



**NORTH WEST
NOORDWES**

EXTRAORDINARY • BUITENGEWOON

**PROVINCIAL GAZETTE
PROVINSIALE KOERANT**

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CONTENTS

	<i>Gazette</i>	<i>Page</i>
	<i>No.</i>	<i>No.</i>
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS		
25	North West Gambling Amendment Bill, 2017: North West Gambling Act, 2001 so as to align with the National Gambling Act, 2004	7851 3

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 25 OF 2018**NORTH WEST PROVINCIAL GOVERNMENT****NORTH WEST GAMBLING AMENDMENT BILL, 2017**

I, Wendy Nelson, Member of the Executive Council responsible for Finance, Economy and Enterprise Development hereby gives notice to publish the draft North West Gambling Amendment Bill, 2017 for public comments.

Members of the public are invited to submit to the MEC, within 30 days after the publication of the Notice in the Gazette, written representation to the draft North West Gambling Amendment Bill, 2017 should be send to the following address:

Given under my Hand at Mahikeng, this 30 day of January Two thousand and eighteen.

By Post to : Acting Deputy Director General: Department of Finance, Economy and Enterprise Development

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NORTH WEST GAMBLING AMENDMENT BILL, 2017

*(As introduced in the Provincial Legislature)
(The English text is the official text of the Bill)*

(MEMBER OF THE EXECUTIVE COUNCIL FOR FINANCE ECONOMIC AND
ENTERPRISE DEVELOPMENT)

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments
_____ Words underlined with a solid line indicate insertions in existing enactments

BILL

To amend the North West Gambling Act, 2001 so as to align it with the National Gambling Act, 2004, to insert certain definitions and substitute others; to provide for new disqualifications criteria; to provide for powers and functions of inspectors and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Legislature of the North West as follows:

Amendment of section 1 of Act 2 of 2001

1. Section 1 of the North West Gambling Board Act, 2001 (hereafter referred to as the “principal Act”), is amended –

(a) by the substitution of the definition of “bingo” of the following definition;

“bingo” means [the gambling game known as bingo and any similar gambling game which is played with cards (including electronic screens) on which appear a set of numbers or symbols and in the course of which each player attempts to match for money, property, cheques or anything of value, all or a specified set of numbers or symbols on his or her cards to calls made by the operator and includes any similar gambling game operated in whole or in part by electronic means], a game, including a game played in whole or in part by electronic means –

(a) that is played for consideration, using cards or other devices –

(i) that are divided into spaces each of which bears a different number, picture or symbol; and

(ii) with numbers, pictures or symbols arranged randomly such that each card or similar device contains a unique set of numbers, pictures or symbols;

(b) in which an operator or announcer calls or displays a series of numbers, pictures or symbols in random order and the players match each such number picture or symbol on the card or device as it is called or displayed; and

(c) in which the player who is first to match all the spaces on the card or device or who matches a specific set of numbers, pictures or symbols on the card or device, wins a prize, or

any other substantially similar game declared to be bingo in terms of section 6 (4) of the National Gambling Act, 2004;

(b) by the insertion of the definition of “**bookmaker license**” after the definition of “**bookmaker**”:

“**bookmaker license**” means a license issued in terms of section 24 .”

(c) by the substitution of the definition of “**casino**” of the following definition:

“**casino**” means premises where gambling games are played or are available to be played [for money or other valuable consideration gambling on the possibility of winning a prize] but does not include premises in which –

(a) bingo and no other gambling game is played or available to be played;

(b) limited gambling machines are available to be played;

(c) limited gambling machines and bingo, but no other gambling games are played or available to be played;

(d) amusement games are available to be played;

(e) social gambling is conducted in terms of a special license or the Act”.

(d) by the insertion of the definitions of “**casino games**”, “**casino licence**”, “**cheat**” and “**Chief Executive Officer**” after the definition of “**casino**”:

“**casino games**” means –

(a) blackjack;

(b) poker;

(c) punto banco;

(d) roulette; or

(e) any other games that may be approved by the Board from time to time.

“**casino licence**” means a **casino licence issued** in terms of section XX.”

“**cheat**” means to manipulate the result of a game or to unlawfully alter the elements of chance, method of selection or criteria which determine –

- (a) the result of a game; or
- (b) the amount or frequency of payment in a game;”

“**Chief Executive Officer**” means the person appointed in terms of section 12(1) (a):”

- (e) by the substitution for the definition of “**event or contingency**” of the following definition:

“**[event or] contingency**” means [any] an event or occurrence of which the outcome is uncertain or unknown to any person, until it happens;”

- (f) by the insertion of the definitions of “**designated area**” and “**electronic agent**” after the definition of “**department**”:

“**designated area**”–

- (a) in relation to a site, means an area of that site in which any limited gambling machines is authorised to be placed;
- (b) in any other case, means an area within licensed premises where any gambling game is available to be played;
- (c) any area within 5 metres of a bookmaker or totalizator’s serving counter on a race course; and
- (d) include any are designated as such by the Board in the conditions of any license issued by it;

“**electronic agent**” has the meaning set out in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002;

- (g) by the insertion of the definitions of “**extra-ordinary meeting**” after the definition of “**Executive Council**”:

“**extra-ordinary meeting**” means the special meeting of the Board convened for the conduct of its business , provided that no decision relating to the granting, amendment, removal , transfer removal suspension or revocation of a license shall be taken at such a meeting.”

- (h) by the substitution for the definition of “**gambling device**” of the following definition:

“**gambling device**” means [equipment or thing used remotely or directly in connection with gambling or and including an electro-mechanical or electronic device, component or machine or gambling machine] equipment or any other thing, excluding currency, that is used directly, or which at the time of its manufacture was designed to be used, in determining the result of a gambling activity;”

(i) by the substitution for the definition of “**gambling machine**” of the following definition:

“**gambling machine**” means [any mechanical, electrical, video, electronic, electromechanical, or other device, contrivance or machine which upon insertion of a coin, bank note, electronic credit card, smart card, token or similar object, or upon payment of any consideration is available to be played or operated and the playing or operation of which, whether by the reason of the skill of the player or operator or the application of the element of chance or both, may deliver or entitle the person playing or operating the machine to receive cash, property, cheques, merchandise, credit, electronic credits, debits, tokens or anything of value but does not include an amusement machine.] any mechanical, electrical, video, electronic, electro-mechanical or other device, contrivance, machine or software, other than an amusement machine, that –

(a) is available to be played or operated upon payment of a consideration; and

(b) may, as a result of playing or operating it, entitle the player or operator to a pay out, or deliver a pay-out to the player or operator;”

(j) by the substitution of the definition of “**limited payout machine**” of the following definition:

“**limited payout machine**” means a gambling machine outside of a casino in respect of which the playing stakes and prizes are limited as [shall be] prescribed [in terms of the] by regulations made in terms of the National Act.;”

(k) by the insertion after the definition of “**manufacturer, supplier or maintenance provider**” of the following definitions:

“**National Act**” means the National Gambling Act, 2004 (Act no.7 of 2004;

“**National license**” means a license issued in terms of section 38 of the National Act;

“**pen Bet**’ means –

(a) a bet, other than a totalizator bet, taken by a bookmaker on one or more contingency, in which no fixed odds are agreed at the time the bet is placed,

(b) a bet in respect of which the payout is determined after the outcome of the contingency on which such a bet is struck became known, with reference to dividends generated by a totalizator;

(l) by the insertion of the definitions of “**pay off**”, “**person**” and “**political office bearer**” after the definition of “**ordinance**”:

“**pay off**” means to repay the full amount of a bill, debt or other financial obligation;

“**person**’ includes a partnership, association, trust, or a juristic person established by or in terms of any law;

“**political office bearer**” means –

(a) a member of the National Assembly , the National Council of Provinces or the Cabinet;

(b) a member of the provincial legislature;

(c) a member of a municipal council or local authority;

(d) a diplomatic representative of the Republic who is not a member of the public service;

(e) a member of a house , or council of traditional leaders; or

(f) a national or provincial office bearer of a political party;”

(m) by the substitution of the definition of “**Province**” of the following definition:

“**Province**” means the Province of the North West as referred to in section 103 of the Constitution;”

(n) by the substitution of the definition of “**Provincial Government**” of the following definition:

“**Provincial [Government] Legislature**” means the [government] Provincial Legislature of the North West Province as referred to in section 104 of the constitution;”

(o) by the insertion of the definitions of “**public servant**” after the definition of “**Provincial Government]**” of the following definition:

“**public servant**” means a person employed within an organ of state or within a court or judicial office;”

(p) by the insertion of the definitions of “**spouse**” after the definition of “**sporting event**”:

“**spouse**” means a person’s –

(a) partner in a marriage;

(b) civil union partner as provided for in the Civil Union Act, 2006 (Act no.17 of 2006);

(c) partner in a customary union according to indigenous law;

or

(d) partner in a relationship in which the parties live together in a manner resembling a marital partnership or customary union.”.

Insertion of Section 1A in Act 2 of 2001

2. The following section is inserted after section 1 of the principal Act:

Gambling Activities

1A.(1) An activity is a gambling activity if it involves –

(a) placing or accepting a bet or wager in terms of subsection (2);

(b) placing or accepting a totalisator bet in terms of subsection (3); or

(c) making available for play, or playing bingo or another gambling as contemplated in subsection (4).

(2) A person places or accepts a bet or wager when that person –

(a) being a player, stakes money or anything of value on a fixed-odds bet, or an open bet, or an open bet, with a bookmaker on any

contingency; or

(b) being a bookmaker –

(i) accepts a stake of money or anything of value on a fixed-odds bet or an open bet, from a player on any contingency; or

(ii) stakes money or anything of value on a fixed odds bet, or an open bet, with another bookmaker on any contingency;

(iii) stakes or accepts a stake of money or anything of value with one or more other persons on any contingency; or

(iv) expressly or implicitly undertakes promises or agrees to do anything contemplated in paragraph (a),(b) or (c).

