

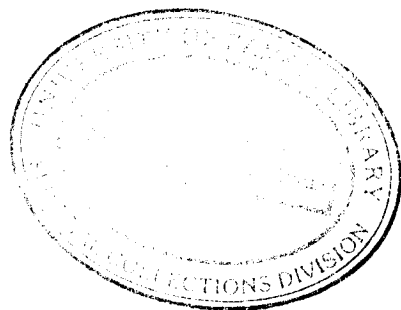
**SPORTS REGULATION: IMPLEMENTATION AND CONTROL
CHALLENGES OF ZAMBIAN PROFESSIONAL BOXING AND
WRESTLING**

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By

SYLVIA N.D. MASIYE

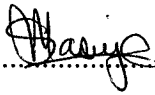
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I, SYLVIA MASIYE, Student Number 949153/11/1 DO HEREBY DECLARE that this Directed Research Essay entitled “*Sports Regulation: Implementation and Control Challenges of Zambian Professional Boxing and Wrestling*” is the creation of my own ingenuity. To the best of my knowledge, information and belief, no similar piece of work has previously been produced at the University of Zambia or any other institution. All other works cited or used in this essay have been duly acknowledged. No part of this work may be reproduced or copied in any manner without the prior authorisation, in writing, of the author.



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**SPORTS REGULATION: IMPLEMENTATION AND CONTROL
CHALLENGES OF ZAMBIAN PROFESSIONAL BOXING AND
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ABSTRACT

Jurisdictions worldwide have sought legislative means to regulate combat sports so as to ensure that order is maintained and reduce the risk of participants being exploited. Likewise, Zambia has long relied on the Professional Boxing and Wrestling Control Act Cap 156 of 1977. The Act has been subjected to a number of amendments in a bid to bring it in line with international trends in the regulation of the two sports disciplines. The most recent change was through the Professional Boxing and Wrestling Control (Amendment) Act 2010. This Amendment Act sought to cure general defects in the principal Act including the need to establish a single professional boxing and wrestling regulatory Board as well as revise the provisions relating to the powers of the Board. This is all.

This research was inspired by the need to investigate the challenges to the effective implementation of regulatory policies in the two sports following the amendments of Act No. 33 of 2010. It also examined the effect of the various changes made to the principal Act so as to assess their impact on the revival of the two sports in Zambia. An appraisal of combat sports regulation in the United Kingdom and Nevada in the United States of America was carried out in order to gain an appreciation of alternative sports regulatory mechanisms and offer possible solutions to implementation challenges faced by the Zambian Board.

The research concluded that Act No 33 of 2010 has effected positive change to some aspects of the regulation of boxing and wrestling in Zambia. However, further findings indicate the fact that the Zambian Board mainly faces financial constraints and requires a greater amount of independence to raise much needed capital intended to revamp the two sports disciplines. Therefore, the research mainly recommends a shift to self regulation for the Board by changing the law to allow for the election of its members rather than appointment by the Minister.

DEDICATION

To my grandparents, Miss Dorothy Mukuka Mwamba, Mr and Mrs B Saili and Mr and Mrs A. S Masiye, for being a rich core of values and life lessons as well as a source of inspiration for various aspects of my life. You're the essential backdrop behind a bright future.

To my mother, Mrs Mary Kabungo Masiye, your unwavering belief in prayer and endless encouragement. You gave me the extra pair of legs when mine grew weary. Thank you for the woman that you are.

To my father, Mr Robert K Masiye, you are one of a kind. The epitome of sacrifice and steadfastness, I am eternally grateful for always reminding me to strive for the best.

To my brother, Andrew and my sister Yvette-Roberta, I am blessed to have you two as my 'side kicks'. Good things come in 'threes' and I couldn't possibly imagine my life without you two. For every word of encouragement spoken or unspoken, the simple "you can do it" and reminding me that I can do whatever I put my mind to, thank you very much. I hope I'm leading the way, the right way.

To the youth of St Ignatius parish, Miss Esther Phiri, my football and netball coaches, close friends and family, for the genuine belief in me, inspiration to the girl child and your ability to put a smile on my face even through difficult times.

ACKNOWLEDGEMENTS

Firstly, I would like to give thanks to the Lord God Almighty, my creator, for bestowing upon me an abundance of blessings including seeing me through the completion of the research paper. I am eternally grateful for always being with me through trials and happy times and for being the sound rock I can stand on.

Prof Patrick Mvunga, under whose supervision this paper was undertaken, this work may not have been possible.

Mr Ben Saili, Secretary of the Zambia Professional Boxing and Wrestling Control Board, your willingness to share information, honest valuable comments, flexibility and insightful remarks. Thank you very much.

To every teacher and lecturer who has contributed to my educational journey, thank you.

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2. Companies Act, 2006, Chapter 46, Elizabeth 2, Ch 46
3. Unarmed Combat Law, Nevada Administrative Code, Chapter 467 (1941)
4. Professional Boxing and Wrestling Control Act Chapter 156 of the Laws of Zambia
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1. Couch v British Boxing Board of Control (1998), unreported
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4. R v Orton 14 Cox CC 226 (1878)
5. R v Young 10 Cox CC 371 (1866)
6. Watson v British Boxing Board of Control [2001] QB 1134

GLOSSARY OF KEY TERMS AND ABBREVIATIONS

(a)	BBBC	British Boxing Board of Control Limited
(b)	BWA	British Wrestling Association
(c)	Cap	Chapter
(d)	CAS	Court of Arbitration for Sport
(e)	NAC	Nevada Athletic Commission
(f)	NSCZ	National Sports Council of Zambia
(g)	SADC	Southern African Development Community
(h)	UK	United Kingdom of Great Britain and Northern Ireland
(i)	US	United States of America
(j)	WADA	World Anti Doping Agency
(k)	WBC	World Boxing Council
(l)	WBU	World Boxing Union
(m)	WWE	World Wrestling Entertainment

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CHAPTER ONE

INTRODUCTORY CHAPTER

1.1 Introduction

Jurisdictions worldwide have sought legislative means to regulate combat sports so as to ensure that order is maintained and reduce the risk of participants being exploited.¹ The status of combat sports (such as boxing and wrestling) has been a difficult subject for both law and legal theory. This is because it has been questioned whether, in any other context, the benefits inherent and associated with fighting really benefit modern society. The obvious danger and risk of harm to participants of combat sports makes it imperative that sports such as boxing and wrestling are regulated extremely well.

In addressing the apparent need to carefully regulate combat sports, Zambia has long relied on the Professional Boxing and Wrestling Control Act Cap 156 of 1977 of the Laws of Zambia. For a long time the Act made statutory provisions to govern various aspects of boxing and wrestling in the country including the establishment of a Professional Boxing Control Board. However, following a critique by various stakeholders it was felt that the Act needed to be amended to keep abreast with current global sports regulation trends.² This resulted in the Professional Boxing and Wrestling (Amendment) Bill which was ultimately enacted on the 14th of August 2010. The Amendment Act sought to cure general defects in the main Act including the need to establish a combined professional boxing and wrestling regulatory board as well as revise the provisions relating to the powers of the board. It was felt, amongst other things that the Board was of limited influence particularly in regulating

¹ See Neil Parpworth, "Parliament and the boxing Bill," *Sport and the Law Journal* 24 (1996), 24

² See Zambia, National Assembly, Debates (29th July, 2010)

Zambian competitors outside the jurisdiction. Additionally, the Amendment Act was a response to criticisms of Cap 156 being gender insensitive by only acknowledging male boxers and wrestlers.³ Given the brief background information, this paper seeks to investigate the challenges faced by the new Board in implementing the provisions of the new Act.

1.2 Statement of Problem

The Amendment Act of 2010 remedies various aspects of the Professional Boxing and Wrestling Control Act particularly the mandate of the new Professional Boxing and Wrestling Control Board. Furthermore, the Act now recognises female combatants. However, it still remains unclear what specific challenges the new statutory board faces in implementing the amendments to the principal Act. Whilst the Bill was still under debate in Parliament, various issues emerged which ought to be scrutinised. One such issue is the status of amateur boxing for instance. Whilst the constitution of the new Board with a new mandate has been implemented as stipulated by the 2010 Act, one needs to question how the new Board will address the issue of the status of amateur boxers as well as promoters. Additionally, stakeholders identified the stipulation of a benevolent fund to be established by the board.⁴ However, this fund has been inactive for years, which presents a transparency challenge for the new Board to address. Given the recognition of female participants in the sports by virtue of the amendment Act, the paper seeks to examine the challenges of implementing this gender equality in boxing stables, for example. The 2010 Act generally seeks to improve the regulation of the two sports in the country and possibly restore them to a

³ Blog by Lombe Anne Mwambwa, 'Punching Gender Inequality Out of Professional Boxing In Zambia' Sports for Social Change Network, 29 July 2010, <http://sscn-sa.ning.com/profiles/blogs/punching-gender-inequality-out.html>

⁴ Professional Boxing and Wrestling Control Act , Cap, 156, s 9 (1) (N)

previous glory when Zambia produced a significant number of renowned boxers and wrestlers. However, this cannot be achieved without considering the possible hindrances to the effective implementation of any deliberate policies by the new Board aimed at improving the regulation of the sport.

1.3 Purpose of the Study

Generally, the purpose of the study is to examine the major hindrances in the effective implementation of the policies aimed at improving the regulation of boxing and wrestling in Zambia. Given the various problems that the amendment Act of 2010 seeks to remedy, the study will assess the practicality of steps taken by the Board in enhancing its functions as well as managing boxers and wrestlers.

