

At the Court at Buckingham Palace

THE 22nd DAY OF DECEMBER 1971

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

WHEREAS there was this day read at the Board the Draft of a Charter for constituting a Body Corporate under the name of "The Scottish Sports Council":

HER MAJESTY, having taken the said Draft into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, as it is hereby ordered, that the Right Honourable Gordon Campbell, one of Her Majesty's Principal Secretaries of State, do cause a Warrant to be prepared for Her Majesty's Royal Signature, for passing under the Seal appointed by the Act of Union to be used in Scotland in lieu of the Great Seal thereof, a Charter in conformity with the said Draft, which is hereunto annexed.

W. G. Agnew

[What follows is the text of the Charter of 22 December 1971 incorporating the amendments in the Order of 19 November 1996, the Order of 17 November 1998, the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 and the Order of 14 March 2001.]

ELIZABETH THE SECOND

by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories
Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS matters relating to sport and physical recreation are the concern of Departments of Our Government and Our Scottish Administration:

AND WHEREAS it has been represented unto Us that there should be established an independent Scottish Sports Council with the objects of fostering the knowledge and practice of sport and physical recreation among the public at large and the provision of facilities therefor, building upon the work in this field of the Scottish Council of Physical Recreation and others:

AND WHEREAS it has been represented unto Us that for the purpose of carrying out the said objects and with a view to facilitating the holding of and dealing with property and the making of gifts and bequests in aid of the said objects it is expedient that the said Council should be incorporated:

AND WHEREAS We having taken the said representations into Our Royal Consideration are minded to grant a Charter containing such provisions as seem to Us right and suitable:

NOW THEREFORE KNOW YE that We by virtue of Our Prerogative Royal and of Our especial grace, certain knowledge and mere motion have willed and ordained and by these Presents do for Us, Our Heirs and Successors will and ordain as follows:—

1. (1) The persons who shall in accordance with the provisions of this Our Charter be the Chair and other members for the time being of the Scottish Sports Council are hereby constituted and from henceforth for ever shall be one Body Corporate under the name of “The Scottish Sports Council” (hereinafter referred to as “the Council”):

(2) The Council shall have perpetual succession and a Common Seal with power to break, alter and make anew the said Seal from time to time at its will and pleasure and by its name shall and may sue and be sued in all courts and in all manner of actions and suits.

1A. The objects of the Council shall also include:

- (a) fostering, supporting and encouraging the development of sport and physical recreation among the public at large in Scotland;
- (b) the achievement of excellence in sport and physical recreation; and
- (c) the provision of facilities for the objects set out in paragraphs (a) and (b) of this article.

2. In furtherance of its objects the Council shall have the following powers:

- (a) to develop and improve the knowledge and practice of and education and training in sport and physical recreation in the interests of social welfare and the enjoyment of leisure among the public at large in Scotland;
- (aa) to take a lead in all aspects of sport and physical recreation which require administration, co-ordination or representation in Scotland;
- (b) to foster, support and undertake provision of facilities for the benefit of sport and physical recreation in Scotland;
- (c) to carry out itself, or to encourage and support other persons or bodies in carrying out, research and studies into matters concerning sport and physical recreation in Scotland; to disseminate knowledge and advice on these matters; and to encourage, facilitate or undertake the implementation of proposals or findings arising out of such research or studies;
- (ca) to advise, assist and co-operate with Our Scottish Administration;
- (d) to advise, assist, influence and co-operate with Departments of Our Government, local authorities, the United Kingdom Sports Council and the other Home Country Sports Councils, and other bodies, on any matters concerned whether directly or indirectly with its objects;
- (da) to collaborate with the United Kingdom Sports Council in dealings with national, foreign or international bodies;
- (db) to encourage and develop higher standards of performance and the achievement of excellence among persons or teams from Scotland participating in sport and physical recreation;