(3) A person places or accepts a totalizator bet when that person stakes or anything of value on the outcome of an event or combination of events by means of –

(a) a system in which the total amount staked, after deductions provided for by law or by agreement, is divided among the persons who made winning bets in proportion to the amount staked by each of them in respect of a winning bet; or

(b) any scheme, form or system of betting, whether mechanically operated or not, that is operated on similar principles.

(4) An activity is a gambling game if –

(a) it meets the following criteria –

(i) it is played upon payment of any consideration, with the chance that the person playing the game might become entitled to, or receive a pay-out; and

(ii) the result might be determined by the skill of the player, the element of chance or both; or

(b) it is a bet or wager in terms of subsection (2), that is placed in a casino in relation to an activity that meets the criteria in paragraph (a).

(5) Despite subsection (4) for all purposes of this Act, none of the following activities is a gambling game –

(a) a bet or wager in terms of subsection (2), other than a bet or wager contemplated in subsection (4) (b);

(b) a totalisator bet in terms of subsection (3); or

(c) an amusement game.

(6)(a) Subject to paragraph (b), a payout is any money, merchandise, property, a cheque, credit, electronic credit, a debit, a token, a ticket or anything else of value won by a player –

(i) whether as a result of the skill of the player or operator, the application of the element of chance, or both; and

(ii) regardless how the pay-out is made;

(b) Neither of the following is a payout –

(i) an opportunity to play a further game;

(ii) a prize given to a participant or team of participants in a sporting event in respect of the participants or team's performance in that event.

(c) The result of a gambling game –

(i) is an opportunity to play a further game if the player is afforded the opportunity to continue without interruption playing the type of game –

(aa) in respect of which the opportunity was won;

(bb) on the machine on which the opportunity was won; but

(ii) it is not an opportunity to play a further game if the opportunity can in any manner, whether directly or indirectly, be –

(aa) distributed or transferred to the person who has won such an opportunity or to any other person;

(bb) converted into money, property, a cheque, credit or any other thing of value; or

(cc) converted in terms of any scheme, arrangement, system, plan or device prescribed in terms of the "National Act".

Amendment of Section 2 of Act 2 of 2001

3. Section 2 of the principal Act is amended by the deletion of subsection (2)

Amendment of section 4 of Act 2 of 2001

4. Section 4 of the principal Act is amended by –

(a) the substitution of subparagraph (vii) of subsection (1) of the following subparagraph:

“(vii) open, and maintain bank and trusts accounts;”;

(b) the substitution of subparagraph (xxi) of subsection (1) of the following subparagraph:

“(xxi) impose penalties for any breach of any rules or regulations made under this Act and or impose penalties for any breach of any provisions under this Act which may include fines or suspensions of or the imposition of conditions relating to any license issued in terms of this Act;”;

(c) the substitution of subparagraph (xxvii) of subsection (1) of the 1889 following subparagraph:

“(xxvii) establish and administer trust funds for the proper administration of this Act;”;

(d) the substitution for subsection (3) of the following subsection:

(3) The Board may, in its sole discretion, grant authority for the installation of an amusement machine for the playing of amusement games in premises which the Board deems suitable, in terms of subsection (1)(c)(xxx).”.

Amendment of section 5 of Act 2 of 2001

5. Section 5 of the principal Act is amended by –

(a) the substitution for subsection (5) of the of the following subsection:

“(5) A [**Objections to the appointment of any person to the Board, may , not be later than fourteen days before the date on which the appointments of the members of the Board are to be lodged with the Responsible Member, be made in writing stating the ground or grounds which, according to such a person, disqualify any prospective member to the Board**] person who intends to object to the appointment of any person to the Board shall, not later than 14 days after the date of publications of the names of the nominees, lodge with the Responsible Member in writing an objection stating the ground or grounds which, according to such a person disqualifies the nominee , from being appointed as a member to the Board.”.

Amendment of Section 13 of Act 2 of 2001

6. Section 13 of the principal Act is amended by the substitution for subsections (1) and (2) of the following subsections:

(1) The first meeting of the Board shall be held at the time and place determined by the Responsible Member, and thereafter the Board shall meet

at such times and places as the Board may from time to time determine the for expeditious conduct of its business[.]: Provided the Board shall meet at least four times a year.

(2) The Chairperson may at any time at reasonable notice convene an extraordinary meeting of the Board to be held a time and place determined by him or her for the conduct of any business .[. **Provided that the Chairperson shall, upon having been presented with a requisition for that purpose signed by at least two members call for a special meeting, and if the chairperson fails to convene a special meeting].**”.

Amendment of section 14 of Act 2 of 2001

7. Section 14 of the principal Act is amended by the addition in section 14 of following paragraph (m) after paragraph (l):

“(m) is listed in the register of excluded persons held by the National Gambling Board;”.

Amendment of section 21 of Act 2 of 2001

8. Section 21 of the principal Act is hereby amended by the substitution for the following section:

“21 Funds of the Board

(1) The funds of the Board shall consist of – [**monies transferred from the department.**

(2) Annual Board administrative fees and investigation fees charged in respect of applications for licences and registration.

(3) Money accruing to the Board from any other service.

(4) The Board shall, for the purpose of the transfers contemplated in subsection (1), submit to the Responsible Member in a prescribed format, a breakdown per month of the anticipated revenue and expenditure of the Board for that financial year.]

(a) money appropriated by the Provincial Legislature for that purpose;

(b) any money payable to the Board in terms of this Act; and

(c) money accruing to the Board from any other source.”.

Amendment of section 22 of Act 2 of 2001

9. Section 22 of the principal Act is amended by –

(a) the substitution of paragraph (c) of subsection (2) of the following paragraph;

“(c) submit those financial statements within five months of the end of financial years to the Responsible Member, **[and]**

(b) the substitution of paragraph (d) of subsection (2) of the following paragraph;

“(d) submit an annual report of its activities during that financial year to the Responsible Member; and

(c) the addition after paragraph (d) of subsection (2) of the following paragraph

“(e) submit to the Responsible Member quarterly reports, which reports shall deal with the state of affairs, the activities and operations and financial position of the Board

Insertion of section 24A in Act 2 of 2001

10. The following section is inserted before section 24 of the principal Act:

“National norms and standards

24A.(1) No license shall be granted under this Act unless the Board takes cognizance of –

- (a) the norms and standards determined under the National Act; and
- (b) any recommendations made by the National Gambling Board established in terms of the National “Act;”.

Amendment to Section 24 of Act 2 of 2001

11. Section 24 of the principal Act is amended by –

(a) the substitution for subsection (1) of the following subsection:

“(1) The licences under this Act shall be -

- (a) Casino licences;
- (b) Bingo licences;
- (c) Amusement machine licences;
- (d) Route operator licences;
- (e) Site operator licences;
- (f) Independent site operator licences;
- (g) Totalizator licences;

- (h) Bookmaker licences;
- (i) Race Course licences;
- (j) Race meeting licences;
- (k) Temporary licences;
- (l) Bookmaker premises licence;
- (m) National licence;
- (n) Special licence;
- (o) Manufacturer, maintenance or supplier licence.”.

(b) the deletion of subsections (2), (3), (4), (5) and (6) of section 24 of the Principal Act.

Insertion of section 24B in Act 2 of 2001

12. The following sections are inserted after section 24 of the principal Act:

“National licenses

24.B(1) The Board may issue national licenses as contemplated in the National Act =

- (a) Except as otherwise provided in the National Act, the Provisions of this Act shall apply in respect of any national license issued in terms of the National Act:
- (b) Notwithstanding the provisions of this Act, the holder of a national license shall be entitled to conduct the activities authorised thereby in the Province, as if such license had been issued in terms of this Act.’.

Special Licenses

24C.(1) Notwithstanding any other provisions of this Act, the Board may, on application in the manner prescribed or determined by the Board, issue to any person, for specified date, a special license, subject to such conditions as the Board may determine: Provided that the Board shall not issue a special license in relation to a casino, route operator, a site operator and or independent site operator license

(2) The provisions of sections 29 to 38 shall not apply in respect of an application referred to in this section.”.

Deletion of section 25 of Act 2 of 2001

13. Section 25 of the principal Act is deleted.

Amendment of section 26 of Act 2 of 2001

14. Section 26 of the principal Act is hereby amended by the substitution for the following section:

“26. [General disqualification in respect of licences

The following persons or entities shall be disqualified from retaining, holding, obtaining or being granted a licence:

(a) an unrehabilitated insolvent, any entity that is subject to winding up or is under judicial management, or any person who is subject to any legal disability,

(b) political office bearers.

(c) a member or staff of the Board, (d) the family member of a member of the Board or of the Responsible Member,

(e) any legal or natural person who has been convicted in the Republic or elsewhere of any offence of which dishonesty is an element, unless the Board decides that the offence was of such a nature that it does not imply that such a person or entity is unsuitable to hold the licence in question,

(f) any legal entity in respect of which the State, or any organ of the State or any organisation with which the State is concerned has any financial interest, except as far as taxes are concerned, in any gambling activity, provided that the provisions of this paragraph shall, for such time as may be provided in the National Gambling Act, 1996, as amended, not apply in respect of any financial interest held by the State, or any organ of the state or any organisation with which the State is concerned, in any legal entity holding a gambling licence at the commencement of this Act if such interest was acquired before 27 April 1994, provided further that for the purpose of this paragraph financial interest shall not be construed as preventing the granting of a licence to a person or entity merely because that person or entity leases or otherwise occupies pursuant to an agreement or arrangement entered into or made before the commencement of this Act, premises owned by the state, a local government or a statutory body,

(g) any person who does not qualify in terms of section 25,

(h) any person whose licence in terms of this Act or similar Law has been revoked, and

(i) any person who has been removed from any office of trust on account of misconduct or dishonesty]Disqualifications for licenses in general

(1) A person must not hold a license referred to in this Act, or a financial interest in the holder of such a license, if that person –

(a) is not a fit and proper person, in that such person's character, integrity, honesty prior conduct, regard for the law, reputation, habits and associations may reasonably pose threat to the health, safety, morals, good order and general welfare of the inhabitants of the Province;

(b) is under the age of 18 years;

(c) is a public servant or political office bearer;

(d) is listed on the register of excluded persons contemplated in the National Act;

(e) is subject to an order of a competent court holding that person to be mentally unfit or deranged.

