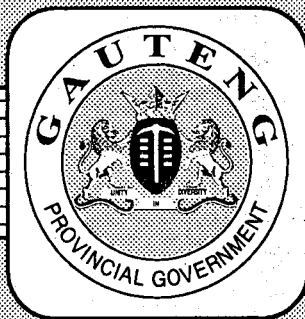


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

**Provincial Gazette Extraordinary  
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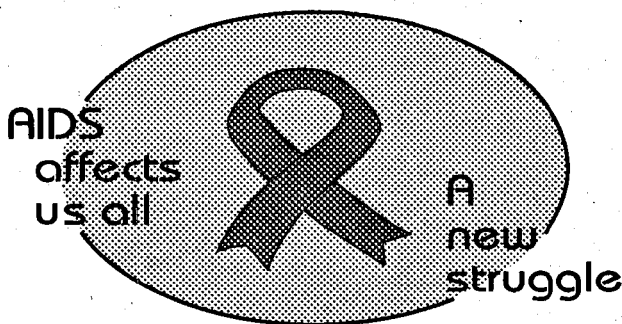
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**Vol. 7**

**PRETORIA, 30 MARCH  
MAART 2001**

**No. 49**

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**CONTENTS • INHOUD**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
<b>GENERAL NOTICE</b>		
2061 Gauteng Gambling Act (4/1995): Regulation in terms of section 84 .....	3	49

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GENERAL NOTICE

NOTICE 2061 OF 2001

**DEPARTMENT OF FINANCE AND  
ECONOMIC AFFAIRS**

**REGULATION IN TERMS OF SECTION 84 OF THE GAUTENG  
GAMBLING ACT, 1995  
(ACT NO. 4 OF 1995)**

I, **PHILLIP JABULANI MOLEKETI**, Member of the Executive Council responsible for Finance and Economic Affairs have, under Section 84 of the Gauteng Gambling Act, 1995 (Act No. 4 of 1995), made the amendment Regulations set out in the Schedule.

The Regulations take effect immediately upon publication.

**P. J. MOLEKETI**

## SCHEDULE

### AMENDMENT REGULATIONS IN TERMS OF SECTION 84 OF THE GAUTENG GAMBLING ACT, 1995 (ACT NO 4 OF 1995)

#### CHAPTER 1

##### 1. REGULATION 1

"Act" means the Gauteng Gambling Act, No 4 of 1995,

"On-course bookmaker" means a bookmaker licensed to operate on a race-course and at such other place as the Board may approve from time to time;

#### CHAPTER 2 (APPLICABILITY OF CHAPTERS) OF THE REGULATIONS

##### 2. REGULATION 10

Chapters 74 to 78 - The provisions of chapters 74 to 78 shall apply only in respect of amusement machines".

#### CHAPTER 3

##### 3. REGULATION 16

(1) The Board shall hold a hearing in respect of every application for a licence received by the Board, as soon as soon as possible after the date of completion of the investigation contemplated in Section 23(4) of the Act.

**4. REGULATION 20**

Regulation 20 is repealed.

**CHAPTER 4****5. REGULATION 22**

Regulation 22 is repealed.

**CHAPTER 6****6. REGULATION 29**

(2) The criteria to be applied by the board for inclusion of a person upon such list are –

- (a) contravention of the gambling laws of any country;
- (b) contravention or conspiracy to contravene the provisions of the Act or any similar Act;
- (c) non-payment of gambling debts;
- (d) any court order prohibiting such person from entering any or specific licensed premises; or
- (e) any conduct which in the opinion of the board is undesirable.

**7. REGULATION 36****36A REFUSAL OF ENTRY TO LICENSED PREMISES**

- (1) A licensee may refuse any person entry to, or prohibit any person from remaining on, its licensed premises, provided that such person-
- (a) be afforded an opportunity to be heard; and
  - (b) is informed of his or her right to, within seven (7) days of such refusal or prohibition, appeal to an employee of the licensee with higher authority than the employee who affected the refusal or prohibition.

