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THE PRESIDENCY

No. 754 14 July 2008

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 10 of 2008: National Gambling Amendment Act, 2008.

HOFISI YA PRESIDENTE

No. 754 14 July 2008

Hi mi tivisa leswaku Presidente u amukerile nawu lowu wu phablixiweke ku andzisa vutivi bya n'wina:—

No. 10 of 2008: Nawu wa Ndzulamiso wa Vugemburi wa Tiko, 2008.

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.

(English text signed by the President.)
(Assented to 10 July 2008.)

ACT

To amend the National Gambling Act, 2004, so as to change certain definitions and insert new definitions; to provide for the regulation of interactive gambling so as to protect society against the stimulation of the demand for gambling; to provide for the registration of players and opening of player accounts; to provide for the conditions applicable to interactive gambling licenses; to provide for further protection of minors and other persons vulnerable to the negative effects of gambling; to ensure that the gambling industry complies with the Financial Intelligence Centre Act; to prevent gambling from being associated with crime, money laundering or financing of terrorist and related activities; and to provide for matters related thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 7 of 2004

1. Section 1 of the National Gambling Act, 2004 (Act No. 7 of 2004), hereinafter referred to as the principal Act, is hereby amended—

- (a) by the insertion after the definition of “**associate**” of the following definition: 5
 “**‘authorised financial institution’** means a financial institution registered in terms of the Banks Act, 1990 (Act No. 94 of 1990), or comparable legislation in approved foreign countries contemplated in section 11A, which regulate institutions that conduct the business of a 10
 bank;”;
- (b) by the insertion after the definition of “**Council**” of the following definition: 15
 “**‘data’** has the meaning ascribed to that word in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);”;

RITO RO HLAMUSELA HI KU ANGARHELA:

- [] Marito yo dzwihala lama nga eka swiangi swa xikwere ma komba leswi susiweke eka swinawana leswi simekiweke.
- _____ Marito lama nga ni layini ehansi ma komba leswi nghenisiweke eka swinawana leswi nga kona.

(English text signed by the President.)
(Assented to 10 July 2008.)

NAWU

Ku endla ndzulamiso eka Nawu wa ku Gembula wa Tiko, wa 2004, leswaku ku cinciwa tinhlamuselo to karhi ni ku nghenisa tinhlamuselo letintshwa; ku lulamisela ku kongomisiwa ka ku gembula loku katsaka van'wana leswaku ku sirheleriwa vaaki eku pfurheteiweni ka moya wo navela ku gembula; ku pfula ndlela yo tsariwa vagembuli ni ku pfuriwa ka tiakhawunti ta mugembuli; ku lulamisela matshamelo lama fambisanaka ni tilayisense ta ku gembula loku katsaka van'wana; ku lulamisela ku sirheleriwa ka vana ni vanhhu lava nga tshukaka va onhiwa hi ku gembula; ku tiyisekisa leswaku bindzu ra ku gembula ri fambisana ni Nawu wa Xivandla xa Vuxiyaxiya bya Timali; ku pfuna ku sivela leswaku ku gembula ku nga tshuki ku lumbetiwa emhakeni ya vugevenga, ku lombisa mali hi futa kumbe ku pfuniwa ka matherorisi hi mali ni swin'wana swo fana ni sweswo; ni ku hlamusela timhaka leti yelanaka ni teto.

YI SIMEKIWA hi Palamendhe ya Riphabliki ra Afrika Dzonga, hi ndlela leyi landzelaka:—

Ndzulamiso wa xiyenge 1 xa Nawu 7 wa 2004

1. Xiyenge 1 xa Nawu wa ku Gembula wa Tiko, wa 2004 (Nawu No. 7 wa 2004), ku sukela laha xi vuriwa Nawu nkulu, xi endliwa ndzulamiso lowu—

- (a) hi ku nghenisiwa ka nhlamuselo ya **“tirhisnaka”** eka nhlamuselo leyi tlandlamaka:

“‘vandla ra timali ra ximfumo’ ku vuriwa vandla ra timali tsarisiweke hi ku landza Nawu wa Tibankii, wa 1990 (Nawu No. 94 wa 1990), kumbe nawu lowu yelanaka ematikweni mambe lama pfumeleriweke hi nawu lawa ku buriwaka ha wona eka xiyenge 11A, lexi kongomisa mavandbariki; fambisaka bindzu ra banki;”

- (b) hi ku nghenisiwa endzhaku ka nhlamuselo ya **“Huvo”** eka nhlamuselo leyi tlandlamaka:

“‘rungula’ ku ni nhlamuselo ya rito rero eka xiyenge 1 xa Nawu wa Mbulavurisano wa Elektroniki ni Vuxavisi, wa 2002 (Nawu No. 25 wa 2002);”

- (c) by the insertion after the definition of “**electronic agent**” of the following definitions:
- “**‘electronic betting or wagering’** means betting or wagering in the manner contemplated in section 4(3);
‘electronic communication’ has the meaning ascribed to that phrase in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);”;
- (d) by the insertion after the definition of “**excluded person**” of the following definition:
- “**‘external company’** has the meaning ascribed to that phrase in section 1 of the Companies Act, 1973 (Act No. 61 of 1973);”;
- (e) by the insertion after the definition of “**fixed-odds bet**” of the following definition:
- “**‘foreign national’** means an individual who is neither a citizen nor a resident of the Republic;”;
- (f) by the substitution for the definition of “**gambling device**” of the following definition:
- “**‘gambling device’** means equipment, software or any other thing that is used, or at the time of its manufacture was designed to be used, in determining the result of a gambling activity;”;
- (g) by the insertion after the definition of “**gambling machine**” of the following definition:
- “**‘home page’** has the meaning ascribed to that phrase in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);”;
- (h) by the insertion after the definition of “**informal bet**” of the following definitions:
- “**‘interactive gambling equipment’** means electronic or other equipment used by or on behalf of an interactive provider—
- (a) to store information relating to a person who is participating in the gambling;
- (b) to present, to persons who are participating or may participate in the gambling, a virtual game, virtual race or other virtual event or process by reference to which the gambling is conducted;
- (c) to determine all or part of a result or of the effect of a result; or
- (d) to store information relating to a result, but does not include equipment which—
- (i) is used by a person to take advantage of interactive gambling facilities provided by another person; and
- (ii) is not provided by that other person;
- ‘interactive gambling licence’** means a licence contemplated in section 39A;
- ‘interactive gambling software’** means computer software designed for use in connection with interactive games, but does not include software designed for use solely in connection with a gambling machine;”;
- (i) by the insertion after the definition of “**minor**” of the following definition:
- “**‘money laundering’** has the meaning ascribed to that expression in section 1 of the Financial Intelligence Centre Act;”;
- (j) by the insertion after the definition of “**national licence**” of the following definition:
- “**‘nominated account’** means an account nominated by a player and held in the player’s name at an authorised financial institution;”;
- (k) by the insertion after the definition of “**person**” of the following definition:
- “**‘player account’** means an account held in the name of the player with an interactive provider;”;

- (c) hi ku ngenisiwa endzhaku ka nhlamuselo ya **“xitirhisiwa xa elektroniki”** eka tinhlamuselo leti landzelaka:
“**ku beja kumbe ku tlangisa mali hi muchini**’ swi vula ku beja kumbe ku tlangisa mali hi mukhuva lowu hlamuseriwaka eka xiyenge 4(3);
‘**mbulavurisano wa elektroniki**’ swi ni nhlamuselo ya xivulwa xexo eka xiyenge 1 xa Nawu wa Mbulavurisano wa Elektroniki ni Vuxavisi, 2002 (Nawu No. 25 of 2002);”; 5
- (d) hi ku ngenisiwa endzhaku ka nhlamuselo ya **“munhu la nga katsekiki”** eka nhlamuselo leyi thandlamaka:
“**khampani ya le handle**’ yi ni nhlamuselo ya xivulwa xexo eka xiyenge 1 xa Nawu wa Tikhampani, wa 1973 (Nawu No. 61 wa 1973);”; 10
- (e) hi ku ngenisiwa endzhaku ka nhlamuselo ya **“tindlela to beja leti nga cinciki”** ya nhlamuselo leyi thandlamaka:
“**muaki wa tiko rimbe**’ swi vulMunhu loyi a nga riki muaka-tiko kumbe la nga tshamiki eka Riphabliki leri;”; 15
- (f) hi ku siviwa hi nhlamuselo ya **“xitirho xo gembula”** eka nhlamuselo leyi leyi thandlamaka:
“**xitirho xo gembula**’ swi vula xitirhisiwa, muchini kumbe hambi yini lexi tirhisiwaka, kumbe lexi endleriweke ku tirhisiwa, ku humesa vuyelo bya ku gembula;”; 20
- (g) hi ku ngenisiwa endzhaku ka nhlamuselo ya **“muchini wo gembula”** eka nhlamuselo leyi thandlamaka:
“**tluka ro rhanga**’ swi ni nhlamuselo leyi hlamuseriwaka eka xiyenge 1 xa Nawu wa Mbulavurisano wa Elektroniki ni Vuxavisi, wa 2002 (Nawu No. 25 wa 2002);”; 25
- (h) hi ku ngenisiwa endzhaku ka nhlamuselo ya **“mubejo lowu nga hleriwangiki”** eka nhlamuselo leyi thandlamaka:
“**xitirhisiwa xa ku gembula loku katsaka van’wana**’ swi vula xitirhisiwa xa elektroniki kumbe xin’wana lexi xitirhisiwaka hi loyi a nyiketana ni van’wana—
 (a) ku hlayisa rungula leyi khumbakMunhu loyi a gembulaka;
 (b) ku hlelela vanhu lava gembulaka, ntlango wo karhi, mujaho wo karhi kumbe xiendlakalo xo karhi kumbe fambiselo leri tirhiseriwaka ku gembula; 35
 (c) ku tiyisekisa vuyelo hinkwabyo kumbe xiphemu xa vuyelo byebyo; kumbe
 (d) ku hlayisa rungula leri fambisanaka ni vuyelo, kambe ri nga xi katsi xitirhisiwa lexi—
 (i) tirhisiwaka hi munhu leswaku a ngenela ku switirhisiwa swa ku gembula loku tsaka van’wana leswi lunghiseleriwaka hi munhu un’wana; naswona 40
 (ii) xi nga hleriwi hi yenMunhu yoloye;
‘**layisense ya ku gembula loku katsaka van’wana**’ swi vullayisense leyi ku buriwaka ha yona eka xiyenge 39A;
‘**xitirho xa ku gembula loku katsaka van’wana**’ swi vula xitirho xa khompyuta lexi endleriweke ku tirhiseriwaka mintlango yo nyiketana, kambe a xi katsi xitirho endleriweke ku tirhisiwa ntsena eka muchini wo gembula;”; 45
- (i) hi ku ngenisiwa endzhaku ka nhlamuselo ya **“xihlangi”** eka nhlamuselo leyi thandlamaka:
“**ku lombisa mali hi futa**’ swi vula swi ni nhlamuselo ya marito ya xiyenge 1 xa Nawu wa Xivandla xa Vuxiyaxiya bya Timali;”; 50
- (j) hi ku ngenisiwa endzhaku ka nhlamuselo ya **“layisense ya tiko”** eka nhlamuselo leyi thandlamaka:
“**akhawunti leyi langiweke**’ swi vula akhawunti leyi langiweke hi mugembuli naswona yi ri ya vito ra loyi a tlangaka eka vandla ra timali ra ximfumo;”; 55
- (k) hi ku ngenisiwa endzhaku ka nhlamuselo ya **“munhu”** eka nhlamuselo leyi thandlamaka:
“**akhawunti ya mugembuli**’ swi vula akhawunti leyi nga ni vito ra mugembuli eka muhleri wa mubejo lowu katsaka van’wana;”; 60

- (l) by the insertion after the definition of “**register of excluded persons**” of the following definition:

“**‘registered player’** means a person who is registered to participate in interactive gambling activities in terms of this Act;” and

- (m) by the addition of the following definition:

“**‘website’** has the meaning ascribed to that word in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).”.

Insertion of section 1A in Act 7 of 2004

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

“Interpretation

1A. In applying this Act, consideration may be given to—

- (a) foreign and international law; and
(b) international conventions, declarations and protocols relating to gambling.”.

Substitution of section 2 of Act 7 of 2004

3. The following section is hereby substituted for section 2 of the principal Act:

“Application of Act

2. This Act applies to all gambling activities within the Republic, but does not apply to an activity that is regulated in terms of the Lotteries Act, 1997 (Act No. 57 of 1997).”.

