



LAWS OF SARAWAK

ONLINE VERSION OF UPDATED TEXT OF REPRINT

Chapter 67

SARAWAK SPORTS CORPORATION ORDINANCE, 2009

Incorporating all amendments up to 30th June, 2009

PREPARED, REPRINTED AND PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, SARAWAK
UNDER THE AUTHORITY OF THE REVISION OF LAWS ORDINANCE, 1992
2009

SARAWAK SPORTS CORPORATION ORDINANCE, 2009

Date Passed by Dewan Undangan Negeri	13th May, 2009
Date of Assent	20th May, 2009
Date of Publication in <i>Gazette</i> ...	11th June, 2009

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LAWS OF SARAWAK**Chapter 67****SARAWAK SPORTS CORPORATION ORDINANCE, 2009**

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LAWS OF SARAWAK**Chapter 67****SARAWAK SPORTS CORPORATION ORDINANCE, 2009**

An Ordinance to establish the Sarawak Sports Corporation, to repeal and replace the Sarawak Stadium Corporation Ordinance, 1972 [Ord. No. 1/1972], to repeal the Sarawak Stadium Corporation (Repeal) Ordinance, 2007 [Cap. A135], and to provide for connected and incidental matters.

[1st January, 2016]
(Swk. L.N. 248/2015)

Enacted by the Legislature of Sarawak—

PART I**PRELIMINARY****Short title and commencement**

1. This Ordinance may be cited as the Sarawak Sports Corporation Ordinance, 2009, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Ordinance—

“Chief Executive Officer” means the Chief Executive Officer of the Sarawak Sports Corporation appointed under section 10;

“Corporation” means the Sarawak Sports Corporation established under section 3;

“Minister” means the State Minister charged with the responsibility for sports in Sarawak;

“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 body” means an association, club, society or company which acts as the governing or representative body of a sport in the State or any part of it;

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

“State” means the State of Sarawak;

“State Government” means the State Government of Sarawak;

“State Sports Association” means any association, club, institution or other bodies exercising exclusive control over any branch of sport within the State.

PART II

SARAWAK SPORTS CORPORATION

Establishment of Sarawak Sports Corporation

3.—(1) There is established a body to be known as the “Sarawak Sports Corporation”.

(2) The Corporation shall be a body corporate, with perpetual succession, and with full power and authority under such name—

(a) to sue and be sued;

(b) to have and use a common seal, which may from time be broken, changed, altered or made anew by the Corporation, as it deems fit;

(c) to acquire, take, hold, enjoy, sell, charge, lease and dispose of property, both movable and immovable; and

(d) generally to do such acts and things as a body corporate may do by law, and to exercise, perform and discharge, in accordance with the provisions of this Ordinance, all powers and functions conferred and provided to the Corporation by such provisions.

(3) Until a common seal is provided, a stamp bearing the inscription "Sarawak Sports Corporation" may be used as the common seal of the Corporation.

Composition and organization of the Corporation

4.—(1) The Corporation shall consist of the following members:

(a) a Chairman, who shall be the Minister;

(b) a Deputy Chairman, who shall be the Permanent Secretary of the Ministry charged with the responsibility for sports in the State;

(c) State Secretary or his nominee;

(d) State Financial Secretary or his nominee;

(e) Director of Public Works or his nominee;

(f) Director of State Youth and Sports Department or his nominee;

(g) Director of State Education Department or his nominee;

(h) not less than 4 and not more than 10 other members from among persons who have been actively involved in sporting activities or who have expertise in the field of sports and sports administration or who can contribute effectively to the development and promotion of sports in the State.

(2) The members of the Corporation under subsection (1)(h) shall be appointed by the Majlis Mesyuarat Kerajaan Negeri and to hold office for a term not exceeding three years but are eligible for reappointment.

(3) Notwithstanding subsection (2), the appointment of any member of the Corporation under subsection (1)(h) shall cease:

(a) upon his death;

(b) if he has been adjudged a bankrupt by a court of competent jurisdiction;

(c) if his appointment is revoked by the Majlis Mesyuarat Kerajaan Negeri;

(d) if because of health or unsoundness of mind, he is unable to effectively discharge his duties as a member;

(e) if he absents himself for three consecutive meetings of the Corporation without the approval of the Chairman;

(f) if he has been convicted of any offence under any law relating to fraud, dishonesty or corruption; or

(g) if he resigns by a letter addressed to the Minister.