- (2) The licensee shall keep accurate records relating to the refusal, prohibition and appeal for a period of thirty (30) days following the outcome of the appeal.
- (3) Should a person who is refused entry to or prohibited from remaining on the licensed premises of a licensee be aggrieved with the outcome of an appeal as envisaged in sub-regulation (1)(b), he or she may, within seven (7) days after the outcome of such appeal, approach the Chief Executive Officer of the Board.
- (4) The provisions of sub-regulations (1), (2) and (3) shall not be applicable to:-
  - (a) a person who in terms of any law is prohibited from entering the licensed premises; or
  - (b) a person who has voluntarily requested the licensee to refuse him or her entry to the licensed premises; or
  - (c) a person who has been refused entry to, or prohibited from remaining on, the licensed premises for twenty-four (24) hours or less."

## CHAPTER 8

### 8. REGULATION 41

(1)(d) e-mail.

(2)(d) e-mail.

**CHAPTER 22**

**9. REGULATION 82**

Type of Application	Fee
1 Casino licence	R 627 000,00
2 Certificate of suitability	R 6 270,00
3 Transfer of licence/Consent for procurement of Interest in licensee	R 6 270,00
4 Amendment of licence	R 6 270,00
5 Key employee registration	R 1 254,00
6 Casino employee registration	R 313,50

**10. REGULATION 84**

(1) Every holder of a casino licence shall pay a licence fee of R 62 700,00 plus

- (a) R 1 140,00 per registered gaming machine exposed for play to the public;
- (b) R 2 280,00 per licensed casino table; and
- (c) R 57,00 per licensed bingo seat,

(3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable.

Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

**11. REGULATION 85**

- (3) For each gaming machine, gross gaming revenue equals metered win or loss, less any approved provision towards the wide area progressive jackpot.

**CHAPTER 23****12. REGULATION 88**

- (1) A licensee who becomes aware of a procurement of interest contemplated in Section 38 of the Act, shall, as soon as is practicable, notify the Board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the Board with such further information as the Board may deem necessary."
- (2) Any person who, directly or indirectly, procures an interest contemplated in Section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the Board may allow, apply to the Board for consent for the holding of such interest.

**CHAPTER 26****13 REGULATION 108B**

- (3)(a) On-line, real-time monitoring and data acquisition capability in the format and media approved by the Board; or.

**CHAPTER 27****14. REGULATION 110**

- (1) Every licensee shall install, maintain and operate at all times a surveillance system comprised of cameras, monitors, video recorders, and a video printer, that provides the coverage required by this Chapter".
- (10). Subregulation 10 is deleted



**15. REGULATION 117**

(4) An applicant or a licensee shall submit to the Board an amended plan reflecting any alteration of the surveillance system no later than thirty (30) days prior to the proposed alteration or such shorter period as the board may allow.

**CHAPTER 32**

**16. REGULATION 131**

Type of application	Fee
1 Bingo licence a maximum fee of	R 125,40 per seat with R 62 700,00
2 Amendment of licence	R 3 135,00
3 Transfer of licence/consent for procurement of Interest in licensee	R 6 270,00
4 Key employee registration	R 1 254,00
5 Bingo employee registration	R 313,50
6 Certificate of suitability	R 3 135,00

**17. REGULATION 133**

(3) If the license fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any license fee outstanding at a rate of ten percent of the license fee for each week or part of a week during which the license fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the license fee in respect of which such penalty is payable.

Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

**CHAPTER 33****18. REGULATION 137**

- (1) A licensee who becomes aware of a procurement of interest contemplated in Section 38 of the Act, shall, as soon as is practicable, notify the Board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the Board with such further information as the Board may deem necessary."
- (2) Any person who, directly or indirectly, procures an interest contemplated in Section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the Board may allow, apply to the Board for consent for the holding of such interest."

