

NATIONAL SPORTS COLOURS REGULATIONS

PREAMBLE

To introduce means aimed at regulating the award of national colours preventing the misuse or abuse of national colours; and generally to promote sport in South Africa through the effective control of national colours; for that purpose to:

1. Prohibit certain acts in relation to national colours;
2. Create offences and prescribe penalties in relation thereto;
3. Provide for the establishment of a national colours board;
4. Confer upon the board the necessary powers to regulate the award of national colours and to promote and protect the national colours from abuse or misuse;
4. Provide rules and procedures applicable to award of national colours;
5. Provide a code of conduct;
6. Provide for incidental matters.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates;

“amateur” means a sportsperson who is an amateur in terms of the rules of the international body controlling the particular sport in accordance with the rules of the national controlling body;

“Board” means the Board referred to in Regulation 2;

"code" means the code for the award of national colours adopted by the South African Sports Commission and its respective constituent members and as amended from time to time;

"SASC" means the South African Sports Commission;

"executive committee" means the executive of the Board for the time being, as referred to in Regulation 6;

"NCB" means the National Colours Board;

"Minister" means the Minister responsible for Sport and Recreation in South Africa;

"national controlling body" means that body which administers or controls any sport at the national level and whose members are appointed by affiliated provincial or other constituent sporting association;

"national sports colours" means any or more of the following:

- (i) the name, title or designation Protea;
- (ii) the word Protea used as a badge or emblem or part thereof on including formal and informal clothing including sports clothing, replica or anything related to South African sport;
- (iii) the colours green, gold and white used as part of a prescribed uniform or dress in connection with sport;
- (iv) any name, badge, uniform, emblem, device, trade mark, design or similar matter in respect over which the Commission has any rights, *whether by virtue of registration or otherwise*;
- (v) "national team(s)" - means a team of one or more sportsmen and or sportswomen selected in terms of an approved selection

process to represent South Africa, in a sporting contest involving national team of another nation or other nation;

(vi) “test match”-means a contest in sport between national teams of two or more nations, held in terms of the rules and regulations of the international controlling body of such sport.

(vii) “Participation apparel” – means match or contest clothing, apparel, uniform, kit or step-out apparel

“secretary” – means the person appointed as such in terms of regulation 4(2) (C);

“sport” – means any form of activity or activities which require(s) a significant level of aerobic or anaerobic involvement and in which participants engage in either a structured or unstructured environment for the purpose of declaring a winner or simply for relaxation, personal enjoyment , satisfaction, physical health, emotional growth and development.

Establishment of the National Colours Board

2. A National Colours Board is hereby established. [Section 11 Act 110 of 1998]

Objects of the Board

(3). The objects of the board are:

- (i) to introduce a standard code for the award of national colours;
- (ii) to prevent any misuse or abuse of national colours;
- (iii) to make provision for the resolution of disputes related to awards of national colours;

- (iv) generally, to promote sport in South Africa, through the usage and effective control of the national colours;
- (viii) to ratify or refuse to ratify the award of national colours to a person nominated therefore;
- (ix) to adjudicate in any matter referred to it;
- (x) to promote the image, standing and repute of national colours nationally and internationally;
- (xi) to co-operate and liaise closely with persons, bodies, local authorities and Government departments concerned with the advancement of sport on a national and international level;
- (xii) to advise the SASC on the use of national colours by any person, body or local authority by way of advertising or as a trade mark, or in connection with goods or services, or in any other manner on such terms and conditions as it may see fit;
- (xiii) to monitor and maintain records of all awards of national colours.

