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**CONTENTS • INHOUD**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
<b>GENERAL NOTICE</b>		
735 Gauteng Gambling Act (4/1995): Regulations in terms of section 84 .....	3	64

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## GENERAL NOTICE

### NOTICE 735 OF 2008

#### GAUTENG PROVINCIAL GOVERNMENT

#### DEPARTMENT OF FINANCE AND ECONOMIC AFFAIRS REGULATIONS IN TERMS OF SECTION 84 OF THE GAUTENG GAMBLING ACT, 1995 (ACT NO. 4 OF 1995)

I, Paul Mashatile, 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 shall come into effect on 01 April 2008 except for Regulations 270A and 276 (1)(a) which shall come into effect on 01 July 2008.



**S. P. MASHATILE**  
**MEC – FINANCE AND ECONOMIC AFFAIRS**  
**DATE: 04/03/2008**

#### SCHEDULE

#### GENERAL EXPLANATORY NOTE:

Words in bold type or between bold square brackets indicate omissions from existing enactments.

Words underlined and in italics indicate insertions in existing enactments.

#### AMENDMENT TO REGULATION 1

1. Regulation 1 is hereby amended by the insertion of the definition of electronic gaming equipment as follows:

“electronic gaming equipment shall include electronic gaming machines, electronic gaming tables and electronic monitoring systems.”

## AMENDMENTS TO REGULATION 77

2. Regulation 77 is hereby amended as follows:

(a) by the insertion of sub-regulation (1A) as follows:

“(1A) The approval granted by the Board in respect of any electronic gaming equipment in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any approval granted prior to this sub-regulation shall be valid for a period of 7(seven) years from date of publication of the regulation: Provided further that the Board may extend a period of 7 (seven) years if deemed appropriate in the circumstances.”

(b) by amendments of sub-regulation (2) as follows:

“A licensee may at any time prior to the lapse of approval and registration, in the manner and form determined by the board, apply for the deregistration of equipment registered in terms of subregulation (1).”

## AMENDMENT OF REGULATION 82

3. The following regulation is substituted for regulation 82:

“82 Application fees

Applications must be accompanied by the following non-refundable application fees:

Type of application

Fee

1 Casino licence	<b>R780 115,00</b>	<i>R827 000,00</i>
2 Certificate of suitability	<b>R7 810,00</b>	<i>R8 300,00</i>
3 Transfer of licence / consent for procurement of interest in licensee	<b>R7 810,00</b>	<i>R8 300,00</i>
4 Amendment of licence	<b>R7 810,00</b>	<i>R8 300,00</i>
5 Key employee registration	<b>R1 560,00</b>	<i>R1 700,00</i>
6 Casino employee registration	<b>R390,00</b>	<i>R420,00</i>

## AMENDMENT OF REGULATION 84

4. Regulation 84 is amended as follows:

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) Every holder of a casino licence shall pay a licence fee of **R78 115,00**  
*R83 000,00* plus -

- (a) **R1 420,00** *R1 500,00* per registered gaming machine exposed for play to the public;
- (b) **R2 840,00** *R3 100,00* per licensed casino table;
- (c) **R70,00** *R75,00* per licensed bingo seat;

AMENDMENT OF REGULATION 125

5. Regulation 125 is hereby amended by the substitution thereof as follows:

“125 A bingo game shall render a theoretical and demonstrable return to players of not less than 65 per cent.”

AMENDMENT OF REGULATION 131

6. The following regulation is substituted for regulation 131:

“131 Application fees

Applications must be accompanied by the following non-refundable application fees:

Type of application		Fee	
1	Bingo licence	<b>R155,00</b>	<i>R165,00</i> per seat with a maximum fee of
		<b>R72 450,00</b>	<i>R76 800,00</i>
2	Amendment of licence	<b>R3 790,00</b>	<i>R4 000,00</i>
3	Transfer of licence / consent for procurement of interest in licensee	<b>R7 575,00</b>	<i>R8 100,00</i>
4	Key employee registration	<b>R1 560,00</b>	<i>R1 700,00</i>
5	Bingo employee registration	<b>R390,00</b>	<i>R420,00</i>

AMENDMENT OF REGULATION 133

7. Regulation 133 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) Every holder of a bingo licence shall pay a licence fee of **R70,00** *R75,00* per licensed seat for every year or part of a year ending on 31 March.”