1.4 Rationale and Justification

As a country continuing to make various developmental strides, it is imperative that Zambia duly acknowledges the contribution that the sporting industry can make to the expansion and diversification of the economy. A well regulated sports industry is able to generate income in terms of marketing a nation as well as provide a source of employment for participants who engage in a particular sport at professional level. Historically, Zambia has hosted a number of internationally recognised boxers and wrestlers and the country was able to host the cream of international wrestlers, for instance, through tournaments hosted here. However, the standards of boxing and wrestling have fallen significantly and the enactment of the Professional Boxing and Wrestling (Amendment) Act 2010 indicates recognition of the need to review and update the regulation of the two sports. The study is justified on the basis that in order to effectively enforce any new provisions to the main Act, it is necessary to establish and highlight any challenges that the new control Board may face in implementing policies aimed at improving the regulation and standards of the two sports. Furthermore, the

recognition of female participants in the two sports by virtue of the amendment Act means that it is now possible to assess how much of an impact (if any) that the Act has made on the advancement of women's rights in the country.

1.5 Methodology

In order to address the various issues to be raised in the study, the research will employ a great amount of desk research. This includes the examination of public records, and public registers for statistical purposes. In the interest of time management, reliance on reports, compilations and findings of the Zambia Professional Boxing and Wrestling Control Board as well as the Sports Youth and Child Department of Zambia will be used and relied on. Given the lack of a database or archive system within the Board, interviews with the relevant stakeholders, particularly those directly involved with the regulation of the two sports in the country, will be of utmost importance. This is to ensure a comprehensive assimilation of both qualitative and quantitative data.

1.6 Conclusion

It is clear, as illustrated in this Chapter, that there is need to ensure that combat sports such as boxing and wrestling are well regulated not only to ensure the safety of the participants but to further allow for the effective monitoring of sports that may easily border on criminal acts. Additionally, more and more countries are beginning to recognise the idea of sports law. In keeping up with international trends, Zambia must be alive to the various regulatory policies being implemented in various jurisdictions.

CHAPTER TWO

REGULATION OF PROFESSIONAL BOXING AND WRESTLING

2.0 Introduction

This chapter seeks to outline the concept of sports regulation, drawing particular attention to the combat sport of boxing. This will be addressed by establishing the general history of sports regulation and then examining the origins of boxing. Emphasis is placed on boxing due to the fact that the provisions of the Professional Boxing and Wrestling Control (Amendment) Act No. 33 of 2010 mainly address gaps in the regulation of the sport under the principal Act, the Professional Boxing and Wrestling Control Act⁵. In doing so, it will provide a backdrop to the regulation of combat sports in the United Kingdom, United States and eventually Zambia.

2.1 Background to the Regulation of Sport

The term ‘sport’ is derived from the French determined Middle English verb *sporten* which means ‘to divert’⁶ as well as the *desporto* which is a Latin term meaning, literally, ‘to carry away’. The general emphasis is on the idea of sport being a distraction or something that gives pleasure. Games such as Archery, bowls and horse racing can be considered as early sports dating back to the Greek Olympics held in 686BC.

In the United Kingdom, hunting is considered as the precursor to much of modern sport mainly introduced by the Celts who developed boar hunting as a form of military sport. During the Dark Ages, evidence of other developing sports such as running and swimming

⁵ Chapter 156 of the laws of Zambia.

⁶ Webster’s New Collegiate Dictionary (1995), New York: Websters

began to emerge, however, so too did the evidence of early prohibition of sport. For instance hunting was limited to the ruling class and certain areas of land.⁷

The Victorian Age emerged as a period of increased modernisation in sport and this evoked an increase in codified and formal rules of major British sports. Sport was encouraged as a means of instilling discipline and preparing leaders in reformed schools that catered to upper middle class children. The Victorians found an attraction in sport's capacity to distinguish the social classes and separate the sexes. By the 1880s sports became important forms of mass entertainment and were being incorporated into the moral order. Ultimately, national governing bodies were originated such as the Amateur Boxing Association in 1880 and the Football Association in 1863. In 1890 an Anglophile French aristocrat revived the Olympics and North America in the 19th century presented with strong possibilities for the growth of sport which seemed American to the core.⁸

The 20th century presented the most significant developments in the form and regulation of sport and this has accelerated in recent years. It was argued that Corinthian values needed to be upheld in sport as these are the epitome of sportsmanship but were increasingly dissipating. However, this cannot always be achieved and the law of the land (criminal and civil) is required.

Acknowledged as the 'founding father' of British sport, Edward Gryson argued for the involvement of the law in sport in his book *Sport and the Law*.⁹ Whether it is a loss of the Corinthian values, or not, many people, towards the end of the 20th century, were becoming increasingly dissatisfied with what sport was becoming in the modern world. There was a

⁷ Derek Birley, "Sport and the Making of Britain", (Manchester UP, Manchester, 1993) Pages 20-21

⁸ John Barnes, "Sports and the Law in Canada", (Toronto: Butterworths, 1996) 4-7

⁹ Edward Grayson, "Sport and the Law", (London: Butterworths, 1998)

detection of the loss of pure love of participation was increasingly being replaced by cynicism, gamesmanship and commercial excess.

In the United Kingdom and United States, a cursory review of daily newspapers illustrates an increased involvement of the law in sporting matters. The State has been involved in regulating sporting activity particularly in terms of policy and prohibition. However, today, the law is intervening in sport in increasingly diverse ways.

2.2 Regulation of Boxing and Wrestling

The legal status of boxing and wrestling, like other combat sports, has proved to be a difficult subject for both law and legal theory. This is because fighting, in any other context, would be considered illegal. However, when carried out in the name of sport, boxing and wrestling are considered to be in the public interest. This anomaly has presented much difficulty in the regulation of the two sports.

2.3 History of Wrestling Regulation

Wrestling can be considered to be one of the oldest and purest of personal combat sports. Egyptian murals from as far back as 3000B.C depict this sort of competition and it is known that the sport was present at the early Olympic Games.¹⁰ In ancient Greece, wrestling occupied a prominent place in legend and literature and was the number one sport in the Olympic Games. The ancient Romans borrowed heavily from Greek wrestling but eliminated much of its brutality.

¹⁰“A Brief History of Wrestling in England”, Wrestling, accessed March 30, 2012, <http://www.the-exiles.org/Article%20Brief%20His%20of%20Eng%20Wrestling.html>.

In the middle ages (5th to 15th century), the sport gained popularity particularly in Japanese, French and English royal families. Early Americans carried a strong wrestling tradition from England and the sport flourished through the early years of the country.

Greco-Roman wrestling and modern freestyle wrestling became increasingly regulated in formal competitions resulting in the rise of gymnasiums and athletic clubs. In Europe prize money began to be offered to winners of Greco-Roman tournaments and freestyle wrestling spread rapidly in the United Kingdom and in the United States after the American Civil War. Emerging wrestling professionals soon increased the popularity of Greco-Roman and freestyle wrestling worldwide. Greco-Roman wrestling thus, became an event at the first modern Olympic Games in Athens in 1896. Since 1908 it has been in every Summer Olympics. Freestyle wrestling became an Olympic even in 1904 and more recently, in 2004, Women's freestyle wrestling was added to the Summer Olympics.

Whilst the International Federation of Associated Wrestling Styles has regulated amateur wrestling since 1921, professional wrestling has become increasingly infused with theatrics.¹¹ Professional wrestling emerged from the 19th century with the United States, England and France as leading originating countries. This sport is considered more of a spectacle which combines athletics and theatrical performance. This unique sport fundamentally based on classical types of wrestling with acrobatic manoeuvres which are largely based on martial arts. The matches have pre-determined outcomes so as to heighten entertainment value.

Currently, the leading global regulator of professional wrestling is the World Wrestling Entertainment, a United States based company. Whilst it remains unclear historically, at what point professional wrestling changed into worked entertainment, it was

¹¹“Wrestling”, accessed March 30, 2012, <http://en.m.wikipedia.org/wiki/Wrestling.html>

originally thought that the maintenance of constant and complete illusion of combat was crucial to keeping audiences interested. Gradually, however, the nature of professional wrestling became an open secret although American events were still regulated by the state athletic commissions through the 1980s until World Wrestling Federation (as it was known then) publically admitted that professional wrestling was entertainment and not competition.

There is no governing authority for professional wrestling although a general standard has developed with individual promotion companies having their own variations. Typically, a professional wrestling match will have a character/gimmick, a story and competition for a championship.¹²

2.4 History of Boxing Regulation

Although it remains unknown to many, boxing was born in Africa and dates back to 6500 BC in what is now known as Ethiopia. It first spread to the ancient Egyptian civilisation and from there, Mesopotamia. At first, Egyptian boxers used a type of glove that was worn up to the elbow, however, this custom was also found in Crete and ancient Greece. By the year 688 B.C boxing was included in the 23rd Olympic Games of ancient times by the name *pygmea* or *pygmichia* which is Greek for ‘fistfight’. Boxing was also practiced in the early days of ancient Rome but was virtually eliminated as a business throughout Europe with the rise of Christianity. In contrast, boxing became widespread in Asia. By the 18th century, boxing became a widespread sport in Great Britain and its colonies; thus entrenching itself on the American continent.¹³

¹² “Professional Wrestling”, accessed on March 30, 2012, http://en.m.wikipedia.org/wiki/Professional_Wrestling.html

¹³ “History of WBC”, accessed on March 26, 2012, http://wbcboxing.com/wbcVersEng/index.php?option=com_content&view=article&id=14&Itemid=2&phpMyAdmin=176c4ddbd49at2359cd76.html

The history of professional boxing or prize fighting can be traced back to the year 1891 when the National Sporting Club (N.S.C), a private club in London began to promote glove fights at its own premises. Prior to this, prize fighting was emerging from a sport without rules until 1743 when the first boxing rules, called the Broughton rules, were introduced by heavyweight champion Jack Broughton. This was in a bid to protect fighters in the ring where deaths sometimes occurred. Broughton also invented the use of padded gloves which were used in training and exhibitions.

