



***Boxing***  
***South***  
***Africa***

**THE ARBITRATION TRIBUNAL**

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## 1. INTERPRETATION

- 1.1. A word or expression that is defined in the Act and/or the Regulations bears the same meaning in these arbitration rules as in the Act.
- 1.2. In these rules,
  - 1.2.1. a reference to a section or regulations by number refers to the corresponding section of the Act or Regulations;
  - 1.2.2. a reference to a rule by number refers to the corresponding item of these rules; and
  - 1.2.3. a reference to a sub-rule or paragraph by number refers to the corresponding item of the rule in which the reference appears.
- 1.3. In these rules unless the context indicates otherwise,
  - 1.3.1. **“Act”** means the South African Boxing Act No. 11 of 2001 as amended;
  - 1.3.2. **“Agent”** means any person to whom a certificate of registration issued in terms of the Act and/or Regulations;
  - 1.3.3. **“Appeal/s”** means any challenge to or dispute or difference with decisions of Boxing SA or the Disciplinary Committee or any such dispute or difference arising in any association governing or regulating amateur or professional boxing at any level and includes reviews and appeals;
  - 1.3.4. **“Arbitration Tribunal”** means the arbitral tribunal described in these rules established and accredited to deal with Appeal/s and any other non-disciplinary disputes and/or differences that may arise between Participants in the Sport of Boxing and the panel constituted to hear a particular dispute will deal with the matter as the Arbitration Tribunal;
  - 1.3.5. **“Arbitration Award/s”** means findings, rulings, or orders which may include declarations, interdicts, the setting aside or confirmation of decisions, orders for specific performance, damages, compensation, or such orders as are necessary to give effect to the objects of the Act and Regulations or resolve disputes and differences between Participants in the Sport of Boxing;

1.3.6. **“Boxer”** means any person to whom a certificate of registration as such has been issued in terms the Act and/or Regulations;

1.3.7. **“Boxing SA”** means the Boxing Commission contemplated the Act;

1.3.8. **“chairperson of the Arbitration Tribunal”** means a person having legal qualifications and ten (10) years post admission experience as well as knowledge of sports law accredited by Boxing SA;

1.3.9. **“Constitution”** means the Constitution of the Republic of South Africa Act 1996;

1.3.10. **“day”** means any day of the week including weekends and public holidays provided that if the time limit for filing any document(s) falls on a weekend or public holiday, such document(s) will be filed on the next business day;

1.3.11. **“decision of Boxing SA or the Disciplinary Committee”** means and includes any approval, refusal to approve, decision, ruling, or sanction taken or imposed by Boxing SA or the Disciplinary Committee;

1.3.12. **“Disciplinary Committee”** means the committee established by Boxing SA in terms of section 7 (1) (y) of the Act and in any particular instance the panel appointed to hear a matter will constitute the Disciplinary Committee;

1.3.13. **“dispute”** includes an alleged dispute or any challenge to a decision of Boxing SA or the Disciplinary Committee and/or any dispute or difference between Participants in the Sport of Boxing;

1.3.14. **“Fight”** means a contest between two Boxers sanctioned by Boxing SA;

1.3.15. **“file”** means to lodge with Boxing SA;

1.3.16. **“Internal Dispute Resolution Mechanisms provided by Boxing SA”** means the Arbitration Tribunal and the Disciplinary Committee;

1.3.17. **“Licencee”** means any Person to whom a certificate of registration has been issued in terms of the Act and/or Regulations;

1.3.18. **“Manager”** means any Person to whom a certificate of registration as such has been issued in terms of the Act and/or Regulations;

- 1.3.19. **“Matchmaker”** means any Person to whom a certificate of registration as such has been issued in terms of the Act and/or Regulations;
- 1.3.20. **“Minister”** means the Minister of Sport and Recreation;
- 1.3.21. **“Non-Disciplinary matters”** includes any dispute that is not of a disciplinary or misconduct nature;
- 1.3.22. **“Official”** means any official as defined in the Act and/or Regulations and will for the purposes of these Rules include Supervisory Officials as defined in the Regulations, Fight supervisors and Provincial Managers;
- 1.3.23. **“Participants in the Sport of Boxing”** means and includes Boxing SA; Trainers; Promoters; Managers; Officials; Boxers; Agents; Matchmakers; and Licencees whether amateur or professional;
- 1.3.24. **“Person”** includes a natural or legal person as well as a trust or partnership, excluding members of the Board of Boxing South Africa and employees of Boxing South Africa;
- 1.3.25. **“Promoter”** means any person to whom a certificate of registration as a Promoter has been issued in terms of the Act and/or Regulations;
- 1.3.26. **“Regulations”** means the Boxing Regulations, 2004 as amended;
- 1.3.27. **“serve”** means to deliver or despatch by facsimile or electronic mail;
- 1.3.28. **“Tournament”** means a Tournament as defined in the Act and/or Regulations;
- 1.3.29. **“Trainer”** means any person to whom a certificate of registration as such has been issued in terms of the Act and/or Regulations.