AMENDMENT OF REGULATION 146

8. Regulation 146 is hereby amended as follows:

(a) by the insertion of sub-regulation (1A) as follows:

“(1A) The approval granted by the Board in respect of electronic gaming equipment in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any approval granted prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation: Provided further that the Board may extend the period of 7 (seven) years if deemed appropriate in the circumstances.”

(b) by amendments of sub-regulation (2) as follows:

"A licensee may at any time prior to the lapse of approval and registration, in the manner and form determined by the Board, apply for the deregistration of equipment registered in terms of subregulation (1)."

#### AMENDMENT OF REGULATION 164

9. Regulation 164 is hereby amended as follows:

(a) by the insertion of sub-regulation (1A) as follows:

"(1A) The approval granted by the Board in respect of electronic gaming equipment in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any approval granted prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation: Provided further that the Board may extend the period of 7 (seven) years if deemed appropriate in the circumstances."

(b) by amendments of sub-regulation (2) as follows:

"A licensee may at any time prior to the lapse of approval, in the manner and form determined by the board, apply for the deregistration of equipment registered in terms of subregulation (1)."

#### AMENDMENT OF REGULATION 167

10. The following regulation is substituted for regulation 167:

"167 Application fees

Applications must be accompanied by the following non-refundable application fees:

Type of application	Fee	
1 Route operator licence	<b>R160,00</b>	<i>R170,00</i> per machine with a minimum of
	<b>R39 140,00</b>	<i>R41 500,00</i> and a maximum of
	<b>R156 550,00</b>	<i>R166 000,00</i>
2 Additional gaming machine licence	<b>R15 650,00</b>	<i>R16 600,00</i>
3 Transfer of licence / consent for procurement of interest in licensee	<b>R7 810,00</b>	<i>R8 300,00</i>
4 Amendment of licence	<b>R3 920,00</b>	<i>R4 200,00</i>
5 Key employee registration	<b>R1 560,00</b>	<i>R1 700,00</i>
6 Gaming employee registration	<b>R390,00</b>	<i>R420,00</i>
7 Certificate of suitability	<b>R3 920,00</b>	<i>R4 200,00</i>

#### AMENDMENT OF REGULATION 169

11. Regulation 169 is amended by the substitution for paragraphs (a) and (b) of subregulation (1) of the following paragraphs:

“(a) a route operator licence shall pay a fee of **R71 000,00** *R75 300,00* plus **R710,00** *R755,00* 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 machine licence shall pay a licence fee of **R21 270,00** *R22 550,00* plus **R710,00** *R755,00* per registered gaming machine for every year or part of a year on 31 March.”

AMENDMENT OF REGULATION 191

12. Regulation 191 is hereby amended as follows:

(a) by the insertion of sub-regulation (1A) as follows:

“(1A) The approval granted by the Board in respect of electronic gaming equipment in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any approval granted prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation: Provided further that the board may extend the period of 7 (seven) years if deemed appropriate in the circumstances.”

(b) by amendments of sub-regulation (2) as follows:

“A licensee may at any time prior to the lapse of approval and registration, in the manner and form determined by the board, apply for the deregistration of equipment registered in terms of subregulation (1).”

AMENDMENT OF REGULATION 195

13. The following regulation is substituted for regulation 195:

“195 Application fees

Applications must be accompanied by the following non-refundable application fees:

Type of application	Fee
1 Gaming machine licence	<b>R7 810,00</b> <i>R8 300,00</i>
2 Amendment of licence	<b>R1 560,00</b> <i>R1 700,00</i>
3 Transfer of licence / consent for procurement of interest in licensee	<b>R1 560,00</b> <i>R1 700,00</i>
4 Certificate of suitability	<b>R780,00</b> <i>R830,00</i>

## AMENDMENT OF REGULATION 196

14. Regulation 196 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) Every holder of a gaming machine licence shall pay a licence fee of **R7 810,00** *R8 300,00* plus **R710,00** *R755,00* per registered gaming machine for every year or part of a year ending on 31 March.”

## AMENDMENT OF REGULATION 208

15. Regulation 208 is hereby amended as follows:

(a) by the insertion of sub-regulation (1A) as follows:

“(1A) The approval granted by the Board in respect of electronic gaming equipment in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any approval granted prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation: Provided further that the Board may extend the period of 7 (seven) years if deemed appropriate in the circumstances.”