Insertion of section 2A in Act 7 of 2004

4. The following section is hereby inserted in the principal Act after section 2:

“Purpose of Act

2A. The purpose of this Act is to—

- (a) provide a legal basis for the regulation and control of all gambling activities;
(b) preserve the integrity of the Republic as a responsible global citizen by ensuring an efficient and effective gambling regulatory regime;
(c) promote the development of a responsible gambling industry in the Republic;
(d) ensure that all gambling activities are conducted responsibly, fairly and honestly;
(e) ensure that all players are treated fairly and that the privacy of a player is respected;
(f) protect minors and other vulnerable persons from the negative effects of gambling;
(g) protect and advance the interests of historically disadvantaged persons;
(h) protect society against the over-stimulation of the demand for gambling;
(i) prevent gambling from being a source of, or associated with crime or disorder, or used to support crime, disorder or money laundering.”.

- (l) hi ku ngenisiwa endzhaku ka nhlamuselo ya “**ku tsarisiwa ka munhu la nga katsekiki**” eka nhlamuselo leyi tlhandlamaka:
 “‘mutlangi la tsarisiweke’ swi vulMunhu loyi a tsariseriweke ku ngenela ku gembula loku katsaka van’wana hi ku landza Nawu lowu;”;
 naswona 5
- (m) hi ku engeteriwa ka nhlamuselo leyi tlhandlamaka:
 “‘websayiti’ swi ni nhlamuselo ya rito rero eka xiyenge 1 xa Nawu wa Mbulavurisano wa Elektroniki ni Vuxavisi, wa 2002 (Nawu No. 25 wa 2002).”.

Ku ngenisiwa ka xiyenge 1A eka Nawu 7 wa 2004 10

2. Xiyenge lexi tlhandlamaka laha xa ngenisiwa eka Nawu lowukulu endzhaku ka xiyenge 1:

“Vuhlamuseri

- 1A. Eku tirhisiweni ka Nawu lowu, ku nga ha anakanyeriwa leswi—
 (a) nawu wa tiko rimbe ni wa misava hinkwayo; ni 15
 (b) tinhlengeletano ta misava misava, swihlambanyo ni swinawana leswi yelanaka ni ku gembula.”.

Ku siviwa ka xiyenge 2 xa Nawu 7 wa 2004

3. Xiyenge lexi tlhandlamaka laha xa siviwa eka xiyenge 2 xa Nawu lowukulu:

“Ku tirhisiwa ka Nawu 20

2. Nawu lowu wu tirha eka ku gembula hinkwako eka Riphabliki, kambe a wu tirhi eka xiendlo lexi kongomisiwaka hi hi ku landza Nawu wa Mubejo, wa 1997 (Nawu No. 57 wa 1997).”.

Ku ngenisiwa ka xiyenge 2A eka Nawu 7 wa 2004

4. Xiyenge lexi tlhandlamaka laha xa ngenisiwa eka Nawu lowukulu endzhaku ka xiyenge 2: 25

“Xikongomelo xa Nawu

- 2A. Xikongomelo xa Nawu lowu i ku—
- (a) andlala xisekelo xa ximfumo xo kongomisa ni ku lawula ku gembula hinkwako; 30
- (b) hlayisa vutshembeki bya Riphabliki tanihi xiyenge xa matiko hinkwawo lexi nga ni vutihlamuleri hi ku tiyisekisa vunawuuri lebyi fambaka khwatsi bya ku gembula;
- (c) khutaza ku hlavukisiwa ka bindzu ra ku gembula leri nga ni vutihlamuleri eka Riphabliki; 35
- (d) ku tiyisekisa leswaku ku gembula ku kongomisiwa hi vutihlamuleri, hi ku ringanela ni hi vutshembeki;
- (e) ku tiyisekisa leswaku vagembuli hinkwavo va khomiwa hi ku ringanela ni ku xiximiwa ka xihundlha xmutlangi;
- (f) ku sirhelela swihlangi ni vanhu lava nga tshukaka va phasiwa hi vuyelo byo biha bya ku gembula; 40
- (g) sirhelela ni ku khutaza ku sekeriwa ka vanhu lava a va pfumala eku sunguleni;
- (h) sirhelela vaaki eku pfurheteriweni ka xilaveko xo gembula;
- (i) sivela ku gembula leswaku ku nga tshuki ku vangela vugevenga kumbe ku tshuka ku fambisana na byona, kumbe ku tirhiseriwa ku seketela vugevenga, madzolonga kumbe ku lombisa mali hi futu.” 45

Amendment of section 3 of Act 7 of 2004

5. Section 3 of the principal Act is hereby amended—

- (a) by the deletion in paragraph (c) of the word “or” at the end of subparagraph (i) and the addition of the word “or” at the end of subparagraph (ii); and
- (b) by the addition in paragraph (c) after subparagraph (ii) of the following subparagraph:
 - “(iii) an interactive game.”.

Amendment of section 4 of Act 7 of 2004

6. Section 4 of the principal Act is hereby amended by the addition of the following subsection:

- “(3) A person may participate in the activities contemplated in subsections (1) and (2) by way of electronic communication.”.

Amendment of section 5 of Act 7 of 2004

7. Section 5 of the principal Act is hereby amended by the addition of the following subsection:

- “(3) The Minister may make regulations regarding—
 - (a) specified games, systems and methods that meet the criteria specified in subsection (1)(a) as interactive games; and
 - (b) the forms of electronic communication that may or may not be regarded as a form of electronic communication for the purposes of this Act.”.

Insertion of section 5A in Act 7 of 2004

8. The following section is hereby inserted in the principal Act after section 5:

“Interactive gambling transaction

5A. An interactive gambling transaction—

- (a) commences when a player account is debited in the amount of a wager; and
- (b) concludes when the—
 - (i) player account is credited with the amount of winnings, in the case of a winning bet; or
 - (ii) player loses the game.”.

Insertion of sections 6A, 6B and 6C in Act 7 of 2004

9. The following sections are hereby inserted in the principal Act after section 6:

“Payment of prizes and remittance of profits and winnings

6A. (1) If a player in an interactive game conducted by an interactive provider wins a monetary prize, the interactive provider must immediately credit the amount to the player account.

(2) If a player in an interactive game conducted by the interactive provider wins a non-monetary prize the provider must—

- (a) have the prize delivered personally, by courier or by post to the player; or
- (b) give the player written notice of an address within the Republic where the prize may be collected.

Ndzulamiso wa xiyenge 3 xa Nawu 7 wa 2004

5. Xiyenge 3 xa Nawu lowukulu laha xi lulamisiwa—

- (a) hi ku susiwa eka ndzimana (c) ka rito “kumbe” eku heleni ka ndzimana-ntsongo (i) ni ku engeteriwa ka rito “kumbe” eku heleni ka ndzimana-ntsongo (ii); ni
- (b) hi ku engeteriwa eka ndzimana (c) endzhaku ka ndzimana-ntsongo (ii) eka ndzimana-ntsongo leyi thandlamaka:
- “(iii) ntlango lowu katsaka van’wana.”

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Ndzulamiso wa xiyenge 4 xa Nawu 7 wa 2004

6. Xiyenge 4 xa Nawu lowukulu laha xi lulamisiwa hi ku engeteriwa ka xiyenge-ntsongo lexi thandlamaka: 10

“(3) Munhu a nga ha ngenela swiendlakalo leswi ku buriwaka ha swona eka swiyenge-ntsongo (1) na (2) hi mbulavurisano wa elektroniki.”

Ndzulamiso wa xiyenge 5 xa Nawu 7 wa 2004

7. Xiyenge 5 xa Nawu lowukulu laha xi lulamisiwa hi ku engeteriwa ka xiyenge-ntsongo lexi thandlamaka: 15

“(3) Holobye a nga ha nyiko nkongomiso malunghana ni—

- (a) mintlango yo karhi, switirhisiwa ni maendlelo lama fambisanaka ni leswi boxiweke eka xiyenge-ntsongo (1)(a) tanihi mintlango yo nyiketana; ni
- (b) tindlela ta mbulavurisano wa elektroniki leti nga ha tshukaka ti tekiwa kumbe ti nga tekiwa tanihi ndlela ya mbulavurisano wa elektroniki hi ku landza Nawu lowu.”

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Ku ngenisiwa ka xiyenge 5A eka Nawu 7 wa 2004

8. Xiyenge lexi thandlamaka laha xi ngenisiwa eka Nawu lowukulu endzhaku ka xiyenge 5: 25

“Ku hakelela ku gembula loku katsaka van’wana

5A. Ku hakelela ku gembula loku katsaka van’wana—

- (a) ku sungula loko akhawunti ya mugembuli yi koxiwa mali yo tlanga hi yona; ivi
- (b) ku gimeta loko—
- (i) akhawunti ya mugembuli yi amukerisiwa mali ya leswi winiweke, loko ku ri mubejo lowu winaka; kumbe
- (ii) mugembuli a lahlekeriwa hi ntlango.”

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Ku ngenisiwa ka swiyenge 6A, 6B na 6C eka Nawu 7 wa 2004

9. Swiyenge leswi landzelaka laha swa ngenisiwa eka Nawu lowukulu endzhaku ka xiyenge 6: 35

“Ku hakeriwa ka masagwadi na aviwa ka mpindzulo na leswi winiweke

6A. (1) Loko mugembuli eka ntlango lowu katsaka van’wana fambisiwa hi muhleri wa mubejo lowu katsaka van’wana a winsagwadi ra mali, muhleri wa mubejo lowu katsaka van’wana u fanele hi nkarhi wolowo a ngenisa mali ya kona eka akhawunti ya mugembuli.

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(2) Loko mugembuli eka ntlango lowu katsaka van’wana lowu kongomisiwaka hi muhleri wa mubejo lowu katsaka van’wana a wina sagwadi leri nga riki mali muhleri u fanele a—

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- (a) u fanele a heleketa sagwadi rero hi yexe, hi ku tirhisa vutleketli kumbe poso, ri ya ekmutlangi; kumbe
- (b) nyika mugembuli xitiviso lexi tsariweke xa laha sagwadi ri nga landziwaka kona eka lulamisa ya Riphabliki.

(3) If a non-monetary prize in an interactive game conducted by an interactive provider has not been collected within a year after notification to the winner, at the place where it may be collected, the interactive provider—

(a) may dispose of the prize by public auction or tender or in some other way approved by the board and must—

(i) pay for the disposal of the prize from the proceeds of the sale; and

(ii) pay the remainder of the proceeds into the player account; or

(b) if there is no current player account and the interactive provider is unaware of the whereabouts of the player, the interactive provider must, subject to an order of the High Court for the forfeiture of such funds, pay the funds over to the State.

(4) If a claim for a prize in an interactive game is made to an interactive provider within a year of the date of identification of the winner, the interactive provider must—

(a) immediately settle the claim; and

(b) if the interactive provider cannot settle the claim immediately, the interactive provider must, by notice in the prescribed manner and form, immediately inform the claimant—

(i) of the interactive provider's inability to settle the claim; and

(ii) that the claimant may, within 10 days of receiving the prescribed notice, request the board, in the prescribed form, to resolve the claim.

(5) The claim against the interactive provider lapses if—

(a) it is not settled within a year from the date of identification of the winner; and

(b) after a diligent search, the interactive provider has not located the player.

Dispute resolution and complaint procedures

6B. (1) If there is a dispute arising out of an interactive game or any matter in relation thereto, either party may, within the prescribed period, refer the dispute to the board for resolution.

(2) The board must resolve the dispute in accordance with the prescribed complaints resolution procedure.

Remittance to foreign nationals and external companies

6C. Subject to exchange control regulations and taxation laws—

(a) a foreign national player may remit prize money to a foreign destination; and

(b) an external company that is an interactive provider in terms of this Act, may remit dividends or profits to a foreign destination if the external company is able to meet its financial commitments, which include prize money and other liabilities, in the Republic.”