In 1838 (updated in 1853) a list of boxing rules was drafted based on the Broughton rules and these were referred to as the London Prize Ring Rules. The rules governed bare-knuckle boxing for over 100 years and incorporated rules that helped to shape the sport as it stands today. For example, fights were to be conducted in a 7.3 metre square ring surrounded by ropes and biting or hitting below the belt were declared fouls.

The 1865 Marquess of Queensberry Rules, published in 1867, presented the greatest effort in changing the brutality and roughness of boxing matches under the old London Prize Ring rules.¹⁴ The code derived its name from the public endorsement by John Douglas, the 9th Marquess of Queensberry, despite being written by sportsman John Graham Chambers. The new code, the basis of modern boxing, provided laws to govern amateur championships held at the time but critically, helped to standardise weight divisions both in Britain and the United States. The Queensberry rules are intended for use in both professional and amateur boxing matches, thus separating it from the less popular American Fair Play rules, which were strictly intended for amateur matches.¹⁵ This innovation allowed boxing skill to have a

¹⁴ “Jem Mace”, accessed on January, 21, 2012, <http://www.jemmace.com/5-QueensburyRules.php>

¹⁵ “Marquess of Queensberry Rules”, accessed on January, 21, 2012, http://en.wikipedia.org/wiki/Marquess_of_Queensberry_Rules.html

greater impact on the outcome of a contest.¹⁶ Specifications under the twelve Queensberry Rules that are worth noting include “a fair stand-up boxing match in a 24-foot ring, or as near that size as practicable”, “the rounds to be of three minutes duration and one minute’s time between rounds”, “the gloves to be fair sized boxing gloves of the best quality and new” and that “no shoes or boots with spikes or sprigs be allowed”.

Despite the great strides taken to regulate boxing or prize fighting in 18th and 19th century, the sport presented itself as being dubiously legitimate. In England and much of the United States prize fights were often held at gambling venues and their illegality was initially based on the charges of unlawful assembly, riot and tumult rather than the question of physical risk to the combatants.¹⁷ The courts spent a considerable amount of time trying to distinguish between sparring and prize fighting as instances of brawling continued to raise questions as to the legal status of the sport.

Several attempts to establish the legality of prize fighting and sparring were made in cases such as *R v Young*¹⁸ and *R v Orton*¹⁹, the landmark case of *R v Coney*²⁰ holding that a bare-knuckle fight was an assault occasioning actual bodily harm despite the consent of the

¹⁶ Kenneth. G. Sheard, “Aspects of boxing in the western “civilising process” , 1997, 32 (1) International Review for the Sociology of Sport 35, 36

¹⁷ Jack Anderson, “Pugilistic prosecutions: prize fighting and the courts in nineteenth century Britain”, The Sports Historian (Nov 2001): 35-53, accessed on January, 20, 2012, <http://www2.umist.ac.uk/sport/SPORTS%20HISTORY/BSSH/The%20Historian/TSH%2021-2/Art3-Anderson.html>

¹⁸ (1866) 10 Cox CC 371

¹⁹ (1878) 14 Cox CC 226

²⁰ (1882) 8 QBD 534

participants²¹. Additionally, the court alluded to the fact that prize fighting, distinguished from sparring or boxing, was unlawful due to its tendency to cause a breach of the peace. Sparring was not expressly held as lawful. However, it was considered to be a test of skill where gloves were normally used and where the object was to score more points from direct hits than your opponent, rather than simply beating him into a submission.²² *R v Coney*²³ is evidence of the English court's attempt to outlaw prize fights. However, the majority of the Court focused on prize fights encouraging the breach of peace through the assembly of disorderly spectators rather than the dangerous nature and degree of injury inflicted by the protagonists on each other as alluded to by Matthew and Stephen JJ. Conclusively, the Queensberry Rules seemed to confirm that except for sparring, modern day boxing was subject to immunity from prosecution whilst prize fighting was illegal because of the potential of crowd disorder.

Despite modern professional boxing being strikingly similar to prize fights in that money is paid to the fighters who often knock each other out, boxing carries the aim of scoring more points than the opponent through skilful fighting which employs both attack and defence. The line of cases from *R v Orton*²⁴ to *R v Brown*²⁵ has firmly entrenched the idea that sparring or boxing is a test of skill, lacking intent to harm, implying it ought to be considered legal. Contrastingly, prize fighting carries the *mens rea* for assault. This fine line between professional boxing and the long-banned prize fighting is the subject of continued debate amongst academics. Opponents of the distinction of professional boxing from prize

²¹ Per J, Cave in *R v Coney* (1882) 8 QBD 534, page 539

²² Per J, Hawkins in *R v Coney* (1882) 8 QBD 534, page 554

²³ (1882) 8 QBD 534

²⁴ (1878) 39 LT 293

²⁵ [1993] 2 All ER 75

fighting argue that the occurrence of serious and fatal injuries in the former is an indication of the innate brutality of the contest which the law has not seen fit to intervene. Thus, boxing remains outside the ordinary law of violence because society chooses to tolerate it.²⁶

Given the difficulty of completely banning a combat sport which is so firmly entrenched in society, improvements in safety standards are constantly advocated. This is in view of the weight of medical evidence which points to the dangers of a sport like boxing.²⁷ The more recent case of *Watson v British Boxing Board of Control*²⁸ does not address the issue of the legality of the sport but rather the role of the governing body in providing post match medical assistance to injured boxers. This indicates the fact that boxing in the United Kingdom, the United States as well as Zambia will continually be subjected to a review of various aspects of their regulatory framework given their innate harmful nature and the need to protect participants. In Zambia, efforts to keep boxing and wrestling regulation abreast with international standards has taken the form of the Professional Boxing and Wrestling (Amendment) Act.²⁹

²⁶ Neil Parpworth, 'Boxing and prize fighting: the indistinguishable distinguished', 2(1) Sport and the Law Journal 5 (1994), 8

²⁷ Michael Gunn and David Ormerod, "Despite the law: prize-fighting and professional boxing", in *Law and Sport in Contemporary Society*, ed. Steve Greenfield and Guy Osborn, (London: Frank Cass, 2000), 21-50

²⁸ [2001] International Sports Law Review 201, 650

²⁹ No 33 of 2010

2.4 Conclusion

The history of sports regulation and the history of boxing outlined in this Chapter show the evolution of the regulation of combat sports. Furthermore, the chapter illustrates the manner in which the law has become increasingly involved in the protection of participants in sports like boxing. However, the Chapter also indicates the fact that there is a proverbial thin line between prize fighting and professional boxing. As seen from the case law given, courts have not seized the opportunity to clarify the difference between the two forms of boxing. However, they do emphasise the need to ensure the best possible safety standards in the sport, a principle which extends to other regulated sports such as wrestling.

CHAPTER THREE

ANALYSIS OF THE PROFESSIONAL BOXING AND WRESTLING (AMENDMENT) ACT IN RELATION TO ITS IMPLEMENTATION CHALLENGES

3.0 Introduction

This Chapter provides a critical analysis of the Professional Boxing and Wrestling (Amendment) Act.³⁰ In order to achieve this, the Act will be viewed against the shortcomings of the principal Act, The Professional Boxing and Wrestling Act³¹, via an appraisal of the former's features. Analysis will begin by examining the rationale behind the enactment of the Amendment Act and proceed to an examination of the various mechanisms employed in a bid to implement its remedial features. This entails a comparison between the regulation of boxing and wrestling under the principal Act and regulation of the sports following the amendments. In doing so, the chapter will highlight the challenges that have emerged in implementing regulatory policies under the Amendment Act.

3.1 Rational behind the enactment of The Professional Boxing and Wrestling Act No 33 of 2010

There are a number of factors that contributed to the enactment of Act No. 33 of 2010. In presenting the Bill to be read a second time, then Minister of Sport, Youth and Child Development (Mr Chipungu) articulated the specific issues that the Bill seeks to address:

“Madam Speaker, the object of this Bill is to amend the Professional Boxing and Wrestling Control Act Chapter 156 of 1977 and, specifically, to address the following:

³⁰ Act No. 33 of 2010

³¹ Chapter 156 of the Laws of Zambia

- (a) establish the Zambia Professional and Wrestling Control Board;
- (b) revise the provisions relating to the powers of the board; and
- (c) provide for matters connected with or incidental to the foregoing.³²

The leading motive of the amendment of the Professional Boxing and Wrestling control Act³³ was to bring it in line with international trends. In order to achieve this, a number of key issues were considered.