**CHAPTER 42****19. REGULATION 167**

Type of application		Fee
1	Route operator licence with a minimum of and a maximum of	R 125,40 per machine R 31 350,00 R 125 400,00
2	Additional gaming machine licence	R 12 540,00
3	Transfer of licence/consent for procurement of Interest in licensee	R 6 270,00
4	Amendment of licence	R 3 135,00
5	Key employee registration	R 1 254,00
6	Gaming employee registration	R 313,50
7	Certificate of suitability	R 3 135,00

**20. REGULATION 169**

- (a) a route operator licence shall pay a licence fee of R 57 000,00 plus R 570,00 per gaming machine authorised in terms of the licence for every year or part of a year ending on 31 March;
- (b) an additional gaming licence shall pay a licence fee of R 17 100,00 plus R570, 00 per registered gaming machine for every year or part of a year ending on 31 March."

(3) If the license fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any license fee outstanding at a rate of ten percent of the license fee for each week or part of a week during which the license fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the license fee in respect of which such penalty is payable.

Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

**CHAPTER 43****21. REGULATION 173**

- (1) A licensee who becomes aware of a procurement of interest contemplated in Section 38 of the Act, shall, as soon as is practicable notify the Board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the Board with such information as the Board may deem necessary.
- (2) Any person who, directly or indirectly, procures an interest contemplated in Section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the Board may allow, apply to the Board for consent for the holding of such interest.

**CHAPTER 49****22. REGULATION 195**

Type of application	Fee
1 Gaming machine licence	R 6 270,00
2 Amendment of licence	R 1 254,00
3 Transfer of licence/consent for procurement of Interest in licensee	R 1 254,00
4 Certificate of suitability	R 627,00

**23. REGULATION 196**

- (1) Every holder of a gaming machine shall pay a licence shall pay a licence fee of R 6 270,00 plus R 570,00 per registered gaming machine for every year or part of a year ending on 31 March.
- (3) If the license fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any license fee outstanding at a rate of ten percent of the license fee for each week or part of a week during which the license fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the license fee in respect of which such penalty is payable.

Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

**CHAPTER 50****24. REGULATION 200**

- (1) A licensee who becomes aware of a procurement of interest contemplated in Section 38 of the Act, shall, as soon as is practicable, notify the Board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the Board with such information as the Board may deem necessary.

- (2) Any person who, directly or indirectly, procures an interest contemplated in Section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the Board may allow, apply to the Board for consent for the holding of such interest."

**CHAPTER 56**

**25. REGULATION 220**

Type of application	Fee
1 Manufacturer licence	R 62 700,00
2 Maintenance or supplier licence	R 31 350,00
3 Amendment of licence	R 3 135,00
4 Consent for procurement of interest in licensee	R 6 270,00
5 Key employee registration	R 1 254,00
6 Service or manufacturing employee registration	R 313,50
7 Certificate of suitability	R 3 135,00

**26. REGULATION 222**

- (1) Manufacturer licence R 31 350,00  
 Maintenance or supplier licence R 3 135,00

- (3) If the license fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any license fee outstanding at a rate of ten percent of the license fee for each week or part of a week during which the license fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the license fee in respect of which such penalty is payable.

Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

## **CHAPTER 57**

### **27. REGULATION 223**

- (1) A licensee who becomes aware of a procurement of interest contemplated in Section 38 of the Act, shall, as soon as is practicable, notify the Board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the Board with such information as the Board may deem necessary.
- (2) Any person who, directly or indirectly, procures an interest contemplated in Section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the Board may allow, apply to the Board for consent for the holding of such interest."

## **CHAPTER 58**

### **28. REGULATION 233**

Regulation 233 is repealed.

**CHAPTER 59****CHAPTER 59A****INTERNAL CONTROLS****29. REGULATION 234A.****Minimum Internal Controls**

- (1) Each licensee shall establish and maintain administrative and accounting procedures for the purpose of determining the licensee's liability for taxes and fees under the Act and for the purpose of exercising effective control over the licensee's internal financial affairs.
- (2) The procedures must be designed to reasonably ensure that –
  - (a) assets are safeguarded;
  - (b) financial records are accurate and reliable;
  - (c) transactions are performed only in accordance with management's general or specific authorisation;
  - (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
  - (e) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

**30. REGULATION 234B.****Board to adopt minimum standards for internal control procedures**

The Board shall adopt and make available to applicants and licensees minimum standards for internal control procedures with which licensees must comply.