- (3) Loko sagwadi leri nga riki mali eka ntlango lowu katsaka van'wana lowu fambisiwaka hi muhleri wa mubejo lowu katsaka van'wana ri nga si landziwa enkarhini wo ringana lembe endzhaku ko tivisa la wineke, endhawini leyi ri nga landziwaka eka yona, muhleri wa mubejo—
- (a) a nga ha ava sagwadi leri hi ku tirhisa nxavo wa okixini kumbe ku rhamba swikombelo swo xava kumbe ndlela yo karhi leyi amukeriwaka hi huvo naswona u fanele a—
- (i) hakelela ku aviwa ka sagwadi leri eka mpindzulo wa nxaviso wa kona; naswona a
- (ii) hakela nsalo wa mpindzulo eka akhawunti ya mugembuli; kumbe
- (b) loko akhawunti ya mugembuli yi nga ni kona naswona muhleri wa mubejo lowu katsaka van'wana a nga ku tivi lomu mutlangi a nga kona, muhleri wa mubejo lowu katsaka van'wana u fanele, hi ku landza xileriso xa Huvo leyi Tlakukeke lexi tiyisekisaka ku aviwa ka mali yoleyo, u fanele a nyika Mfumo wamli yoleyo.
- (4) Loko ku koxiwa ka sagwadi eka ntlango lowu katsaka van'wana ku endliwa eka muhleri wa mubejo lowu katsaka van'wana enkarhini wo ringana lembe hi siku ra ku kumeka ka la wineke, muhleri wa mubejo lowu katsaka van'wana u fanele—
- (a) hi nkarhi wolowo a hakela sagwadi ra kona; naswona
- (b) loko muhleri wa mubejo lowu katsaka van'wana a nga swi koti ku hakela nkoxo wolowo hi nkarhi wolowo, muhleri wa mubejo lowu katsaka van'wana u fanele, hi ku endla xitiviso lexinene ni hi mukhuva wa kona, a tivisa loyi a koxaka swagwadi hi nkarhi wolowo—
- (i) a tivisa leswaku muhleri wa mubejo lowu katsaka van'wana a nge swi koti ku humesa swagwadi rero; naswona
- (ii) loyi a koxaka sagwadi u ni mfanelo, ku nga si hela masiku ya 10 a amukele xitiviso xexo, yo kombela huvo leswaku yi lulamisa mhaka ya sagwadi rakwe.
- (5) Ku koxa loku endliwaka eka muhleri wa mubejo lowu katsaka van'wana ku heleriwa hi nkarhi loko—
- (a) nga landziwi hi munhu enkarhini wo ringana lembe ku sukela eka siku ra ku tivisiwa ka loyi a wineke; ni le
- (b) ndzhaku ko hlota, kambe muhleri wa mubejo lowu katsaka van'wana a nga n'wi kumi mutlangi.

Ntlhantlho wo lwetana ntlhantlho ni mafambiselo ya xivilelo

6B. (1) loko ku ri ni ku lwetana loku vangiwaka hi ntlango lowu katsaka van'wana kumbe mhaka yini ni yini leyi yelanaka na yona, lava khumbekaka, va nga yisa mhaka ya ku lwetana ka vona eka huvo ya ntlhantlho, ku nga si hundza nkarhi lowu pimiweke.

(2) Huvo yi fanele yi tlhantlha ku lwetana koloko hi ku pfumelelana ni fambiselo ra ntlhantlho wa swivilelo leri vekiweke.

Ku hakela muaki wa tiko rimbe na tikhampani ta le handle

6C. Hi ku landza swikongomiso swa nawu wa ku cinca mali ni nawu wa xibalo—

- (a) mugembuli la nga muaki wa tiko rimbe a nga ha hundzisela sagwadi ra mali ri ya endhawini ya tiko rimbe; naswona
- (b) khampani ya le handle leyi nga muhleri wa mubejo lowu katsaka van'wana hi ku landza Nawu lowu, yi nga ha hundzisela minkavo kumbe mpindzulo wu ya endhawini ya tiko rimbe loko khampani ya le handle yi swi kota ku hakelela mintsengo ya kona, leyi katsaka sagwadi ra mali ni swikoxo swina'wana eka Riphabliki.”.

Substitution of section 11 of Act 7 of 2004

10. The following section is hereby substituted for section 11 of the principal Act:

“Unauthorised interactive gaming unlawful

11. A person must not engage in, facilitate or make available an interactive game [except as authorised] other than an interactive game provided under a license issued in terms of this Act [or any other national law].” 5

Insertion of section 11A in Act 7 of 2004

11. The following section is hereby inserted in the principal Act after section 11:

“Provision of interactive gambling facilities

11A. (1) An interactive provider must—

- | | | |
|-----|---|----|
| (a) | not permit a person to participate in an interactive game unless that person— | |
| | (i) is registered as a player and has opened a player account with that interactive provider in that person’s name; | 15 |
| | (ii) has nominated an account held with an authorised financial institution for the movement of funds into and out of the player account in the prescribed manner; and | |
| | (iii) has set a limit on the funds that may be transferred from that person’s nominated account into the player account, in the prescribed manner, for the purpose of participating in interactive games; | 20 |
| (b) | immediately transfer funds in excess of the prescribed maximum amount held to the credit in the player account to the player’s nominated account; | 25 |
| (c) | not conduct a further game if an interactive game conducted by an interactive provider is started but miscarries because of human error or a failure in the operating or telecommunications system and that further game is likely to be affected by the same error or fault; and | |
| (d) | in the prescribed manner and form— | 30 |
| | (i) establish and verify the identity of players; | |
| | (ii) record the identity, address and account information of players; | |
| | (iii) obtain and record a statement from a player confirming that a player is 18 years or older; | 35 |
| | (iv) obtain and record a statement from a player confirming that the law of a country within which the player primarily resides, does not prohibit the player from playing interactive games; and | |
| | (v) report to the board any information which the interactive provider suspects may relate to the commission of an offence. | 40 |
| | (2) For the purposes of this section, an interactive provider or a player, must not— | |
| | (i) convert any funds in a player account into any other form of value; or | |
| | (ii) transfer any funds from a player account to any account other than the account nominated in terms of subsection (1)(a)(ii) where the funds initially originated from. | 45 |
| | (3) The Minister must— | |
| (a) | prescribe procedures for— | |

Ku siviwa ka xiyenge 11 xa Nawu 7 wa 2004

10. Xiyenge lexi tlhandlamaka laha xi siviwa hi xiyenge 11 xa Nawu lowukulu:

“Ku tlanga loku katsaka van’wana nga riki enawini a ku pfumeleriwi

11. Munhu u fanele a nga ngeneli, lunghiselela kumbe ku hlela ntlango lowu katsaka van’wana [handle ka wa ximfumo] handle ka ntlango lowu katsaka van’wana lowu hleriwaka ehansi ka layisense leyi humesiweke hi ku landza Nawu lowu [kumbe nawu un’wanyana wa tiko].” 5

Ku ngenisiwa ka xiyenge 11A eka Nawu 7 wa 2004

11. Xiyenge lexi tlhandlamaka laha xi ngenisiwa eka Nawu lowukulu endzhaku ka xiyenge 11: 10

“Ku hlela switirhisiwa swa ku gembula loku katsaka van’wana

11A. (1) Muhleri wa mubejo lowu katsaka van’wana u fanele—

- (a) a nga pfumeleli munhu ku ngenela ntlango lowu katsaka van’wana handle ka loko munhu yoloye— 15
- (i) a tsarisiwe tanihi mugembuli naswona a pfule akhawunti ya mugembuli ni muhleri yoloye wa mubejo lowu katsaka van’wana hi vito munhu yoloye; 15
 - (ii) a va ni akhawunti leyi langiweke leyi pfuriweke ni vandla ra timali ra ximfumo ku humesa timali ti nghena ni ku ti humesa eka akhawunti ymutlangi hi ndlela leyi simekiweke; naswona eka akhawunti ymutlangi hi ndlela leyi simekiweke, hi xikongomelo xo ngenela in mintlango leyi katsaka van’wana; 20
 - (iii) a veke mpimo wa timali leyi nga hundziseriwaka ku suka eka akhawunti leyi langiweke ya munhu yoloye yi ya eka akhawunti ya mugembuli, hi ndlela leyi simekiweke, hi xikongomelo xo ngenela in mintlango leyi katsaka van’wana; 25
- (b) hi nkarhi wolowo a hundzisela timali leti nga ehnhla ka ntsengo lowu pimiweke leyi nga eka akhawunti ya mugembuli yi ya eka akhawunti ymutlangi leyi langiweke; 25
- (c) a ngenela ntlango wun’wana loko ntlango lowu katsaka van’wana lowu fambisiwaka hi muhleri wa mubejo lowu katsaka van’wana wu sunguriwile kambe wu yima endleleni hikwalaho ka xihoxo xa munhu kumbe timeka kfambiselo ra vutirhisi kumbe ra mbulavurisano ni loko swi tikomba leswaku ntlango lowun’wana na wona wu ta khumbiwa hi xihoxo xexo; naswona 30
- (d) hi ndlela leyi simekiweke ni maendlelo— 35
- (i) kumisisa ni ku tiyisekisa vutitivisi bya vatlangi; 35
 - (ii) tsala rungula, lulamisa na akhawunti ya vatlangi; 35
 - (iii) kuma rungula ivi u tsala ehansi ku suka eka mugembuli leri tiyisaka leswaku mugembuli u ni malembe ya 18 kumbe ku tlula; 35
 - (iv) kuma rungula ivi u tsala chansi ku suka eka mugembuli leri tiyisaka leswaku nawu wa tiko leri mugembuli a tshamaka eka rona, a wu n’wi siveli mugembuli yoloye ku tlanga mintlango yo nyiketana; ivi 40
 - (v) vika eka huvo rungula rihi ni rihi leri muhleri wa mubejo lowu katsaka van’wana a vilelaka leswaku ri nga ha yclana ni ku endliwa ka xihoxo. 45
- (2) Hi swikongomelo swa xiyenge lexi, muhleri wa mubejo lowu katsaka van’wana kumbe mutlangi, a nga fanelanga a— 50
- (i) cinca timali tihi ni tihi eka akhawunti ya mugembuli ti va muxaka wun’wana kumbe ntsengo; kumbe 50
 - (ii) a hundzisela timali tihi ni tihi ku suka eka akhawunti ya mugembuli ti ya akhawunti yin’wana handle ka akhawunti leyi langiweke hi ku landza xiyenge-ntsongo (1)(a)(ii) laha timali ti tekiweke kona eku sunguleni. 55
- (3) Holobye u fanele a— 55
- (a) simeka mafambiselo ya—

- (i) player registration;
 - (ii) registration and control of player accounts; and
 - (iii) dealing with an interactive game that was started but discontinued because of human error or a failure in the operating or telecommunication system; and
- (b) from time to time, publish a list of foreign countries from which an interactive provider may accept accounts for the purpose of movement of funds in the manner contemplated in subsection (1)(a)(ii).
- (4) The countries contemplated in subsection (3)(b) must meet the conditions set by the Financial Action Task Force or any international organisation of which the Republic is a member, and whose objective is to combat money laundering and financing of terrorist and related activities.”.

Amendment of section 12 of Act 7 of 2004

12. Section 12 of the principal Act is hereby amended—
- (a) by the deletion in subsection (3)(c) of the word “or” and the addition after subsection 3(d) of the word “or”;
 - (b) by the addition to subsection (3) of the following paragraph:
“(e) register as a player for an interactive gambling activity”; and
 - (c) by the substitution for subsection (4) of the following subsection:
“(4) A person referred to in subsection (3) must take reasonable measures to determine accurately whether or not a person is a minor, before permitting that person to do any thing contemplated in subsection (3)(a) to [(d)] (e).”.

Substitution of section 13 of Act 7 of 2004

13. The following section is hereby substituted for section 13 of the principal Act:

“Restrictions on granting credit to gamblers

13. (1) A person licensed to make any gambling activity available to the public must not extend credit contrary to this Act or any other law, in the name of the licensee or a third party, to any person for the purposes of gambling.
- (2) Despite subsection (1), an interactive provider may not extend credit to any person for the purposes of engaging in interactive games.”.

Amendment of section 14 of Act 7 of 2004

14. Section 14 of the principal Act is hereby amended by the substitution for subsection (12) of the following subsection:
- “(12) Every licensee authorised to make a gambling activity available to the public must—
- (a) make available at all of its licensed premises and on its website—
 - (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 recognised counselling, treatment or education services addressing the problems of compulsive and addictive gambling; and
 - (b) prominently post a notice advertising the availability of those materials, forms and information, in the prescribed manner and form, at every [entry] entrance to those premises and on its website.”.