(f) has ever been removed from an office of trust on account of misconduct relating to fraud or misappropriation of money;

(g) has been convicted during the previous ten years, in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Corruption Act, 1992(Act No. 94 of 1992), or an offence in terms of this Act or the National Act, and has been sentenced to imprisonment without the option of a fine, or to a fine exceeding the prescribed amount, unless the person has received a grant or amnesty or free pardon for the offence;

(h) is an unrehabilitated insolvent; or

(i) is a family member, other than a brother or a sister of a person who is a member or employees, of a regulatory authority exercising oversight over the licensee.

(2) The Board must refuse to issue a license to a person who is disqualified from holding an interest in a license holder, licensed premises, or the business to which a license relates, in terms of subsection (1).

(3) The Board must refuse to issue a license to an applicant. If, after conducting the prescribed investigations, it has reason to believe that the applicant, or any person who holds a financial interest of 5 percent or more in

the applicant is disqualified from holding an interest in a license holder or the business to which the license relates, in terms of subsection (1).

(4) For the purpose of this section, a financial interest does not include an indirect interest held in any fund or investment if the person holding that interest has no control over the investment decisions made in respect of that fund or investment.

(5) A license shall not be granted unless the Board is satisfied that –

(a) the granting of such a license will not bring into existence or aggravate any dominant or over concentrated market share or any restrictive practice, acquisition or monopoly situation in the Province as envisaged in the Competition Act, 1998 (Act No. 89 of 1998) in the gambling industry; and

(b) the granting of such a license will not result in the establishment of an unduly large gambling industry in the Province, having regard to the number of inhabitants of the Province, their financial means and the number of licenses already granted in terms of this Act or any other law.”.

Amendment of section 28 of Act 2 of 2001

15. Section 28 of the principal Act is hereby amended by the substitution for the following section:

“28 Licence applications

(1) [Any application for the grant or renewal of a licence shall -

(a) be lodged in the manner and form determined by the Board,

(b) be accompanied by the documents and information determined by the Board and by the prescribed application fee or annual fee as the case may be, which shall not be refundable, and

(c) be invalid in the event of non-compliance with the foregoing in any respect.

(2) The applicant shall be liable for and pay the Board any reasonable costs incurred in connection with the publication and transmission of any notice contemplated in section 29(1)]Any person may apply for a license referred to in section 24: Provided that any person whose application

has been refused on any ground referred to in section 26 or whose license has been revoked on any ground referred to in section 46, may not reapply for a license, within a period of twelve months from the date of such refusal or revocation, and any person who has a direct or indirect interest of five percent or more in the businesses or premises of such applicant or licensee may not apply for a license within twelve months from the date of such refusal or revocation, if such person was the direct or effective cause of such refusal or revocation; and.

(2) Any application for a license shall –

(a) be lodged with the Chief Executive Officer in the prescribed or determined manner;

(b) be accompanied by –

(i) copies of a notice by the applicant published in the *Provincial Gazette* and a newspaper circulating in the area in which the premises where the gambling is to take place, is situated; and

(ii) such other documents and information determined by the Board.

(3) An applicant may in the application concerned identify any document or information included in the application which in the opinion of the applicant is confidential or should for any reason not be disclosed to the public, and show cause why the Board may determine that such document or information should not be open to public inspection.

(4) An application for a license shall, subject to the provisions of this Act, be considered by the Board and the Board may thereafter –

(a) refuse the application;

(b) grant the application;

(c) postpone the application pending an investigation or enquiry or

(d) re-issue the request for applications.

(5) An applicant who is subject to any disqualifications in terms of this Act or the National Act, shall prior to disqualification, be granted a reasonable period as determined by the Board, to rectify the disqualifying circumstances.”.

Deletion of section 38 of Act 2 of 2001

16. Section 38 of the principal Act is hereby deleted.

Amendment of section 40 of Act 2 of 2001

17. Section 40 of the principal Act is hereby amended by the substitution for the following section:

“[40 New licence application, annual licence and investigation fees

(1) The new licence application fees as prescribed by the Board shall be paid by every applicant for a licence on submission of a new licence application.

(2) The annual licence and investigation fees as prescribed by the Board shall be paid by a licence holder annually before renewal thereof.

(3) No fee contemplated by this section shall be refundable] Application and Investigation fees.

40.(1) Any person who lodges an application to the Board in terms of this Act, shall –

(a) on the lodgment of such an application, pay to the Board, the fees

As prescribed by the Provincial legislation; and

(b) be liable for and pay to the Board all reasonable direct expenses incurred by the Board, if any, to conduct the investigations referred to in section 34; Provided that the Board may before conducting such investigations require from an applicant any security for the payment of such expenses, including expenses incurred by the Board for meeting convened at the behest of the applicants.

(2) Any person who holds a license, certificate of suitability or certificate of approval in terms of this Act, shall be liable for and pay to the Board all reasonable direct expenses incurred by the Board, if any, to conduct the investigations referred to in section 34; provided that the Board may, before conducting such investigations, require from such a holder of a license, certificate of suitability or certificate of approval, the “payment of such expenses.”.

Amendment of section 41 of Act 2 of 2001

18. Section 41 of the principal Act is hereby amended by the substitution for the following section:

“[41 Duration and renewal of licences

(1) A licence other than a temporary licence shall, subject to the provisions of this Act and the conditions under which it was granted, be issued for a period of twelve months and shall, subject to compliance with the provisions of this Act, be renewed annually by the Board on production of the licence for the preceding year and on payment of the annual licence fees determined by the Board.

(2) If a licence holder fails to renew his or her licence by the due date, the licence shall subject to section 88, lapse and the licence holder -

(a) shall cease the activities authorised by the licence, and

(b) may apply to the Board for a new licence in accordance with section

28] Duration and renewal of licences

41.(1) A licence other than a temporary licence shall, subject to compliance with provisions of this Act, and the licence conditions under which it was granted, be issued for a period of five (5) years, subject to payment of annual licence fees as prescribed.

(2) A licence shall only be renewed after a period of five (5) years subject to compliance with the provisions of this Act, Regulations and Rules and on production of the licence for the preceding years and payment of the licence renewal fees as prescribed.

(3) If a licence holder fails to renew his or her licence by the due date, the licence shall subject to the provisions of section 88, lapse and the licence holder –

(a) shall cease activities authorised by the licence; and

(b) may apply to the Board for a new licence in accordance with the provisions of section 28.”.

Amendment of section 42(1) of Act 2 of 2001

19. Section 42(1) of the principal Act is amended by the addition of paragraph (j) after paragraph (i):

“(j) relating to the contribution by the licensees of a certain percentage of gross gaming revenue toward a fund established by the Board.”.

Amendment of section 44 of Act 2 of 2001

20. Section 44 of the principal Act is hereby amended by the substitution for the following section:

[44 Transfer of licence

(1) The holder of a licence may at any time apply to the Board for the transfer of a licence to a prospective transferee.

(2) The provisions of Sections 29 to 38 of this Act shall, where applicable, *mutafis mutandis* apply in relation to an application contemplated in subsection (1).

(3) The Board shall consult with the Responsible Member on the transfer of a licence.

(4) The Board may refuse or grant the transfer of such a licence]

Transfer and removal of license

44.(1) A license granted under this Act shall, subject to this section –

(a) not be transferable to another person; or

(b) be removable from the licensed premises concerned to other premises.

(2) If the holder of a license ;–

(a) desires to transfer such license to another person such license holder and such other person shall make a joint application to the Board for such transfer in the manner determined by the Board;

(b) desires to remove such license from the licensed premises to any other premises, whether permanently or temporarily, such license holder shall make an application to the Board in the manner determined by the Board;

(d) desires to change its name, such license holder shall notify the Board in writing at least 14 days prior to lodging the relevant documentation to the appropriate authorities and thereafter submit certified copies of the approved documents to the Board within 14 days after the approval of such name.

(3) An application for a transfer or removal of the license in terms of subsection (2) shall be considered by the Board and the Board may thereafter

–

(a) refuse the application;

- (b) grant the application, conditionally or unconditionally; or
- (c) postpone the application pending an investigation or enquiry.

(4)(a) A license shall not be transferred to a person who is disqualified or otherwise incompetent in terms of this Act to hold the license concerned; and
(b) the license shall not be removed from the licensed premises to any other premises unless the Board is satisfied that the other premises are, or will on completion, be suitable for the purpose for which they will be used under the license.

(5) In the case of a casino license, the Board shall only grant an application in terms of subsection (2) but excluding paragraph (c) after consultation with the Responsible Member.

(6) With the exception of an application as referred to in subsection 2 (c), the provisions of sections 29 to 38 shall with the necessary changes to the context apply to an application in terms of this section.”.

Deletion of section 45 Act 2 of 2001

21. Section 45 of the principal Act is hereby deleted.

Amendment of section 53 of Act 2 of 2001

22. Section 53 of the principal Act is hereby amended by the substitution for the following section:

“[53 Route operator licence

(1) No limited payout machine shall be operated without a route operator licence and associated site operator licence.

(2) The route operator shall -

(a) be responsible for maintaining limited payout machines, and

(b) be responsible for effecting the collection of monies and paying the provincial levies in respect of limited payout machines under its licence.

(3) A route operator licence shall authorise, subject to any conditions which the Board may impose, the operation of approved limited payout machines in or on premises or parts of such premises licensed in terms of section 54.

(4) In considering applications for route operator licences, the Board shall take into consideration whether the granting of a licence will -

- (a) enhance the immediate vicinity by promoting employment,
 - (b) result in the advancement of the skills of employees,
 - (c) result in the procurement of labour, goods and services from within the Province, and
 - (d) contribute to the objectives of Reconstruction and Development Programme as referred to in section 3(a) of the Reconstruction and Development Programme Fund Act, 1994]
- Route Operator License**

53.(1) No person shall apply for a route operator license other than in response to a notice published in the *Provincial Gazette* and the national newspapers, inviting applications and which notice may state the evaluation criteria to be applied by the Board and any other requirements.

(2) A route operator license shall not be granted by the Board –

(a) unless the Board is satisfied that the applicant –

(i) has appropriate knowledge and experience, or is able to acquire such knowledge and experience to operate limited payout machines.

