealing.

(3) The Authority may sue and be sued in its corporate name. Service of any process or notice on the Authority may be effected by leaving it at, or sending it by registered post to, the principal office of the Authority.

#### **Meetings and proceedings.**

5.(1) The quorum at all meetings of the Authority shall be three members in addition to the Chairman or other person presiding.

(2) The Authority shall meet at least once in every three months.

(3) At all meetings of the Authority the Chairman or, in his absence, such other member as the Authority may select shall preside.

(4) Any matters arising at a meeting of the Authority shall be decided by a majority of the members present and, in the case of an equality of votes, the person presiding shall have a second or casting vote.

(5) All orders and directions of the Authority shall be given under the hand of the Chief Executive Officer.

#### **Duties of the Authority.**

6.(1) It shall be the principal duty of the Authority to carry out the functions conferred upon it by this or any Act so far as practicable.

(2) Without prejudice to the generality of the provisions of subsection (1), it shall be the duty of the Authority to do the following things in so far as it is mandated to do so by Government and the Government provides sufficient resources therefor—

- (a) to provide, operate and manage sports and leisure facilities and developmental programmes of sport and leisure for the community and to support registered sports associations and educational establishments;
- (b) to employ such persons (including advisors and consultants) as the Authority thinks fit for the proper discharge by the Authority of its functions;
- (c) to publish codes for regulating the terms of service, discipline and training of all persons employed by the Authority;
- (d) to administer and inspect all facilities provided by the Authority so as to ensure the effective and efficient operation of such facilities;
- (e) to ensure that all complaints made against the Authority or any employee or contractor of the Authority are properly investigated without delay;
- (f) to provide on request an advisory service to the Government of Gibraltar;
- (g) to prepare and implement schemes providing policies and plans designed to meet the present and anticipated future needs of sports persons, physical education establishments and leisure facility users in Gibraltar and to secure continued services in the event of an emergency;
- (h) to carry out such other duties as the Minister may from time to time direct.

**Powers of the Authority.**

7.(1) The Authority shall have power to do all things necessary for the carrying out of its duties.

(2) The Authority may acquire any freehold or leasehold land required for the purposes of any of its duties and may dispose of any such land no longer required for such purposes.

(3) Without prejudice to the generality of the provision of subsection (1), the Authority may—

- (a) purchase, lease or otherwise acquire, and hold and dispose of any property (other than land acquired under subsection (2));
- (b) contract with any person for the supply to, or by, the Authority of any goods, services or personnel;
- (c) erect, equip and maintain all necessary buildings, plant, and equipment;
- (d) compile, prepare, print, publish, issue, circulate and distribute, whether for payment or otherwise, such papers, leaflets, magazines, periodicals, books and other literary matter as may be conducive to the attainment of the objects of the Authority or the advancement of its duties; and
- (e) reimburse the members of the Authority for such expenses as may be incurred by them in pursuance of their official duties as the Minister may deem appropriate.

**Discharge of functions by the Authority.**

8.(1) The Authority may arrange for the discharge of any of its duties—

- (a) by a committee, a sub-committee or an employee of the Authority; or
- (b) by any Government department or by any other authority or authorities.

(2) Any arrangements made by the Authority under this section for the discharge of any of its functions by a committee, sub-committee, employee, Government department or other authority shall not prevent the Authority from exercising those functions.

**Standing Orders.**

9.(1) The Authority may regulate its own procedure.

(2) The Authority may make standing orders as respects any committee of the Authority with respect to the quorum, proceedings and place of meeting of the committee (including any sub-

committee) but, subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee or sub-committee may determine.

(3) This section is subject to the provisions of section 5.

**Appointment of Chief Executive Officer.**

10.(1) The Authority shall appoint a person to be the Chief Executive Officer.

(2) The Chief Executive Officer shall hold office for such period and upon such terms as the Authority may deem appropriate.

(3) The Chief Executive Officer shall be the executive officer of the Authority and shall, in addition, perform such other functions and exercise such other powers, as may, from time to time, be conferred upon him by this or any other Act or delegated to him by the Authority.

(4) In the event of the illness, death, retirement, suspension or removal from office or absence from Gibraltar of the Chief Executive Officer, the Authority shall appoint a person to act as Chief Executive Officer upon such terms as the Authority may deem appropriate.

**Management Board.**

11.(1) The Authority shall appoint a board of management which shall consist of those members of the Authority's management as may be designated by the Minister.

(2) It shall be the function of the board of management to advise and assist the Chief Executive Officer in the execution of his functions.

(3) The board of management shall meet at least once in every calendar month and forward a copy of minutes of its meetings to the Minister as soon as practicable thereafter.

**Gibraltar Sports Advisory Council and Professional advisory committees.**

12. The Authority shall consult the Gibraltar Sports Advisory Council on major issues of policy affecting sport in Gibraltar and may establish any other advisory committee to give to the Authority, the Chief Executive Officer and the board of management such professional and technical advice as may be required.

**Financial duty of the Authority.**

13. The Authority shall so manage its affairs as to ensure that, taking one year with another, its outgoings are not greater than its revenues from—

- (a) all funds which may from time to time be voted by the Parliament for the purposes of the Authority;

- (b) any sums received by the Authority under sections 14(3) and 16 of this Act in that year;
- (c) all fees due to the Authority for the provision of services and facilities provided by the Authority in the exercise of its functions; and
- (d) any monies properly accruing to the Authority from any other source.