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- (i) ntsariso wa mugembuli;
- (ii) ntsariso ni ku lawuriwa ka akhawunti ya mugembuli; ni
- (iii) ku langutana ni ntlango lowu katsaka van'wana lowu sunguriweke kambe wu tshikiwa hikwalaho ka xihoxo xa munhu kumbe ku timeka kfambiselo ra vutirhisi kumbe fambiselo ra mbulavurisano; ni 5
- (b) ku pfa a haxa nxaxamelo wa matiko mambe lama muhleri wa mubejo lowu katsaka van'wana a nga ha amukeleka tiakhawunti hi xikongomelo xo hoxa mali timali hi mukhuva lowu ku buriwaka ha wona eka xiyenge-ntsongo (1)(a)(ii). 10
- (4) Matiko lawa ku buriwaka ha wona eka xiyenge-ntsongo (3)(b) ma fanele ma fikelela swilaveko leswi andlariweke hi Ntlawa wa Tsima ra Goza ra Timali kumbe nhlango wihhi ni wihhi wa misava hinkwayo lowu Riphabliki ri nga xirho xa wona, lowu na wona wu nga ni xikongomelo xo lwisana ni ku lombisa mali hi futa ni ku hakeleriwa ka vutherorisi ni sin'wana leswi fambisanaka na swona." 15

Ndzulamiso wa xiyenge 12 wa Nawu 7 wa 2004

12. Xiyenge 12 xa Nawu lowukulu laha xi lulamisiwa—
- (a) hi ku susiwa eka xiyenge-ntsongo (3)(c) ka rito "kumbe" na ku engeteriwa endzhaku ka xiyenge-ntsongo 3(d) ka rito "kumbe"; 20
- (b) hi ku engeteriwa eka xiyenge-ntsongo (3) eka ndzimana leyi tlhandlamaka: "(e) ku tsarisa tanihi mugembuli eka xiendlo xa ku gembula loku katsaka van'wana"; ni
- (c) hi ku siviwa eka xiyenge-ntsongo (4) ka xiyenge-ntsongo lexi tlhandlamaka: "(4) Munhu loyi ku vulavuriwaka ha yena eka xiyenge-ntsongo (3) u fanele a teka magoza lamanene ku tiyisekisa hi ku kongoma loko munhu wo karhi a ri xihlangi kumbe a nga ri xona, a nga si pfumelela munhu yoloye ku endla yini na yini lexi ku buriwaka ha swona eka xiyenge-ntsongo (3)(a) ku ya ka [(d)] (e)." 25

Ku siviwa ka xiyenge 13 xa Nawu 7 wa 2004

13. Xiyenge lexi tlhandlamaka laha xi siviwa hi xiyenge 13 xa Nawu lowukulu:

"Swipimelo emhakeni yo lombisa vagembuli

13. (1) Munhu la nga ni layisense yo hlelela vanhu ku gembula kwihi ni kwihi a nga fanelanga a lombisa mali hi ndlela leyi hambaneke ni Nawu lowu kumbe wihhi ni wihhi, hi vito ra la nga ni layisense kumbe munhu un'wana, eka munhu wihhi ni wihhi hi xikongomelo xa ku gembula. 35
- (2) Handle ka xiyenge-ntsongo (1), muhleri wa mubejo lowu katsaka van'wana a nga fanelanga a lombisa munhu hi swikongomelo swo nghenela mintlango yo nyiketana."

Ndzulamiso wa xiyenge 14 wa Nawu 7 wa 2004

14. Xiyenge 14 xa Nawu lowukulu laha xi lulamisiwa hi ku siviwa hi xiyenge-ntsongo (12) xa xiyenge-ntsongo lexi tlhandlamaka:
- "(12) Mani na mani la nga ni layisense ya ximfumo yo hlelela vanhu ku gembula u fanele—
- (a) a tiyiseka leswaku eka miako hinkwayo leyi nga ni layisense ni websayiti yakwe— 45
- (i) ku ni fomo leyi simekiweke leyi nga tirhisiwaka hi munhu lavaka ka tsarisa tanihi munhu la nga katsekiki hi ku landza xiyenge-ntsongo (1); naswona
- (ii) buku ya rungula ra vukorhokeri bya le kusuhi byo tsundzuxa, ku ololoxa ni ku dyondzisa lebyi tlhantlhaka swiphiqu swa ku gembula hi masiku ni loku ngheneke engatini; naswona 50
- (b) a veka xitiviso erivaleni lexi tivisaka ku kumeka ka swibukwana sweswo, tifomo na rungula, hi ndlela leyi simekiweke na mukhuva wa kona, eka

Amendment of section 15 of Act 7 of 2004

15. Section 15 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“Any advertisement of a gambling machine or device, a gambling activity, [or] licensed premises or web site at which gambling activities are available—”; and 5

- (b) by the substitution for subsection (4) of the following subsection:

“(4) The Minister may, by regulation in accordance with section 87—

(a) prescribe the manner and form for interactive gambling advertising; 10
and

(b) exempt any specific type of advertising or advertising media from the application of this section if the Minister is satisfied that the advertising is not targeted at the general public.”.

Amendment of Part C of Chapter 2 of Act 7 of 2004

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16. Part C of the principal Act is hereby amended by the substitution for the heading to Part C of the following heading:

“*Gambling premises and websites*”.

Amendment of section 17 of Act 7 of 2004

17. Section 17 of the principal Act is hereby amended—

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- (a) by the substitution for the heading to section 17 of the following heading:

“**Standards for gambling premises and websites**”;

- (b) by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(2) Every licensee operating licensed premises or websites at or on which a gambling activity is conducted or gambling games are accessed must post a notice, in the prescribed manner and form, warning of the dangers of compulsive and addictive gambling. 25

(3) A person licensed to engage in, conduct, or make available licensed activities in, on or from particular licensed premises or websites must comply with prescribed standards for the design, use and maintenance of such licensed premises or websites in or on which gambling activities [may] take place.”; and 30

- (c) by the addition of the following subsection after subsection (3):

“(4) The Minister may prescribe the standards for the security, access and maintenance of an interactive provider’s website and the requirements for the disclosure of information that must be met.”. 35

Insertion of section 18A in Act 7 of 2004

18. The following section is hereby inserted in the principal Act after section 18:

“Websites

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18A. (1) The board must keep a register of all websites on which an interactive game is licensed to be played.

(2) The interactive provider must—

vungheno hinkwabyo [hinkwabyo] eka miako yoleyo na le ka websayiti ya kona.”.

Ndzulamiso wa xiyenge 15 xa Nawu 7 wa 2004

15. Xiyenge 15 xa Nawu lowukulu laha xi lulamisiwa—
- (a) hi ku siviwa eka xiyenge-ntsongo(2) ka marito ya ndzimana leyi hundzeke (a) 5
ka marito lama ntlandlamaka:
“Ku navetisa kwihi ni kwihi ka muchini wo gembula kumbe xitirhisiwa, ku gembula, [kumbe] miako leyi nga ni layisense kumbe websayiti laha yo gembula eka yona—”; ni
- (b) hi ku siviwa eka xiyenge-ntsongo (4) ka xiyenge-ntsongo lexi tlandlamaka: 10
“(4) Holobye, hi ku landza nkongomiso wo pfumelelana ni xiyenge 87 a nga ha—
(a) simeka mukhuva na endlclo ra kona eka ku navetisa ku gembula loku katsaka van’wana; ni
(b) ku yirisa muxaka wo karhi wa ku navetisa kumbe swinavetiso eku 15
tirhisiweni eka xiyenge lexi, loko Holobye a tiyiseka leswaku ku navetisa ka kona a ku kongomisiwanga eka vanhu hi ku angarhela.”.

Ndzulamiso wa Xiphemu C xa Ndzima 2 ya Nawu 7 wa 2004

16. Xiphemu C xa Nawu lowukulu laha xi lulamisiwa hi ku siviwa ka xihloko xa 20
Xiphemu C xa xihloko lexi tlandlamaka:
“Miako ya ku gembula ni tiwebsayiti”.

Ndzulamiso wa xiyenge 17 wa Nawu 7 wa 2004

17. Xiyenge 17 xa Nawu lowukulu laha xi lulamisiwa—
- (a) hi ku siviwa ka xihloko xa xiyenge 17 xa xihloko lexi tlandlamaka: 25
“Mimpimanyeto ya miako ya ku gembula ni tiwebsayiti”;
- (b) hi ku siviwa ka swiyenge-ntsongo (2) na (3) swa swiyenge-ntsongo leswi landzelaka, hi ku siyana ka swona:
“(2) Mani na mani la nga ni layisense la lawulaka miako leyi nga ni layisense kumbe tiwebsayiti laha ku gemburiwaka kona kumbe laha mintlango yo gembula yi kumckaka kona u fanelc a veka xitiviso, hi ndlela leyi simekiweke na hi mukhuva wa kona, tsundzuxa hi makhombo ya ku gembula hi masiku ni loku ngheneke engatini. 30
(3) Munhu la nga ni layisense yo hoxa xanddla, fambisa kumbe ku hlela swiendlo leswi nga enawini, eka miako yo karhi leyi nga ni 35
layisense kumbe tiwebsayiti u fanelc a landzela mimpimanyeto leyi vekiweke ya matshamelo, vutirhisi ni vuhlayisi bya miako yoleyo leyi nga ni layisense kumbe tiwebsayiti to gembula [kumbexana] eka tona.”; ni
- (c) hi ku engeteriwa ka xiyenge-ntsongo lexi tlandlamaka endzhaku ka 40
xiyenge-ntsongo (3):
“(4) Holobye a nga ha simeka mimpimanyeto ya nsirhelelo, vungheneki ni vuhlayisi bya websayiti ya muhleri wa mubejo lowu katsaka van’wana na swilaveko swa ku paluxa rungula leri ku faneleke ku fambisaniwa na rona.” 45

Ku ngenisiwa ka xiyenge 18A eka Nawu 7 wa 2004

18. Xiyenge lexi tlandlamaka laha xi ngenisiwa eka Nawu lowukulu endzhaku ka xiyenge 18:

“Tiwebsayiti

- 18A. (1) Huvo yi fanelc yi va ni ntsariso wa tiwebsayiti hinkwato laha ku 50
tlangiwaka kona ntlango lowu katsaka van’wana.
(2) Muhleri wa mubejo lowu katsaka van’wana u fanelc—

- (a) prominently display the licence issued to the interactive provider on the home page of the website; and
- (b) maintain adequate control and supervision of the website at all times.”.

Amendment of section 30 of Act 7 of 2004

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19. Section 30 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for subparagraph (ii) of paragraph (a) of the following subparagraph:
 - “(ii) subject to Part B of this Chapter, national licences for any activity or purpose for which a national licence is required or optional in terms of this Act, other than a licence contemplated in section 38(2A)(a);”
- (b) by the substitution in subsection (1) for item (aa) of subparagraph (iii) of paragraph (b) of the following item:
 - “(aa) national licences issued by it, subject to sections 33 and 34; or”
- (c) by the substitution in subsection (2) for paragraph (b) of the following paragraph:
 - “(b) ensure compliance with, conduct investigations and issue offence notices under the Financial Intelligence Centre Act, to the extent required by that law, in so far as it applies to the gambling industry, other than interactive gambling;”

Amendment of section 31 of Act 7 of 2004

20. Section 31 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for subparagraph (ii) of paragraph (b) of the following subparagraph:
 - “(ii) that are operated in terms of a national licence issued by that licensing authority; or“
- (b) by the substitution in subsection (1) for item (cc) of subparagraph (iii) of paragraph (b) of the following item:
 - “(cc) a national licence issued by that licensing authority;”
- (c) by the substitution in subsection (1) for subparagraph (ii) of paragraph (c) of the following subparagraph:
 - “(ii) a national licence issued by that licensing authority, to the extent that the national licensee is operating within that province;”
- (d) by the substitution in subsection (1) for paragraph (e) of the following paragraph:
 - “(e) to supervise and enforce compliance by licensees with the obligations of the accountable institutions in terms of the Financial Intelligence Centre Act, to the extent required by that law, in so far as it applies to the gambling industry, other than interactive gambling;”
- (e) by the substitution in subsection (1) for subparagraph (ii) of paragraph (g) of the following subparagraph:
 - “(ii) national licence issued by that licensing authority—.”.

Substitution of section 32 of Act 7 of 2004

21. The following section is hereby substituted for section 32 of the principal Act: 45

“Jurisdiction of board

32. (1) The board has exclusive jurisdiction to—

- (a) investigate and consider applications for, and issue, subject to Part B of this Chapter, national licences for interactive gambling;

- (a) kombisa erivaleni layisense leyi nyikiweke muhleri wa mubejo lowu katsaka van'wana eka tluka ro rhanga ra websayiti; naswona
 (b) a lawula kahle ni ku veka tihlo eka websayiti minkarhi hinkwayo.”