(ii) meets the requirements prescribed or determined by the Board.

(b) for the operation of more than the prescribed number of limited payout machines.

(3) A route operator license shall authorise, subject to the provisions of section 54 and any conditions imposed under section 42, the operation of not more than 5 limited payout machines, on the licensed premises of the holder of a site operator license and for such purposes the holder of such a route operator license shall enter into an agreement approved by the Board with the holder of such a site limited payout machines on the premises concerned: Provided that on good cause shown, the abovementioned number of limited payout machines may be increased to a number as prescribed by the National Regulations as they may be amended from time to time in respect of specified licensed premises,

(4) The holder of a route operator license shall link all the limited payout machines in respect of which the license has been granted, to a central electronic monitoring system as contemplated in section 68.

(5) A route operator license shall only be granted by the Board after consultation with the Responsible Member.

Amendment of section 54 of Act 2 of 2001

23. Section 54 of the principal Act is hereby amended by the substitution for the following section:

“54 Site operator licence

[(1) No one shall maintain premises in or on which limited payout machines are kept or operated without a site operator licence.

(2) A site operator licence is required for any premises in the Province in or on which limited payout machines are placed by the holder of a route operator licence.

(3) A site operator licence shall authorise, subject to any conditions which the Board may impose, the keeping and exposing for play in or on the licensed premises or part of such premises as specified in the route operator licence referred to in section 53.

(4) A site operator licence holder may only obtain limited payout machines from a licensed route operator. Site operator license]

(1) No person shall apply for a site operator license other than in response to a notice published in the *Provincial Gazette* and two (2) national newspapers by the Board, inviting applications and which notice may state the evaluation criteria to be applied by the Board and any other requirements.

(2) A site operator license shall not be granted by the Board –

(a) except to a person who meets the requirements as prescribed or determined by the Board;

(b) for the operation and keeping of more than 5 limited payout machines for any one site operator license: Provided that in special circumstances as stipulated in section 53 (3), the abovementioned number of limited payout machines may be increased to a number not exceeding 40 limited payout machines in respect of a specified licensed premises; and

(c) unless the Board is satisfied that the premises in which the license is granted will not be and are not primarily utilized for the operation of limited payout machines.

(3) A site operator license shall, subject to this Act, authorise the operation and keeping in a designated area or on the licensed premises or such part of such premises as is specified in the license, of any prescribed limited payout machines or limited payout machines specified in the license: Provided that

–

(a) the maximum charge per play for playing on any such limited payout machine shall not exceed the prescribed amount;

(b) the prize in respect of any one game played by means of any such limited payout machines;

(c) there shall be displayed on any such limited payout machines the value of the maximum prize prescribed under paragraph (b) which can be won by playing a game once by means of such payout machines;
and

(d) any such limited payout machine shall be placed in an area of the licensed premises to which no person under the age of 18 years shall have access.

(4) No person shall maintain premises in which limited payout machines are kept or operated as contemplated in section 53 (3).

(5) A site operator license holder shall only obtain limited payout machines through a licensed route operator.”.

Amendment of section 55 of Act 2 of 2001

24. Section 55 of the principal Act is hereby amended by the substitution for the following section:

“55 Independent site operator [**licence**

(1) No person shall operate limited payout machines on an independent site without an Independent site operator licence.

(2) The independent site operator shall be responsible for responsible for -

(a) maintaining the limited payout machines on site,

(b) effecting the collection of monies, and paying the provincial

gambling levies due] (1) No person shall apply for an independent site operator license other than in response to a notice published in the *Provincial Gazette* and in two (2) national newspapers by the Board, inviting applications

and which notice shall state the evaluation criteria to be applied by the Board and any other requirements.

(2) An independent site operator license shall not be granted by the Board –

(a) unless the Board is satisfied that the applicant –

(i) has appropriate knowledge and experience, or is liable to acquire such knowledge and experience, to operate limited payout machines; and

(ii) meets the requirements as prescribed or determined by the Board;

(b) for the operation of more than the prescribed number of limited payout machines; and

(c) unless the Board is satisfied that the premises in respect of which the license is to be granted will not be and are not primarily used for the operation of limited payout machines, unless approval is granted by the National Gambling Board to operate more than 5 and not more than 40 limited payout machines as contemplated in subsection (3).

(3) An independent site operator license shall authorise, subject to the provisions of section 54 and any conditions imposed under section 42 , the operation of not more than the maximum number of limited payout machines authorised in terms of its license, on the premises concerned: Provided that on good cause shown the above-mentioned number of limited payout machines may be increased to a number as prescribed by the national regulations as they may be amended from time to time in respect of specified licensed premises,

(4) The holder of an independent site operator license shall link all the limited payout machines in respect of which the license has been granted, to a central electronic monitoring system as contemplated in section 68.

(5) An independent site operator shall ensure that –

(a) the maximum charge for playing on any such limited payout machine does not exceed the prescribed amount;

(b) the prize in respect of any one game played by means of such limited payout machine does not in aggregate exceed in value the prescribed amount;

- (c) the return to players of any such limited payout machines is not less than the prescribed percentage.
- (d) there is displayed on any such limited payout machine the value of the maximum prize prescribed under paragraph (b) which can be won by playing a game by means of such limited payout machines; and
- (e) any such limited payout machine shall be placed in an area of the licensed premises to which no person under the age of 18 years shall have access.”.

Insertion of Section 57A in Act 2 of 2001

25. The following section is hereby inserted in the principal Act after section 57:

“57A.(1) No person shall maintain premises in or on which betting takes place without the bookmaker premises licence.

(2) A bookmaker premises licence shall be required for the purpose of placing accepting bets at specific premises.”.

Amendment of Section 58 of Act 2 of 2001

26. Section 58 of the principal Act is amended by the substitution of paragraph (a) of the following paragraph;

“(a) is required for the conducting of [**horse racing**] any lawful sporting event on any authorised premises in the Province;”.

Amendment of Section 59 of Act 2 of 2001

27. Section 59 of the principal Act is amended by the substitution of subsection (1) of the following subsection:

“59 Race meetings [**and**] Horse and Greyhound Race meeting licence

(1) A horse and greyhound race meeting licence is required -

(a) to hold, organise, arrange, attend or in any manner take part in or assist at a horse and greyhound race, or

(b) to print, publish, possess, sell or offer for sale or in any manner circulate or distribute a race card, unless the relevant horse and greyhound race takes place in the manner approved by the Board after consultation with the Responsible Member.

Amendment of Chapter X of Act 2 of 2001

28. Chapter X principal Act is amended by the substitution for the heading of Chapter X of the following heading:

“CHAPTER X
REGISTRATION OF [**CERTAIN PERSONS**]MANUFACTURES, SUPPLIER OR
MAINTENANCE PROVIDER”

Amendment of section 60 of Act 2 of 2001

29. Section 60 of the principal Act is amended by the substitution of subsection (1) of the following subsection:

“60 Registration of manufacturer, supplier or maintenance provider

(1) No person shall, without being appropriately registered and having paid the prescribed fees for such purpose -

(a) manufacture, assemble, maintain, repair, sell, distribute, acquire, market, modify, store, lease or rent any -

(i) gambling device and/or gambling machine other than playing cards or dice,

(ii) amusement machine which contains reels or a video depiction of reels similar to those in a gambling machine,

(iii) device which was manufactured as a gambling machine, and which has been converted any time, whether a player is capable of using such device to win a prize or not,

(iv) device which, but for the removal of certain of its parts or the reprogramming thereof, would constitute a gambling machine,

(v) amusement machine on which a player is able to play roulette, bingo, twenty-one, blackjack, chermin de fer, baccarat, poker, chine roulette, keno or games of similar type usually played on gambling machines or deviants thereof,

(vi) computer software used in connection with gambling or betting, or

(b) alter or otherwise modify any gambling device or any associated equipment in a manner that -

(i) affects the result by determining win or loss, or

(ii) alters or affects the normal criteria of random selection which determines the outcome of a gambling game.

(c) supply to the holder of the license, goods or services relating to gambling in terms of this Act including the rental of premises unless the Board determines otherwise.”.

Deletion of section 61 Act 2 of 2001

30. Section 61 of the principal Act is hereby deleted.

Deletion of section 62 Act 2 of 2001

31. Section 61 of the principal Act is hereby deleted.

Insertion of Chapter X A in Act 2 of 2001

32. The following chapter is hereby inserted after Chapter X of the principal Act.

“CHAPTER XA
SUITABILITY OF EMPLOYEES

“Requirements of certain employees

63A.(1) Subject of subsection (2) and section 63H, no person shall be employed in any business relating to gambling if that person is not a holder of a certificate of approval issued in terms of section 63C (4).

(2) The Responsible Member may prescribe any occupation to be an occupation for purposes of subsection (1).

Application for certificate of approval

63B.(1) An application for a certificate of approval shall be made to the Chief Executive Officer for approval by the Board in the prescribed form and shall be accompanied by –

- (a) a complete set of fingerprints of the applicant taken in the prescribed manner;
- (b) such documents, and particulars of information as maybe prescribed; and
- (c) the application fees as prescribed by the Provincial Legislation.

Consideration of applicants

63C.(1) The Board shall consider an application in terms of section 63 D, and

if satisfied that the applicant is a suitable person to be so employed, the Board shall grant the application Provided that the Board may impose such conditions to a certificate as the Board considers appropriate.

(2) The Board may not refuse application without giving the applicant the opportunity of being heard or presenting evidence.

(3) If the Board refuses an application, the Chief Executive Officer shall forthwith notify the applicant of the reasons furnished by the Board for such decision.

(4) Where the Board grants an application in terms of subsection (1), the Chief Executive Officer shall issue the applicant with a certificate of approval.