(4) The Corporation may appoint a Secretary who shall have the duties and functions as may be assigned to him from time to time by the Corporation or prescribed under this Ordinance:

Provided that until a Secretary is appointed, the Chief Executive Officer shall carry out the duties and functions of the Secretary of the Corporation.

(5) There shall be paid to members of the Corporation and the Secretary such remuneration, allowances and other benefits as the Majlis Mesyuarat Kerajaan Negeri may determine from time to time.

Common seal, dealings and affairs of the Corporation

5.—(1) The common seal of the Corporation shall be in the custody of the Secretary.

(2) The common seal of the Corporation shall be authenticated by the signature of its Chairman or any other member specially authorized by the Corporation and the Secretary, and when so authenticated, such common seal shall be judicially and officially noticed.

(3) All documents and instruments which are not required by any written law to be executed under seal, to which the Corporation is a party, may be signed on behalf of the Corporation by the Chairman or any other member and the Secretary.

(4) All statutory records and minutes of all meetings and proceedings of the Corporation shall be kept and maintained by the Secretary.

(5) Meetings of the Corporation shall be held at such times and places as the Chairman may appoint, provided that the Corporation shall meet not less than four times in each year.

(6) Seven members of the Corporation present at a meeting shall constitute a quorum.

(7) The Chairman shall preside at all meetings of the Corporation at which he is present, and, in the case of his temporary absence, the Deputy Chairman shall preside or in his absence, the members present and constituting a quorum shall elect a Chairman from among their number.

(8) The person who presides a meeting pursuant to subsection (7) shall, in addition to his deliberative vote as a member of the Corporation, have a casting vote.

(9) The Corporation shall regulate and determine its own procedure at any meeting or other proceedings, subject to such directions as may be issued from time to time by the Chief Minister, or any rules to be made under section 23.

Functions of the Corporation

6. The functions of the Corporation shall be—

(a) to build, manage and maintain stadiums and other facilities or amenities in the State for use in connection with any sports, games, athletics, recreational activities, pastimes, exhibitions, parades and other lawful purposes;

(b) to promote the general interest of sports in the State and in particular to provide and improve adequate equipment and facilities or amenities for use or training in any sports, games, athletics and other recreational activities and generally for the development of all branches of sports;

(c) to hold, organize, support or promote any sports, games, athletics, recreational activities, pastimes, exhibitions and parades, and to grant or contribute towards prizes, awards and distinctions;

(d) to co-ordinate sporting activities of all State Sports Associations and any other sports bodies within the State;

(e) to provide grants, sponsorship and other financial assistance to sports bodies, sportspersons, coaches and sports administrators and officials at all levels or any other persons in the State to organize or participate in sporting activities or to undergo training or to pursue a course of study or research in the field of sports;

(f) to provide and promote incentives for, and recognition of, achievement to any sportsperson, coach, sport administrator and any other sport officials in the State;

(g) to make recommendations to the State Government on the policies, methods and measures to be formulated or adopted for the development and advancement of sports in the State; and

(h) to do all such matters and things as may be incidental to or consequential upon the exercise of its powers under this Ordinance.

Powers of the Corporation

7.—(1) The Corporation may do all things that are necessary for or incidental to the purpose of discharging its functions and exercise of its powers under this Ordinance.

(2) Without prejudice to the generality of subsection (1), the Corporation may—

(a) enter into contracts;

(b) engage any consultant, professional or expert person as advisers or appoint an agent to the Corporation;

(c) appoint committees consisting of persons who may or may not be members of the Corporation and delegate or assign to such committees such powers, duties and responsibilities as the Corporation may determine;

(d) receive gifts, donations and bequests of whatever kind or form from any person, company, foundation or other lawful sources;

(e) provide grants, contributions, loans, scholarships or other assistance to its officers and employees, sportspersons, sports bodies or any other persons or organizations in the State for purposes of study, research, training or exposure in the field of sports, subject to such terms and conditions as the Corporation may impose;

(f) enter into agreements, joint ventures, collaborations or other arrangements with any other person or body on matters relating to sports and sporting activities;