Ndzulamiso wa xiyenge 30 xa Nawu 7 wa 2004

19. Xiyenge 30 xa Nawu lowukulu laha xi lulamisiwa— 5
- (a) hi ku siviwa eka xiyenge-ntsongo(1) ka ndzimana-ntsongo (ii) ya ndzimana (a) ya ndzimana-ntsongo leyi tlhandlamaka: 5
- “(ii) hi ku ya hi Xiphemu B xa Ndzima leyi, tilayisense ta tiko ta xiendlo xihi ni xihi kumbe xikongomelo xo tirhisa layisense ya tiko kumbe leyi hlawuriwaka hi ku landza Nawu lowu, handle ka layisense leyi ku buriwaka ha yona eka xiyenge 38(2A)(a);” 10
- (b) hi ku siviwa eka xiyenge-ntsongo (1) eka yinhla (aa) ya ndzimana-ntsongo (iii) ya ndzimana (b) ya yinhla leyi tlhandlamaka: 15
- “(aa) tilayisense ta tiko leti humesiweke hi rona, hi ku ya hi swiyenge 33 na 34; kumbe”
- (c) hi ku siviwa eka xiyenge-ntsongo(2) xa ndzimana (b) ya ndzimana leyi tlhandlamaka: 15
- “(b) tiyisekisa leswaku ku fambisaniwa ni Nawu wa Xivandla xa Vuxiyaxiya bya Timali, ku endla ndzavisiso ni ku humesa switiviso swa milandzu hi ku kongomisiwa hi nawu lowu, eka tlhelo ra bindzu ra ku gembula, handle ka ku gembula loku katsaka van'wana;” 20

Ndzulamiso wa xiyenge 31 xa Nawu 7 wa 2004

20. Xiyenge 31 xa Nawu lowukulu laha xi lulamisiwa— 25
- (a) hi ku siviwa eka xiyenge-ntsongo(1) ka ndzimana-ntsongo (ii) ya ndzimana (b) ya ndzimana-ntsongo leyi tlhandlamaka: 25
- “(ii) leswi fambisiwaka hi ku landza layisense ya tiko leyi nyikiweke hi ndzawulo ya tilayisense; kumbe”
- (b) hi ku siviwa eka xiyenge-ntsongo(1) ka yinhla (cc) ya ndzimana-ntsongo (iii) ya ndzimana (b) ya yinhla leyi tlhandlamaka: 30
- “(cc) layisense ya tiko leyi nyikiweke hi ndzawulo yoleyo ya tilayisense;”
- (c) hi ku siviwa eka xiyenge-ntsongo(1) ka ndzimana-ntsongo (ii) ya ndzimana (c) ya ndzimana-ntsongo leyi tlhandlamaka: 35
- “(ii) layisense ya tiko leyi nyikiweke hi ndzawulo yoleyo ya tilayisense, ntsena loku muaki yoloye la nga ni layisense a yi tirhisa exifundzheni xexo;”
- (d) hi ku siviwa eka xiyenge-ntsongo(1) ka ndzimana (e) eka ndzimana leyi tlhandlamaka: 40
- “(e) ku veka tihlo ni ku sindzisa ku landzeriwa ka nawu hi swiletelo swa mavandla lama nga ni vutihlamuleri hi ku landza Nawu wa Xivandla xa Vuxiyaxiya bya Timali, hi ku landza nawu wolowo, eka tlhelo ra bindzu ra ku gembula, handle ka ku gembula loku katsaka van'wana;”
- (e) hi ku siviwa eka xiyenge-ntsongo(1) ka ndzimana-ntsongo (ii) ya ndzimana (g) ya ndzimana-ntsongo leyi tlhandlamaka: 45
- “(ii) layisense ya tiko leyi nyikiweke hi ndzawulo yoleyo ya tilayisense—.”

Ku siviwa ka xiyenge 32 xa Nawu 7 wa 2004

21. Xiyenge lexi tlhandlamaka laha xi siviwa eka xiyenge 32 xa Nawu lowukulu: 50

“Matimba ya huvo

32. (1) Huvo yi matimba yo karhi yo—

- (a) lavisisa ni ku langutisisa swikombelo swa tilayisense ta tiko ta ku gembula loku katsaka van'wana, ni ku ti humesa hi ku ya hi Xiphemu B xa Ndzima leyi; 55

- (b) conduct inspections to ensure compliance with—
- (i) this Act; and
 - (ii) the conditions of national licences for interactive gambling; and
- (c) ensure compliance with, conduct investigations and issue offence notices under, the Financial Intelligence Centre Act, to the extent required by that Act, in so far as it applies to the gambling industry. 5
- (2) In accordance with this Act and subject to the direction of the Council provided for in Chapter 4, the board may exercise the powers and perform the duties assigned to it in terms of this Act.” 10

Substitution of section 33 of Act 7 of 2004

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

“Responsibilities of board

33. The board is responsible to—
- (a) take reasonable steps to ensure— 15
- (i) that unlawful activities relating to interactive gambling and unlicensed interactive gambling activities are prevented, detected and prosecuted;
 - (ii) that undertakings made by licensees, holding a licence to make interactive games available, are carried out to the extent required by the licence; 20
 - (iii) that employees within the interactive gambling industry are licensed to the extent required by this Act;
 - (iv) that each item of interactive gambling equipment or interactive gambling software, being used or made available for use by a licensee, is registered and certified in terms of this Act; 25
 - (v) that a person providing goods or services to an interactive provider which are integral to the provision of interactive games, holds a certificate of suitability issued by a relevant provincial licensing authority. 30
 - (vi) the complete and timely collection and remittance of taxes, levies and fees relating to interactive gambling activities;
- (b) approve internal control systems for licensees, which must include— 35
- (i) accounting systems; and
 - (ii) administrative procedures for the conduct of interactive games;
- (c) inspect websites at which interactive gambling is conducted and premises where interactive gambling equipment and software are located;
- (d) inspect interactive gambling equipment and interactive gambling software used for any activity that is permitted in terms of a national licence; 40
- (e) enforce this Act in respect of—
- (i) premises, activities or prescribed devices licensed by the board; and 45
 - (ii) offences;
- (f) supervise and enforce compliance by licensees with the obligations of accountable institutions in terms of the Financial Intelligence Centre Act, to the extent required by that Act, in so far as it applies to the gambling industry; 50
- (g) review licences and the activities of licensees in the prescribed manner; and
- (h) suspend or revoke any national licence issued by the board in accordance with section 43(3);

- (b) ku endla vukamberi ku tiyisekisa leswaku ku fambisaniwa ni—
- (i) Nawu lowu; ni
 - (ii) swilaveko swa tilayisense ta tiko ta ku gembula loku katsaka van'wana; ni
- (c) ku tiyisekisa leswaku ku fambisaniwa ni nawu ni ku endla ndzavisiso ni ku humesa switiviso swa milandzu hi ku landza Nawu wa Xivandla xa Vuxiyaxiya bya Timali, hilaha Nawu wolowo wu koxaka hakona, eka tlhelo ra bindzu ra ku gembula. 5
- (2) Hi ku pfumelelana ni Nawu lowu na hi ku ya hi nkongomiso wa Huvo lowu hlamuseriwaka eka Ndzima 4, Huvo yi nga ha tirhisa matimba ya yona ni endla ntirho wa yona hi ku landza Nawu lowu.” 10

Ku siviwa ka xiyenge 33 xa Nawu 7 wa 2004

22. Xiyenge lexi tlhandlamaka laha xi siviwa hi xiyenge 33 xa Nawu lowukulu:

“Vutihlamuleri bya huvo

33. Huvo yi ni vutihlamuleri byo— 15
- (a) teka magoza lama faneleke ku tiyisekisa—
- (i) ku sivela, ku xiya ka ha ri emahlweni ni pfalela lava nga ni swiendlo swa ku gembula loku katsaka van'wana loku nga riki enawini;
 - (ii) leswaku swiendlo swa lava nga ni tilayisense, lava nga ni layisense yo hlela mintlango yo nyiketana, swi endliwa hi ku landza nawu; 20
 - (iii) vatirhi va bindzu ra ku gembula loku katsaka van'wana va ni layisense hi ku ya hi Nawu lowu;
 - (iv) leswaku xitirhisiwa xin'wana ni xin'wana xa ku gembula loku katsaka van'wana kumbe xitirho xa ku gembula loku katsaka van'wana, lexi tirhisiwaka kumbe lexi hleriweke ku tirhisiwa hi la nga ni layisense, xi tsarisiwile ni ku tiyisekisiwa hi ku landza Nawu lowu; 25
 - (v) munhu yoloye la avaka nhundzu kumbe vukorhokeri eka muhleri wa switirho leswi fambisana ni mintlango yo hlela mubejo, u ni xitifiketi xa ku faneleka lexi humesiweke hi ndzawulo ya tilayisense ya xifundzha lexi kongomeke. 30
 - (vi) ku hlengeletwa loku heleleke na hi nkarhi ni ku aviwa ka swibalo, ndzuvo na tihakelo leti yelanaka ni ku ku gembula loku katsaka van'wana; 35
- (b) pfumelela mafambiselo yo lawula ya xivandla xexo eka lava nga ni tilayisense, lama katsaka—
- (i) mafambiselo ya tinkonta; ni
 - (ii) mafambiselo ya vukongomisi ya mintlango yo nyiketana; 40
- (c) kambela tiwebsayiti laha ku endliwaka kona ku gembula loku katsaka van'wana ni miako laha ku nga ni switirhisiwa swa ku gembula loku katsaka van'wana;
- (d) kambela switirhisiwa swa ku gembula loku katsaka van'wana na xitirho ku gembula loku katsaka van'wana lexi tirhiseriwaka yini na yini lexi pfumeleriwaka hi ku landza layisense ya tiko; 45
- (e) sindzisa nawu lowu hi ku landza—
- (i) miako, swiendlakalo kumbe switirhisiwa leswi vekiweke leswi nga ni layisense ya huvo; na
 - (ii) milandzu; 50
- (f) veka tihlo ni ku sindzisa ku fambisana ni Nawu wa Xivandla xa Vuxiyaxiya bya Timali ka lava nga ni tilayisense ni swilaveko swa mavandla lama nga ni vutihlamuleri, hi ku ya hi Nawu wolowo, eka tlhelo ra bindzu ra ku gembula;
- (g) pfuxeta tilayisense ni leswi endliwaka hi lava nga ni tilayisense in mukhuya lowu pimiweke; na 55
- (h) yirisa kumbe ku tima layisense yihi ni yihi ya tiko leyi humesiweke hi huvo hi ku ya hi xiyenge 43(3);

- [(a)](i) evaluate—
- (i) the issuing of national licences by provincial licensing authorities; and
 - (ii) the compliance monitoring of licensees by provincial licensing authorities;
- [(b)](j) conduct oversight evaluations of the performance of provincial licensing authorities in the manner envisaged in section 34, so as to ensure that the national norms and standards established by this Act are applied uniformly and consistently throughout the Republic; and
- [(c)](k) assist provincial licensing authorities to ensure that unlicensed gambling activities are detected in the manner envisaged in section 66(2) and (3), as provided for in Part B of this Chapter.”.

Amendment of section 35 of Act 7 of 2004

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

- “(1) [A] The board and a provincial licensing authority must keep a register of each person to whom it grants a national licence, or a provincial licence, including—
- (a) the activities permitted under each such licence;
 - (b) the address of any premises or website in, on or from which licensed activities may be engaged in, conducted or made available under licences issued by it; and
 - (c) the name and identifying information of each person who is known to hold 5% or more of the total financial interest in a licensee.”.

Amendment of section 37 of Act 7 of 2004

24. Section 37 of the principal Act is hereby amended—

- (a) by the insertion after subsection (1) of the following subsection:

“(1A) An interactive gambling licence must be issued as a national licence.”;
- (b) by the addition of the following subsections:

“(3) The Minister may prescribe criteria or a framework of subject matter to be taken into account by the Board in attaching conditions to a licence to make interactive games available to be played, which may include—

 - (a) technical specifications and standards for interactive gambling equipment and software used by the interactive provider in connection with the licensed activities;
 - (b) standards in respect of—
 - (i) a system used for the generation of results in a virtual game, virtual race or other virtual event or process used in the course of interactive gambling;
 - (ii) internal systems and controls of an interactive provider, in particular regarding the identification of customers and reporting of suspicious transactions;
 - (iii) any other aspect of the process of interactive gambling; and
 - (c) the provision of assistance to persons who are or may be affected by problems related to gambling.

(4) It is a condition of every licence to make interactive games available to be played that the interactive gambling equipment used by the interactive provider must be situated within the Republic.”.

[(a)](i) kambisisa—

(i) ku humesiwa ka tilayisense ta tiko hi vatrihela-mpfumo wa tilayisense va xifundzha; ni

(ii) ku veka tihlo emhakeni yo landzela nawu ka tilayisense hi vatrihela-mpfumo wa tilayisense va xifundzha;

[(b)](j) ku kambela matirhelo ya valawuri va tilayisense va xifundzha hi mukhuva lowu ku buriwaka ha wona eka xiyenge 34, ku tiyisekisa leswaku maendlelo ya tiko na mimpimanyeto leyi simekiweke hi Nawu lowu yi tirhisiwa hi ku fanana, handle ko cinca-cinca eka Riphibliki hinkwaro; ni

[(c)](k) pfuna valawuri va tilayisense va xifundzha ku tiyisekisa leswaku lava nga riki na layisense ya ku gembula va lemukiwa hi mukhuva lowu ku buriwaka ha wona eka xiyenge 66(2) na (3), hilaha swi andlariwaka hakona eka Xiphemu B xa Ndzima leyi.”.