Disqualifications for certificate of approval

63D.(1) The Board shall consider the application lodged in terms of section 63B, and shall not issue a certificate of approval in terms of this Act to any person if that person –

(a) is not fit and proper person, in that such person's character, integrity, honesty, price conduct, regard for the law, law habits and associations pose a threat to the health, safely, morals, good order and general welfare of the inhabitants of the Province or to the provisions of this Act;

(b) is an unrehabilitated insolvent or is subject to any legal disability;

(c) is a member of the Board, a member of the Executive Council or a member of the standing Committee of the Provincial Legislature responsible for this Act, or is a family member of such person;

(d) is an employee of the Board, or a family member of such person, provided that the Board may condone such disqualification, where it exists in respect of a family member, if it is satisfied that no material conflict of interest will arise by reason of such employment;

(e) is under the age of 18 years;

(f) is a public servant or political office bearer;

(g) is listed on the register of excluded persons contemplated in the National Act;

(h) is subject to an order of a competent court holding that person to be mentally unfit or deranged;

(i) has ever been removed from an office of trust on account of misconduct relating to fraud of the misappropriation of money or
(j) has been convicted during the previous ten years, in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of this Act or the National Act, and has been sentenced to imprisonment without the option of a fine , or to a fine exceeding an amount of R3000.00, unless the person has received a grant of amnesty or free pardon for the offence, or unless the Board is of the opinion that the offence was such a nature that it does not imply that such a person is unsuitable to hold a license.

Register of employees

63E. The Chief Executive Officer shall keep a register in which he or she shall enter the name and prescribed or determined particulars of each person to whom a Certificate of approval has been issued under section 63C (4) or suspended or withdrawn under section 63G.

Duration of Certificate

63F.(1) A certificate of approval issued under section 63C (4) shall be valid as from the date of issue thereof until the date on which –

- (a) the holder thereof, in writing and accompanied by the certificate, surrenders the certificate to the Chief Executive Officer;
- (b) the certificate is withdrawn by the Board under section 63G; or
- (c) the certificate lapses if the certificate was issued for a specific period.

(2) Where the certificate of approval is suspended under section 63G, the holder of such certificate shall not be so employed during the period of suspension.

Suspension or withdrawal of certificate

63G.(1) The Board may, subject to subsection (2), at any time suspend, for such period not exceeding six months, or such other period as the Board may determine, or withdraw, from such date as the Board may determine, a certificate of approval, if –

(a) any information contained in an application for such certificate was at the time when the information was furnished, false in any material respect or was subject to any material omission;

(b) since the issue of the certificate, the holder of the certificate has been convicted of an offence reflecting on his or her suitability to be so employed;

(c) the holder of the certificate is no longer a suitable person to be so employed; or

(d) the holder of the certificate fails to provide the Board with information which may affect the suitability of such holder to remain holder of such certificate.

(2) The Board shall not suspend or withdraw a certificate of approval, unless the holder thereof has, by notice of not less than 30 days, been given an opportunity of being heard by the Board and of presenting evidence. Provided that any certificate of approval may be suspended with immediate effect pending the outcome of the hearing contemplated in this subsection.

(3) The Board may at any time revoke the suspension of a certificate of approval if the Board is satisfied that the reasons for which the suspension was imposed have been remedied and that it would be just to revoke the suspension.

Employment before issue of a certificate

63H.(1) Notwithstanding the provisions of section 63A, when an application for a certificate of approval has been made and the Board is of opinion that –

(a) a decision in relation to the application may not be made for some time;

(b) the operation of the business in respect of which the license concerned was granted will be seriously prejudiced or disadvantaged by the delay in the employment of the applicant; and

(c) the commencement of the employment of the applicant will not prejudice the integrity on which the license concerned was granted, the Board may grant permission in writing to the applicant to be so employed before the determination of application, subject to such terms, conditions and restrictions as the Board considers appropriate in a particular case.

Restrictions applicable to registration of employees

63 I.(1) No person who is required to hold a certificate of approval in terms of section 63.A(1), shall in any establishment licensed in terms of this Act, with which establishment he or she is associated –

- (a) participate in any gambling: Provided that such a person may participate in such gambling if it is necessary for the performance of his or her functions as such an employee; or
- (b) solicit or receive any tip, gratuity, consideration or other benefit from any player or customer in that establishment, in line with the internal control policies approved by the Board.”.

Substitution of section 65 of Act 2 of 2001

33. The following section is hereby substituted for section 65 of the principal Act:

“Powers and functions of Inspectors”

65.(1) An inspector of the Board who is duly authorised and appointed in terms of section 64 of the North West Gambling Act, 2001 (Act N0.2 of 2001), as amended may, for purposes of this Act, conduct administrative non-routine inspections by entering any premises where on reasonable grounds is suspected that –

- (a) gambling activities, gambling equipment and or devices and or gambling games as defined in Part A of the National Gambling Act, 2004 (Act No.7 of 2004), as amended read together with section 1 of this Act; or
- (b) any form or method of gambling for which a gambling license is required in terms of this Act and or any other gambling Act;
- (c) is made available to the public and or gambling equipment is stored or possessed without authority of a license issued in terms of this Act or any other gambling Act, to conduct such inspection, examination or enquiry as he deems necessary, subject to the provisions of sub-section (3) to (17) of this sub-section.

(2) If an inspector who is duly authorized to give effect to the provisions of this Act and or any other law, considers it necessary to conduct administrative non-routine inspection on an undesignated gambling premises, in order to verify whether there are any contraventions of the provisions of this Act or any

other gambling Act, the inspector shall apply to a Magistrate, a Regional Magistrate, a Judge or any person of similar authority for an Administrative Inspection Warrant to enter and conduct a non-routine inspection on undesignated premises.

(3) The Judge, Magistrate or any other person with similar authority, shall upon provision of an affidavit made under oath by the inspector and after considering the facts and or evidence before him/her issue the inspector with such an Administrative Inspection Warrant subject to compliance with all relevant provisions of this section.

(4) The Administrative Inspection Warrant referred to in sub-section (2) maybe issued and executed at any time during the operation hours of the premises to be searched and shall specify the following –

- (a) The address and or physical identity features of the premises to be entered and inspected;
- (b) Specify the name of the inspector who is authorised to carry out the inspection;
- (c) State the purpose and limitation of the inspection.

(5) The Administrative Inspection Warrant issued in terms of sub-section (2) will be valid until –

- (a) The inspection is completed;
- (b) The Administrative Inspection Warrant is cancelled by the Judge or Magistrate who issued it or any person with the similar authority;
- (c) the purpose for which it was issued has fallen away; or
- (d) 90 days have elapsed since the date the Administrative Inspection Warrant was issued.

(6) An inspector shall upon arrival in the said premises identify himself or herself to the person who is or appears to be in charge of the premises and state the reason for the visit and or inspection to such person and hand such a person the copy of the Administrative Inspection Warrant.

(7) An inspector shall after satisfying himself/herself of the reason for the inspection and or the suspicion is confirmed, while the inspector is still on the premises make note and or record of any equipment and or gambling activities or gambling games offered or stored, or any book, document or thing that relates to or which he/she has reasonable cause to suspect of relating to matters dealt with in this Act and which is on the premises or in the possession or custody or under the control of the person in charge or any person.

(8) An inspector shall (where contravention of this Act or any other gambling Act is confirmed) issue the person referred to in sub-section (5) with an offence notice indicating/stating –

(a) the nature of the contravention;

(b) the possible available remedies of the contravention;

(c) The implications of the offence notice, if not complied with in the stipulated period.

(9) The record and or notes of the equipment and or gambling games should be counter signed and confirmed by the person referred to in section (5) as a true reflection of the outcome of the inspection, examination or enquiry and where the person referred to in section (5) refuses to counter sign nor confirm the record, such record shall be counter signed by any police official who may be in attendance.

(10) An inspector shall not, while acting under the authority of an Administrative Inspection Warrant issued in terms of section (2) for the purpose of conducting a non-routine inspection, conduct such an inspection further than the area where on reasonable grounds that members of the

public are suspected to be allowed to partake in gambling activities or gambling equipment and or gambling devices are stored or made available for the public and shall not remove any equipment, devices or any other material without the authority of a search and seizure warrant issued in terms of section 21 of the Criminal Procedure Act, 1977 (Act No.51 of 1977), as amended safe for the taking of pictures of equipment found in the premises.

(11) An inspector may for the purposes of a non-routine inspection take with him/her on to any premises an assistant, an interpreter or a member of the South African Police Service, provided that only those assistants and members of the South African Police Service, whose presence, in the inspector's reasonable opinion, is strictly necessary for purposes of conducting the inspection, examination or enquiry on the premises may enter the premises.

(12) An inspector may enter the undesignated gambling premises to conduct a non-routine inspection, examination or enquiry without the Administrative Inspection Warrant contemplated in sub-section (2), provided –

(a) the person in charge or who has presented himself/herself to be in charge of the premises consents to the entry and inspection, examination, and or enquiry after being informed that he is not obliged to admit the inspector in the absence of such an Administrative Inspection Warrant; or

(b) an inspector on reasonable grounds believes –

(i) that an Administrative Inspection Warrant would be issued if the inspector applied for a warrant.

(ii) That the delay in obtaining the Administrative Inspection Warrant is likely to defeat the object of the inspection.

(13) If an inspector wishes to enter a designated gambling premises for the purpose of conducting a non-routine inspection in terms of this section, no Administrative Inspection Warrant will be required however, the following must be complied with –

(a) The inspector shall enter such premises only during ordinary business hours unless in his/her reasonable opinion he/she considers that entry at any other time is necessary for purposes of the Act.

(b) The inspector shall, upon seeking admission to the premises, inform the person in charge of the premises of the purpose of the inspection in writing including the basis for such inspection to which the person in charge or the representative should give a written response at least fourteen (14) days prior to the inspection.

(14) Where on the reasonable opinion of the inspector, the requirements of section (11) may result in the purpose of the inspection, examination or enquiry being frustrated, and or may lead to concealment, destroying or tampering with any data, or thing located at the premises, the inspector may arrive at the premises unannounced and shall orally inform the person in charge of the purpose of the inspection, examination or enquiry; provided that the inspection, examination or enquiry shall be confined to such inspection, examination or enquiry as reasonable necessary for the stated purpose.

(15) The person in charge shall have the right to be present, or to appoint a delegate to be present, during the inspection and to observe the inspection, examination or enquiry.