- (i) The need to revert to one board as well as revisit the tenure of office for the Board members. Generally, sports regulatory bodies are powerful organisations that regulate not only on-field activities of sports persons but also affect their employment relationships, personal conduct and performance enhancing substance use. Additionally, licensing and control of safety standards are issues to be dealt with by the board and it has significant powers to exclude individual members from their sport.³⁴ The Control Board plays a vital role in ensuring the smooth running of the two sports. In debating the current world trends in sports administration, Committee Members of Parliament alluded to the fact that the Board members ought to be elected rather than appointed³⁵. It was further pointed out that Zambia was the only country in the sub region where Board members or those charged with the responsibility of looking after professional boxing were appointed. In the SADC region and in most countries, Boards are elected.

³² Zambia National Assembly Debates (29th July, 2010) p. 3

³³ Chapter 156 of the Laws of Zambia 1977

³⁴ Simon Gardiner et al., "Sports Law", (Oxon: Routledge-Cavendish, 2007), 179

³⁵ Zambia National Assembly Debates (29th July, 2010) p. 3

(ii) The failure by the principal Act ³⁶ to recognise female boxers was of particular concern especially given the rise in prominence of Zambia's leading female boxing icon, Esther Phiri. In showing support for the amendment Bill, Mr C.B.K Banda SC articulated this fact by stating,

“In this country, we know that we have a woman called Esther Phiri, who is involved in boxing and yet, under this law, women are not allowed to engage in boxing”.³⁷

Essentially, Government had been turning a blind eye to the law by allowing female boxers to fight in contravention of the explicit bar in the principal Act. If the law were to be strictly adhered to, the likes of Esther Phiri would not be allowed to fight. Clearly, there was need to amend the law in order to remove the gender bar on female participation in the two sports of boxing and wrestling. The issue of gender is not restricted to participation but equity measures in the composition of the board.

(iii) The general need to revamp the two sports (particularly wrestling) by revising uncompetitive registration fees as well as the purse money for boxers. Under the principal Act, the board is mandated with the establishment of a benevolent fund³⁸. However, this fund had been nonexistent. Furthermore, the decline in boxing tournaments and the sheer absence of professional wrestling competitions means that it was almost impossible for professional boxer and wrestlers to receive a sustainable income.

³⁶ Professional Boxing and Wrestling Control Act Chapter 156 of the Laws of Zambia

³⁷ Zambia National Assembly Debates (29th July, 2010) p 4

³⁸ Professional Boxing and Wrestling Control Act, s 9 (1) (n)

(iv) The realisation that the influence of the Board needed to be extended beyond Zambia's borders so as to cater for the administration of boxers or wrestling travelling outside the country.

3.2 Examination of the principal Act

Firstly, regulatory regimes concerning sport vary from small sporting clubs to companies 'incorporated by limited liability. One regulatory regime stems from a statutory mandate to create a body corporate to govern a particular sport and such is the case with the Zambia Professional Boxing and Wrestling Control Board. In order to achieve the desired effect of eliminating confusion in any sport by way of this means of regulation, effective legislation ought to incorporate certain core features typically found in most Acts of Parliament. These include:

- (a) Purpose of enactment. Generally, the aim of sports regulation legislation is to establish or mandate a body with the task of overseeing the overall functions of a particular sport. This is illustrated in the *Zambian Professional Boxing and Wrestling Control Act*³⁹. Where such bodies are completely self regulated, as is the case of British boxing, the body may have the capacity to act governmentally while still possessing the institutional and legal structures of private bodies⁴⁰. Regardless of whether a body is self regulated or subject to control by the State, it is desirable that it has the requisite expertise, efficiency, mandate, accountability and procedural fairness⁴¹.

³⁹ Professional Boxing and Wrestling Control Act Chapter 156 of the Laws of Zambia, Preamble

⁴⁰ Simon Gardiner et al., "Sports Law", Routledge-Cavendish,. 2007, 180

⁴¹ Simon Gardiner et al., "Sports Law", Routledge-Cavendish,. 2007, 181-182

- (b) Interpretation of key terms. The Professional Boxing and Wrestling Control Act⁴² provides sufficient definitions for most key terms including *boxer*, *manager*, *promoter*, *tournament* and *official*.⁴³ Prior to the Amendment Act No 33 of 2010, the principal Act also provided two separate definitions for the *board*: one for boxing⁴⁴ and the other for wrestling⁴⁵.
- (c) Regulation mechanism. The principal Act outlines the various means of regulating the two sports beginning with the application for registration of boxers, wrestlers, managers, officials and promoters⁴⁶. In order for the regulatory Board to attain its general objectives, the principal Act further allows for the appointment of a Board secretary and other servants as it may require⁴⁷. In addition, the Act makes specific stipulations as to the Board's registration of boxers, wrestlers and officials to take part in tournaments in their registered capacities⁴⁸, registration of managers to manage boxers or wrestlers in so far as they relate to tournament participation⁴⁹ and the
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⁴² Chapter 156 of the Laws of Zambia

⁴³ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s. 2

⁴⁴ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 2 (a)

⁴⁵ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 2 (b)

⁴⁶ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 8

⁴⁷ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (a)

⁴⁸ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (c) (i)

⁴⁹ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (c) (ii)

registration of promoters to negotiate with any boxer or wrestler with the view of procuring the individual's services at a tournament.⁵⁰ The Board also has the power to refuse to register a person as a boxer, wrestler, manager or promoter if it is of the opinion that the individual is not conversant with the rules of boxing or wrestling or does not possess sufficient skill to warrant registration⁵¹, the applicant is not fit and proper to be registered⁵² or if registration of the applicant would be against public interest.⁵³ Subsequently, no person shall take part in any tournament as a boxer, wrestler or official; or manage the affairs of any boxer or wrestler in so far as they relate to his participation in tournaments as a boxer or wrestler; or negotiate with any boxer or wrestler with a view to procuring his services as a boxer or wrestler at a tournament unless he is in possession of a relevant valid certificate of registration.⁵⁴

In issuing a licence for a tournament⁵⁵, the applicant for such a licence is required to furnish the Board with all agreements entered into between the promoter of the tournament and the boxers or wrestlers who will participate

⁵⁰ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (c) (iii)

⁵¹ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (d) (i)

⁵² Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (d) (ii)

⁵³ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (d) (iii)

⁵⁴ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 14 (a) to (c)

⁵⁵ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (f)

therein⁵⁶, a certificate of physical and mental fitness in respect of the boxers or wrestlers who will participate in the tournament, issued in such form and by such medical practitioner (whether practising in Zambia or elsewhere) as the Board may approve⁵⁷, full particulars of all arrangements made for the holding of the tournament⁵⁸ and a specimen of every proposed advertisement relating to the tournament.⁵⁹

Section 10 of the Act illustrates the State's regulatory influence as it allows the Minister, by statutory instrument, to make regulations with regard to a wide range of issues affecting the two sports disciplines. They include, the rights and duties of officials during tournaments⁶⁰ the rules under which and the manner in which any tournament shall be organised and conducted, including the manner in which that portion of any premises on which actual boxing or wrestling takes place shall together with the manner in which participants shall be attired and, in the case of boxers, the nature, weight and quality of gloves and bandages to be used⁶¹ and the procedure to be followed

⁵⁶ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (g) (i)

⁵⁷ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (g) (ii)

⁵⁸ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (g) (iii)

⁵⁹ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (1) (g) (iv)

⁶⁰ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s10 (1) (e)

⁶¹ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s10 (1) (i)

by the Board in exercising any powers conferred upon it by this Act and the procedure to be followed in appeals to the Minister.⁶²

The Act is alive to possible stirring or public nuisance that the two sports have historically been associated with. Therefore, it expressly empowers a magistrate to stop or forbid a contest or exhibition which might cause a breach of the peace.⁶³ Such a decision is to be conveyed via a verbal or written notice. Likewise, if a police officer above the rank of Assistant Inspector is of the opinion that continuing a boxing or wrestling contest or exhibition is likely to endanger the life of a participant or spectator, any involved person at the event to depart.⁶⁴ These safety precautions are core provisions for any sports regulation legislation, particularly in combat sports such as boxing and wrestling. Not only does regulation aim to safeguard the interests of the participants by ensuring fair play but also ensure the safety of spectators too. Finally, section 16 creates offences for officials, promoters and participants in the event that they fail to adhere to the various requirements or contravene stipulated requirements in sections 9. Those found wanting may face penalties

⁶² Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s10 (1) (m)

⁶³ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 15 (1)

⁶⁴ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s15 (2)

3.3 Analysis of Act No. 33 of 2010

Where an Act is found wanting or lacking, necessary amendments may be incorporated in order to render it more effective. This has been the case for the Professional Boxing and Wrestling Control Act.⁶⁵ Prior to examining the implementation challenges faced by the regulatory body as amended by Act No 33 of 2010⁶⁶, key areas amended in the principal Act will be examined.

The Professional Boxing and Wrestling Control (Amendment) Act⁶⁷ was assented to on the 14th of August, 2010 and enacted on the 16th of August, 2010. It makes changes to the principal Act in three major ways. The first is the establishment of a single Board to govern both sports and an extension of the tenure of office bearers of this Board. Second, is the extension of the mandate of the Board to regulate boxers and wrestler outside Zambia and third, the legalisation of female boxing and wrestling.

(a) The Board.