Functions, powers and duties of the Board

4 (1) The functions of the Board shall be to achieve its objects with the means at its disposal, and for the purpose of achieving those objects the Board may:

- (a) act as an advisory and supervisory body of the SASC with regard to all matters affecting national colours, the control and use thereof, and to make rules in regard thereto;
- (b) to prevent any abuse or misuse of national colours and to protect same against any infringement or limitation;

- (c) to determine whether any activity falls within the ambit of the concept of sport as is envisaged in the code and in the event in which sportspersons participate in international event;
- (d) to take disciplinary or legal action against any association, body or individual (or to ensure that the appropriate controlling body does so) as a result of any conduct, action, or statement which, in the opinion of the Board or any disciplinary sub-committee appointed for that purpose, is considered to be in breach of the code, or be an abuse or misuse of the emblem, or to bring the emblem into disrepute;
- (e) to take such action or steps as may be necessary or desirable to achieve the foregoing and to co-operate and liaise with any government department or any authority to that end;
- (f) to maintain full and complete records of all awards of national colours both past (to the extent that this is possible) and in future;
- (g) to do whatever it deemed necessary or expedient in order to fulfill the purpose and objects for which the Board is established.

Control over and management of affairs of the Board

5(1) The affairs of the Board shall be managed by the SASC, which shall determine the policy and objectives of the Board and shall exercise control generally over the performance of its functions, the exercise of its powers, and the execution of its duties.

5 (2) the Board shall consist of -

- (a) a chairperson appointed by the SASC after consultation with the Board;

(b) no fewer than four but not more than seven other members, which shall include non elected members appointed by the SASC and;

(c) the secretary, who shall be the Chief Executive Officer of the SASC, or his or her nominee, who shall serve on the Board by virtue of his or her office.

5(3) A member of the Board, excluding the secretary, shall hold office for a period not exceeding three (3) years but shall be eligible for re-appointment.

5(4) The chairperson and members of the Board shall be persons who have achieved distinction in sport or who have special knowledge or experience in relation to some respect of the Board's functions.

5(5) The chairperson, or in his or her absence, a member of the Board elected by the members present, shall preside at any meeting of the Board.

Meetings of Board

6 (1) The meetings of the Board shall be held at such times and places as the Board may determine.

6(2) The chairperson may at any time call a special meeting of the Board, which shall be held at such time and place as he or she may direct.

6(3) The quorum for a meeting of the Board shall be a majority of its members.

6(4) A decision of the Board shall be taken by the resolution of the majority of the members present at any meeting of the Board and, in the event of an equality votes of any matter, the person presiding at the meeting in question shall have a casting vote in addition to his or her deliberative vote as a member of the Board.

6 (5) Resolution of in terms of 6(4) above shall have a binding effect to all members.

Ownership of intellectual property in national colours

7 The rights in all national colours and emblem shall vest in the SASC which shall make such national colours available for use in the public interest subject to such conditions and the payment of such fees or royalties as the Board may determine in writing, subject to such arrangements as may be agreed in writing between the Commission and the national federations for payment of such fees and royalties.

The Delegation of Functions and Powers

8(1) The Board may-

- (a) delegate to the chairperson, secretary or other employees or members of the Board any power conferred upon the Board on such conditions as the Board may determine in writing; or
- (b) authorize the chairperson, secretary or any other member or employee of the SASC to perform any duty assigned to the Board by or under these regulations.

8 (2) The secretary may:

- (a) delegate to an employee of the SASC any power conferred upon the secretary by or under these Regulations; and

- (b) authorize that employee to perform any duty assigned to the secretary by or under these Regulations.

8(3) Any delegation under sub-regulation (1) or (2) does not prohibit the exercise of a power in question by the Board or the secretary, as the case may be.

Recognition of awarded colours

9(1) If at the commencement of these regulations any matter has not been disposed of by the SASC or a committee thereof entrusted with the awarding of national colours, the Board may continue with the disposal of the matter in accordance with the provisions of these regulations, and anything done in connection with that matter shall be deemed to have been done by the Board.

9(2) Any national colours awarded by the relevant bodies prior to the commencement of these regulations shall continue to enjoy recognition, as though awarded in terms of these Regulations.

Offences

10(1) A person may not:

- (a) without the necessary authority, use the national colours or any colours confusingly or deceptively similar thereto in the course of trade or otherwise;
- (b) project himself or herself as representing South Africa in a sporting authority without written consent from the SASC;
- (c) unlawfully and without the authority of the Board misrepresent that he or she is entitled to wear national colours;

- (d) commit any act or causes the commission thereof, which brings the national colours into disrepute.

