



PROVINCE OF THE EASTERN CAPE
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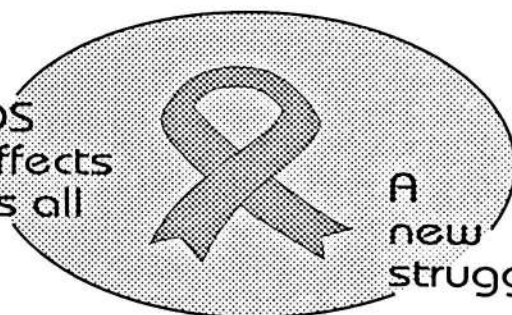
Vol. 9

BISHO/
KING WILLIAM'S TOWN, 4 JUNE 2002

No. 883
(Extraordinary)

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
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DEPARTMENT OF HEALTH



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PROVINCIAL NOTICE

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF ECONOMIC AFFAIRS,
ENVIRONMENT AND TOURISM

No. 23

4 June 2002

**GAMBLING AND BETTING (FEES AND TAXES) AMENDMENT
BILL, 2002 (EASTERN CAPE)**

The above-mentioned Bill is hereby published as a departmental draft for public comment.

Any person wishing to comment on the said Bill must submit such comment(s) in writing to the Head of Department, Department of Economic Affairs, Environment and Tourism, Private Bag X0054, Bisho, 5605, within 21 days from the date of publication hereof.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

———— Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend certain fees and taxes contained in the Gambling and Betting Act, 1997 (Act No. 5 of 1997); to provide for a tax deduction in respect of take-back bets; to provide for reduced fee structures for computer programmers seeking to be registered for gambling purposes; to introduce registration fees for terminals used in table games and to provide for matters incidental thereto

BE IT ENACTED by the Provincial Legislature of the Province of the Eastern Cape, as follows—

Amendment of Schedule II to Act No. 5 of 1997 as substituted by Act No. 6 of 1998 and Act No. 3 of 2000

1. Schedule II of the Gambling and Betting Act, 1997 (Act No 5 of 1997) (Eastern Cape) (hereinafter the "principal Act") is hereby amended—

(a) by the substitution for Item C of the following item:

"C. Application fees in respect of registration are as follows:

Kinds of registration	Application fee: R
Gambling device registration:	
(a) Roulette wheels (per wheel)	500,00
(b) Roulette tables (per table).....	500,00
(c) Electronic player terminals linked to a table game (per terminal).....	100,00
(d) Gambling tables other than roulette tables (per table).....	1000,00
(e) Multiplayer gambling machines (per machine)	1 000,00
(f) Single player gambling machines other than limited gambling machines (per machine)	100,00
(g) Limited gambling machines (per machine) .	50,00
(h) Devices to be registered not set out above (per device or class of device).....	10,00
Transfer of registration of gambling device, gambling machine or limited gambling machine per device or machine)	
Section 61 registration:.....	10,00
(a) Manufacturers, importers and distributors who do not only manufacture, import or distribute computer software used in connection with gambling and betting.....	10 000
(b) Creators, manufacturers, importers and distributors of only computer software used in connection with gambling or betting.....	2 000
(c) Persons performing only activities other than those contemplated in (a) or (b)	1 000
(d) Transfer of registration: Persons contemplated in (a)	5 000
(e) Transfer of registration: Persons contemplated in (b)	1 000
(f) Transfer of registration: Persons contemplated in (c)	500
(g) Amendment of registration: Persons in (b) wanting to perform activities contemplated in (a)	8 000

Kinds of registration	Application fee: R
(h) Amendment of registration: Persons in (c) wanting to perform activities contemplated in (a)	9 000
(i) Amendment of registration: Persons in (c) wanting to perform activities contemplated in (b)	1 000
(j) Amendment of registration other than those in (g), (h) and (i)	1 000
(k) Procurement of interest in registrant in terms of section 61	500

(b) by the substitution for item D of the following item:

Kinds of registration	Annual registration fee R	Annual board administration fee R
Gambling device registration:		
(a) Roulette wheels (per wheel)	500,00	1 000,00
(b) Roulette tables (per table)	500,00	1 000,00
(c) Electronic player terminals linked to a table game (per terminal)	500,00	500,00
(d) Gambling tables other than roulette tables (per table)	1 000,00	2 000,00
(e) Multiplayer gambling machines (per machine)	3 000,00	3 000,00
(f) Single player gambling machines other than limited gambling machines (per machine)	500,00	500,00
(g) Limited gambling machines (per machine)	250,00	250,00
Section 61 registration:		
(a) Manufacturers, importers, distributors who do not only manufacture, distribute or import computer software	5 000,00	5 000,00
(b) Creators, manufacturers, importers and distributors of computer software used in connection with gambling and betting	1 000,00	1 000,00
(c) Persons performing only tasks other than those contemplated in (a) and (b)	500,00	500,00