Ndzulamiso wa xiyenge 35 xa Nawu 7 wa 2004

23. Xiyenge 35 xa Nawu lowukulu laha xi lulamisiwa hi ku siviwa eka xiyenge-ntsongo (1) ka xiyenge-ntsongo lexi tlhandlamaka:

“(1) [A] Huvo ni ndzawulo ya tilayisense ya xifundzha yi fanele yi hlayisa ntsariso wa munhu wihi ni wihi loyi yi n’wi nyikaka layisense ya tiko, kumbe layisense ya xifundzha, ku katsa—

(a) swiendlo leswi pfumeleriwaka ehansi ka layisense yin’wana ni yin’wana yo tano;

(b) lulamisa ya miako kumbe websayiti leyi eka yona kumbe hi ku tirhisa yona ku nga endliwaka swiendlo leswi nga ni mpfumelelo wa layisense, swi fambisiwa kumbe ku hleriwa ehansi ka tilayisense humesiweke hi yona; ni

(c) vito na rungula ra vutivisi ra munhu wihi ni wihi loyi a tiviwaka a ri ni tiphesente ta 5% kumbe ku tlula ta ntsengo wa ntswalo wa mali eka layisense.”.

Ndzulamiso wa xiyenge 37 xa Nawu 7 wa 2004

24. Xiyenge 37 xa Nawu lowukulu laha xi lulamisiwa—

(a) hi ku ngenisiwa endzhaku ka xiyenge-ntsongo (1) ka xiyenge-ntsongo lexi tlhandlamaka:

“(1A) Layisense ya ku gembula loku katsaka van’wana yi fanele yi humesiwa tanihi layisense ya tiko.”;

(b) hi ku engeteriwa ka swiyenge-ntsongo leswi tlhandlamaka:

“(3) Holobye a nga ha simeka endlelo kumbe nkongomiso wa mhaka leyi fanele yi langutiwa hi huvo hi ku veka swipimelo eka layisense yo hlela mintlango yo nyiketana, leswi nga katsaka—

(a) uinhla ta xithekiniki na mimpimanyeto ya xitirhisiwa xa ku gembula loku katsaka van’wana na xitirho lexi tirhisiwaka hi muhleri wa mubejo lowu katsaka van’wana malunghana ni swiendlo leswi nga ni mpfumelelo wa layisense;

(b) mimpimanyeto mayelana ni—

(i) fambiselo leri tirhisiwaka ku humesa vuyelo eka ntlango wo karhi, mujaho wo karhi kumbe xiendlakalo xo karhi kumbe fambiselo leri tirhisiwaka eka ku gembula loku katsaka van’wana;

(ii) mafambiselo ya xivandla xo karhi ni vukongomisi bya muhleri wa mubejo lowu katsaka van’wana, ngopfu-ngopfu malunghana ni ku tivisiwa ka vatlangi na ku vika matlangelo lama sorisaka;

(iii) yinhla yihi ni yihi ya fambiselo ya ku gembula loku katsaka van’wana; na

(c) ku hlela ku pfuniwa ka vanhu lava karhatiwaka kumbe va nga tshukaka va karhatiwa hi swiphiso swa ku gembula.

(4) Nkongomiso wa layisense yin’wana ni yin’wana wu lava leswaku ku hleriwa mintlango yo nyiketana leswaku xitirhisiwa xa ku gembula loku katsaka van’wana lexi hleriwaka hi muhleri wa mubejo lowu katsaka van’wana xi fanele xi kumekaka eka Riphabliki.”.

Insertion of section 37A in Act 7 of 2004

25. The following section is hereby inserted in the principal Act after section 37:

“Maximum number of interactive gambling licences

37A. (1) The Minister may, by regulations made in accordance with section 87 and after considering the criteria set out in this section, prescribe the maximum number of interactive gambling licences that may be granted in the Republic. 5

(2) Before making the regulations contemplated in subsection (1), the Minister must consult the Competition Commission established in terms of section 19 of the Competition Act, 1998 (Act No. 89 of 1998), and must consider, amongst other things— 10

(a) the number and geographic location of—

(i) existing licensed casinos and interactive providers operating within the Republic and the period of validity of the licences under which they operate; 15

(ii) additional interactive gambling licences available in terms of the maximum numbers in force; and

(b) whether it is desirable to prescribe a maximum number of interactive gambling licences, after considering— 20

(i) the incidence and social consequences of compulsive and addictive gambling;

(ii) black economic empowerment;

(iii) new entrants in the gambling industry;

(iv) job creation within the gambling industry;

(v) diversity of ownership within the gambling industry; 25

(vi) efficiency of operation of the gambling industry; and

(vii) competition within the gambling industry.

(3) If the Minister prescribes a maximum number of interactive gambling licences in the Republic that is less than the number of existing interactive providers, the existing interactive providers may continue to operate, subject to the conditions of their respective licences, but no additional licences may be granted in the Republic until the number of existing interactive providers is less than the prescribed maximum number of interactive gambling licences.”. 30

Amendment of section 38 of Act 7 of 2004 35

26. Section 38 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) A person who wishes to apply for—

(a) an interactive gambling operator licence, or a licence as a manufacturer, supplier or maintenance provider of interactive gambling software and equipment must apply to the board; and 40

(b) an interactive gambling employment licence, must apply to the relevant provincial licensing authority,

in the prescribed manner and form and pay the prescribed fees.”.

Ku ngenisiwa ka xiyenge 37A eka Nawu 7 wa 2004

25. Xiyenge lexi thandlamaka laha xi ngenisiwa eka Nawu lowukulu endzhaku ka xiyenge 37:

“Nhlayo-nkulu ya tilayisense ta ku gembula loku katsaka van’wana

37A. (1) Holobye a nga ha veka nhlayo-nkulu tilayisense ta ku gembula loku katsaka van’wana leti humesiwaka eRiphabliki, hi ku landza swikongomiso leswi vekiwewe hi ku pfumelelana ni xiyenge 87 naswona u fanele a rhangha hi kambisisa endlelo leti andlariweke eka xiyenge lexi. 5

(2) Ku nga si endliwa minkongomiso leyi ku buriwaka ha yona eka xiyenge-ntsongo (1), Holobye u fanele a tihlanganisa ni Khomixini ya Mphikizano leyi simekiweke hi ku landza xiyenge 19 xa Nawu wa Mphikizano, wa 1998 (Nawu No. 89 wa 1998), naswona swin’wana leswi a nga ta swi languta hi leswi— 10

(a) nhlayo ni matshamelo ya ndhawu ya—

(i) tikhasio leti nga ni layisense leti nga kona ni vahleri va mubejo lowu katsaka van’wana lava tirhaka eka Riphabliki ni mpimo wa nkarhi wa vutirhiseki bya tilayisense leti va ti tirhisaka; 15

(ii) tilayisense tin’wana ta ku gembula loku katsaka van’wana leti kumekaka hi ku landza tinhlayo-nkulu leti sindzisiwaka; ni 20

(b) loko swi fanerilee ku simeka nhlayo-nkulu ya tilayisense ta ku gembula loku katsaka van’wana, endzhaku ko kamba—

(i) swiendlakalo mi vuyelo eka rixaka bya ku tshamela ku gembula ni loku ngheneke engatini; 25

(ii) ku hlomisiwa ka vantima hi thelo ra ikhonomi;

(iii) lava va nghenelaka bindzu ra ku gembula;

(iv) ku vumba mintirho eka bindzu ra ku gembula;

(v) ku siya siyana ka vun’wini eka bindzu ra ku gembula;

(vi) nkholuko wa mafambiselo ya bindzu ra ku gembula; na 30

(vii) ku phikizana eka bindzu ra ku gembula.

(3) loko Holobye a veka nhlayo-nkulu ya tilayisense ta ku gembula loku katsaka van’wana eka Riphabliki leyi nga ehansi ka nhlayo ya vahleri va mintlango lava nga kona, vahleri va mubejo lowu katsaka van’wana va nga ha ya emahlweni va tirha, hi ku ya hi swipimelo swa tilayisense ta vona, kambe ku hava tilayisense tin’wana leti nga humesiwaka eRiphabliki ku kndza nhlayo ya vahleri va mubejo lowu katsaka van’wana yi va ehansi ka nhlayo-nkulu leyi pimiweke nhlayo-nkulu ya tilayisense ta ku gembula loku katsaka van’wana.”. 35

Ndzulamiso wa xiyenge 38 xa Nawu 7 wa 2004

26. Xiyenge 38 xa Nawu lowukulu laha xi lulamisiwa hi ku ngenisiwa endzhaku ka xiyenge-ntsongo (2) ka xiyenge-ntsongo lexi thandlamaka: 40

“(2A) Munhu la lavaka ku endla xikombelo xa—

(a) Layisense ya bindzu ra ku gembula loku katsaka van’wana, kumbe layisense ya ku va mumaki, muavi kumbe mulunghisi wa switirho ni switirhiswa swa ku gembula loku katsaka van’wana u fanele a endla xikombelo eka huvo; naswona 45

(b) Ku kuma layisense ya ntirho ya ku gembula loku katsaka van’wana, u fanele a endla xikombelo eka Ndzawulo ya tilayisense ya xifundzha leyi faneleke, hi ndlela leyi simekiweke na hi endlelo ra kona ivi a hakela tihakelo leti pimiwcke.”. 50

Amendment of section 39 of Act 7 of 2004

27. The following section is hereby substituted for section 39 of the principal Act:

“Authority to issue national licence

39. A provincial licensing authority may issue a national licence, except a licence contemplated in section 38(2A)(a), to an applicant who meets the requirements of this Act.” 5

Insertion of section 39A in Act 7 of 2004

28. The following section is hereby inserted in the principal Act after section 39:

“Authority to issue interactive gambling operator licence

39A. (1) The board may issue a licence contemplated in section 38(2A)(a) to a person who meets the requirements of this Act. 10

(2) A provincial licensing authority may, in accordance with section 28, issue an interactive gambling employment licence to an employee or a member of the management staff of an interactive provider.”.

Substitution of section 40 of Act 7 of 2004

15

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

“National licence procedures

40. (1) Upon receiving an application for a national licence, a provincial licensing authority or the board must—

- (a) notify **[each]** the other regulatory authority of the application; 20
- (b) conduct the investigations prescribed by this Act with respect to probity, technical competence, industry competitiveness or any other prescribed matters; and
- (c) conduct any prescribed hearings or other proceedings in respect of the application. 25

(2) After completing the prescribed investigations, hearings or other proceedings required in terms of subsection (1), a provincial licensing authority or the board may—

- (a) notify the applicant in writing that it refuses to grant the licence applied for; or 30
- (b) notify the applicant and **[each]** the other regulatory authority in the prescribed manner that it proposes to issue the licence as applied for, and specify any conditions of the proposed licence.

(3) A provincial licensing authority that has received a notice in terms of subsection (2)(b) may request the Chief Executive Officer, except in respect of a licence contemplated in section 38(2A)(a), to conduct an oversight evaluation contemplated in section 42.”. 35

Amendment of section 43 of Act 7 of 2004

30. Section 43 of the principal Act is hereby amended by the addition of the following subsection after subsection (2): 40

“(3) The board may suspend or revoke a licence contemplated in section 38(2A)(a) if any of the circumstances contemplated in subsection (1)(a) to (c) occur, within any part of the Republic.”.

Ndzulamiso wa xiyenge 39 xa Nawu 7 wa 2004

27. Xiyenge lexi tlhandlamaka laha xi siviwa eka xiyenge 39 xa Nawu lowukulu:

“Matimba yo humesa layisense ya tiko

39. Ndzawulo ya tilayisense ya xifundzha yi nga ha humesa layisense ya tiko, handle ka layisense leyi ku buriwaka ha yona eka xiyenge 38(2A)(a), yi nyikiwa muendli wa xikombelo loyi a fikelelaka swilaveko swa Nawu lowu.”. 5

Ku nghenisiwa ka xiyenge 39A eka Nawu 7 wa 2004

28. Xiyenge lexi tlhandlamaka laha xi nghenisiwa eka Nawu lowukulu endzhaku ka xiyenge 39: 10

“Matimba yo humesa layisense ya bindzu ra ku gembula loku katsaka van’wana

39A. (1) Huvo yi nga ha humesa layisense leyi ku buriwaka ha yona eka xiyenge 38(2A)(a) yi nyikiwa munhu la fikelelaka swilaveko swa Nawu lowu. 15

(2) Ndzawulo ya tilayisense ya xifundzha yi nga ha humesa layisense ya ntirho yi nyikiwa mutirhi kumbe xirho lexi nga manenjara wa muhleri wa mintlango, hi ku pfumelelana ni xiyenge 28.”.