Section 2 of the amendment Act indicates the move to a single Board by amending the long title of the principle Act to “the Zambia Professional Boxing and Wrestling Control Board”.⁶⁸ Essentially, the definition of “Board” under section 2 of the principal Act is amended by the removal of the twofold definition and substituted by the single merged definition:

⁶⁵ Chapter 156 of the Laws of Zambia

⁶⁶ Professional Boxing and Wrestling Control (Amendment) Act

⁶⁷ No. 33 of 2010

⁶⁸ Professional Boxing and Wrestling Control (Amendment) Act No. 33 of 2010

“Board” means the Zambia Professional Boxing and Wrestling Control Board established under section three”⁶⁹

Section 4 of the Act No 33 of 2010 repeals section 3 of the principal Act which provides for the establishment of the Board. The amendment Act replaces this with an establishment of the Zambia Professional Boxing and Wrestling Control Board as follows:

“There is hereby established the Zambia Professional Boxing and Wrestling Control Board which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name and with power, subject to the provisions of this Act, to do all such acts and things as a body corporate may, by law, do or perform.”⁷⁰

The final change to the Board under Act No.33 of 2010 is illustrated in section 6 which amends section 6 (1) of the principal Act by extending the tenure of office of the chairman from 3 years to 5 years and further repeals and replaces section 6 (1) (a) which allows the appointing Minister to remove from office any Board member,

“(a) who has by oneself, directly or indirectly or through the member’s spouse, partner or business associate, any financial interest in boxing or wrestling at any tournament”⁷¹

The aforementioned amendments to the establishment, nature and tenure of the Board are key factors to the regulation of the two sports in Zambia. In combining what was previously two separate Boards for each sport, the amendment Act encourages efficiency in

⁶⁹ Professional Boxing and Wrestling Control (Amendment) Act No. 33 of 2010

⁷⁰ Professional Boxing and Wrestling Control (Amendment) Act No. 33 of 2010, s 4

⁷¹ Professional Boxing and Wrestling Control (Amendment) Act No. 33 of 2010, s 6 (b)

the regulation of the sports by allowing for a single pool of expertise at a lower cost. This is particularly relevant in a country like Zambia where the core agenda of the Board is to revive and energise the two dying sports. The amendments to the Board also reflect a recognition that the Board members appointed by the Minister ought to have their tenure of office run in tandem with the government's tenure of office. This is a move intended to encourage continuity in the implementation and enforcement of regulatory policies in consort with the tenure of the government of the day.

An aspect of Board management which is reason for removal from office of a member is conflict of financial interest in a tournament. Prior to amendment, a finding of such a financial interest, either directly or indirectly, was subject to the opinion of the appointing Minister. However, by virtue of the amendment of section 6 (1) (a) of the principal Act, removal from office of a Board member due to financial interest in any tournament is not subject to the opinion of the appointing Minister.

(a) Extension of the mandate of the Board

Section 4 of the principal Act which outlines the objectives of the Board indicates the fact that the Board exists to regulate, control and supervise professional wrestling and boxing tournaments. Act No. 33 of 2010 amends this section by removing the restriction of this mandate of the Board to within the Zambian territory. The amendment extends this regulation of boxers, wrestler, promoters and officials to be applicable beyond the Zambian borders. Thus:

“The objects of the Board are to regulate, control and exercise general supervision over professional boxing or wrestling at tournaments *within or outside Zambia* with a view to

the elimination of undesirable practices and the protection of the interests of boxers, wrestlers, promoters, officials and the public generally”⁷²

When a boxer or wrestler travels outside the country, he or she needs a letter of invitation which usually seeks certification from the local Board. Once such correspondence is received, the board has the duty to ensure that the boxer or wrestler undergoes the requisite medical examinations. Only when these medicals are cleared can the board approve the fight or match. Prior to the amendments, the principal Act was only specific to boxing and wrestling within Zambia, in which this supervision was lacking for Zambian boxers or wrestlers already outside the country’s borders.

The rationale behind this particular amendment was to ensure that the Board is fully responsible for the clearance and regulation of Zambian professional boxers or wrestlers who go and fight outside the country. The onus is on the Board to ensure that the competitor has met all the prerequisites in order for the fight or match to take place. This issue was a result of the sensational cancellation of a boxing match in 2009 where Godwin Mutampuka, a Zambian boxer was scheduled to fight Willie Limond in a WBU lightweight title fight in Paisley, Scotland. The world title fight was cancelled after the British Boxing Board of Control, very strict on safety issues, revealed that Mutampuka had failed a medical there.⁷³

The ability of the Zambia Professional Wrestling Control Board to regulate boxers or wrestlers even when they have taken part in tournaments beyond the country’s borders is evident in the disciplinary action that was taken against Copperbelt-based boxers John

⁷² Professional Boxing and Wrestling Control (Amendment) Control Act No. 33 of 2010

⁷³Paul Behan, “Paisley’s biggest boxing night takes a blow”, Daily Express, February 27, 2009, accessed April 10, 2012, <http://www.paisleydailyexpress.co.uk/renfrewshire-news/local-new-in-renfrewshire/paisley-news/2009/02/27.html>

Chibuta and Douglas Chilembi in 2011. The two suffered sanctions of failing to adhere to regulations which are prerequisite to a clearance from the Board. Life bans were imposed on each of the boxers when they proceeded to fight in neighbouring Democratic Republic of Congo without clearance.⁷⁴

(b) Legalisation of female boxing and wrestling

In the wake of increased gender equality and equal opportunities movements across the globe, it was inevitable that the involvement of women in sport gained recognition. Men, have, historically monopolised sports participation in all capacities. Female involvement has however, increased despite many forms of resistance. In boxing, the question of the legality of female boxers was highlighted in the English unreported case of *Couch v British Boxing Board of Control Ltd*⁷⁵. Jane Couch, MBE overcame the British Boxing Board of Control's manipulation of medical evidence which purported to demonstrate how dangerous boxing was to women whilst remaining safe for men. She did this by becoming the first licensed British female boxer. After, fighting professionally in the United States of America for 4 years, she sought to make the progression in her own country. The 6 month long court case proved that the sport is no more dangerous to women than men.

Prior to amendments, the Professional Boxing and Wrestling Control Act ⁷⁶ did not allow for female boxers or wrestlers. Section 9 of the Act stipulated,

⁷⁴ Prudence Phiri, "2 C/belt boxers get life ban", The Post Newspaers Zambia, Wednesday 22nd June, 2011, accessed 10 April, 2012, http://www.postzambia.com/post-read_article.php?articled=21379.html

⁷⁵ (1998), unreported

⁷⁶ Chapter 156 of the Laws of Zambia

“the Board shall not register any person as a boxer, wrestler, official, manager or promoter unless the Board is satisfied that the person concerned is seventeen years of age or more;

“the Board shall not register any person as a boxer or wrestler who is not of the male sex”⁷⁷

The continued existence of this proviso was an example of the desperate need for the Zambian Act to be updated particularly given the anomaly it created with the rise in prominence of Zambia’s female boxing icon, Esther Phiri. Essentially, Esther’s professional fights had been allowed to take illegally as stakeholders chose to turn a blind eye to the law and rather keep up with international trends which have seen the rise of many female professional boxers and wrestlers.

Many of the key issues surrounding female boxers were articulated by various stakeholders including the National Organisation for Women in Sport, NOWSPAR, an organisation that was eager to remove gender inequality in professional boxing in the country. Having been a part of the Act review process co-ordinated by the Ministry of Sport in August 2007, the organisation’s submissions were spurred on by the engaging of Inonge Nayoto, a female professional boxer from Vision Stable in Lusaka. Efforts such as these ensured that the recognition of female participants in professional boxing and wrestling was reflected in the principal Act. Act No. 33 of 2010, via section 7, amends the proviso in section 9 of the principal Act by stipulating that,

“Provided that the Board shall not register a boxer, a wrestler, an official, a manager or a promoter unless the Board is satisfied that the person is eighteen years of age or older.”⁷⁸

⁷⁷ Professional Boxing and Wrestling Control Act, Chapter 156 of the Laws of Zambia, s 9 (c)

The proviso now allows for the Board to register an individual as a boxer or wrestler regardless of their sex as long as he or she is 18 years or older. The new age stipulated is also a departure from the required age of 17 years.

3.4 Implementation Challenges

A leading attribute of Act No. 33 of 2010 is that it establishes a single Board to regulate two sports. The Act further amends the principal Act by extending the mandate of Board members from 3 to 5 years. These are changes that are meant to help the Board become more efficient so as to allow it to focus on restoring to their former glory, two sports disciplines that were once prominent in Zambia's sporting history. In a bid to achieve this, the Zambia Professional Boxing and Wrestling Control Board has introduced a number of policies which include post tournament analysis, new management structures and the achievement of affiliation with the World Anti Doping Agency, WADA. Whilst Act No. 33 of 2010 has encouraged the formulation of these new policies, the Board faces a number of hurdles in its bid to effectively implement them.

A major challenge to the implementation of any policy is the availability of finances. Effective management costs money and the Zambia Professional Boxing and Wrestling Control Board is no exception. This difficulty in mobilising funds is largely due to the inability of the Board to self regulate. The Board's members are appointed by the Minister rather than the relevant stakeholders in the two sports. Inevitably, it relies heavily on State funds which are limited and it must resort to sub-contracting private companies and calling upon well wishers to raise funds to promote and advertise boxing or wrestling matches. Even the outsourcing of funds is subject to prior approval by government. This difficulty in

⁷⁸ Professional Boxing and Wrestling Control (Amendment) Act No. 33 of 2010, s 7

mobilising funds is a challenge to the Board's efforts to revive a dwindling sport like wrestling.

