



**NORTH WEST
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EXTRAORDINARY • BUITENGEWOON

**PROVINCIAL GAZETTE
PROVINSIALE KOERANT**

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 217 OF 2018**THE NORTH WEST PROVINCE'S GAMBLING BOARD REVIEW****TRIBUNAL****(ESTABLISHED IN TERMS OF THE PROVISIONS OF SECTION 90(3)****OF THE NORTH WEST GAMBLING ACT, ACT 2 OF 2001)**

PRACTISE DIRECTIVES

1. INTRODUCTION

These practise directives deals primarily with the setting down of a review application, as contemplated in terms of the provisions of regulation 2(6) of the Regulations on Review Proceedings, promulgated in terms of the provisions of section 84 of the North West Gambling Act, Act 2 of 2001 and published in Extraordinary Provincial Gazette No. 7359 of 8 October 2014 under Notice 461 of 2014 (hereafter "the Regulations on Review Proceedings"), and related and interlocutory processes and procedures that may follow subsequent to the setting down of a review application.

2. THE DELIVERY OF A REVIEW APPLICATION AND SUBSEQUENT PLEADINGS

2.1 The review application and subsequent pleadings in the review application, as set out in regulation 2 of the Regulations on Review Proceedings, shall be delivered to the Responsible Member and the other party as set out in the provisions of regulation 2 of the Regulations on Review Proceedings.

2.1.1 **FILING**

The review application and subsequent pleadings in the review application, as set out in regulation 2 of the Regulations on Review proceedings, shall be filed with the Director Legal Services for the Department of Economy and Enterprise Development as the Registrar of the Review Tribunal and Secretariat on behalf of the Responsible Member.

2.2 Any further affidavits and or pleadings in the review application, not dealt with below, may only be filed with the consent of the Review Tribunal, for which consent a party may apply at the hearing of the review application.

3. THE SETTING DOWN OF A REVIEW APPLICATION

3.1 In the execution of the provisions of regulation 2(6) of the Regulations on Review Proceedings the Responsible Member shall, after consultation with the Chairperson of the Review Tribunal, set a review application down for the hearing of the review application on a date and time as established by the Responsible Member, which date shall not be less than **45 days** from the date

upon which the replying affidavit in terms of regulation 2(5) of the Regulations on Review Proceedings was delivered.

- 3.2 The Responsible Member shall inform the Applicant and the Board of the date and time on which the review application has been set down in terms of regulation 2(6).

4. POSTPONEMENT

If either party wishes to apply for the postponement of the hearing of the review application, such a party shall in the absence of an agreement with the other party to the effect that both parties apply by agreement to the Responsible Member for the postponement of the hearing of the review application:

- 4.1 if the postponement is requested before the commencement of the hearing of the review application, apply for the postponement of the hearing of the review application on notice to be delivered to the Responsible Member and the other party, which application for postpone shall be supported by evidence on oath justifying the postponement and the other party shall have the right to oppose the application and answer on oath to the evidence adduced by the party applying for the postponement.
- 4.2 Once the hearing of the review application has commenced a postponement

may be requested verbally by either party during the proceedings.

5. POINTS *IN LIMINE*

- 5.1 Any party may raise a point *in limine* to be adjudicated by the Review Tribunal at the commencement of the hearing of the review application, provided that the party intending to raise such a point(s) shall give notice of the fact that it intends doing so, in which notice the details of the point(s) *in limine* shall be set out and which notice shall be delivered to the Responsible Member and the other party not less than **21 days** before the date on which the review application is set down for hearing, together with written heads of argument the party raising the point(s) *in limine* wishes to submit in support of its point(s) *in limine*.
- 5.2 The other party, if it intends to oppose the point(s) *in limine* raised by the other party as contemplated in directive 5.1 above, shall give notice to the Responsible Member and the other party of its intention to oppose the point(s) *in limine*, which notice shall be delivered not less than **14 days** before the date on which the review application is set down for hearing, stating which of the point(s) *in limine* it wishes to oppose, together with written heads of argument the party resisting the point(s) *in limine* wishes to submit in support of its opposition to the point(s) *in limine*.

6. INDEXING AND PAGINATION OF THE REVIEW APPLICATION

After the review application has been set down as contemplated in terms of regulation 2(6) of the Regulations on Review Proceedings and directive 3.1 above, the Applicant shall, not less than **28 days** before the date on which the review application is set down for hearing, prepare and deliver an index and duly paginated bundle setting out and comprising all the documents as referred to in regulations 2(1) to 2(5) of the Regulations on Review Proceedings in the review application to the Responsible Member and also simultaneously deliver the said index to the Board.

7. HEADS OF ARGUMENT

- 7.1 Both the Applicant and the Board shall deliver written heads of argument setting out their respective factual and legal submissions, supported by applicable authority, if any, prior to the hearing of the review application.
- 7.2 The Applicant shall deliver its written heads of argument in the review application to the Responsible Member and the Board not less than **21 days** before the date on which the review application is set down for hearing.
- 7.3 The Board shall deliver its written heads of argument in the review application to the Responsible Member and the Applicant not less than **14 days** before the date on which the review application is set down for hearing.

8. INTERVENTION OF THIRD PARTIES

Third parties may join, or intervene in a review application by following the procedure set out in the applicable rules as set out in the Uniform Rules of the High Courts of South Africa, read *mutatis mutandis* in order to provide for the procedures conducted in terms of the provisions of section 90 of the North West Gambling Act, Act 2 of 2001.

9. UNIFORM RULES OF THE HIGH COURT AND THE PRACTISE DIRECTIONS OF THE NORTH WEST DIVISION OF THE HIGH COURT

Any proceeding, or matter not expressly regulated by the Regulations on Review Proceedings or the above stated practise directives shall be governed by the required and applicable rule(s) as set out in the Uniform Rules of the High Court, or the required and applicable practise directions of the North West Division of the High Court, read *mutatis mutandis* in order to provide for the procedures conducted in terms of the provisions of section 90 of the North West Gambling Act, Act 2 of 2001.

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