(g) with the approval of the Majlis Mesyuarat Kerajaan Negeri, raise loans from the State Government or other lawful sources to enable the Corporation to carry out its functions and to exercise its powers under this Ordinance;

(h) provide or undertake publicity in any form relating to its policies, activities and programmes;

(i) print, publish, reproduce and circulate any brochure, pamphlet, magazine or other written materials including video and audio materials and information relating to sports and sporting activities;

(j) organize or participate in training courses, seminars, exhibitions, demonstrations and other similar events for the promotion and dissemination of knowledge and information relating to sports;

(k) charge and receive fees, commissions, rental or other payment for any equipment, sports facilities and amenities or services provided or rendered by the Corporation;

(l) require any governmental and non-governmental agencies dealing with sports to submit reports regarding their activities;

(m) conduct study, survey and investigation in respect of sports either on its own or in collaboration with any other persons or professional bodies in Malaysia or overseas; and

(n) raise and administer any fund for the furtherance of its functions under this Ordinance.

Delegation of powers and functions of the Corporation

8. The Corporation may, with the approval of the Minister and subject to such conditions or restrictions as he thinks fit, delegate to—

(a) the Chairman; or

(b) any committee; or

- (c) the Chief Executive Officer; or
- (d) any local authority,

the power and authority to exercise and carry out on its behalf such powers or functions vested in the Corporation under this Ordinance as the Corporation may determine, and any power or function so delegated may be exercised or performed by the Chairman, committee, Chief Executive Officer or local authority, as the case may be, in the name and on behalf of the Corporation, but subject to the overall direction and control of the Corporation.

Direction by Chief Minister

9.—(1) The Chief Minister may give to the Corporation such directions not inconsistent with the provisions of this Ordinance as he thinks fit as to the exercise and performance by the Corporation of its powers and functions under this Ordinance and the Corporation shall give effect to any such directions.

(2) The Corporation shall furnish the Chief Minister such information, property and records of its activities, accounts and financial affairs, as he may require from time to time.

PART III

OFFICERS AND EMPLOYEES

Appointment of Chief Executive Officer

10.—(1) The Corporation may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, appoint a fit and proper person on such terms and conditions as it may determine, to be the Chief Executive Officer of the Corporation.

(2) The Chief Executive Officer shall be the chief administrative officer of the Corporation, and shall have the general control and supervision of all other officers and employees of the Corporation.

(3) The Chief Executive Officer shall, subject to any direction of the Corporation in relation to the execution of functions vested in the Corporation by this Ordinance, be responsible for the administration and management of the affairs of the Corporation and to carry out such other duties and responsibilities as the Corporation or the Minister may from time to time assign to him.

(4) If the Chief Executive Officer is temporarily absent from Sarawak or temporarily incapacitated by reason of illness or for other sufficient reasons temporarily unable to perform his duties, any other officer may be appointed by the Minister to act in the place of the Chief Executive Officer or to cover the duties of the post during any such period of absence from duty.

Appointment of other officers, employees and other persons

11. The Corporation may—

(a) appoint such number of other officers and employees on such terms as to remuneration or otherwise as the Corporation may consider necessary for the efficient conduct of the affairs of the Corporation, and may terminate their service or exercise disciplinary control over them in accordance with their terms and conditions of service, and subject to the provisions of this Ordinance; and

(b) engage and remunerate for their services such advisors or other persons as the Corporation considers necessary for carrying out its functions and duties under this Ordinance.

Standing orders

12.—(1) The Corporation may make standing orders for the following matters relating to its officers and employees:

- (a) their terms and conditions of service;
- (b) their pensions or other superannuation benefits of their employment;
- (c) their conduct and discipline;
- (d) other privileges and benefits which may be accorded to them; and
- (e) any other matters affecting their welfare and interests.

(2) For the purpose of this section, “officers” shall include the Chief Executive Officer of the Corporation.

(3) Until and unless standing orders are made pursuant to subsection (1), the State Public Service General Orders, 1996 [*Swk. L.N. 1/96*], which are not inconsistent with the provisions of this Ordinance shall apply, with such modifications as the Minister may direct, to all officers and employees of the Corporation.