It is clear that professional wrestling is close to extinct in Zambia. Drawing upon the interest taken by the Zambian population in foreign professional wrestling matches such as those by WWE, there have been many arguments as to how best revive the sport in Zambia. One proposal is to invite foreign professional wrestlers from countries within the region like South Africa to stage exhibition matches. This would be aimed at reigniting the country's interest in the sport. However, all this is subject to adequate financial backing which the State will not meet. One of the major benefits of self regulation is that the costs of regulation are largely 'internalised' thereby reducing the burden on the public purse. Self regulators generally experience lower monitoring and enforcement costs⁷⁹ and are able to adapt their regimes to changes in individual conditions in a flexible manner, because of the relative informality of their procedures⁸⁰. The Board is already answerable to the National Sports Council of Zambia that is appointed by the Minister and it begs the question as to why a subsidiary body of the NSCZ must be appointed by the same Minister.

The financial challenges faced by the Board further stretches to the welfare of the boxers and wrestlers themselves. Under the Professional Boxing Control Regulations of the principal Act, the Board is required to create and administer a boxer's benevolent fund which is meant to benefit professional boxers after retirement⁸¹. However, this fund has never been

⁷⁹ John Braithwaite, "Restorative Justice and Responsive Regulation", (Oxford: OUP, 2002), 247

⁸⁰ Robert Baldwin and Martin Cave, "Understanding Regulation: Theory, Strategy and Practice", (Oxford: Oxford University Press, 1999), 127

⁸¹ Professional Boxing Control Regulations, Chapter 156 of the Laws of Zambia, s 23

set up and efforts by the new Board to revamp it are, once again, hindered by financial constraints. The same applies to the boxer's purse money referred to under the Act's Regulations which remains inadequate. Consequently, the heavy reliance on State coffers means that it is difficult to encourage boxers and wrestlers as financial constraints deprive them of a major incentive. Budding amateurs are unable to make the progression to professionals and the sports cannot be sustained.

Another major challenge to the effective implementation of regulatory policies stems from the absence of clear parameters and job descriptions for Board members and various committees. A proposed structure drawn from resolutions that were passed at the African Boxing Union convention held in Lusaka from 19th to 20th August 2011 indicate two parallel management structures that will complement one another by having a resource pool from which they can both draw. A member of the boxing management team can be seconded to the wrestling team and his counterpart will take charge of his portfolio on the boxing team and vice versa. The resolutions were aimed at improving boxing in Africa and were passed by the congress.

Whilst the Act outlines the various powers of the Board, the appointed members are not given clear job descriptions. Certain regulatory functions may require the exercise of expert judgment where a decision maker has to consider various competing options or values and come to a balanced judgment⁸². For instance, the Secretary of the Board may require the power to invest on behalf of the Board but may be hesitant to do so due to poorly defined parameters. This is particularly relevant to the newly introduced post tournament analysis which aims to review the performance of the Board. To effectively review its performance,

⁸² Simon Gardiner et al., "Sports Law", Routledge-Cavendish, 2007, 180

each member of the Board must, first and foremost, be fully aware of his or her duties and responsibilities.

Finally, one aspect of effective policy implementation that tends to be overlooked is the maintenance of records and documentation. In order to plan ahead or formulate policy, it is vital for a regulatory body to be armed with sufficient history and documentation. Much of the Zambia Professional Boxing and Wrestling Control Board's work is hampered by inadequate historic records of the sports in Zambia and the lack of a database.

3.5 Conclusion

As outlined in this chapter, various factors prompted the amendment of the Professional Boxing and Wrestling Control Act ⁸³ via Act No. 33 of 2010, among them being the need to revamp the two sports by consolidating regulatory efforts through one Board. The amendment Act now further provides recognition for female professional boxers and wrestlers. Whilst these amendments are a welcome means of bringing the regulation of professional boxing and wrestling in Zambia to international standards, it is important to note that implementing policy and management changes influenced by the amendments presents a number of challenges.

⁸³ Chapter 156 of the Laws of Zambia

CHAPTER FOUR

COMPARATIVE ANALYSIS OF PROFESSIONAL BOXING AND WRESTLING REGULATION IN OTHER JURISDICTIONS

4.0 Introduction

This Chapter focuses on the regulation of boxing and wrestling in other common law jurisdictions particularly the United Kingdom. This is with a view of identifying opportunities for development of sports regulation in Zambia as well as exploring possible solutions to the challenges faced by the country's boxing and wrestling regulation Board.

4.1 United Kingdom

Boxing and wrestling in the United Kingdom are regulated by the British Board of Boxing Control and the British Wrestling Association, respectively. As is the case with most economically advanced nations, various sports have opted to self regulate via independent Boards as opposed to State regulation. In the United Kingdom, the two regulatory bodies are limited companies establishing them as legal entities in their own right separate from their individual members.

The British Boxing Board of Control Ltd been the regulatory body of British boxing since 1929 and has its headquarters in Cardiff, Wales. The Board was incorporated as a Limited Liability Company in 1889 and was formed from the old National Sporting Club ⁸⁴.It has since seen its role evolve immeasurably. In its early years, the Board of Control's primary concern was the procedural aspects of the sport. However, in the last few decades, the raising of medical protection standards in British boxing has been the Board's major concern. The bulk of the remainder of the Board's work includes arbitration and disciplinary procedures,

⁸⁴National Sporting Club founded in 1891 as a private club to establish the sport of boxing in Great Britain

revision, upgrading and application of boxing Rules and Regulations, appointment of Referees and Timekeepers, the licensing of people involved in the sport and the representation of British boxing internationally.

The Board has approximately 2000 licence holders of which about 650 are active boxers. Of these, the vast majority are semi professional with a few dozen British professional boxers earning a full time living in the sport. The last 30 years have seen an increasing number of professional boxers failing to have more than 12 contests a year. This can be seen in a comparison between the careers of Tommy Farr and Lennox Lewis. The former boxed for a total of 18 years (mainly between 1926 and 1940) and had 104 contests whilst the latter boxed as a professional for 14 years (between 1989 and 2003) and had only 44 contests.

The change in career patterns has been largely attributed to the increased activity of the Board in medical controls and safeguards. Given the long standing debate on the legitimacy of boxing in the United Kingdom, the Board has increased its work in medical controls and safeguards especially in light of pressure from the British Medical Association to have the sport abolished. The aftermath of periodic tragedies in the ring have led to polarised opinions as to whether boxing can be justified in Britain. With the death of boxers like Steve Watts, Bradley Stone ⁸⁵and James Murray⁸⁶ and serious brain damage of Michael Watson⁸⁷, Gerald McClellan ⁸⁸and Paul Ingle ⁸⁹amongst others, cynicism towards the sport

⁸⁵ 'Boxer's life in danger after bout' The Guardian, 28 April 1994

⁸⁶ 'Your son is brain dead, surgeon tells boxer's parents' The Observer, 15 October 1995, 3

⁸⁷ 'Boxing board bows before surgeon's advice' The Guardian, 17 October, 1991, 20

⁸⁸ 'Near-tragedy brings fresh calls for ban on boxing' The Guardian, 27 February 1995, 3

has increased tremendously. Due to tragic incidences such as the aforementioned, the BBBC introduced new safety measures in 2001. These measures include the course for trainers and seconds with particular respect to weight reduction, diet and nutrition as well as random weight checks being made compulsory and the late arrival for official weigh in constituting a breach of the regulations.⁹⁰

The steps taken by the BBBC are an illustration of the fact that the ultimate responsibility of running a sport and ensuring that its rules and the participants are safe lies with the governing body. In Britain, the law of negligence has developed incrementally to the point where a sport's governing body has been successfully sued for failing to provide a reasonably adequate safety system to be used by organisers of specific sports fixtures. This was illustrated in the case of *Watson v British Boxing Board of Control*⁹¹. Here, the claimant was a professional boxer fighting in a bout sanctioned by the defendant. The fight was stopped at the final round when the referee decided that the claimant could no longer defend himself. He returned to his corner and became unconscious and was seen by the ringside doctor 7 minutes later. He was subsequently transferred to a hospital and operated to remove a sub dural haematoma but was left paralysed on his left side. He also suffered further physical and mental disabilities. It was alleged that the defendant owed a duty of care to the claimant and had breached it by not providing adequate rules to boxing promoters on the correct medical provision to be present at each bout.

⁸⁹ 'Health Minister rejects calls to ban boxing' *The Guardian*, 18 December 2000, 3

⁹⁰ 'Safety measures in boxing' 4 (2) *Sport's Law Bulletin* 7 (2001)

⁹¹ [2001] QB 1134

The Court held that the BBBC did not create the initial danger from the punches to the boxers however, the duty of care was breached by the Board by failing to provide adequate guidelines on what medical personnel and equipment should be present at a bout. The guidelines that were available were not with current medical best practice. Thus, by reason of its position as the governing body of the sport and that an important part of that role was to produce safety guidelines for bouts, the Board owed a duty of care to the claimant. The duty was breached by the inadequacy of the guidelines and this caused foreseeable harm by exacerbating a serious brain injury during the course of the bout.