(16) If an inspector removes anything from the premises pursuant to the inspection, examination or enquiry, the inspector shall compile an inventory of such items and shall together with the person in charge or representative, prior to leaving the premises, sign the inventory and hand a copy thereof to the person in charge or representative.

(17) An inspector may make copies of any material or extracts of any data he/she may deem necessary provided the person in charge or representative shall endorse by signature or any other means that such material is authentic.

(18) An inspector must conduct the inspection with strict regard for decency and order.

(19) For purposes of this section the following expressions have the meaning indicated –

(a) “**designated gambling premises**” means any premises in respect of which a gambling license has been issued in terms of the Act;

(b) “undesigned gambling premises” means any premises where gambling is being offered without the authority of a gambling license as required by the Act or any other law;

(c) “Administrative Inspection Warrant” means a warrant issued by a Judge, A Magistrate or any other person of similar authority enabling the inspector with enforcement powers in terms of the Act, to check and verify compliance and or enforce compliance with the law within designated or undesigned gambling premises;

(d) “non-routine inspection” means an administrative inspection, examination or enquiry which is conducted on any premises to verify, on reasonable suspicion that gambling activities are offered and or gambling equipment and or devices are kept and or possessed without the authority of a license issued in terms of the Act or any other gambling Act and would not include visitation by the inspector of the Board to an undesigned gambling premises for the sole purpose of issuing an offence notice;

(e) “Routine inspection” means any administrative inspection, examination or enquiry other than a non-routine inspection, examination or enquiry conducted in designated premises to check for the level of compliance on the entity.

(20) Any person who obstructs any duly appointed inspector of the Board in carrying out his/her duties shall be guilty of an offence.

(21) An inspector when performing functions in this section, may be accompanied by a police official.

Amendment of section 66(1) of Act 2 of 2001

34. Section 66(1) of the principal Act is amended by the substitution of subsection (1) of the following subsection:

“66 Gambling machine and devices to be registered

(1) No **[holder of a licence]** person shall keep, store or maintain any -

- (a) (i) roulette wheel,
- (ii) roulette table,
- (iii) blackjack table,
- (iv) craps table,
- (v) baccarat table,

(vi) punto banco table,
 (vii) poker table,
 (viii) a table used for playing a gambling game similar to or derived from a game contemplated in paragraphs (i) to (vii), (ix) gambling machine, or gambling devices, unless the gambling equipment referred to in paragraphs (i) to (x) is registered with the Board.

(xi) betting machines and/or betting terminal;

(xii)bingo games and/or machine and /or terminal;

(xiii) any games which was manufactured as a gambling machine and which has been converted at any time so that it is unable to pay out cash or tokens, whether such device enables a player to win a prize or not

(xiv) any device resembling a gambling device in any material respect; or

(xv) any equipment used to monitor the performance of gambling machines or any equipment that facilitates connectivity between the monitoring equipment referred to above and any device resembling a gambling equipment: Provided that such gambling equipment has been certified to meet the technical standards as prescribed in 1718 SANS technical standards,

unless the gambling device referred to in subparagraphs(i) to(xv) have been registered with the Board;

(b) card used in connection with the playing of, bingo or any casino game which is not identical in form to a card which has on application been approved, registered or otherwise authorised by the Board, or game E-prom not approved, registered or otherwise authorised by the Board.”.

Amendment of section 69 of Act 2 of 2001

35. Section 69 of the principal Act is amended by the substitution of subsection (1) of the following subsection:

“69 National requirements in relation to gambling machines and devices

(1) If in terms of an Act of Parliament or regulation promulgated -

(a) the make, model or type of any gambling machine, roulette wheel, gambling device, other apparatus or card contemplated in section 66(1)(b) is required to be approved or licensed or otherwise authorised in terms of such Act, the Board shall not register any machine wheel, device, apparatus or card in terms of that section which [**is not of a make, model or type which**] has been so approved, licensed or authorised, and

(b) the manufacture, sale, lease, making available, distribution, import, marketing, maintenance or repair of any machine, wheel, device or apparatus contemplated in section 66 is restricted to persons who are approved, licensed or otherwise authorised in terms of such Act, the Board shall not register any person in terms of that section who has not been so approved, licensed or otherwise authorised.

(2) The South African Bureau of Standards mentioned in section 2 (1) of the Standards Act, 1993 (Act No 29 of 1993), and other accredited agencies contracted with the approval of the Ministry of Trade and Industry shall be agents for the Board in respect of standardisation, testing, analysis, calibration and certification of gambling machines, any electronic monitoring system or any other devices or systems used for the purposes of a gambling game or any other gambling activity.

(3) Every gambling machine or gambling device made available for play to the public shall be certified in accordance with the requirements of this Act and must comply with the relevant standards for such a device, as determined in terms of the Standards Act 1993 (Act No. 29 of 1993).

(4) Accredited agencies contracted by the Board shall be agents of the Board in respect of standardization, testing, analysis, calibrations and Certification of gambling machines, gambling machines, gambling devices, any electronic monitoring systems or any systems used for the purposes of gambling and betting activities.”.

Amendment of section 73 of Act 2 of 2001

36. Section 73 of the principal Act is amended by the substitution of subsection (1) of the following subsection:

“73 Events and contingencies on which gambling take place and bets may be made

(1) Subject to the provisions contained in any Act of Parliament and the provisions of this Act or any law, a person may only gamble or bet on the result of -

- (a) a gambling game
- (b) a bingo game.
- (c) the operation of a gambling machine

- (d) a horse race, [or]
(e) greyhound race; or
[(e)](f) a lawful sporting event.”.

Amendment of section 76 of Act 2 of 2001

37. Section 76 of the principal Act is amended by the substitution of subsection (1) of the following subsection:

“76 Restriction of gambling advertisement

[A person may only advertise the business of a licence holder in the manner prescribed, and in accordance with this Act and National Gambling Act, 1996 (Act No 33 of 1996) as amended.] (1) Subject to any regulations made under section 84, this section and the provisions of the National Act, it shall be lawful to conducted under this Act.

(2) Any advertisement of a gambling machine or device, a gambling activity, or a licensed premises at which gambling activities are available –

(a) shall include a statement, in the manner and form prescribed by the National Act, warning against the dangers of addictive and compulsive gambling; and

(b) shall not include any element which directly or indirectly promotes or encourages the removal of excluded person

(3) A person shall not advertise or promote any gambling activity as being available to the public free of charge or at a discounted rate contrary to this Act or the National Act.”.

Amendment of section 78(1) of Act 2 of 2001

38. Section 78(1) of the principal Act is amended by the substitution of subsection (1) of the following subsection:

“78 Suitability of third parties

(1) The Board may **[prohibit a licensee from contracting with]** require any supplier **[for the purchase]** of goods **[or]** and services **[in terms of this Act, including the rental of premises, or with any lender, until such supplier or lender has obtained a]** to apply for the certificate of suitability **[from the Board and paid]** and pay the expenses of the Board relative thereto.”.

Insertion of section 78A in Act 2 of 2001

39 .The following section is inserted after section 78 of the principal Act:

“Renewal of Certificate of Suitability

78A.(1) A certificate shall, subject to the provisions of this Act, remain in force and shall be renewed by the Board annually on payment of fees prescribed fees and on compliance with the conditions set out in the certificate of suitability.

(2) Payment of the fees shall be accompanied by such documents and information as determined by the Board and shall be submitted to the Board three (3) months prior to the date on which the certificate becomes renewable.

(3) Failure to pay the annual renewal fee referred to in subsection(1) on or before the date referred to in subsection (2) shall result in a penalty as prescribed: Provided that the amount of such penalty shall not exceed twice the amount of the renewal fee applicable to the certificate concerned.”.

Substitution of section 79 of Act 2 of 2001

40. The following section is substituted for section 79 of the principal Act:

“Declaration of Forfeiture

79.(1) A court may, upon conviction of a person for any offence in terms of section 82, declare to be forfeited to the Board –

(a) all monies, coins, cheques, bills or promissory notes or other documentation securing or evidencing an understanding for the payment of money found in or any unlicensed premises or on any person who was in or such premises;

(b) all books, lists, cards, documents and other papers, or any instrument, machine or thing relating to or used or capable of being used in connection with gambling found or on such premises; and

(c) any vehicle, vessel, aircraft or animal used in connection with the offence, whereupon the provisions of section 35 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) shall apply, shall with the necessary changes to the context, to anything forfeited in terms of this section.

(2) Upon payment of admission of guilt fine in terms of section 57 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) all equipment which was seized in terms of this Act or the Criminal Procedure Act, 1977 (Act No. 51 of 1977) shall be forfeited to the Board.

(3) The proceeds of the sale of anything declared forfeited under subsection (1) or (2) shall be paid to the Board.

(4) The provisions of section 35 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) as amended, shall mutatis apply to anything forfeited in terms of this section.”.

Insertion of section 80A in Act 2 of 2001

41. The following section is inserted after section 80 of the principal Act:

“Disputes

80A (1) If a gambling related dispute arises between a license holder and the player and they are unable resolve it, such dispute shall be resolved in accordance with the provisions of the Regulations and Rules promulgated under this Act.”.

Insertion of section 80B in Act 2 of 2001

42. The following section is inserted after section 80 of the principal Act.

“Excluded persons

80B.(1) A person who wishes to be prevented from engaging in any gambling and/or betting activity may register as an excluded person by submitting a notice to that effect in the prescribed manner and form at any time.

(2) A person who registered as an excluded person in terms of subsection (1) may submit a notice in the prescribed manner and form to cancel that registration after six months from date of exclusion.

(3) A notice filed in terms of subsection (1) or (2) takes effect on a date determined in accordance with the regulations.

(4) A person may apply to a court of competent jurisdiction for an order requiring the registration as an excluded person of =

(a) a family member of the applicant;

(b) a person to whom the applicant is economically dependent in whole or in part;

(c) a person for whom the applicant is economically responsible in whole or in part;

(d) a person who is subject to an order of a competent court holding that person to be mentally deranged; or

(e) any other person –

(i) to whom the applicant has a duty of care; and

(ii) whose behaviour manifest symptoms of addictive or compulsive gambling.