10(2) If an offence is alleged to have been committed, the Board may proceed in terms of section 4(1) (d) of these regulations.

Penalties

11. Any person convicted of an offence referred to in article 10 shall be punishable with a fine not exceeding R25 000,00 (Twenty-five thousand Rands).

Eligibility rules and procedures

12(1) National colours shall be awarded to members of national federations and macro bodies who are members of the General Assembly and are recognised as such by the Commission.

12(2) Subject to 12(1) above may only apply as such only for sportsmen and sportswomen who represent South Africa in international competitions of the required nature and standard as recommended by the national federation and macro body and approved by the Commission.

Applicable conditions

Fair selection process

13(1) Provided that national trials and an approved selection process were held or conducted in order to select such national teams and that fair and equal opportunities were provided for every participant that qualified, to participate in such trials.

13(2) A selection process shall be deemed unfair and inequitable if:

- i. qualifying players are excluded from such national team on the basis of them not being able to finance their participation in the national team;
- ii. qualifying players are excluded from such national team(s) on the ground of their religion, colour or creed.

Participation as requirement

13(3) Colours will be awarded specifically to the players or athletes who actually play or participate as a member of a representative team and to the official reserves, if merited and as determined by the technical rules and regulations of the NF concerned and its international federation.

Authority to award national colours and duty of protection

13(4) The authority to award national colours to any individual vests with the National Colours Board, acting on recommendation from the national federations concerned.

13(5) Notwithstanding 13(4) above, all national federations have a duty to ensure the prestige of national colours and to protect them against abuse.

First time applicant's policy submission

13(6) The Commission and the Board do not act as selectors but will at all times require proof of the standard and nature of the particular international competition, details about the selection panel, and the method employed regarding the selection process. It is required from a NF applying for the first time for the award of national colours, to submit to the Board its policy with regards to the award of FEDERATION and NATIONAL COLOURS (JUNIOR AND SENIOR).

Exception to the rule

13(7) The supporting or non-competing and managerial component of a national team or individual athletes will not be awarded national colours, except for managers and coaches. In the case of large teams or in the case of multi-faceted codes of sport and sport for the disabled, a motivated request may be submitted to the Board for the award of colours also to assistant managers and/or assistant coaches.

Specific exclusion

13(8) Other members of the support/management team such as medical staff, physiotherapists, trainers, heads of delegation, media representatives, skippers, etc. do not qualify for national colours. In the event of multi-coded sports events, i.e. teams representing the country in events such as the Commonwealth, All Africa Games, Olympic, World, Paralympic and Deaflympic Games, an exception is made regarding the award of colours also to the Chef-de-Mission, and to such other selected officials as the Board may from time to time decide.

Nationality

13(9) National colours will only be considered for sportsmen and sportswomen who can submit proof that they are South African nationals, i.e. they must be in possession of a valid South African passport. Athletes with South African resident permits only are not eligible. This rule does not apply to managers and coaches.

Junior National Colours

13(10) A category for "junior" colours has been instituted for those codes of

sport who can substantiate that in the international rules of their particular discipline, provision is made for e.g. bona-fide junior world championships, junior continental championships, test matches, etc. A maximum age, which differs from sport to sport, is usually prescribed. Junior Protea colours are not intended for "age-group" competitions and such colours shall have the designation "Junior" underneath the prescribed insignia.

The applicable international rules must be lodged with the Commission and should form part of the POLICY document referred to in article 13(4) above. All other eligibility regulations as described herein for senior colours, are also applicable to the award of junior colours.

14 PROCEDURES

Application forms

14(1) The official application form annexed herein as annexure "A" for the award of national colours is obtainable from the SASC's offices.

14(2) Only applications properly completed will be considered. All applications for national colours should be submitted within (30) thirty days of the event for which national colours are applied.

Certification and ratification

14(3) Application forms must be completed even if the athletes in question have previously received colours. After the award of colours has been ratified, the names of the recipients are entered onto the central National Colours Register (data base). Certificates for recipients of national colours are issued by the SASC.