**Establishment and operation of general fund.**

14.(1) The Authority shall establish with the Treasury a general fund—

- (a) into which all monies received by the Authority shall be paid; and
- (b) out of which all payments made by the Authority shall be paid.

(2) The Chief Executive Officer shall be responsible for the management of the general fund established under subsection (1).

(3) The Authority may borrow temporarily by way of advance from the Government only such sums as it may require for meeting its obligations and discharging its functions.

**Accounts and auditing.**

15.(1) The Authority shall keep proper books of account of its operations during each financial year, and shall also cause a statement of its accounts for each financial year to be prepared within six months after the end of each financial year.

(2) The accounts of the Authority for each financial year shall be audited and certified by the Principal Auditor as soon as practicable after the end of that year and shall be submitted to him for that purpose within seven months after the end of the financial year to be audited.

(3) The Principal Auditor shall, with reference to the accounts of the Authority, report—

- (a) whether he has obtained all the information and explanations which to the best of his knowledge and belief were necessary for the purposes of the audit; and
- (b) whether, in his opinion, proper books of account have been kept by the Authority, so far as appears from his examination of those books; and
- (c) whether the Authority has discharged its financial duties and obligations under the provisions of this Act.



(4) Within one month after the end of the audit of its accounts for any financial year, the Authority shall prepare and submit to the Minister a written report of its operations for that year together with a copy of the audited accounts for that year.

(5) The Minister shall lay one copy of the annual report and of the audited accounts on the table of the Parliament as soon as practicable after they have been received by him.

(6) The Authority shall furnish to the Government—

- (a) a copy of the estimates of income and expenditure, including capital expenditure, no later than the 15th day of January in each year; and
- (b) such financial and statistical returns as it may from time to time require.

**Power of Authority to engage in fund-raising activities.**

16.(1) The Authority shall have power to engage in activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist the Authority in providing or improving any services or any facilities or accommodation which is, or are, or is or are to be, provided by the Authority, or to assist it in connection with its functions.

(2) Subject to any directions of the Minister excluding specific descriptions of activity, the activities authorised by this section include sale of advertising space, rent of premises, loan of equipment, entertainments, and other activities which may involve the use of land, premises or other property held by or for the benefit of the Authority, subject however to any restrictions on the purposes for which trust property may be used.

(3) Subject to the following provisions of this section, the Authority shall, after defraying out of it any expenses incurred in obtaining it, hold, administer and apply property given in pursuance of this section on trust or for the purpose for which it was given.

(4) Where property held by the Authority under this section is more than sufficient to enable the purpose for which it was given to be fulfilled the excess shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property comprising the excess was given, for such purposes connected with any of the functions of the Authority as the Authority thinks fit.

(5) Where property held by the Authority under this section is insufficient to enable the purpose for which it was given to be fulfilled then—

- (a) the Authority may apply so much of the capital or income at its disposal as is needed to enable the purpose to be fulfilled subject, however, in the case of trust property, to any restrictions on the purpose for which the trust property may be applied; but

- (b) where the capital or income applicable under paragraph (a) above is insufficient or is not applied to enable the purpose to be fulfilled, the property so held by the Authority shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property was given, for such purposes connected with any of the functions of the Authority as the Authority thinks fit.

(6) Where under subsection (4) or (5) property becomes applicable for the purposes other than that for which it was given the Authority shall have regard to the desirability of applying the property for a purpose similar to that for which it was given.

**Financial year.**

17. The financial year of the Authority shall be such period as may from time to time be prescribed by section 2 of the Financial Year Act:

Provided that the first financial year of the Authority shall be the period commencing on the date of establishment of the Authority and ending on the 31st day of March 2003.

**No personal liability to attach to members.**

18. Subject to the provisions of section 19, no personal liability shall attach to any member of the Authority in respect of anything done or omitted to be done, in good faith, under the provisions of this or any other Act.

**Proceedings on failure of Authority to perform its duties.**

19. If at any time it appears to the Government that the Authority has failed to comply with any of the provisions of this or any other Act, it may by notice in writing require the Authority to make good the default within such time as may be specified in the notice.

**Restriction on execution.**

20. No execution by attachment of property or process in the nature thereof shall be issued against the Authority.

**Acquisition of land compulsorily.**

21. The functions of the Authority are a public purpose within the definition of “public purpose” contained in section 2 of the Land (Acquisition) Act.

**Exemption from taxes.**

22. The Authority shall be exempt from all taxes, duties, rates, levies or other charges whatsoever.

**Regulations.**

22A. The Minister may make Regulations for carrying out the purposes of this Act.

**Consequential modifications and amendments.**

23.(1) The Schedule to the Public Services Ombudsman Act 1998 shall be amended by inserting after paragraph 2.7 the following paragraph–

“2.8 The Gibraltar Sports and Leisure Authority”.

(2) The Minister may make regulations for the purpose of modifying and amending any orders, regulations or rules made under any Act for the purpose of giving effect to any modifications or amendments made to any Act by this Act and for the purpose of transferring the functions of any person or body to the Authority, notwithstanding that the power to make such orders, regulations and rules is vested in some person or body other than the Minister.