(5) If, in the circumstances of an applicant in terms of subsection (4), the court considers it reasonable and just to prevent a person from engaging in a gambling or betting activity, the court may order the registration of that person as an excluded person.

(6) An excluded person affected by an order in terms of subsection (5) may apply to the court that made the order after six months to set a side the order, and the court may do so if, after considering the grounds for making the original order and any new evidence before it, the court is satisfied that it is no longer reasonable and just to prevent that person from engaging in any gambling or betting activity.

(7) The Board must –

(a) establish and maintain a register of excluded persons in the prescribed manner and form; and

(b) make the information in the register continuously available to –

(i) each provincial licensing authority; and

(ii) every person who is licensed to make a gambling or betting activity available to the public.

(8) The Board may not charge a fee for registering a person as an excluded person.

(9) The Responsible Member, may by regulation made in accordance with section 99, prescribe –

(a) forms, standards and procedures for the registration of persons on, and cancellation of registrants from, the register of excluded persons;

(b) fees for services in connection with the maintenance and access to the register of excluded persons, other than the registration of excluded persons;

(c) standards to be employed by licensees in giving effect to subsections (10) and (11); or

(d) the procedure for self-exclusions.

(10). A licensee, licensed employee, or person in control of licensed premises or a gambling machine or gambling device or betting outlet, must not knowingly permit an excluded person to –

(a) enter or remain in a designated area within those premises;

(b) operate that gambling machine or gambling device;

(c) engage in social gambling or a restricted gambling activity within those licensed as social gambling, within those premises; or

(d) engage in any betting activity.

(11) A person referred to in subsection (10) –

(a) must take the prescribed measures to determine accurately whether or not a person is an excluded person, before permitting that person to do anything contemplated in subsection (10) (a) to (d); and

(b) is not liable under this Act or any other civil or criminal law for admitting an excluded person provided the licensee has taken the prescribed measures.

(12) Every licensee authorised to make a gambling or betting activity available to the public must –

(a) make available at all of its licensed premises –

(i) the prescribed form to be used by a person wishing to register as an excluded person in terms of subsection (1); and

(ii) a directory of local recognized counseling, treatment or education services addressing the problem of compulsive and addictive gambling; and

(b) prominently post a notice advertising the availability of those materials, in the prescribed manner and form, at every entry to those premises.

(13) The procedures for self-exclusion shall at a minimum provide –

- (a) reasonable measures to identify and restrict access to gambling by persons who requested to be excluded for participating in gambling;
- (b) that self-exclusion will not be lifted upon production of a certificate by a psychologist psychiatrist or any counselor appointed by the National Gambling Program. The certificate should at least certify that the punter has attended sic counseling sessions and that in his or her opinion the punter is fit and competent to participate in gambling,
- (c) that whilst the Board and the gambling operators will make reasonable efforts to give effect to the request for the exclusion, it is the punter's or player's responsibility to refrain from participating in gambling during the period of exclusion. Both the Board and the licensee shall not be liable whatsoever for any damages that may be suffered as a result of the punter participating in gambling during the period of self-exclusion;
- (d) that the exclusion will not be lifted within a period of six months from date of exclusion.
- (e) the operator may institute criminal proceedings for trespassing against persons participating in gambling during the period exclusion;
- (f) the licensee shall on a weekly basis, supply the Board with the details of persons who requested to be excluded from the gambling;

(14) The details contemplated in subsection (3) above, shall at a minimum contain –

- (a) the name of the punter;
- (b) the identity number;
- (c) electronic photograph;
- (d) name of operator;
- (e) dates and time of request; and
- (f) duly signed exclusion form.

(15) Each licensee shall ensure that all persons who have been placed on a self-excluded list are removed from its mail-making list and guest loyalty programmes and precluded from further participating in the licensee's credit facilities. ”.

Deletion of section 86 Act 2 of 2001

43. Section 86 of the principal Act is hereby deleted.

Amendment of section 87 of Act 2 of 2001

44. Section 87 of the principal Act is hereby amended by the substitution for the following section:

87 Gambling levies, fees, penalties and interest

“(1) **[All gambling levies, licence fees, penalties, interest and any other monies payable in terms of the provisions of this Act and all fines imposed in respect of offences under this Act, shall be paid to the Board for the benefit of the Provincial Revenue Fund and the Board shall monthly pay such amounts over to the Provincial Revenue Fund, furnishing such returns and information as the Provincial Treasury may require]** The responsible Member may, in consultation with the Member of the Executive Council responsible for finance prescribe gambling levies, taxes and license fees payable to the Board, in the province.

(2) All prescribed gambling levies, licence fees[, **penalties, interest and any other monies payable in terms of the Provisions of this Act,**] shall be [a debt due to the Provincial Administration, and may be recovered in a Competent Court by the said Administration or by] paid to the Board [on behalf of the Administration: Provided that the Board shall primarily be responsible for the collection of the said amount on behalf of the Provincial Administration] for the benefit of the Provincial Revenue Fund and the Board shall monthly pay such amounts to the Provincial Revenue Fund, furnishing such returns and information as the Provincial Treasury may require.

(3) **[The Responsible Member may, with the concurrence of the Member of the Executive Council responsible for finance, by notice in the Provincial Gazette make regulations prescribing the matters in respect of which gambling levies and fees shall be payable and the tariffs relating thereto]** The Board shall impose such penalties and fines for non-compliance with the provisions of this Act, Regulations and licence as conditions as prescribed in the Schedule. .

(4) The Schedule referred to in subsection (3) may, after consultation with interested persons, be amended by prior notice in the Provincial Gazette, by the responsible Member. ”.

(5) The consultation contemplated in subsection (1) does not apply to a responsible Member if such responsible Member is also responsible for finance.”.

Amendment of section 88 of Act 2 of 2001

45. Section 88 of the principal Act is hereby amended by the substitution for the following section:

“88 [**Penalty and interest for failure to pay**] gambling levy or fee [**when due**
(1) If any licence holder who is liable for the payment of gambling levy or a fee fails to make such payment in the prescribed manner, the licence holder shall, in addition to such amount of gambling levy or fee, be liable for -

(a) a penalty equal to one percent of the unpaid amount of gambling levy or fee per day or part thereof: Provided that the maximum penalty shall not exceed one hundred percent of the said amount of gambling levy or fee, and

(b) where payment of the said amount of gambling levy or fee is made after the first day following the period allowed for payment of the tax or fee, interest on the said amount of gambling levy or fee, shall be calculated daily at the prescribed rate until the date on which payment is received by the Board.

(2) If the unpaid amount of gambling levy or fee remains outstanding for a period of forty-five days after the date when such gambling levy or fee became due or payable, the Board shall give the licence holder fourteen days written notice to effect payment of the said gambling levy or fee, and if such gambling levy or fee is not paid prior to the expiration of the said fourteen days, the Board may suspend or revoke the licence of the said licence holder.

(3) When the Board is satisfied that the failure on the part of any licence holder to make payment of the gambling levy or fee by due date was not due to an intent to avoid or postpone liability for the payment of gambling levy or fee, the Board may remit in whole or in part any penalty payable in terms of this section] Any licence holder who fails to

pay prescribed gambling levies or fees shall in addition to such gambling levies or fees pay the penalty as set out in the schedule as Prescribed in the Provincial Legislation, shall in addition to such gambling levies or fees pay the penalty as set out in the Schedule”

Amendment of section 91 of Act 2 of 2001

46. Section 91 of the principal Act is amended by the insertion after subsection (6) of following subsection:

“(7) Despite the substitution of section 87 of the Act, this section and all other sections in the Act dealing with the payment of gambling levies, taxes and license fees shall remain in force, until the Member of the Executive Council responsible for Finance has introduced provincial legislation on gambling levies, taxes and license fees.”.

Amendment of section 92 of Act 2 of 2001

47. Section 92 of the principal Act is hereby amended by the substitution for the following section:

“92 Repeal of laws Subject to section 91, the laws mentioned in the schedule, hereunder, are hereby repealed to the extent set out in the third column of that schedule.

Number and year of law	Short title of law	Extent of repeal
Act No. 13 of 1994	North West Casinos, Gaming and Betting Act, 1994	The whole
Act No. 3 of 1996	North West Casinos, Gaming and Betting Amendment Act, 1996	The whole
Act No. 9 of 1997	North West Casino Gaming and Betting Amendment Act, 1997	The whole
Ord 24 of 1978	Horse Racing and Betting (TVL) Ordinance, 1978.	The whole in so far as it applies in the province.

Ord 34 of 1968	Horse Racing and Betting (Cape) Ordinance, 1968	The whole in so far as it applies in the province.
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<u>Ord 4 of 1949</u>	<u>Abolition of Dog Race Meetings and the Prohibition of Betting on Dog Race Ordinance</u>	<u>The whole in so far as it applies in the province.</u>
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<u>Ord 11 of 1986</u>	<u>Prohibition of Dog Race Ordinance</u>	<u>The whole in so far as it applies in the province.</u>
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Short title and Commencement

48. This Act is called North West Gambling Amendment Act, 2017 and shall come into operation on a date to be determined by the responsible Member by notice in the *Provincial Gazette*.

MEMORANDUM ON THE OBJECTS OF THE NORTH WEST GAMBLING AMENDMENT BILL, 2017

1. BACKGROUND

In terms of schedule 4 of the Constitution of the Republic of South Africa, 1996, casinos, racing; gambling and wagering are functional areas of concurrent national and provincial legislature competence.

The National Gambling Act, 2004 (Act No. 7 of 2004) was assented to on 06 August 2004 and came into operation on 01 November 2004 repealing the previous National Gambling Act, 1996 (Act No. 33 of 1996.)

One of the aims of the National Gambling Act, 2004 is to provide for the creation of additional uniform norms and standards applicable throughout the Republic.

The purpose of the Bill therefore is to align the North West Gambling Act, 2001 (Act No. 2 of 2001) as amended with the National Gambling Act, 2004.

The Bill further seeks to give effect to the resolution of the Executive Council of rolling-out the greyhound racing in the Province, and to that end, a need was identified to repeal both Abolition of Dog Race Meetings and the Prohibition of Betting on Dog Race Ordinance, Ordinance 4 of 1949, and Prohibition of Dog Race Ordinance, Ordinance 11 of 1986, in so far as they apply to the Province.