## AMENDMENT OF REGULATION 220

16. The following regulation is substituted for regulation 220:

“220 Application fees

Applications must be accompanied by the following non-refundable application fees:

Type of application	Fee
1 Manufacturer licence	<b>R78 115,00</b> <i>R83 000,00</i>
2 Maintenance or supplier licence	<b>R39 060,00</b> <i>R41 405,00</i>
3 Amendment of licence	<b>R3 920,00</b> <i>R4 200,00</i>
4 Consent for procurement of interest in licensee / <i>transfer of licence</i>	<b>R7 810,00</b> <i>R8 300,00</i>
5 Key employee registration	<b>R1 560,00</b> <i>R1 700,00</i>
6 Service or manufacturing employee registration	<b>R390,00</b> <i>R420,00</i>
7 Certificate of suitability	<b>R3 920,00</b> <i>R4 200,00</i>

## AMENDMENT OF REGULATION 222

17. Regulation 222 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) Licence fee for every year or part of a year ending on 31 March :



1 Manufacturer licence	<b>R39 055,00</b>	<i>R41 400,00</i>
2 Maintenance or supplier licence	<b>R3 915,00</b>	<i>R4 150,00</i>

AMENDMENT OF REGULATION 240

18. The following regulation is substituted for regulation 240:

"240 Application fees

Applications must be accompanied by the following non-refundable application fees:

Type of application		Fee
1 Totalizator licence	<b>R78 115,00</b>	<i>R83 000,00</i>
2 Amendment of licence / additional sites	<b>R4 200,00</b>	<i>R4 500,00</i>
3 Special totalizator licence	<b>R160,00</b>	<i>R170,00</i>
4 Transfer of licence / consent for procurement of interest in licensee	<b>R7 810,00</b>	<i>R8 300,00</i>
5 Key employee registration	<b>R1 560,00</b>	<i>R1 700,00</i>
6 Certificate of suitability (mandatory for TAB agents)	<b>R1 695,00</b>	<i>R1 800,00</i>

AMENDMENT OF REGULATION 242

19. Regulation 242 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Every holder of a totalizator licence which is not a special totalizator licence contemplated in section 97 of the Act, shall pay a licence fee of **R78 115,00** *R83 000,00* plus **R785,00** *R835,00* per site outlet for every year or part of a year ending on 31 August."

AMENDMENT OF REGULATION 266

20. Regulation 266 is hereby amended by the insertion of sub-regulation (4) as follows:

"(4) The approval granted by the Board in terms of sub-regulation (2) and (3) shall be valid for a period of 7 (seven) years from date of approval: Provided that any equipment that has been approved prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation."

AMENDMENT OF REGULATION 268

21. The following regulation is substituted for regulation 268:

"268 Application fees

Applications must be accompanied by the following non-refundable application fees:

Type of application		Fee	
1	Bookmaker's licence	<b>R7 810,00</b>	<i>R8 300,00</i>
2	Transfer of licence / consent for procurement of interest in licensee	<b>R3 125,00</b>	<i>R3 315,00</i>
3	Amendment of licence	<b>R 780,00</b>	<i>R830,00</i>
4	Bookmaker's manager registration	<b>R390,00</b>	<i>R420,00</i>

#### AMENDMENT OF REGULATION 269

22. Regulation 269 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) Every holder of a bookmaker's licence shall pay a licence fee of **R7 810,00** *R8 300,00* for every year or part of a year ending on 31 August.”

#### INSERTION OF REGULATION 270 A

23. Regulation 270 A is hereby inserted after regulation 270 as follows:

“270 A (1) The betting tax payable in terms of section 61(2) (a) (i) of the Act shall be paid at the rate of 5% of the bookmakers gross betting revenue derived from betting on events or contingencies other than horse racing: provided that any bet which includes any element relating to horse racing shall be deemed to be a horse racing bet

(2) gross betting revenue shall be equal to hold less take out

(3) for purposes of subregulation (2);

(a) hold in respect of an event or contingency means the total of all punters takes in bets laid by a bookmaker in respect of such event or contingency, less the total stakes of all take back bets placed by the bookmaker on such events or contingency;

(b) take out in respect of an event or contingency means the total amounts paid by the bookmaker to winning punters in respect of that event or contingency less all amounts received by such bookmaker in respect of take back bets placed by him on such an event or contingency;

(4) If in any tax period the amount of gross betting revenue is less than zero, the licensee may deduct the excess in the succeeding tax periods, until the loss is fully offset against gross gaming revenue.”