Ku siviwa ka xiyenge 40 xa Nawu 7 wa 2004

29. Xiyenge lexi tlhandlamaka laha xi siviwa hi xiyenge 40 xa Nawu lowukulu: 20

“Maendlelo ya layisense ya tiko

40. (1) Loko yi amukela xikombelo xa layisense ya tiko, ndzawulo ya tilayisense ya xifundzha kumbe huvo yi fanele—

- (a) tivisa [un’wana ni un’wana] vulawuri byin’wana lebyi kongomisaka of xikombelo; 25
- (b) endla ndzavisiso lowu laviwaka hi Nawu lowu mayelana ni vutshembeki, vuswikoti bya xithekiniki, mphikizano wa bindzu hinkwaro ni timhaka tin’wana leti vekiweke; ni
- (c) ku endla swikambelo leswi vekiweke ni maendlelo yo karhi lama yelanaka ni xikombelo. 30

(2) Endzhaku ka gimeta ndzavisiso lowu vekiweke, swikambelo kumbe maendlelo lama faneleke hi ku landza xiyenge-ntsongo (1), valawuri va tilayisense va xifundzha kumbe huvo yi nga ha—

- (a) tivisa muendli wa xikombelo bi ku tsala leswaku ya ala ku n’wi nyika layisense leyi a yi kombeleke; kumbe 35
- (b) tivisa muendli wa xikombelo na [un’wana ni un’wana] vulawuri byin’wana lebyi kongomisaka hi ndlela leyi simekiweke leswaku yi endleke xiboho xo humesa layisense leyi komberaweke, ni ku boxa swipimelo swo karhi swa layisense leyi laviwaka. 40

(3) Ndzawulo ya tilayisense ya xifundzha leyi amukeleke xitiviso hi ku landza xiyenge-ntsongo (2)(b) yi nga ha kombela Mutirhi la nga Mukongomisi-nkulu, handle ka leswi khumbaka layisense leyi ku buriwaka ha yona eka xiyenge 38(2A)(a), ku endla nkambisiso lowu ku buriwaka ha wona eka xiyenge 42.”. 45

Ndzulamiso wa xiyenge 43 wa Nawu 7 wa 2004

30. Xiyenge 43 xa Nawu lowukulu laha xi lulamisiwa hi ku engeteriwa ka xiyenge-ntsongo lexi tlhandlamaka endzhaku ka xiyenge-ntsongo (2):

“(3) Huvo yi nga ha yirisa kumbe ku tima layisense leyi buriwaka ha yona eka xiyenge 38(2A)(a) loko swiyimo leswi ku buriwaka ha swona eka xiyenge-ntsongo (1)(a) swi (c) endleka, eka xiphemu xihhi ni xihhi xa Riphabliki.”. 50

Amendment of section 46 of Act 7 of 2004

31. Section 46 of the principal Act is hereby amended by the deletion in subsection (1) of the word “or” at the end of paragraph (e) and the insertion after paragraph (e) of the following paragraph:

“(eA) as an interactive provider; or;”.

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Amendment of section 48 of Act 7 of 2004

32. Section 48 of the principal Act is hereby amended—

(a) by the insertion after subsection (2) of the following subsection:

“(2A) The board issuing a national licence may issue it as—

(a) a permanent licence; or

(b) a temporary licence, subject to the fulfilment of certain conditions within a specified period, with the intention that upon fulfilment of those conditions, a permanent licence will be issued in substitution of the temporary licence.”;

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(b) by the substitution for subsection (4) of the following subsection:

“(4) A provincial licensing authority or the board issuing a national licence must issue a licence certificate in the prescribed form to the licensee.”; and

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(c) by the addition of the following subsection after subsection (5):

“(6) The board issuing a national licence—

(a) may issue it with or without conditions; and

(b) must set out in the licence certificate—

(i) the duration of the licence;

(ii) the specific activities permitted in terms of the licence or a reference to the applicable law that describes such activities; and

(iii) the name or description of the specific premises in, on or from which the licensed activity may take place.”.

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Amendment of section 49 of Act 7 of 2004

33. Section 49 of the principal Act is hereby amended—

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(a) by the deletion in subsection (1) of the word “or” at the end of paragraph (e);

(b) by the substitution for paragraph (f) of the following paragraph:

“(f) 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),**] **Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), the Financial Intelligence Centre Act, the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004),** or an offence in terms of this Act or applicable provincial law, 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 of amnesty or free pardon for the offence; or;”;

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(c) by the addition to subsection (1) of the following paragraph after paragraph (f):

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“(g) has been convicted during the previous ten years of any computer or computer software related crime.”.

Ndzulamiso wa xiyenge 46 xa Nawu 7 wa 2004

31. Xiyenge 46 xa Nawu lowukulu laha xi lulamisiwa hi ku susiwa eka xiyenge-ntsongo(1) ka rito “kumbe” eku heleni ka ndzimana (e) ni ku nghenisiwa endzhaku ka ndzimana (e) ka ndzimana leyi thandlamaka:

“(eA) tanihi muhleri wa mubejo lowu katsaka van’wana; kumbe;”.

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Ndzulamiso wa xiyenge 48 xa Nawu 7 wa 2004

32. Xiyenge 48 xa Nawu lowukulu laha xi lulamisiwa—

(a) hi ku nghenisiwa endzhaku ka xiyenge-ntsongo (2) ka xiyenge-ntsongo lexi thandlamaka:

“(2A) Huvo humesaka layisense ya tiko yi nga ha yi humesa tanihi— 10

(a) layisense ya nkarhi hinkwawo; kumbe

(b) layisense ya nkarhinyana, hi ku ya hi ku fikeleriwa ka swipimelo swo karhi hi nkarhi lowu vekiweke, hi xikongomelo xa leswaku loko swipimelo sweswo swi fikeleriwa, layisense ya nkarhi hinkwawo yi ta humesiwa jvi yi siva layisense ya nkarhinyana.”; 15

(b) hi ku siviwa eka xiyenge-ntsongo (4) ka xiyenge-ntsongo lexi thandlamaka:

“(4) Ndzawulo ya tilayisense ya xifundzha kumbe huvo leyi humesaka layisense ya tiko yi fanele yi humesa xitifiketi xa layisense hi ndlela leyi simekiweke yi nyikiwa la amukelaka layisense.”; ni

(c) hi ku engeteriwa ka xiyenge-ntsongo lexi thandlamaka endzhaku ka xiyenge-ntsongo (5): 20

“(6) Huvo leyi humesaka layisense ya tiko—

(a) yi nga ha yi humesa yi ri ni swipimelo kumbe yi ri hava; naswona

(b) yi fanele yi boxa eka xitifiketi xa layisense—

(i) mpimo wa nkarhi wa layisense;

(ii) swiendlo leswi pfumeleriwa hi ku landza layisense kumbe ku boxiwa ka nawu lowu hlamuselaka swiendlo sweswo; ni

(iii) vito kumbe nhlamuselo ya miako leyi eka yona ku endliwaka swiendlo leswi pfumeleriwa hi layisense.”. 25

Ndzulamiso wa xiyenge 49 xa Nawu 7 wa 2004

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33. Xiyenge 49 xa Nawu lowukulu laha xi lulamisiwa—

(a) hi ku susiwa eka xiyenge-ntsongo(1) xa rito “kumbe” eku heleni ka ndzimana (e);

(b) hi ku siviwa ka ndzimana (f) ya ndzimana leyi thandlamaka:

“(f) u khomiwile eka malembe ya khume lama hundzeke, eka 35

Riphabliki kumbe kun’wana, hikwalaho ka ku yiva, vugevenga,

vukanganyisi kumbe ku humesa tsalwa ro tiendlela, ku hlambanya

vunwa, nandzu lowu nga ehansi ka [Nawu wa Vukanganyisi, wa

1992 (Nawu No. 94 wa 1992),] Nawu wo Sivela ni ku Lwisana ni

Vugevenga lebyi Hleriweke, wa 1998 (Nawu No. 121 wa 1998), 40

Nawu wa Xivandla xa Vuxiyaxiya bya Timali, Nawu wo Sirhelela

Demokrasi eka Vutherorisi ni Swiendlo swo Tano, wa 2004 (Nawu

No. 33 wa 2004), kumbe nandzu hi ku ya hi Nawu lowu kumbe

nawu wa xifundzha lowu tirhaka, naswona u gweviwa ku nghena 45

ekhotsweni handle ko pfumeleriwa ku hakela mali ya nxupulo, mali

ya nxupulo leyi tlulaka ntsengo lowu pimiweke, handle ka loko

munhu a tshunxiwile eka milandzu kumbe a rivaleriwe hi ku helela

milandzu yakwe; kumbe”; ni

(c) hi ku engeteriwa eka xiyenge-ntsongo (1) xa ndzimana leyi thandlamaka endzhaku ka ndzimana (f): 50

“(g) a tshame a khomiwa eka malembe ya khume lama hundzeke

hikwalaho ka vugevenga bya khompyuta kumbe xitirho lexi

yelanaka ni khompyuta.”.

Amendment of section 50 of Act 7 of 2004

34. Section 50 of the principal Act is hereby amended—

(a) by the deletion in subsection (2) of the word “or” at the end of paragraph (h);

(b) by the substitution for paragraph (i) of the following paragraph:

“(i) 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),**] Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), the Financial Intelligence Centre Act, the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004), or an offence in terms of this Act or applicable provincial law, 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 of amnesty or free pardon for the offence; or”; and

(c) by the addition to subsection (2) of the following paragraph after paragraph (i):

“(j) has been convicted during the previous ten years of any computer or computer software related crime.”.

Insertion of expression “or the board” in Act 7 of 2004

35. The principal Act is hereby amended by the insertion of the expression “or the board” after the expression “provincial licensing authority”, wherever it appears in sections 50, 53, 54, 58, 59 and 60.

Amendment of section 56 of Act 7 of 2004

36. Section 56 of the principal Act is hereby amended—

(a) by the deletion in paragraph (a) of the word “and” at the end of subparagraph (ii) and the addition of the word “and” at the end of paragraph (b)(ii);

(b) by the addition of the following paragraph after paragraph (b):

“(c) may refuse to issue a licence if the board considers that the proposed website or site for the location of the interactive gambling equipment is unsuitable for the proposed licensed activities having regard to this Act, any other applicable legislation or any other relevant factor.”.

Amendment of section 57 of Act 7 of 2004

37. Section 57 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) When considering an application for a licence, an application for an employment licence or a request to transfer a licence, a provincial licensing authority or the board may request—”; and

(b) by the addition of the following subsection after subsection (3):

“(4) The board must record every probity report it prepares in terms of this Act and compile such reports as are contemplated in subsection (3).”.

Ndzulamiso wa xiyenge 50 xa Nawu 7 wa 2004

34. Xiyenge 50 xa Nawu lowukulu laha xi lulamisiwa—

- (a) hi ku susiwa eka xiyenge-ntsongo(2) ka rito “kumbe” eku heleni ka ndzimana (h);
- (b) hi ku siviwa ka ndzimana (i) ya ndzimana leyi thandlamaka: 5
 “(i) a tshame a khomiwa eka malembe ya khume lama hundzeke, eka Riphabliki kumbe kun’wana, hikwalaho ka ku yiva, vugevenga, vukanganyisi kumbe ku humesa tsalwa ro tiendlela, ku hlambanya vunwa, ni nandzu lowu nga ehansi ka [Nawu wa Vukanganyisi, 1992 (Nawu No. 94 of 1992),] Nawu wo Sivela ni Ku Lwisana ni Vukanganyisi, 2004 (Nawu No. 12 wa 2004), Nawu wo Sivela Vugevenga lebyi Hleriweke, 1998 (Nawu No. 121 of 1998), Nawu wa Xivandla xa Vuxiyaxiya bya Timali, Nawu wo Sirhelela Demokrasi eka Vutherorisi ni Swiendlo swo Tano, wa 2004 (Nawu No. 33 wa 2004), kumbe nandzu hi ku ya hi Nawu lowu kumbe nawu wa xifundzha lowu tirhaka, naswona u gweviwa ku nghcna ekhotsweni handle ko pfumeleriwa ku hakela mali ya nxupulo, mali ya nxupulo leyi tlulaka ntsengo lowu pimiweke, handle ka loko munhu a tshunxiwile eka milandzu kumbe a rivaleriwe hi ku helela milandzu yakwe; kumbe”; na 10 15 20
- (c) hi ku engeteriwa eka xiyenge-ntsongo (2) xa ndzimana leyi thandlamaka endzhaku ka ndzimana (i):
 “(j) a tshame a khomiwa eka malembe ya khume lama hundzeke hikwalaho ka vugevenga bya khompyuta kumbe xitirho lexi yelanaka ni khompyuta.”. 25

Ku ngenisiwa ka rito “kumbe huvo” eka Nawu 7 wa 2004

35. Nawu lowukulu laha wu lulamisiwa hi ku ngenisiwa ka rito “kumbe huvo” endzhaku ka rito “ndzawulo ya tilayisense ya xifundzha”, laha ri humelelaka kona eka swiyenge 50, 53, 54, 58, 59 na 60.