- (dc) to advise, encourage and assist individuals and teams from Scotland participating in events or seeking to gain relevant experience at home or abroad;
 - (dd) to encourage and support the adoption of the highest ethical standards among persons or teams from Scotland participating in sport and physical recreation;
 - (e) to make grants or loans upon and subject to such conditions and otherwise as the Council shall deem fit, provided always that the Council shall attach to any loan made by it such conditions as may be prescribed from time to time by Our Secretary of State;
 - (ea) to enter into contracts, to acquire, hold and dispose of heritable or moveable property and generally to do all matters and things incidental or appertaining to a body corporate;
 - (f) (deleted)
 - (g) to carry on any other activity for the benefit of sport and physical recreation in Scotland;
 - (h) subject to the prior approval of Our Secretary of State to establish or act as trustees of any trust or establish or act as a member of any body, the purposes of which trust or body are in accordance with any of the Council's objects.
3. The Council in furthering its objects and exercising its powers shall:
- (a) have regard to any general statements on the policy of Our Scottish Administration that may from time to time be issued by Our Secretary of State;
 - (b) take into account the objects and powers of the United Kingdom Sports Council and the other Home Country Sports Councils and consult those bodies and act in accordance with any directions given to the Council by Our Secretary of State in relation to the division of responsibilities for matters relating to sport and physical recreation between the Council, the United Kingdom Sports Council and the other Home Country Sports Councils;
 - (c) consult such of the governing or representative bodies of sport and physical recreation in Scotland as appear to the Council to be appropriate; and
 - (d) use the name and be referred to as "sportscotland".
4. In the event of any dispute arising between the Council and the United Kingdom Sports Council or any of the other Home Country Sports Councils as to which of them shall deal with any matter in pursuance of powers and functions and duties

conferred on each respectively by Our Charters and The Recreation and Youth Service (Northern Ireland) Order 1986 or any directions given thereunder, the question shall be determined by such of Our Secretaries of State as is appropriate and the Council shall comply with such determination.

5. All monies and property howsoever received by the Council shall be applied solely towards the promotion of the objects of the Council and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit, to the members of the Council, provided that nothing herein shall prevent the reimbursement of expenses incurred by such members in the performance of their duties as provided for in Article 7(5) of this Our Charter or the payment of such remuneration in return for service rendered as may be approved under Article 7(6).
6. The Council may invite national organisations of sport and physical recreation in Scotland to form a body the functions of which, subject to the approval of its constitution by Our Secretary of State, shall include that of a consultative body to the Council.
7.
 - (1) The Council shall consist of not more than twelve, or such other number as Our Secretary of State may determine, members, including a Chair and a Vice-Chair.
 - (2) The Chair, Vice-Chair and other members shall be appointed and the terms of their appointment determined by Our Secretary of State.
 - (3) (deleted)
 - (4) Every member of the Council shall hold and vacate office in accordance with the terms of that member's appointment, but
 - (a) a member shall not be appointed for a term of more than four years;
 - (b) a member shall be eligible for re-appointment on ceasing to be a member;
 - (c) a member may at any time by notice in writing to Our Secretary of State resign from office; and
 - (d) notwithstanding the provision of sub-paragraphs (a) to (c) above a member may at any time by notice in writing by Our Secretary of State be deprived of membership of the Council if:
 - (i) the estate of the member has been sequestrated or the member has granted a trust deed for creditors or has entered into a composition contract with his or her creditors;

- (ii) without the permission of the Council, the member has been absent from meetings of the Council for a period longer than three consecutive months or for more than half the Council's meetings in the twelve month period immediately preceding Our Secretary of State's notice;
- (iii) the member is found guilty of a criminal offence involving dishonesty; or
- (iv) in the opinion of Our Secretary of State, the member is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member.

(5) Save as is provided in Article 7(6) hereof, the Council shall not make to any of its members any payment by way of remuneration for services as a member but may reimburse to any such member expenses reasonably incurred by that member in the performance of such services.

(6) The Council shall, if Our Secretary of State so directs, make to its Chair, Vice-Chair and members such remuneration in return for service rendered to the Council as Our Secretary of State may determine.

8. (1) The Council may act notwithstanding a vacancy among its members and the validity of any proceedings of the Council shall not be affected by any defect in the appointment of a member.