**31. REGULATION 234C.****Internal control system to be approved by Board**

- (1) Each licensee and each applicant for a licence shall describe, in such manner as the Board may approve or require, its administrative and accounting procedures in detail in a written system of internal control and shall submit a copy thereof to the Board for the approval prior to implementation of the system.
- (2) Each system of internal control submitted for approval must include –
  - (a) an organisational chart depicting segregation of functions and responsibilities;
  - (b) a description of the duties and responsibilities of each position shown on the organisational chart;
  - (c) a detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of Regulations 103 (2) and 104;
  - (d) a letter from an independent chartered accountant stating that the system of internal control has been reviewed by the accountant and complies with the requirements of this Chapter; and
  - (e) such further information as the Board may require.
- (3) If the Board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Chapter, it shall so notify the applicant or licensee in writing.
- (4) Within 30 days after receiving the notification contemplated in subregulation (3), the applicant or licensee shall amend its internal control system accordingly, and shall submit a copy of the amended system to the Board for approval.



**32. REGULATION 234D.**

**Amendment of system of internal control**

- (1) A licensee wishing to amend its system of internal control shall, prior to implementing such amended system, submit to the Board a copy of the written internal control system as amended, for approval.
- (2) The provisions of regulation 105 (2) to 105 (4) shall *mutatis mutandis* apply to an application for approval contemplated in subregulation (1).

**33. REGULATION 235E.**

**APPROVAL OF EQUIPMENT**

The licensee may only use such equipment to operate the betting system as approved by the Board."

**CHAPTER 61**

**33. REGULATION 240**

Type of application	Fee
1 Totalisator licence	R 62 700,00
2 Amendment of licence / additional sites	R 1 254,00
3 Special totalisator licence	R 125,40
4 Transfer of licence / Consent for procurement of interest in licensee	R 6 270,00
5 Key employee registration	R 1 254,00
6 Certificate of suitability (mandatory for TAB Agents)	R 1 254,00

**34. REGULATION 242**

- (1) Every holder of a totalisator license which is not a special totalisator license contemplated in Section 97 of the Act, shall pay a license fee of R62 700,00 plus R627, 00 per site outlet for every year or part of a year ending on 31 August.
  
- (3) If the license fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any license fee outstanding at a rate of ten percent of the license fee for each week or part of a week during which the license fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the license fee in respect of which such penalty is payable.

Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

**CHAPTER 62****34. REGULATION 258**

- (1) A licensee who becomes aware of a procurement of interest contemplated in Section 38 of the Act, shall, as soon as is practicable, notify the Board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the Board with such information as the Board may deem necessary.
  
- (2) Any person who, directly or indirectly, procures an interest contemplated in Section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the Board may allow, apply to the Board for consent for the holding of such interest."

**CHAPTER 63**

**35. REGULATION 263**

- (4). paragraph (a) (iv) is deleted

**CHAPTER 66**

**36. REGULATION 268**

Type of application	Fee
1 Bookmaker's licence	R 6 270,00
2 Transfer of licence/consent for procurement of interest in licensee	R 2 508,00
3 Amendment of licence	R 627,00
4 Bookmaker's manager registration	R 313,50
5 Certificate of suitability	R 627,00

**37. REGULATION 269**

- (1) Every holder of a bookmaker's licence shall pay a licence fee of R6 270,00 for every year or part of a year ending on 31 August.
- (3) if the license fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any license fee outstanding at a rate of ten percent of the license fee for each week or part of a week during which the license fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the license fee in respect of which such penalty is payable.

Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

**38. REGULATION 271**

A licensed bookmaker shall, not later than Wednesday in each week or, if any Wednesday is a public holiday, not later than the next working day submit to the Board a return in the form and containing such information in respect of his betting transactions during the preceding week as may be determined by the Board: Provided that if there were no transactions, he shall state that fact."