## 2. ARBITRATION TRIBUNAL – ESTABLISHMENT: JURISDICTION : POWERS

- 2.1. Boxing SA has accredited a legal firm to perform alternative dispute resolution functions as contemplated in section 1 (i); 30; and 31 of the Act and to do so in accordance with these rules which ensure cost effective, expeditious and fair dispute resolution.
- 2.2. The Arbitration Tribunal contemplated in these rules is an independent body established and accredited by Boxing SA to deal with and resolve any and all disputes as may arise between Participants in the Sport of Boxing.

2.3. The members of the Arbitration Tribunal:-

- 2.3.1. are accredited by, but independent of, Boxing SA;
- 2.3.2. will declare all conflicts of interest;
- 2.3.3. will act with the utmost integrity;
- 2.3.4. will be legal practitioners;
- 2.3.5. will include a chairperson who must be a legal practitioner with at least ten (10) years post admission experience and having experience in the field of sports law.

2.4. The panel to hear and determine a particular dispute will consist of at least one (1) member of the Arbitration Tribunal save where the parties to the dispute agree otherwise or the chairperson of the Arbitration Tribunal decides, upon the request of one or more of the parties or Boxing SA, that the panel for a dispute should comprise more than one (1) member.

2.5. In the event of a dispute being referred in accordance with these rules the Chief Executive Officer of Boxing SA or any other person to whom such authority has been delegated by Boxing SA will provide the parties to the dispute with a list of the names of possible arbitrators and one person will be selected by mutual consent of the parties to hear and determine the matter as the Arbitration Tribunal.

2.6. If the parties are not able to timeously agree on an arbitrator, or upon the number of arbitrators, or on any material issue relating to the constitution of the Arbitration Tribunal panel to hear the dispute, dispute will be referred to the chairperson of the Arbitration Tribunal who will appoint the arbitrator/s who will constitute the Arbitration Tribunal (or decide to hear the matter him or herself, either alone or with a fellow arbitrator) having regard to the nature and complexity of the dispute, the need for expedition, and the availability of members of the Arbitration Tribunal.

2.7. The Arbitration Tribunal will have jurisdiction over disputes arising, *inter alia*, from the following matters:-

- 2.7.1. The licensing or any decision directly or indirectly relating to the licensing, or withdrawal of a license, of Trainers, Promoters, Managers, Officials, Boxers, Agents, Matchmakers or Licencees;

- 2.7.2. The sanctioning of tournaments or any decision directly or indirectly relating to a Tournament or withdrawal of the sanction for a Tournament;
- 2.7.3. Any other decision (or failure to take a decision) of Boxing SA or any of the associations regulating the sport of boxing whether amateur or professional that has directly affected the rights of one or more Participants in the Sport of Boxing;
- 2.7.4. The determination of disputes concerning the enforcement or breach of contract as between Participants in the Sport of Boxing;
- 2.7.5. Appeals against rulings, decisions, or sanctions, of the Disciplinary Committee or any disciplinary or other committee of any amateur or professional association governing or regulating amateur or professional boxing; and
- 2.7.6. The determination of any matter, except of a disciplinary nature (save that the Arbitration Tribunal will deal with Appeals), related to boxing and arising between Participants in the Sport of Boxing.

- 2.8. In making its determinations the Arbitration Tribunal will be guided by the principles of fairness and equity, just cause, the developing jurisprudence of sports tribunals and South African law and will at all times comply with the relevant requirements of the Constitution, the Act, the Regulations, and these rules while always seeking to ensure cost effective and expeditious dispute resolution.
- 2.9. The Arbitration Tribunal will have the power to make any ruling or award to give effect to the Act, Regulations, and these or any valid rules of application to the sport of boxing, which bear upon the dispute. Arbitration Awards are final and binding on the parties and not subject to appeal.
- 2.10. The Arbitration Tribunal will in particular have the power to:-
  - 2.10.1. condone late referrals;
  - 2.10.2. provide urgent or interim relief;
  - 2.10.3. hand down Arbitration Awards;
  - 2.10.4. order a party to pay costs.
- 2.11. The Arbitration Tribunal may determine a process to attempt to deal with any matter referred to it which may include:-

- 2.11.1. conciliating the dispute;
- 2.11.2. pre-arbitration meetings;
- 2.11.3. securing the costs of an arbitration; and/or
- 2.11.4. arbitrating the dispute.