The role of the BBBC in ensuring that medical controls and safeguards in the sport are upheld cannot be understated. However, the Board relies on an effective management structure which forms the backbone of its regulation of the procedural aspects of boxing in Britain. Boxing is similar to other sports in that it is a tight knit community. The relationship between the various officials involved works through a process of continuous dialogue with the Board taking the lead role. In terms of management structure, the BBBC is split into 8 Area Councils (Scottish, Northern Ireland, Welsh, Northern, Central, Southern and Midlands), each with a Secretary, Chairman, Area Chief Medical Officer with deputies, Chief Inspector and Inspectors. The Area Councils oversee the regulation of the sport in their specific areas and have powers under the Board's Regulations to withdraw a licence if necessary, institute disciplinary proceedings against licence holders if necessary and arbitrate disputes between licence holders. An Area Council will also appoint a representative to sit on the Board's Referees Committee.

The BBBC also has a number of Stewards. Nobody who has a financial interest in the sport (other than an individual such as a Doctor who charges a fee for a medical or similar) may sit as a Steward of the Board. A maximum of 8 Directors or Administrative Stewards are appointed by the Board and are responsible for the governance of the BBBC Ltd. A further 8

Director/Administrative Stewards are appointed by each Area Council and have the same responsibilities as those appointed by the Board. Likewise, two sets of non Director Stewards are appointed. Honorary Stewards applies to eminent persons associated with the sport and there are also Stewards of Appeal who are usually eminent legal people and whose appointment is separated from within the sphere of the Board.

The BBBC further has a panel of Medical Officers and endeavours to ensure that when a doctor is appointed to the Board's panel of Medical Officers he or she has a thorough knowledge of the most common injuries which can occur during the course of a boxing match. The Board's Inspectors are the "eyes and ears" of the BBBC. It is their duty to ensure that all relevant medicals, safeguards and controls are implemented at a boxing tournament. They act as liaison officers between the promoter and the Board or Area Council. Each Area Council appoints a Chief Inspector who is responsible for ensuring that all the Inspectors working under his supervision are fully aware of their individual requirements at each and every boxing tournament and will liaise with the Board's Head Office to check on the status of all competing boxers' licence status. Finally, the Board has a number of specialist Committees including the Referees Committee and a Charity/Grants Committee.

The recognised regulatory body of wrestling in the United Kingdom is the British Wrestling Association Limited, an incorporated company which carries out its duties via a Board. The Board works in tandem with the Nations and Regions Association and an Executive. The Board may, as per Articles of Association, appoint or establish a number of specialist Committees and Sub committees as it may deem fit for the effective conduct of its affairs.⁹² Despite being the mother body of the sport in Britain, the BWA insists on its

⁹² "Committees", British Wrestling Association, accessed April 15, 2012,

<http://www.britishwrestling.org/page.asp?section=129§ionTitle=Commitees.html>

recognition of Greco-Roman and Freestyle disciplines of the sport and rejects the professional wrestling regulated by organisations such as the World Wrestling Entertainment. Essentially, the Association restricts its regulation to the Olympic or amateur aspect of the sport.⁹³ Professional Wrestling in Britain spans over 100 years with its increased popularisation by television. It has undergone a series of highs and lows with various promotion and sports entertainment companies seeking to popularise the entertainment aspect of the sport. Notable organisations include the British Wrestling Federation and Ring Wrestling Stars. However, these were overshadowed by the introduction into Britain of American wrestling, particularly with the emergence of the then World Wrestling Federation.

4.2 United States of America (Nevada)

The legal roots of boxing in the United States of America can be found in New York and Nevada as the respective states legalised the sport just prior to the 20th century. However, development of the sport took divergent paths over the next 100 years. New York landed most of the significant fights whilst Las Vegas, Nevada emerged as the most important site for boxing events in the 1960s and 1970s.

The genesis of boxing in Nevada came in 1897 when the legislature passed a bill that was signed into law by Governor Reinhold Sadler in order to host the heavyweight championship between James Corbett and Bob Fitzsimmons.⁹⁴ In 1941 the boxing commission legislation called for 5 political appointees to serve on the commission at the

⁹³ "About British Wrestling", British Wrestling Association, accessed on April 15, 2012, <http://www.britishwrestling.org/page.asp?section=30§ionTitle=About+Wrestling.html>

⁹⁴ "Upcoming Fights", Las Vegas Boxing, accessed April 14, 2012, <http://www.rigngsidebygus.com/las-vegus-boxing.html>.

pleasure of the Governor. The law also established the 15 round rule. Section 9 of this law held that the commission would have the authority to affiliate with any other state or national boxing commission or athletic authority. Essentially, this was the establishment of the Nevada Athletic Commission, NAC, or Nevada State Athletic Commission and it was charged with the duty to regulate of professional unarmed combat such as boxing, kick boxing and mixed martial arts. The NAC has regulated these sports since 1941 and derives its legal authority from the Nevada Revised Statutes. This is further clarified by Chapter 467 of the Nevada Administrative Code.

In composition, the Commission consist of 5 part time members who are appointed by the Governor for 3year terms. Members select a chair person from amongst themselves annually. At the same time, the Commission selects a nonvoting full time Executive Director to carry out its daily administrative activities. The office of the Attorney General serves as legal counsel to the Commission.

To date, Chapter 467 of the Nevada Athletic Code, 'Unarmed Combat' regulates boxing in the state. The Chapter spells out in detail various duties and responsibilities of the Commission which include ruling in disciplinary cases as well as arbitrating disputes between combatants and mangers.⁹⁵ Additionally, the Commission is charged with the responsibility of promulgating regulations to implement and enforce the state laws governing unarmed combat.

With regards to boxers, the Code provides detailed procedures relating to everything from weigh in procedures ⁹⁶to the duties of referees and ringside physicians. The law even

⁹⁵ Unarmed Combat, N.A.C. Sec 467.102 (4)

⁹⁶Unarmed Combat, N.A.C. Sec 467. 476

includes requirements that address the physical appearance of boxers⁹⁷. The Code further provides that boxers who fail to pay child support need not apply for a licence in Nevada. Provisions are in place to review licensing for boxers that are over 36 years or have been inactive for 3 years⁹⁸. The Code further stipulates that Promoters must provide each boxer with at least \$50, 000 in insurance coverage for medical, surgical or hospital care for contestants injured in a match.

4.3 Opportunity for Development of Professional Boxing and Wrestling Regulation in Zambia

The British and American models of sports regulation discussed present two varying approaches to the regulation of sport and illustrate an advanced level of sports regulation given the levels of economic advancement of the two countries. Issues of sports law or the global emergence of a *lex sportiva* may not be high on the agenda of the government and legislation efforts of an emerging economy such as Zambia. However, the mere enactment of Act No. 33 of 2010 illustrates the recognition that the country intends to keep abreast with current regulatory standards in sport, particularly boxing and wrestling.

Zambia's approach to the regulation of professional boxing and wrestling can be likened much more the statutory approach illustrated in the US state of Nevada. Chapter 467 of the Nevada Administrative Code encompasses a number of sports considered 'unarmed combat' and elaborates the regulation of the procedural and administrative aspects of these sports. Likewise, the Zambia Professional Boxing and Wrestling Control Act⁹⁹ outlines various regulatory aspects of the two sports. Nevertheless, the NAC illustrates the ability of a

⁹⁷ 467 N.A.C. Sec 598

⁹⁸ 467 N.A.C. Sec 017

⁹⁹ Chapter 156 of the Laws of Zambia

State regulation model to run effectively where the State is able to financially enough to sustain sports such as professional boxing. This is inevitable for an economically advanced nation. Consequently, procedural, management or policy implementation issues have been overridden by efforts to ensure that the highest medical safeguard and controls are upheld. In Zambia, the aims and objectives of statutory regulation are largely to empower the governing body of the two sports and to make it more efficient in the dispensation of its duties as well as the implementation of its policies.

The self governing model of sports regulation, particularly as illustrated in the British Boxing Board of Control scenario, requires a large amount of expertise to work across a sometimes complex network of management structures. Unlike the regulation of sports as at present in Nevada and Zambia, the United Kingdom leaves the regulation of professional boxing as well as amateur wrestling to incorporated companies, limited by guarantee.¹⁰⁰ There are several advantages to this type of regulatory structure, the major one being that being a distinct legal entity, it is easier for the regulatory body to enter into contractual arrangements. For example, borrowing money, owning buildings or staging very large events. In Zambia, the Professional Boxing and Wrestling Board is established as a body corporate which is capable of suing and being sued in its corporate name¹⁰¹. However, it relies heavily on the State for financial support and this presents a major hindrance to the effective implementation of policies aimed at reviving two sports that were once a prominent feature of the country's sporting history. The Board relies, heavily, on well wishers or sponsors to raise funds for big events and often where raising funds proves challenging, fights are postponed as seen by the

¹⁰⁰Companies Act, 2006, Sec (3) (1), Chapter 46

¹⁰¹ Zambia Professional Boxing and Wrestling Control Act, s 3 (as amended by Act No. 33 of 2010)

fight between Esther Phiri and Zimbabwe's Monalisa Sibanda.¹⁰² Additionally, these financial constraints make it difficult to encourage professional boxers and wrestlers as the majority are unable to sustain themselves on meagre purse money or benefit from the benevolent fund provided for boxers under the principal Act. The division of the BBBC into various Areas of Control coupled with the diversity of specialist Committees, rather than a holistic approach to regulation, is another feature that would add efficiency to the work of the Zambia Board. Committees such as a Women's Affairs Committee, for instance, would take into consideration gender issues arising in the two sports whilst a Referees Committee would look into maintaining a high standard of refereeing in a bid to compliment the work of the Medical Committee in ensuring safety in the two sports.