2. CLAUSE BY CLAUSE EXPLANATION

Clause 1

This clause inserts definitions into section 1 of the Act such as “designated area” spouse and public servant. It furthermore amends other definitions.

Clause 2

This clause inserts definitions into section 1A of the Act such as “Gambling Activities”. It furthermore amends other definitions.

Clause 3

This clause deletes section 2(2) from the Principal Act, pertaining to Ordinances which prohibits betting on Dog Racing

Clause 4

This clause seeks to add at clause 4(1) (c) (vii) the maintenance of a trust account; the previous clause did not include trust accounts.

This clause seeks to add at clause 4(1) (c) (xxi) which states the following, and/or impose penalties for any breach of any provisions under this Act, the previous clause did not include imposing of penalties for any breach of any provisions but rather impose penalties for any breach of any of the rules or regulations.

This clause seeks to add at clause 4(1) (c) (xxvii) which states, establish and administer trust funds for the proper administration of this Act, the previous clause did not include trust funds.

This clause seeks to add at clause 4(3) The Board may, in its sole discretion, grant authority for the installation of an amusement machine for the playing of amusement games in premises which the Board deems suitable, in terms of subsection (1)(c)(xxx)., the previous clause did not include paragraph (c).

Clause 5

This clause provides for the constituency of Board Members and qualifications that is required from such members prior to being appointed as Board members.

This clause seeks to substitute at clause 5(5) which used to read as follows, Any [Objections to the appointment of any person to the Board, may, not be later than fourteen days before the date on which the appointments of the members of the Board are to be lodged with the Responsible Member, be made in writing stating the ground or grounds which, according to such a person, disqualify any prospective member to the Board] Shall now read as follows “A person who intends to object to the appointment of any person to the Board shall, not later than 14 days after the date of publications of the names of the nominees, lodge with the Responsible Member in writing an objection stating the ground or grounds which, according to such a person disqualifies the nominee, from being appointed as a member to the Board.”

Clause 6

This clause provides for the Meetings and decisions of the Board.

This clause seeks to add at clause 13(1) The first meeting of the Board shall be held at the time and place determined by the Responsible Member, and thereafter the Board shall meet at such times and places as the Board may from time to time determine the for expeditious conduct of its business [.]: Provided the Board shall meet at least four times a year. The previous clause did not include provision for meeting at least four times a year.

This clause seeks to add at clause 13(2) The Chairperson may at any time at reasonable notice convene an extraordinary meeting of the Board to be held a time and place determined by him or her for the conduct of any business. [**Provided that the Chairperson shall, upon having been presented with a requisition for that purpose signed by at least two members call for a special meeting, and if the chairperson fails to convene a special meeting**].”.

Clause 7

This clause provides for additional disqualification for persons who do not qualify to serve as Board Members.

Clause 8

This clause provides more elucidation on what constitutes the Funds of the Board.

Clause 9

The clause provides for the Accounting responsibility of the Board. The clause provides as to when are the financial statements, annual reports and quarterly reports are to be submitted the Responsible Member.

Clause 10

This clause inserts a section on restriction of granting of a licence which does not comply with norms, standards and recommendations by the National Gambling Act and the National Gambling Board.

Clause 11

This clause makes provision for the following additional licences;

- Bookmaker premises licence;
- National licence;
- Special licence;
- Manufacturer, maintenance or supplier licence.

Clause 12

The clause is an addition and will be inserted after section 24. It grants the Board the power to issue national licences as contemplated in the National Act

The clause further in addition inserts section 24B. It grants the Board the power to issue a special licence upon application. Furthermore, it mentions the entities that are exempted for applying for such a licence and the provisions which do not apply to this process.

Clause 13

This clause is deleted from the Principal Act.

Clause 14

This clause substitutes the previous section and provides for general disqualifications in respect of licences. Furthermore, it provides what type of interests disqualifies persons.

Clause 15

The clause substitutes the previous section and inserts the process of licence applications. Furthermore, it provides for a refusal in terms of section 26 renders the applicant ineligible to apply for a licence within a period of 12 months from date of refusal or revocation inclusive of any person with any interest in the business or premises.

Clause 16

This clause is deleted from the Principal Act.

Clause 17

This clause substitutes the previous section and inserts provision for payment of application and investigation fees as regulated in the Provincial legislation. Furthermore, it provides for application for certification of suitability the applicant shall be liable for and pay to the Board all reasonable direct expenses incurred by the Board if any.

Clause 18

This clause substitutes the previous section and inserts provisions for a period which a licence other than a temporary licence shall be valid for. Furthermore, it provides that renewal shall be after a period of five years subject to compliance with the provisions of the Act, Rules and Regulations and production of the previous licence and payment of the licence renewal fees. It also provides for failure to renew and the options the Board has

Clause 19

This clause substitutes clause 42(1) by addition of paragraph (j) after paragraph (i) and it deals with licence condition regarding contribution of a certain percentage of gross gaming revenue towards a fund established by the Board

Clause 20

This clause deals with transfer of a licence and the procedure to be followed and the discretion of the Board regarding same.

Clause 21

This clause is deleted from the Principal Act.

Clause 22

This clause deals with Route Operator licence and it substitute the previous section 53 in the principal Act. It provides that an application shall be in response to a notice published in the Provincial Gazette. Furthermore, it provides that a Route Operator shall operate not more than 5 Limited Payout Machines. It further provides that, a route operator license shall only be granted by the Board after consultation with the Responsible Member.

Clause 23

This clause deals with Site Operator licence and it substitute the previous section 53 in the principal Act. It provides an application shall be in response to a notice published in the Provincial Gazette and 2 national newspapers. Furthermore, it provides that a Site Operator shall operate more than 5 Limited Payout Machines but not more than 40. It further provides that, a route operator license shall only be granted by the Board after consultation with the Responsible Member. It further provides that, a site operator license holder shall only obtain limited payout machines through a licensed route operator.

Clause 24

This clause deals with Independent Site Operator licence and it substitute the previous section 53 in the principal Act. It provides an application shall be in response to a notice published in the Provincial Gazette and 2 national newspapers. Furthermore, it provides that a Site Operator shall operate more than 5 Limited Payout Machines but not more than 40. It further provides that, a route operator license shall only be granted by the Board after consultation with the Responsible Member. It further provides that, a site operator license holder shall only obtain limited payout machines through a licensed route operator.

Clause 25

This clause inserts a prohibition that no persons shall maintain premises in or on which betting takes place without a bookmaker premises licence.

Clause 26

This is an amendment of section 58(a) which deals with race course licence and making provisions that the regulation is not only for horse racing but any lawful sporting event.

Clause 27

This clause is an addition to the Principal Act, wherein greyhound race meeting licence is to be regulated under. The relevant horse and greyhound race takes place in the manner approved by the Board after consultation with the Responsible Member.

Clause 28

This clause is amends the chapter by the substitution of the heading.

Clause 29

This clause inserts a chapter dealing with registration of manufacturers, supplier or maintenance provider. The amendments ensure that the manufactures, supplier and maintenance providers are duly registered to execute their purpose.

Clause 30

This clause is deleted from the Principal Act.

Clause 31

This clause is deleted from the Principal Act.

Clause 32

This clause inserts a new chapter and provides for guidelines on registrations of employees, administration of employees and the regulations of employees. Furthermore, the clauses provide the duration of the certificate of approval and the restrictions that apply to the employees.

Clause 33

This clause substitute the previous section and it provides for the power and functions of Gambling Inspectors and what is required of them to execute such powers and functions.

Clause 34

This clause makes it prohibitory for any person to keep, store and maintain any gambling devices which is unregistered with the Board

Clause 35

This clause provides for the National requirements to gambling machines which is not only governed by an Act of Parliament but by regulations promulgated as well.

Clause 36

This clause provides for the Events and contingencies on which gambling may take place and bets that may be made and makes and further provide that bets may be made on greyhound race.

Clause 37

This clause inserts a subsection on Restriction of gambling advertisement shall be subject to regulations made under section 84 and National Act provisions.

Clause 38

This clause takes away the prohibition against third parties and allows that third parties can be supplier of goods and services and may apply for certificate of suitability.

Clause 39

This clause inserts a provision on renewal of certificate of suitability, the procedure of renewal and the penalty for failure to comply.

Clause 40

This clause substitutes the previous section. Furthermore, requires that if any person is convicted in contravention of Section 82, the court may declare to forfeit all to the Board.

Clause 41

This clause inserts a provision on dispute arising between licence holder and player and a directive on how the disputes will be solved.

Clause 42

This clause inserts a provision on person who wish to be registered as excluded person from gambling activities and it further provides the directive of managing the process and what is expected of the Board.

Clause 43

This clause is deleted from the Principal Act.

Clause 44

This clause provides that the Responsible Member may in consultation with Member of Executive Council responsible for finance prescribe gambling levies, taxes and licence fees payable to the Board.

Clause 45

This clause inserts a schedule on gambling levies that the Board can impose on license holders who contravenes the Act or the Regulations. Furthermore, the Gambling levies shall be in consultation with the responsible member.

Clause 46

This clause inserts a directive that all levies shall remain in force up until the Responsible Member of Finance has introduced provincial legislation on levies.

Clause 47

This amends section 92 of the principal Act by repealing the Abolition of Dog Race Meetings and the Prohibition of Betting on Dog Race Ordinance and the Prohibition of Dog Race Ordinance in so far as they apply in the province.

Clause 48

This clause provides for the short title of the Act.

3. ORGANISATIONAL AND PERSONNEL IMPLICATIONS FOR PROVINCIAL GOVERNMENT

Since this is an amendment to an existing Act, no organizational and personnel implications are foreseen.

4. FINANCIAL IMPLICATIONS FOR PROVINCIAL GOVERNMENT

Since this is an amendment to an existing Act, no financial implications for the Provincial Government are foreseen.

5. DEPARTMENT / BODIES / PERSONS CONSULTED

1. North West Gambling Board
2. State Law Advisory Services

6. CONTACT PERSON

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