Ndzulamiso wa xiyenge 56 xa Nawu 7 wa 2004

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36. Xiyenge 56 xa Nawu lowukulu laha xi lulamisiwa—

- (a) hi ku susiwa eka ndzimana (a) ya rito “na” eku heleni ka ndzimana-ntsongo:
 (ii) na ku engeteriwa ka rito “na” eku heleni ka ndzimana (b)(ii);
- (b) hi ku engeteriwa ka ndzimana leyi thandlamaka endzhaku ka ndzimana (b):
 “(c) nga ha ala ku humesa layisense loko Huvo yi xiya leswaku websayiti leyi hlcriwaka kumbe xivandla xa ndhawu ya xiurhisiwa xa ku gembula loku katsaka van’wana a yi faneleki eka layisense leyi laviwaka hi ku landza Nawu lowu, nawu wihi ni wihi lowu faneleke kumbe kumbe yinhla yihi na yihi lexi khumbekaka.”. 35

Ndzulamiso wa xiyenge 57 xa Nawu 7 wa 2004

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37. Xiyenge 57 xa Nawu lowukulu laha xi lulamisiwa—

- (a) hi ku siviwa eka xiyenge-ntsongo(1) ka marito ndzimana leyi hundzeke (a) ya marito lama landzelaka:
 “(1) Loko ku kamberwa xikombelo xa layisense, xikombelo xa layisense ya ntirho kumbe loko ku komberwa ku hundzisela layisense, ndzawulo ya tilayisense ya xifundzha kumbe huvo yi nga ha kombela—”; ni 45
- (b) hi ku engeteriwa ka xiyenge-ntsongo lexi thandlamaka endzhaku ka xiyenge-ntsongo (3):
 “(4) Huvo fanele yi tsala xiviko xihi ni xihi xa vutshembeki lexi yi xi tsalaka hi ku landza Nawu lowu ni ku katsakanya swiviko leswi ku buriwaka ha swona eka xiyenge-ntsongo (3).” 50

Amendment of section 65 of Act 7 of 2004

38. Section 65 of the principal Act is hereby amended—

- (a) by the deletion in subsection (1) of the word “and” at the end of paragraph (e) and the insertion after paragraph (e) of the following paragraph:
“(eA) monitoring and evaluating the gambling industry’s international competitiveness and advising the Minister thereon; and 5
- (b) by the substitution in subsection (2) for paragraph (c) of the following paragraph:
“(c) recommend to the Council guidelines for an effective, uniform and consistent implementation of this Act throughout the Republic and changes to bring about uniformity in the laws of the various provinces in relation to casinos, racing, gambling and wagering;”; 10
- (c) by the deletion in subsection (2) of the word “and” at the end of paragraph (e) and the addition of the word “and” at the end of paragraph (f);
- (d) by the addition to subsection (2) of the following paragraph: 15
“(g) collate and make available to the Minister statistical data, information and reports necessary for monitoring the performance of the interactive gambling sector; and”.
- (e) by the addition in subsection (4) of the following paragraph: 20
“(d) may, in consultation with the Minister, make rules not inconsistent with this Act, determining any matter that is considered necessary or expedient for purposes of achieving the objects of this Act.”.

Amendment of section 66 of Act 7 of 2004

39. Section 66 of the principal Act is hereby amended by the addition of the following subsection: 25

- “(6) Where—
 (a) this Act requires oversight and evaluation as contemplated in section 33; and
 (b) the board concludes, on reasonable grounds, that the provincial licensing authority is unable to perform any such function effectively,
the Minister must consult with the responsible Member of the Executive Council of the relevant province to determine the steps to be taken to ensure the fulfilment of that statutory obligation.”. 30

Amendment of section 82 of Act 7 of 2004

40. Section 82 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 35

- “(1) It is an offence to contravene sections 6A, 7 to 20, 22(1) and (4), 23(1), (2) and (3), 25(1), 26(2) and (3) and 28 of this Act.”.

Insertion of section 86A in Act 7 of 2004

41. The following section is hereby inserted in the principal Act after section 86:

“Delegation” 40

- 86A. (1) The board may, subject to this Act and in consultation with the relevant provincial licensing authority, delegate any powers or duties that are to be exercised or performed by the board in terms of section 33(a) to (g) to any provincial licensing authority.
(2) A delegation in terms of subsection (1)— 45
 (a) must be in writing;
 (b) is subject to any limitations, conditions and directions the board may impose;
 (c) does not divest the board of the responsibility concerning the exercise of the power or the performance of the duty.”. 50

Ndzulamiso wa xiyenge 65 wa Nawu 7 wa 2004

38. Xiyenge 65 xa Nawu lowukulu laha xi lulamisiwa—

- (a) hi ku susiwa eka xiyenge-ntsongo(1) ka rito “na” eku heleni ka ndzimana (e) na ku ngenisiwa endzhaku ka ndzimana (e) ka ndzimana leyi thandlamaka: 5
“(eA) veka tihlo na ku kambisisa ndlela leyi bindzu ra ku gembula ra misava hinkwayo ri tirhaka ha yona ni ku tivisa Holobye hi rungula ra kona; na
- (b) hi ku siviwa eka xiyenge-ntsongo(2) ka ndzimana (c) ka ndzimana leyi thandlamaka: 10
“(c) bumabumcla eka Nhlngano swiletelo leswi humelelaka, leswi hlelekeke ni leswi nga hundzukiki swa matirhiselo ya Nawu lowu eka Riphabliki hinkwaro ni ku cinca loku tisaka nhleleko eka milawu ya swifundzha swo hamba-hambana malunghana ni tikhasino, mujaho, ku gembula na ku beja;”;
- (c) hi ku susiwa eka xiyenge-ntsongo(2) ka rito “na” eku heleni ka ndzimana (e) na ku engeteriwa ka rito “na” eku heleni ka ndzimana (f); 15
- (d) hi ku engeteriwa eka xiyenge-ntsongo (2) ka ndzimana leyi thandlamaka: 20
“(g) katsakanya ni ku nyika Holobye rungula ra ndzavisiso, mahungu ni swiviko leswi lavekaka eku vekeni ka tihlo ematirhelweni ya xivandla xa ku gembula loku katsaka van’wana; ni”.
- (e) hi ku engeteriwa eka xiyenge-ntsongo(4) ka ndzimana leyi thandlamaka: 25
“(d) nga ha endla milawu leyi nga hundzukiki hi ku ya hi Nawu lowu, hi ku burisana ni Holobye, ku kumisisa mhaka leyi langutiwaka yi boha kumbe yi ri ya xihatla hi xikongomelo xo fikelela tipakani ta Nawu lowu.”.

Ndzulamiso wa xiyenge 66 xa Nawu7 wa 2004

39. Xiyenge 66 xa Nawu lowukulu laha xi lulamisiwa hi ku engeteriwa ka xiyenge-ntsongo lexi thandlamaka:

- “(6) Laha—
- (a) Nawu lowu lavaka ku veka tihlo ni ku kambela hilaha ku buriwaka ha swona eka xiyenge 33; naswona 30
- (b) Huvo endla xiboho, hi swivangelo leswi twalaka, leswaku vulawuri bya tilayisense bya xifundzha a byi swi koti ku endla ntirho wolowo hilaha ku humelelaka, Holobye u fanele a tihlanganisa ni Xirho lexi Ungamelaka Huvo lexi nga ni vutihlamuleri xa xifundzha lexi faneleke, ku tiyisekisa magoza lama nga te tekiwa leswaku ku fikeleriwa leswi laviwaka hi nawu.”. 35

Ndzulamiso wa xiyenge 82 xa Nawu 7 wa 2004

40. Xiyenge 82 xa Nawu lowukulu laha xi lulamisiwa hi ku siviwa eka xiyenge-ntsongo (1) ka xiyenge-ntsongo lexi thandlamaka:

- “(1) I nandzu ku endla leswi hambaneke ni swiyenge 6A, 7 to 20, 22(1) na (4), 23(1), (2) na (3), 25(1), 26(2) na (3) na 28 xa Nawulowu.”. 40

Ku ngenisiwa ka xiyenge 86A eka Nawu 7 wa 2004

41. Xiyenge lexi thandlamaka laha xi ngenisiwa eka Nawu lowukulu endzhaku ka xiyenge 86:

“**Ka avela van’wana** 45

86A. (1) Huvo yi nga ha avela van’wana matimba kumbe mintirho leyi faneleke yi endliwa hi Huvo, hi ku ya hi Nawu lowu, ni hi ku landza xiyenge 33(a) eka (g) ndzawulo yihi ni yihi ya tilayisense ya xifundzha.

(2) Ku avela van’wana hi ku landza xiyenge-ntsongo (1)—

- (a) fanele yi tsariwa ehansi; 50
- (b) yi ni mimpimanyeto, swipimelo ni swiletelo swihi ni swihi leswi Huvo yi nga swi vekaka;
- (c) yi nga tekeli Huvo vutihlamuleri malunghana ni ku tirhisa matimba kumbe maendlelo ya ntirho.”.

Amendment of section 87 of Act 7 of 2004

42. (1) Section 87 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (g) of the following paragraph:

“(g) matters contemplated in section 5, 6A, 11A, 13, 14, 15, [or] 17 or 48, any other matters to be prescribed in terms of this Act, and in general, any incidental matter that may be considered necessary or expedient to prescribe in order to achieve the objects of the Act.” 5

(b) by the substitution for paragraph (d) of subsection (3) of the following paragraph: 10

“(d) the period of duration of a licence and the procedures and fees for the amendment or renewal of licenses.”; and

(c) by the addition in paragraph (a) of subsection (4) of the following subparagraph: 15

“(iii) table regulations in Parliament before publication in the Gazette.”

Insertion in Act 15 of 2004

43. The following section is hereby inserted in the principal Act after section 88:

Tax on interactive gambling

88A. Tax in respect of interactive gambling activities will be imposed in terms of appropriate legislation. 20

Short title and commencement

44. This Act is called the National Gambling Amendment Act, 2008, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Ndzulamiso wa xiyenge 87 xa Nawu 7 wa 2004

42. (1) Xiyenge 87 xa Nawu lowukulu laha xi lulamisiwa—
- (a) hi ku siviwa eka xiyenge-ntsongo(1) ka ndzimana (g) ka ndzimana leyi tlandlamaka: 5
 “(g) timhaka leti ku buriwaka ha tona eka xiyenge 5, 6A, 11A, 13, 14, 15, [kumbe] 17 kumbe 48, timhaka tin’wana leswi vekiwewe hi ku landza Nawu lowu, naswona hi ku angharhela, mhaka yihi ni yihi leyi yelanaka leyi fanelekaka kumbe leyi nga ya xihatla leswaku yi boxiwa leswi ku fikeleriwa tipakani ta Nawu.”
- (b) hi ku siviwa ka ndzimana (d) ka xiyenge-ntsongo (3) ka ndzimana leyi tlandlamaka: 10
 “(d) mpimo wa nkarhi wa layisense ni mafambiselo na tihakelo ya ndzulamiso kumbe ku pfuxetiwa ka tilayisense.”; na
- (c) hi ku engeteriwa eka ndzimana (a) ka xiyenge-ntsongo (4) ka ndzimana-ntsongo leyi tlandlamaka: 15
 “(iii) andlala minkongomiso eka Palamendhe yi nga si humesiwa eka Gazette.”

Ku nghenisiwa ka Nawu 15 wa 2004

43. Xiyenge lexi tlandlamaka laha xi nghenisiwa eka Nawu lowukulu endzhaku ka xiyenge 88: 20

“Xibalo eka ku gembula loku katsaka van’wana

88A. Xibalo malunghana ni ku gembula loku katsaka van’wana xi ta koxiwa hi ku landza nawu lowu faneleke.”

Xihlokwana ni masungulo

44. Nawu lowu wu vitaniwa Nawu wa Ndzulamiso wa Ku Gembula wa Tiko, wa 2008, naswona wu sungula ku tirha hi siku leri vekiwewe hi Presidente hi ku ri tivisa eka *Gazette*. 25