Discipline and disciplinary procedure

13. The provisions of the Statutory Bodies (Conduct and Discipline) Ordinance, 2004 [*Cap. 57*] shall apply to the Chief Executive Officer and other officers and employees of the Corporation.

PART IV
FINANCIAL PROVISIONS

Financial and accounting procedure

14. The provisions of the Statutory Bodies (Financial and Accounting Procedure) Ordinance, 1995 [*Cap. 15*] shall apply to the Corporation in the management of its financial affairs and in the management and maintenance of its financial and accounting records and procedures.

Fund of the Corporation

15.—(1) There shall be established a fund to be known as the Sarawak Sports Corporation Fund (in this Part called “the Fund”) which shall be under the control of the Corporation and shall be managed and maintained in accordance with the provisions of this Part.

(2) There shall be paid into the Fund the following:

(a) any grant provided or loans and advances made to the Corporation by the State Government or any statutory body or the Government of Malaysia;

(b) such sums as may be appropriated from time to time for the purpose of the Corporation by the Dewan Undangan Negeri;

(c) any gift, donation, contribution and bequest from any individual, company, foundation and other lawful sources to the Corporation; and

(d) all fees, commissions, rentals or other levies collected by the Corporation or any other income or revenue obtained by the Corporation in connection with the exercise of its powers and discharge of its functions under this Ordinance.

(3) The Corporation may open and maintain an account or accounts with any licensed bank or other financial institutions as the Corporation may deem fit.

(4) The Corporation may from time to time invest any funds of the Corporation in any bank or other financial institutions licensed under the Banking and Financial Institutions Act 1989 [*Act 372*] or the Islamic Banking Act 1983 [*Act 276*].

Expenditure from the Fund

16. The moneys from the Fund shall be used—

(a) to pay for expenditures lawfully incurred by the Corporation in carrying out its functions and the exercise of its powers generally for carrying into effect the provisions of this Ordinance;

(b) to pay all remunerations, benefits and privileges of, or accorded to members, officers and employees of the Corporation and for payment of fees and other sums due to or claimed by consultants, professional advisors, agents, contractors or other persons engaged or appointed by the Corporation;

(c) to pay for any loans or advances made to the Corporation pursuant to its powers to borrow; and

(d) to pay for any other expenditures lawfully incurred by the Corporation generally for carrying into effect the provisions of this Ordinance.

Accounts and audit

17.—(1) The Corporation shall keep or cause to be kept proper accounts and other records in respect of its activities and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Corporation shall be audited annually by the Auditor General or such auditor or auditors as may be appointed by the Corporation with the approval of the Minister.

PART V

GENERAL PROVISIONS

Vesting of property

18. The Majlis Mesyuarat Kerajaan Negeri may, by notification in the *Gazette*, vest in the Corporation any State land or other property of the State Government as may be considered necessary to enable the Corporation to carry out its functions under this Ordinance.

Protection from personal liability

19. No action, suit, prosecution or other legal proceedings shall be brought or instituted personally against any member, officer or employee of the Corporation for any act done or intended to be done, or for statement made, in good faith in pursuance or the execution or purported execution of this Ordinance.

Public servants

20. All members, officers and employees of the Corporation while discharging their duties as such members, officers and employees shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Legal representation

21. In respect of any civil proceedings by or against the Corporation or its members or staff—

- (a) the State Attorney General or any State Legal Officer authorized by him; or
- (b) an advocate appointed by the Corporation; or
- (c) an officer of the Corporation duly authorized in writing by the Chief Executive Officer,

may appear and represent the Corporation in such proceedings before any court.

Public Authorities Protection Act 1948

22. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit or proceeding against the Corporation or against any member, officer or employee of the Corporation in respect of any act, neglect or default done or committed by the Corporation or such person, as the case may be, in such capacity.

Rules

23.—(1) The Majlis Mesyuarat Kerajaan Negeri may make rules as may be expedient or necessary for carrying out of the provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1), rules may be made for all or any of the following matters:

(a) regulating procedures of meetings and other proceedings of the Corporation or its committees;

(b) imposing fees and other charges payable for the use or rental of stadiums and other sports facilities or amenities of the Corporation or for services rendered by the Corporation or its officers and employees;

(c) the management and operation of stadiums and other sports facilities or amenities owned, vested in or managed by the Corporation; and

(d) such other purposes which may be considered necessary for the exercise of the powers and the performance of the functions of the Corporation under this Ordinance.