#### AMENDMENT OF REGULATION 274

24. Regulation 274 is hereby amended by the substitution of sub regulations (1) and (2) as follows:

“(1) The levy payable for the benefit of the Sports Development Fund contemplated in section 100 of the Act, shall be paid by a bookmaker contemplated in regulation 270A at the rate of 1% of the bookmakers’ betting revenue contemplated in regulation 270A;

(2) The provisions of regulations 271 and 272 shall *mutatis mutandi* apply to the levy contemplated in subregulation (1).”

AMENDMENT OF REGULATION 275

25. Regulation 275 is hereby amended by the substitution of sub-regulations (1) and (2) as follows:

“(1) The levy payable for the benefit of the Board contemplated in section 61 (4) of the Act shall be paid by a bookmaker contemplated in regulation 270A at the rate of 0.5% of the bookmakers’ betting revenue contemplated in regulation 270A.”

“(2) The provisions of regulations 271 and 272 shall *mutandis mutandi* apply to the levy contemplated in sub-regulation (1).”

AMENDMENT OF REGULATION 276

26. Regulation 276 is hereby amended as follows:

“276 Calculation of tax and levies on betting transactions with licensed bookmaker

The taxes and levies payable in terms of the Act on betting transactions with a licensed bookmaker shall be calculated at the following percentages.

(1) In respect of bets entered into with a [an on-course] bookmaker at a rate indicated hereunder opposite the type of bet mentioned:

Type of Bet	Tax in terms of Regulation 270	Holder of a Totalizator Licence contemplated in Section 53 of the Act levy in terms of Regulation 273	[Sports Fund levy in terms of Regulation 274	Board levy in terms of Regulation 275]	Total
Horse racing	3	3	-	-	6
<b>[Other event or Contingency</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>6]</b>

[(2) in respect of bets entered into at a Tattersalls at the rate indicated hereunder opposite the type of bet mentioned:

Type of Bet	Tax in terms of Regulation 270	Holder of a Totalizator Licence contemplated in Section 53 of the Act levy in terms of Regulation 273	Sports Fund levy in terms of Regulation 274	Board levy in terms of Regulation 275	Total
Horse racing	3	3	-	-	6
Other event or Contingency	3	-	1	2	6”]

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 AMENDMENT OF REGULATION 282

27. The following regulation is substituted for regulation 282:

“282 Application fees

Applications must be accompanied by the following non-refundable application fees:

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Type of application		Fee
1	Race meeting licence	<b>R78 115,00</b> <i>R83 000,00</i>
2	Special licence to hold race-meeting	<b>R160,00</b> <i>R170,00</i>
3	Transfer of licence / consent for procurement of interest in licensee	<b>R3 920,00</b> <i>R4 200,00</i>
4	Amendment of licence	<b>R3 920,00</b> <i>R4 200,00</i>

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## AMENDMENT OF REGULATION 284

28. Regulation 284 is amended by the substitution of sub-regulation (1) of the following sub-regulation:

“(1) A holder of a race-meeting licence which is not a special race-meeting licence as contemplated in section 97 of the Act, shall pay a licence fee of **R39 055,00** *R41 400,00* for every year or part of a year ending on 31 August.”

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 AMENDMENT OF REGULATION 299

29. The following regulation is substituted for regulation 299:

“299 Application fees

Applications must be accompanied by the following non-refundable application fees:

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Type of application		Fee
1	Amusement machine licence	<b>R3 920,00</b> <i>R4 200,00</i>
2	Amendment of licence	<b>R1 560,00</b> <i>R1 700,00</i>
3	Transfer of licence / consent for procurement of interest in licensee	<b>R1 560,00</b> <i>R1 700,00</i>
4	Certificate of suitability	<b>R780,00</b> <i>R830,00</i>

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## AMENDMENT OF REGULATION 301

30. Regulation 301 is amended by the substitution for sub-regulation (1) of the following sub-regulation

“(1) Every holder of an amusement machine licence shall pay a licence fee of **R390,00** *R420,00* per registered amusement machine for every year or part of a year ending on 31 March.”

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