**CHAPTER 67****39. REGULATION 277**

- (1) A licensee who becomes aware of a procurement of interest contemplated in Section 38 of the Act, shall, as soon as is practicable, notify the Board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the Board with such information as the Board may deem necessary.
- (2) Any person who, directly or indirectly, procures an interest contemplated in Section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the Board may allow, apply to the Board for consent for the holding of such interest.

**CHAPTER 68****40. REGULATION 282**

Type of application	Fee
1 Race-meeting licence	R 62 700,00
2 Special licence to hold race-meeting	R 125,40
3 Transfer of licence/consent for procurement of interest in licensee	R 3 135,00
4 Amendment of licence	R 3 135,00

**41. REGULATION 284**

- (1) A holder of a race-meeting licence which is not a special race-meeting licence contemplated in Section 97 of the Act, shall pay a licence fee of R 31 350,00 for every year or part of a year ending on 31 August.
- (3) If the license fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any license fee outstanding at a rate of ten percent of the license fee for each week or part of a week during which the license fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the license fee in respect of which such penalty is payable.

Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

**CHAPTER 69****42. REGULATION 285**

Regulation 285 is repealed.

**CHAPTER 70****43. REGULATION 286**

- (1) No person shall –
  - (a) in any manner whatsoever, relay any contemporaneous commentary
  - (b) by means of a telephone or any similar instrument, disseminate or relay any information,

provided by a holder of a race-meeting licence in respect of any race, unless he is authorised in writing by the holder concerned to do so and, where applicable, is in possession of the necessary licence in terms of the Broadcasting Act, 1976 (Act No 73 of 1976)

- (2) No person shall by means of any radio, television or loudspeaker apparatus, telephone or any similar instrument receive any commentary or information contemplated in subregulation (1) at any place other than at a Tattersalls or at a totalizator conducted by the holder of a totalizator licence Provided that the provisions of this paragraph shall not apply to-
- (a) any such commentary or information transmitted by any person licensed in terms of the Broadcasting Act, 1976, to transmit such commentary or information;
  - (b) such information disseminated by means of a telephone or any similar instrument by any person authorised in writing by the holder of a totalizator licence concerned to so disseminate such information."

## CHAPTER 73

### 44 REGULATION 289

- (1) The oath of solemn affirmation to be made by members of the Board shall be as follows:

I, (Full name), do hereby swear / solemnly affirm that I will hold my office as member of the Gauteng Gambling Board with honour and dignity; that I will not divulge directly or indirectly any matters which are entrusted to me under secrecy; and that I will perform the duties of my office conscientiously and to the best of my ability, without fear, favour or prejudice that I am not disqualified in terms of the Gauteng Gambling Act, No 4 of 1995, from holding such office.

(In the case of an oath: So help me God).

- (2) The oath of solemn affirmation to be made by members of the Board shall be as follows:

I, (Full name), do hereby swear / solemnly affirm that I will hold my office as member of the Gauteng Gambling Board with honour and dignity; that I will not divulge directly or indirectly any matters which are entrusted to me under secrecy; and that I will perform the duties of my office conscientiously and to the best of my ability, without fear, favour or prejudice that I am not disqualified in terms of the Gauteng Gambling Act, No 4 of 1995, from holding such office.

(In the case of an oath: So help me God).

**CHAPTER 78**

**45. REGULATION 299**

1.	Amusement machine license	:	R 3 135,00
2.	Amendment of license	:	R 1 254,00
3.	Transfer of license / consent for Procurement of interest in Licensee	:	R 1 254,00
4.	Certificate of suitability	:	R 627,00

**46. REGULATION 301**

(1) Every holder of an amusement machine license shall pay a license fee of R 313,50 per registered amusement machine for every year or part of a year ending on 31 March.

(3) If the license fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any license fee outstanding at a rate of ten percent of the license fee for each week or part of a week during which the license fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the license fee in respect of which such penalty is payable.

Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