Documentary proof of international status

14(5) Documentation providing the necessary proof of the status of the international event in question and confirming the invitation by the host country/organisation, must accompany the application. The Board may, at its own discretion, consult the host country (or event organiser) in order to ascertain the status of the particular event.

Written confirmation

14(6) The applicant national federation will be advised in writing of the outcome of its application for the award of national colours. In all instances the decision of the Board will be final.

Purchasing

14(7) Relevant insignia and material can be purchased directly from the approved official suppliers. Silk screening or any other form of reproduction of the official badge or emblem on not-for-sale items required by NF's e.g. tog bags, shirts, caps, T-shirts, pins or on leisure clothing, etc. or for reproduction on commemorative/special award medals/trophies, must be approved by the SASC to ensure quality control.

Code specification

14(8) Applicants must clearly indicate the preferred code of sport identification that will appear on the badge. The words COACH and/or MANAGER will appear under the name of the sport where applicable.

14(9) Upon the awarding of national colours, the national federation concerned shall inscribe, beneath the national emblem, the name of the sport in which the person who has been awarded the national colours will participate in. In the case of a manager and/or coach, the

words manager and/or coach (as the case might be) shall also be inscribed.

Hand-over of national colours

14(10) In order to afford the necessary status to the award of national colours, it is strongly recommended that national federations arrange a proper handover function to which a delegated representative of the Commission or NCB member may be invited in order to hand over the national colours prior to the participation of the athletes. At this occasion, the national federation in question must also hand to all recipients of national colours, a copy of the federations' Code of Conduct in order to ensure that team members behave in a manner that suits their status when accepting national colours. A copy of the code must also be filed with the Commission.

Licensing and merchandising

15(1) The SASC may appoint a licensing agent to handles all aspects relating to the licensing and merchandising of the national emblem and enter *inter alia* into agreements with national federations or persons regarding the use of the emblem on merchandise.

15(2) No person or organisation including members of the Commission, are entitled to the use of the national emblem in whatever form without written approval of the Commission.

15(3) The Commission will provide the official colour specifications to national federations for them to present to their sponsors, manufacturers and or suppliers. These manufacturers and suppliers will have to supply such items through national federations and/or the SASC.

15(4) all national participation apparel must be approved by the SASC.

National federation colours

16(1) National federations (NF's) are entitled to their own colours, emblems and insignia which they award and use as they please. This also applies to NOCSA, DISSA, SACGA, AAG, SASSU and USSASA. "Federation" colours can be used in the case of invitation matches, "B"- and Veteran (Master)- sides, "Development" teams competing against other countries in friendly matches honorary/long service awards, etc.

16(2) No national federation is allowed to use the Protea, or any combination thereof as NF's colours or in a manner similar to that of the two marks as used for purposes of awarding national colours.

16(3) National federations are allowed to incorporate in their designs the Protea, and a combination thereof, provided that such inclusion will not demean the national symbol, nor create an impression that such a design is in fact a national symbol.

16(4) "National colours" are reserved for international participation only, i.e. not for domestic competitions and as such are reserved for the very best athletes representing South Africa in competitions of the highest level (continental and world championships, or "test matches" against fully representative teams or individuals from another country/countries. National colours can be awarded in the form of colours (the badge is embroidered in gold on green background).

16(5) The national badge consists of the logo with the wording SOUTH AFRICA appearing under it followed by the name of the code of sport,

e.g. Athletics. The only other wording allowed on the badge is the designation "MANAGER" /"Assistant Manager" and/or "COACH"/ Assistant Coach. In the case of multi-coded teams the additional wording e.g. "COMMONWEALTH GAMES 1998" will also appear on the badge.

Competition Apparel or Battledress for National Teams

17(1) The approved colour combination for national teams is GREEN, GOLD and. WHITE

17(2) NF's must adhere strictly to the approved colour combinations, being predominantly green for home games, and predominantly white for away games, but only in the event of colour clash with the opposition team apparel. NF's may deviate from this only in cases where, in a code of sport, a specific colour uniform is mandatory (e.g. test cricket) and then only through written approval from the Commission.