4.5 Conclusion

The levels of development and management structures of the two regulatory models examined in this Chapter are fairly advanced when compared to the Zambian scenario. The two models represent varying ways in which the law is able to regulate combat sports and bring it from potentially fatal activities to sports disciplines that can be enjoyed by participants and spectators alike. Despite this, it is clear that Zambia is making considerable progress in keeping abreast with international sports regulation trends. The two models offer suggestions as to the manner in which the challenges the Zambian Board face in regulating professional boxing and wrestling may be alleviated.

¹⁰² ZANIS, "Esther, Sibanda fight rescheduled", accessed 1 April, 2012, http://www.zanis.org.zm/index.php?option=com_content&view=article&id=219:esther-sibanda-fight-rescheduled&catid=53:slideshow.html

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

This Chapter presents a general conclusion as well as recommendations

5.0 General Conclusion

A historical examination of the evolution of sport, particularly in the western society, reveals the fact that it has become increasingly codified and regulated. For instance, medieval sport formed a violent part of what was a violent society. Since then, there has been a gradual codification and development of rules applying to sport which has seen it become stricter. This increased regulation has also brought to the fore the need to uphold principles of fairness and equal chances to win for all. In the contemporary regulation of sport, the world has seen the law become increasingly involved in its regulation by extending traditional legal concepts such as negligence, judicial review for public bodies that may have a regulatory mandate over a particular sport and contracts of employment for professional participants in sport to cite a few examples.

The proliferation of sports related case law has seen the establishment of a Court of Arbitration for Sport, CAS, and has justified the argument of the existence of a *lex sportiva*, enough to warrant the creation of a non traditional law subject, Sports Law. Whilst this is predominantly evident in jurisdictions whose legal systems are more advanced, it cannot be denied that developing countries such as Zambia seek to keep abreast with this new world order in one way or another.

Combat sports such as boxing and wrestling have long been the subject of controversy given their obvious danger, especially to participants. For example, being alive to the possible tragic outcomes of poorly regulated boxing bouts, countries such as Sweden, Norway and

Iceland have altogether banned the professional aspect of the sport. Alternatively, many countries have opted to put in place tight regulatory means instead. Where regulation of professional boxing and/or wrestling is opted for, an efficient framework is necessary and this will usually take the form of rules and regulations implemented and enforced by a governing body for the sport.

In Zambia, the regulation of boxing and wrestling has long been governed by statute under the Zambia Professional Boxing and Wrestling Control Act which establishes the Zambia Professional Boxing and Wrestling Control Board. This single Board, whose members are appointed by the Minister for a 5 year term, now exists to regulate the two sports following the enactment of the Zambia Professional Boxing and Wrestling Control (Amendment) Act No. 33 of 2010. Prior to this amendment Act, boxing and wrestling in the country each had a regulatory Board. Act No. 33 has merged what were two separate Boards for each sport into this solitary Board in a bid to revive the two sports and extends its mandate to oversee boxers and wrestlers who travel outside the jurisdiction for fights or tournaments. Another crucial aspect of the amendment Act is that it has allowed for professional female boxers and wrestlers, an illustration of Zambia's eagerness to keep abreast with international sporting trends which reflect an appreciation for the need to afford both men and women equal opportunities.

Scoring notable successes in the revamping of boxing and wrestling in Zambia requires the Board to efficiently develop and implement new policies as well as employ fresh management strategies. These include the effective implementation of the various regulations under the principal Act, recapturing the interest of the public in the two sports and ensuring that there are adequate incentives for boxers and wrestlers to warrant increased participation. These challenges highlight the solid financial base required by the Board to effectively carry out its task and ultimately, question the benefits of it being State controlled.

Two models at common law have illustrated variations in the approach to regulating combat sports. In the United Kingdom, self regulatory bodies are prominent and such is the case for the regulation of boxing. The British Boxing Board of Control is a company limited by guarantee which oversees the regulation of professional and amateur boxing in Britain. This self regulation model has the capacity to act governmentally while still possessing the institutional and legal structures and interests of private bodies. The key advantage of a self regulatory body is that it has greater efficiency in terms of raising income to run sports like professional boxing and wrestling which carry a great entertainment value. The absence of State reliance also means that policy implementation is a lot more efficient due to relative procedural flexibility. Furthermore, allowing a body to self regulate provides a chance for the election of members rather than appointment by a Minister to whom they show allegiance to rather than the needs and priorities of the sport. Where Board members are elected, there is a chance of acquiring greater expertise or specialist knowledge. These considerations are favourable in terms of good corporate governance.

Conversely, a model based on statutory regulation as is the case in the US state of Nevada illustrates the fact that even State controlled regulation is not all riddled with disadvantages and can effectively oversee a sport. The Nevada Athletic Commission has regulated boxing in the state since 1941 drawing its legal authority from Chapter 467 of the Nevada Administrative Code. This code governs 'Unarmed Combat' and extends regulation to sports such as kick boxing and mixed martial arts rather than restriction to the two prominent combat sports of boxing and wrestling. Members of the NAC are appointed by the Governor and serve on a part time basis. The Code is extremely comprehensive and given the economic prowess of the United States its implementation has been effectively aided by a stronger financial base. This is where the major difference arises with the Zambian Board.

Like the BBBC, the NAC has combined the regulation of both the amateur and professional aspect of the sports they regulate. This has provided for a smoother transition of amateur participants in the sports to professionalism. This link between amateur regulation and professional regulation of sports is missing in Zambia and is a contributory factor to the decline in the number of amateur boxers or wrestlers becoming professionals. Hence, a general decline in professional boxing and wrestling.

The regulation of boxing and wrestling in Zambia has generally worked well. The principal Act provides a comprehensive set of regulations that continue to strive to remain in tandem with international best practices. This is particularly evident in ringside regulations and requirements for boxers and wrestlers. Nevertheless, it is no secret that the status of the two sports has declined terribly from their previous prominence in the country's sporting history. There is need to support the regulatory Board in its efforts to change this scenario and this calls for a change in the manner in which the Board itself administers its duties. Members of the Board must be clear about their individual duties and responsibilities with the provision of a clear job description and must have the best interest of the two sports at heart rather than allegiance to the appointing Minister. The Board should be encouraged to work more independently by affording it a chance to self regulate with appropriate checks and balances to ensure accountability such as maintaining its affiliation to the National Sports Council of Zambia.

5.1 Recommendations

In order to ensure effective implementation of boxing and wrestling regulatory policy in a bid to restore the two sports to their former glory, a number of recommendations are mooted.

Firstly, it must be acknowledged that good regulatory legislation alone cannot give Zambian boxing and wrestling their much needed facelift. The effect of Act No. 33 can be seen in the re-emergence of professional boxing to the extent that big fights are once again being frequently televised and are attracting greater numbers of spectators. Another important milestone in the country's legislation of the sport is the express legalisation of female professional boxing particularly in light of the strings of successes scored by Esther Phiri. However, wrestling as a sport continues to struggle. It is therefore, imperative that the combined Board as established by the amendment Act is afforded the opportunity to engage more stakeholders and sponsors by being able to carry out its duties a lot more independently. This independence should either stem from a change in the law that shifts away from Ministerial appointment of Board members or allowing stakeholders in the two sports to self regulate by incorporating the regulatory body into a company limited by guarantee. The fears that surround self regulating sports bodies such as the lack of accountability can be kept in check by maintaining that the Board be affiliated to the NSCZ. As it stands, there is an overlap in State control as the Board is affiliated to the country's sports mother body and has its members directly appointed by Minister.

The Board needs more financial resources and with greater finances, it can look into implementing various policies that are trending in sports regulations. Examples include the acquisition of World Anti Doping Agency testing kits. One major area of sports regulation is the fight against the use of prohibited substances to improve sporting performance and the Board needs to ensure that this vice does not creep into Zambian boxing and wrestling especially when the country takes part in international tournaments. Another policy that the Board should consider is the investment into youth facilities for boxing and wrestling to capture and nurture early talent in the two sports. The Olympic Youth Development Centre in the outskirts of the country's capital does not house boxing or wrestling. The two sports

cannot thrive without flourishing at grassroots level. In a bid to inspire young people to join the two sports, the Board is encouraged to engage internationally known boxers and wrestler for visit as seen with the invitation of former World Boxing Council (WBC) heavyweight champion Sugar Ray Leonard to grace an International Boxing Federation continental fight in June 2012¹⁰³.

Secondly, the gap between the Zambia Professional Boxing and Wrestling Board and the Zambia Amateur Boxing Federation ought to be bridged by linking the two bodies. As illustrated in the United Kingdom and the United States, a single body is able to regulate both the amateur and professional aspects of their sports. Given that the two bodies will inevitably have similar plights, it is only logical that they are able to co-ordinate. A member of the amateur Federation ought to be able to work with the professional Board so as to achieve a greater transition of amateur boxers to professionals and contribute to the growth in numbers of professional boxers as seen in sports like football.

A comprehensive database or inventory of boxing and wrestling needs to be established in Zambia. Contemporary sports regulation requires efficient documentation and collation of historic records not only for the benefit of the regulatory body but for individuals keen on learning more about a particular sport. The Board ought to take advantage of technological advancements in ICT and establish an up to date website for the efficient dissemination of information. It is unbecoming of a professional body not to have a solid database of its history, previous policies, administration, etc. Any aspect of development requires a review of the past and it is important that the Board begins to document the country's boxing and wrestling to keep the public interest and act as a check on its performance.

¹⁰³ Times of Zambia 11th April, 2012

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