Kinds of registration	Annual registration fee R	Annual board administration fee R
Section 68 registration (per key person)	250,00	250,00
Section 69 registration (per gambling employee)	50,00	50,00

Amendment of Part A of Schedule III of Act No. 5 of 1997 as amended by Act No. 9 of 1997

2. Part A of Schedule III of the Gambling and Betting Act, 1997 (Act No. 5 of 1997) (Eastern Cape) (hereinafter "the principal Act") is hereby amended—

- (a) by the insertion after the definition of "bankroll" in Item 1 of the following definition:

"'bookmaker's commitment' means the amount which a licensed bookmaker will have to pay out or which such bookmaker anticipates to pay out in respect of a bet or bets laid by such bookmaker, irrespective of the stakes held by such bookmaker in respect of such bet or bets;"

- (b) by the insertion after the definition of "table game" in Item 1 of the following definition:

"'take-back bet' means any bet taken by a licensed bookmaker with any other licensed bookmaker or licensed totalisator carrying on business within the Republic of South Africa, where such bet is solely for the bona fide purpose of covering the whole or any portion of the bookmaker's commitment in respect of any bet or bets laid or to be laid by such bookmaker, provided that any such bet or bets are taken on the outcome of the same event or contingency;"

- (c) by substitution for the definition of 'winnings' in Item 1 of Part A of the following definition:

"winnings' means that total amount of—

- (a) any cash;
- (b) the monetary value stated on every token, chip, voucher or stamp redeemable for money or value; [and]
- (c) the value of any credits transferred onto any smart card in a cashless gaming system;

- [(c)] (d) the cost to the licence holder of any asset,

paid or granted by the licence holder to or for the benefit of any person as winnings in consequence of any winning combination at a gambling game after payment of a stake accepted by the licence holder but excluding promotional expenditure: Provided that where any winnings are paid out in the form of an annuity, only the amount of such annuity payment made by the licence holder or the cost of a purchased annuity, where such an annuity is purchased by the licence holder, may be excluded in the determination of adjusted gross revenue."

Amendment of Part B of Schedule III of Act No. 5 of 1997 as amended by Act No. 3 of 2000

3. Part B of Schedule III of the principal Act is hereby amended by the substitution for paragraph (e) of Item 1 of the following paragraph:

"Bookmaker licence

- (e) (i) A total of 6% on winning bets payable as 3% to the Provincial Revenue Fund and 3% to be divided as prescribed between holders of race course licences in the province shall be charged, levied and collected and shall be paid by every person who placed a winning bet on any event or contingency, including a horse race.
- (ii) The amount payable in terms of subparagraph (i) shall be calculated on the amount payable to such person excluding the amount staked in respect of such bet.
- (iii) The tax payable by any person in terms of paragraphs (i) and (ii) shall be deducted by the bookmaker who is liable to pay such person the sum on which such tax has become due and that bookmaker shall pay it over to the board for payment into the Provincial Revenue Fund and to the holder of race course licences as provided in subparagraph (i).
- (iv) For the purpose of this section 'person' shall include a bookmaker who places a bet with another bookmaker.
- (v) A bookmaker liable to deduct and pay over tax in terms of subparagraph (iii) may deduct from the amount to be paid to the board in terms of subparagraphs (i), (ii) and (iii) all gambling tax which such bookmaker can prove was deducted from the amount won by such bookmaker in respect of betting tax on a valid take-back bet placed by such bookmaker—

(i) with a licensed bookmaker in the Republic; and

(ii) which was deductible in terms of a law relating to gambling and betting:

Provided that the amount which can be deducted in terms of this subparagraph shall not exceed the amount of gambling tax collected by such bookmaker on the winning bets the relevant take-back bet was intended to cover."

Short title and commencement

4. (1) This act shall be called the Gambling and Betting (Fees and Taxes) Amendment Act, 2002.

(2) Paragraph (a) and (b) of section 2 and 3 shall be deemed to have come into operation on 1 January 1998.

(3) Subject to subsection (2), this act shall come into operation on a date determined by Premier by Proclamation in the *Gazette*.

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Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515

Also available at the Legal Advisory Services, Province of the Eastern Cape, Private Bag X0047, Bisho, 5605. Tel. (040) 635-0052