17(3)* The national badge referred to above (being the King Protea) must be visibly displayed in the apparel on the chest on the left hand side. The SASC is aware of the expectations of sponsors for the display of their logos on uniforms. To this extent, the technical sponsor logos may appear on the right side of the competition apparel but may not exceed the size of the national badge. The minimum acceptable size of the national badge at any given time on the apparel must be 7cm in length and 6,5 cm wide, excluding the designation.

Code of conduct

18(1) In accepting the national colours as the sports insignia of South Africa, sportsmen and sportswomen, their coaches, managers and other officials involved in the participation of South Africa in the international sports arena accept to conduct themselves at all times in a manner

that will benefit and do credit to the insignia under which they have been chosen to represent their sport. They also agree to do the same for the Commission as the custodian of the National Colours and finally their country, in whose name they participate.

18(2) In order to ensure that recipients of national colours behave in a manner that suits their status, the Commission expects from a national federation to set its own Code of Conduct to which its representative athletes and officials adhere; after all, a representative side or the individual participants are ambassadors of that particular code of sport. A representative sports group must be furnished with a copy of such a code when they accept the national colours in which they will compete. It is furthermore the duty of the management to ensure that everyone concerned strictly adheres to such a code and to introduce fitting disciplinary measures if, as, and when necessary.

18(3) Apart from the above, the Commission itself has the responsibility to ensure that South African representative sports groups are a credit to the country and at all times worthy ambassadors while representing the high ideals that the Commission had set for sports participation. Whilst there is due regard for the fact that representative sports teams vary in make-up, that there are certain set traditions in others, or that young athletes need to be treated differently from adult participants, there are certain generally acceptable and basic norms that need to be upheld at all times.

18(4) The following guidelines have been compiled by the Commission to serve as broad criteria for all those involved in representative participation in order to ensure basic uniformity, group unity, discipline and a friendly and comfortable disposition within the group or team. An appeal is made to all those involved (national federations, office bearers, officials/tour management, participants, and coaches) to

observe their Code of Conduct at all times. In the interest of South Africa and of sport in general, it is vital that the conduct of those representing the country will at all times be above reproach. If anyone should infringe the Code, disciplinary steps in the discretion of the national federation and the Board may be taken against such a person. It is important to note that under special circumstances, the Board reserves the right to withdraw national colours awarded at the time for good cause.

18(5) Travelling abroad is often a new experience for some. There are different customs and attitudes to adapt to, language barriers to overcome, media to face, and many more. National federations must ensure that team management consists of seasoned and responsible adults who can provide the necessary guidance to young and/or inexperienced team members.

18(6) International participation is the end result of long hours of hard training, of sacrifices and of absolute dedication. Only the very best in a sport can achieve this level. To represent one's country is a singular honour reserved for a selected few and the ultimate honour would be to be adjudicated the victor. At all times however and without exception, this honour must only be bestowed on him or her who competed fairly. Under no circumstances ever must such a victory, or for that matter the mere participation in an event, be enhanced due to unfair methods being employed be it by cheating, unsportsmanlike behaviour, or worse, by employing methods (like doping) to enhance one's performance, thus providing an unfair advantage over fellow competitors.

18(7) It is the unconditional view of the Commission that indulgence in the use of alcohol and tobacco is not part of the make-up of the serious sportsman or sportswoman. Officials in charge of participants have a

particular responsibility in this regard to set the right example.

18(8) Acceptable behaviour has many facets, all of them important for the ambassador of his or her country to adhere to. It will include-

- i. when to use the official dress of the team: At departure and arrival on aircraft, at official receptions, etc;
- ii. the sports wear, leisure wear, competition gear of participants and officials;
- iii. the neat appearance of team members at all times;
- iv. general conduct: Language, rowdy behaviour (even when celebrating a victory), singing of vulgar songs, etc;
- v. respect for fellow travellers on aircraft, in public places, at hotels, towards staff or hosts, for public and other people's property; and
- vi. good table manners, and respect for speakers at officials receptions.

Short Title

19 These Regulations shall be called the National Sports Colours Regulations, 2001.