2.12. The Arbitration Tribunal may permit the proceedings to be conducted using, or including the use of, electronic media such as video or audio conferencing facilities where these are readily available or can be obtained and where it would prevent delay, save cost, be convenient, and be in the interests of justice.

2.13. Arbitration Awards will be reasoned, in writing, and will be final and binding upon the parties and will not be subject to appeal or review.

2.14. All Participants in the Sport of Boxing having a dispute concerning any matter regulated by the Act or Regulations will refer all and any such disputes, including any appeal or review or challenge to decisions of Boxing SA or the Disciplinary Committee, to the Arbitration Tribunal rather than to Courts or administrative tribunals.

### 3. PROCEDURES BEFORE THE ARBITRATION TRIBUNAL

#### 3.1. APPEALS

- 3.1.1. Any party, including Boxing SA, will have the right to appeal against any decision of Boxing SA or the Disciplinary Committee, and must do so by way of a notice of appeal which must be served and filed within ten (10) days of the decision that is being disputed and accompanied by proof of payment of an appeal fee.
- 3.1.2. The amount payable in respect of each appeal or counter-appeal shall from time to time be fixed and published in a Schedule of Fees by Boxing SA.
- 3.1.3. A party requesting an appeal ("the appellant") will serve upon all other interested or affected parties a notice of appeal setting out fully the grounds of the appeal and must file the original notice of appeal with Boxing SA accompanied by proof of service.
- 3.1.4. The parties to the appeal will be the appellant and any other parties directly affected by the decision that is disputed ("the respondent/s") and

who have within five (5) days of receipt of the notice of appeal, or such later period as may, on good cause shown, be condoned by the Arbitration Tribunal, given notice to the appellant and to the Chief Executive Officer of Boxing SA or any other person to whom such authority has been delegated by Boxing SA of their intention to participate in the appeal.

- 3.1.5. The panel of the Arbitration Tribunal to hear the appeal will be constituted in accordance with 2.4 to 2.6 above and the identity of the member/s of the panel of the Arbitration Tribunal to hear the dispute will be communicated to the parties in writing by Boxing SA.
- 3.1.6. The appellant will ensure that the record of the proceedings in respect of the decision under appeal is prepared, at its cost, and provided to the respondent/s and to Boxing SA (with sufficient copies for the member/s of the panel of the Arbitration Tribunal) within ten (10) days of communication of the identity of the member/s of the Arbitration Tribunal or such other period as may, on good cause, be condoned by the Arbitration Tribunal.
- 3.1.7. All parties will be given reasonable written notice of the place, date and time of the appeal hearing.
- 3.1.8. Unless otherwise ordered by the Arbitration Tribunal, the appeal will not be conducted as a re-hearing of the case and parties will be confined to the record in the proceedings that resulted in the decision under appeal whether these were before Boxing SA or the Disciplinary Committee.
- 3.1.9. Any party, including Boxing SA, to an appeal will be entitled to attend the appeal hearing, to be represented by any person of its choice, and to legal representation.
- 3.1.10. Having considered the matter the Arbitration Tribunal will make one of the following decisions:-
  - 3.1.10.1. to allow or dismiss the appeal;
  - 3.1.10.2. to alter or modify the decision being appealed against;
  - 3.1.10.3. to reduce, increase, modify or leave unaltered the sanction, if any, resulting from the decision being appealed against;

3.1.10.4. to order a reconsideration or re-hearing of the matter by Boxing SA or the Disciplinary Committee;

3.1.11. The Arbitration Tribunal will have the power to award costs to any party, and will decide what portion, if any, of any of the appeal costs should be refunded. Should the cost to Boxing SA of the appeal exceed the appeal fee, the Arbitration Tribunal will decide who is to be responsible for such costs. Failing a decision of the Arbitration Tribunal in this regard, the parties to the appeal will be jointly and severally liable to Boxing SA for such costs.

**3.2. DISPUTES OTHER THAN APPEALS**

3.2.1. A referral of a non-disciplinary dispute (any dispute other than an appeal against a decision of Boxing SA or the Disciplinary Committee) must be made within six (6) calendar months from the date on which the dispute arose, provided that the Arbitration Tribunal may condone a late referral on good cause shown.