(2) The quorum of the Council shall be six members present, including the Chair or the Vice-Chair, or such greater number as the Council may from time to time determine.

9. Subject to the provisions of this Our Charter, the Council may regulate its own procedure.

10. (1) The Council may appoint committees or panels to exercise or to advise or assist it in the exercise of such of its functions as it may determine and may

(a) appoint to any such committee or panel persons who are not members of the Council; and

(b) at any time revoke the appointment of any member of any such committee or panel.

(2) The Council may appoint as Chair of any such committee or panel a member of that committee or panel who is a member of the Council.

11. (1) The Council may regulate the procedure of any committee or panel appointed by it in pursuance of Article 10 of this Our Charter.

(2) Article 7(5) and (6) of this Our Charter shall apply to members of such committees and panels as it applies to members of the Council.

12. Any officer of Our Scottish Administration who may be appointed by Our Secretary of State to be an assessor to the Council, or to any committee or panel of the Council, shall be entitled to attend but not vote at any meeting of the Council, committee or panel to which the officer is so appointed.

13. (deleted)

14. (1) The Council shall, if Our Secretary of State so approves, appoint a Chief Executive Officer or person with similar title who shall be the principal administrative officer of the Council and may appoint such other officers and take into its employment such other persons as the Council may determine.

(2) The Council may

(a) pay to its officers and other persons employed by it such remuneration as the Council may, with the approval of Our Secretary of State, from time to time determine; and

(b) (i) pay to its officers and other persons employed by it such pensions, allowances or gratuities as the Council with the approval of Our Secretary of State may from time to time determine;

(ii) make such payments towards the provision of pensions, allowances or gratuities as may be so determined; or

(iii) provide or maintain such schemes whether contributory or not for payment of pensions, allowances or gratuities as may be so determined.

(3) Notwithstanding the provisions of Article 5 of this Our Charter, but subject always to the provisions of Article 14(1) and 14(2) hereof, the Council may employ from time to time for the performance of any of its functions a person who is a member of the Council and, subject as aforesaid, may remunerate such persons for services rendered in pursuance of such employment.

15. The Council shall keep proper accounts and other records, and shall prepare for each financial year statements of account in such form as Our Secretary of State may direct and submit these statements of account to Our Secretary of State at such time as Our Secretary of State may direct. Our Secretary of State shall send the accounts to the Auditor General for Scotland for auditing.

16. The Council shall make to Our Secretary of State, in such form and at such time as Our Secretary of State may direct, a report on the exercise and performance by the

Council of its functions during the financial year and of plans for its future activities and performance.

17. The application of the Seal of the Council shall be authenticated by the signature of the Chair or of some other member of the Council authorised generally or specially by the Council to act for that purpose, and of one of such officers of the Council as may be so authorised by the Council so to act.
18. The Council may by resolution in that behalf passed at a meeting of the Council by a majority of not less than three-quarters of the members present and voting (such majority of those members present and voting being an absolute majority of the whole number of the members of the Council), add to, amend or revoke any of the provisions of this Our Charter, and such addition, amendment or revocation, when allowed by Us, Our Heirs or Successors in Council, shall become effectual, so that this Our Charter shall thence forward continue and operate as though it had been originally granted and made accordingly. This provision shall apply to this Our Charter as added to or amended in the manner aforesaid.
19. In this Our Charter
 - (a) references to Our Secretary of State shall be read as if they were references to Our Scottish Ministers;
 - (b) references to Our Secretaries of State are to Our Secretaries of State for Culture, Media and Sport, for Wales and for Northern Ireland and Our Scottish Ministers;
 - (c) the term "the other Home Country Sports Councils" means the English Sports Council, the Sports Council for Wales or the Sports Council for Northern Ireland or all of them as appropriate; and
 - (d) the word "person" includes bodies corporate and firms.

IN WITNESS WHEREOF We have ordered the Seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal of Scotland to be appended hereto.

GIVEN at Our Court at *Sandringham* the *Twenty-first* day of *January* 1972 in the *Twentieth* year of Our Reign.