Repeal

24.—(1) The following Ordinances are repealed:

(a) Sarawak Stadium Corporation Ordinance, 1972 [*Ord. No. 1/72*]; and

(b) Sarawak Stadium Corporation (Repeal) Ordinance, 2007 [*Cap. A 135*].

(2) On the date appointed by the Minister for this Ordinance to come into force—

(a) the Sarawak Stadium Corporation established under section 3(1) of the Sarawak Stadium Corporation, 1972 [*Ord. No. 1/72*] (“the repealed Ordinance”) shall cease to exist and shall cease to exercise the powers and to carry out the duties and functions prescribed by the repealed Ordinance;

(b) the members of the Sarawak Stadium Corporation or members of any committees established by it shall cease to hold office; and

(c) the property, rights and liabilities to which the Sarawak Stadium Corporation was entitled or subject to shall, by virtue of this section, be transferred to and vested in the Sarawak Sports Corporation without further conveyance, assignment or transfer whatsoever, to become the absolute property, rights and liabilities of the Sarawak Sports Corporation.

(3) Every chose-in-action, right and liability transferred by virtue of subsection (2)(c) to the Sarawak Sports Corporation may, after the coming into force of this Ordinance, be sued on, recovered or enforced by the Sarawak Sports Corporation in its own name and it shall not be necessary for the Sarawak Stadium Corporation or the Sarawak Sports Corporation to give notice to the person whose right and liability is affected by such transfer.

(4) In the case of rights and liabilities arising under any loans which vest in the Sarawak Sports Corporation on and after the coming into force of this Ordinance, the Sarawak Sports Corporation may enter into such arrangements or agreements over such rights and liabilities with the State Government or Government of Malaysia or any third party.

(5) For the purpose of this section—

“property”, in relation to the Sarawak Stadium Corporation, means all property of whatever description including land, any interest or estate in land, chose-in-action and moneys in the Sarawak Stadium Corporation Fund of the said Corporation;

“rights and liabilities”, in relation to the Sarawak Stadium Corporation, refers to the rights and liabilities to which the said Corporation was entitled to or subject to under the laws of Malaysia or any country outside Malaysia and shall include rights and liabilities under loans raised, bonds, agreements, undertakings, instruments and working arrangements favouring the said Corporation or to which the said Corporation was a party subsisting immediately before the commencement of this Ordinance.

Pending proceedings

25.—(1) Any suit, proceedings or cause of action pending or existing or subsisting immediately before the coming into force of this Ordinance by or against the Sarawak Stadium Corporation may be continued and enforced by or against the Sarawak Sports Corporation.

(2) Any debt or sums owing or due to the Sarawak Stadium Corporation at or prior to the coming into force of this Ordinance shall be recovered by or paid to the Sarawak Sports Corporation as if it were a debt or sum owing or due to it.

Existing contracts, etc.

26. All contracts, deeds, bonds, undertakings and working arrangements subsisting immediately before the coming into force of this Ordinance shall be of full force and effect against or in favour of the Sarawak Sports Corporation, and enforceable as fully and effectively as if, instead of the Sarawak Stadium Corporation, the Sarawak Sports Corporation has been named therein or a party thereto.

Staff of Sarawak Stadium Corporation

27.—(1) The Sarawak Sports Corporation shall accept into its employment every person who immediately prior to the coming into force of this Ordinance is a member of the staff of the Sarawak Stadium Corporation and who has been given an option by the Sarawak Sports Corporation to join its service and who has opted to serve as a staff of the Sarawak Sports Corporation.

(2) Every such person who opts under subsection (1) to serve as a staff of the Sarawak Sports Corporation shall be employed by the Sarawak Sports Corporation on terms and conditions of service not less favourable than those to which he was entitled to in the Sarawak Stadium Corporation immediately before the transfer date.

[List of Amendments]

SARAWAK SPORTS CORPORATION

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LAWS OF SARAWAK

Chapter 67

SARAWAK SPORTS CORPORATION ORDINANCE, 2009

LIST OF AMENDMENTS

Amending Law

Short Title

In force from

-Nil-

Sarawak LawNet