3.2.2. The party referring the dispute ("the requestor") must serve upon all affected parties ("the respondent/s") and file with Boxing SA a referral in writing ("the referral document") together with proof of payment of a dispute referral fee setting out fully the nature of the dispute and including the following information and documentation:-

3.2.2.1. The name, address and contact details of the requestor including a street address, telephone number, facsimile number and an electronic mail address;

3.2.2.2. The name, address and contact details of the respondent/s including a street address, telephone number, facsimile number and an electronic mail address;

3.2.2.3. A summary of the relevant factual, legal, and regulatory considerations;

3.2.2.4. Details of the remedy sought; and

3.2.2.5. Any documents on which the claim is based or which are relevant to the dispute and in the possession or under the control of the requestor.

- 3.2.3. The referral document filed with Boxing SA must be accompanied by proof of service of the referral document and the annexures upon the respondent/s and proof of payment of the dispute referral fee.
- 3.2.4. The referral fee payable in respect of any dispute (including counterclaims) referred to Arbitration Tribunal shall from time to time be fixed and published in a Schedule of Fees by Boxing SA.
- 3.2.5. A respondent intending to oppose the referral must serve and file a written opposing document which must include the information and documents referred to in 3.2.2 with such changes as may be required within fifteen (15) days of receipt of the referral document.
- 3.2.6. The Arbitration Tribunal to hear the dispute will be constituted in accordance with 2.4 to 2.6 above and the identity of the member/s of the Arbitration Tribunal will be communicated to the parties in writing by Boxing SA.
- 3.2.7. The Arbitration Tribunal will be entitled, but not obliged, to attempt to conciliate the dispute, to convene a pre-arbitration hearing to narrow the issues, or deal with any documentary matters, to require the parties to pay or make appropriate arrangements to pay or secure the costs of the arbitration, or to convey the date, time and place of the arbitration hearing.
- 3.2.8. Notice of the arbitration hearing will be provided by the Arbitration Tribunal to the parties, through the offices of Boxing SA, and the parties will be required to attend the arbitration hearing on the date, and at the time and place so provided.
- 3.2.9. The hearing will be conducted in a summary fashion without the need for strict compliance with the rules of evidence but with due regard for the parties right to natural justice and to having their disputes determined fairly and by application of law.
- 3.2.10. The Arbitration Tribunal will hand down a reasoned Arbitration Award upon conclusion of the matter which will be final and binding upon the parties and not subject to appeal or review.

### 3.3. URGENT APPLICATIONS

3.3.1. The Arbitration Tribunal has jurisdiction and the power to consider urgent applications and to regulate urgent proceedings by way of directions issued to the parties due regard being had to the nature of the dispute, the representations of the parties, and the need for urgent relief in a particular instance.

3.3.2. A party seeking urgent relief is required to pay a dispute referral fee which shall from time to time be fixed and published in a Schedule of Fees by Boxing SA., serve and file, upon all interested parties and Boxing SA, an application accompanied by an affidavit ("an urgent application"), including the information and documentation in 3.2.2, and setting out succinctly:-

- 3.3.2.1. the grounds of urgency;
- 3.3.2.2. the reason why relief in due course would not be appropriate;
- 3.3.2.3. the material facts;and
- 3.3.2.4. the relief sought.

3.3.3. Each urgent application will be provided by Boxing SA to the chairperson of the Arbitration Tribunal who will issue such directions as are appropriate for the further conduct of the proceedings including any time periods applicable for the service and filing of documents and the date, time, and venue for a hearing if appropriate.

### 4. **POWERS OF THE CHAIRPERSON**

- 4.1. Boxing SA will provide the chairperson with the documentation in respect of any dispute referred to the Arbitration Tribunal and the chairperson will have the power to make such procedural rulings and/or arrangements as may be required to ensure the expeditious resolution of any matter.
- 4.2. In the event that the chairperson is conflicted in any particular matter or is of the view that it would be appropriate for procedural or any other matters to be dealt with by another Arbitration Tribunal member the chairperson will be entitled to inform the parties and refer the matter to another Arbitration Tribunal member.

## 5. EXHAUSTION OF INTERNAL REMEDIES

No Trainer, Manager, Promoter, Official, Boxer, Agent, Matchmaker, Licensee or any Person(s) – excluding members of the Board of Boxing SA and employees of Boxing SA – subject to the provisions of the Act, Regulations, or these or any valid and binding rules that Boxing SA may from time to time promulgate or issue will seek recourse in a Court or any administrative tribunal on any issue that can be determined by the Arbitration Tribunal until all procedures prescribed in these rules have first been exhausted.

Approval	<ul style="list-style-type: none"><li>• First Approval: BSA Board on 6<sup>th</sup> December 2014.</li><li>• Second Approval, Amendments: BSA Board on 25<sup>th</sup> April 2015.</li></ul>
Signature	 Ms Muditambi Ravele Chairperson: BSA Board Date: 30/04/2015