

KwaZulu-Natal, South Africa

KwaZulu-Natal Gaming and Betting Act, 2010

## KwaZulu-Natal Gaming and Betting Regulations, 2012

Provincial Notice 64 of 2012

Legislation as at 11 July 2013

FRBR URI: /akn/za-kzn/act/pn/2012/64/eng@2013-07-11

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KwaZulu-Natal Gaming and Betting Regulations, 2012  
 Contents

Chapter 1 – General ..... 1

    Part 1 – General: Definitions ..... 1

        1. Definitions ..... 1

    Part 2 – General: Kwazulu-Natal Gaming and Betting Board ..... 3

        2. Board to supply certain information to responsible Member of Executive Council ..... 3

        3. Board to supply certain information to Portfolio Committee ..... 4

        4. Remuneration of Board staff ..... 4

        5. Claims by Board members for remuneration and costs related to duties performed ..... 5

        6. Minutes of meetings open to inspection ..... 6

        7. Copies or extracts and fees payable ..... 6

        8. Oaths and solemn affirmations ..... 6

        9. Establishment of special funds ..... 6

        10. Administration of special funds ..... 6

        11. Power of Board to levy fine or penalty on licensee or registrant ..... 7

Chapter 2 – Provisions relating to all applications, licensees and registered persons ..... 7

    Part 1 – Provisions relating to all applications, licensees and registered persons: Applications and investigations ..... 7

        12. Applications and grant thereof ..... 7

        13. Invitation to submit application ..... 7

        14. Notice of applications received and public inspection of application ..... 8

        15. Representations by interested persons and response by applicant to representations ..... 9

        16. Police report ..... 10

        17. Amendment of information and obtaining or furnishing of further information ..... 10

        18. Recovery of investigation expenses ..... 10

        19. Applicant to ensure information is true and complete ..... 11

        20. Withdrawal of application ..... 11

        21. Hearing of application ..... 11

        22. Grounds for finding applicant not a fit and proper person ..... 11

        23. Opportunity to rectify disqualifying circumstances ..... 12

        24. Transfer of licence ..... 12

        25. Removal of business to other premises ..... 12

    Part 2 – Provisions relating to all applicants, licensees and registered persons: Hearings and issuing of licenses ..... 12

        26. Proceedings at hearings ..... 12

27. Record of proceedings at hearing .....	12
28. Decisions, issuing of licences or certificates of registration and renewal .....	13
Part 3 – Provisions relating to all applications, licensees and registered persons: Suitability of third parties and junket agents .....	13
29. Licensee to disclose details of business contracts and agreements .....	13
30. Application for certificate of suitability by certain persons doing business with licensee .....	13
31. Financial interests in holder of certificate of suitability .....	14
32. Suspension or cancellation of certificate of suitability .....	14
33. Termination of agreement or association .....	14
34. Provisions of Part to apply to registered manufacturer, supplier or maintenance provider .....	14
Part 4 – Provisions relating to all applications, licensees and registered persons: Change in financial interests .....	14
35. Notice of procurement of interest and application for consent .....	14
36. Determination of suitability or unsuitability of applicant .....	15
37. Principals to be disclosed .....	15
Part 5 – Provisions relating to all applications, licensees and registered persons: Employee registration .....	16
38. Special employees employed by licensees or registrants .....	16
39. Proof of registration on licensee's employment record .....	16
40. Suspension or cancellation of registration .....	16
Part 6 – Provisions relating to all applications, licensees and registered persons: Miscellaneous provisions .....	16
41. Licence to be prominently displayed .....	16
Chapter 3 – Casinos .....	17
Part 1 – Casinos: Proposals for casinos and application for licence .....	17
42. Issue of request for proposal .....	17
43. Invitation to submit application for casino licence .....	17
44. Criteria for casino licensing .....	17
45. Application for casino licence .....	18
Part 2 – Casinos: Monitoring and control systems .....	18
46. Electronic monitoring system .....	18
Part 3 – Casinos: Casino games .....	19
47. Types of casino games permitted to be played .....	19
48. Stakes and prizes for casino games other than gaming machines .....	19
49. Gaming machines .....	19
Part 4 – Casinos: Registration or deregistration of gaming equipment, gaming machines or games and maintenance thereof .....	19
50. Gaming equipment, gaming machines or games to comply with SABS or Board standard .....	19

51. Possession of gaming equipment, gaming machines or games .....	19
52. Operation of and maintenance of gaming equipment and gaming machines .....	19
53. Records to be kept by licensee .....	19
Part 5 – Casinos: Chips, plaque, tokens, integrated circuit cards or face value instruments .....	20
54. Explanatory provisions .....	20
55. Other face value instruments .....	20
56. Procedures on receipt of chips, plaques or tokens from manufacturer or distributor .....	20
57. Inventory register of chips, plaques or tokens .....	21
58. Record of movement of chips, plaques or tokens .....	21
Part 6 – Casinos: Underage exposure to gambling .....	22
59. Underage gambling or exposure thereto not permitted .....	22
Part 7 – Casinos: Cash transactions .....	22
60. Certain transactions prohibited .....	22
Part 8 – Casinos: Internal controls .....	22
61. Internal controls .....	22
62. Minimum operational and internal control standards for casino licensee .....	22
63. Minimum internal controls .....	23
64. Internal control system approved by Board .....	23
65. Amendment of existing system of internal control .....	23
Part 9 – Casinos: Accounting records and returns .....	24
66. Accounting records .....	24
67. Audited financial statements .....	24
68. Other records .....	24
Part 10 – Casinos: Surveillance and security .....	25
69. Compliance with provisions of Part .....	25
70. General requirements for surveillance systems .....	25
71. Surveillance systems in count rooms and casino cage .....	26
72. Surveillance systems at table games and card rooms .....	27
73. Surveillance systems for gaming machines .....	27
74. Surveillance systems for casino security offices .....	27
75. Malfunction of casino surveillance system equipment .....	28
76. Surveillance system recording requirements .....	28
77. Approval of and alterations to surveillance system plans .....	29
Chapter 4 – Gaming equipment .....	29
Part 1 – Gaming equipment: Registration of persons contemplated by section 66 of Act .....	29

78. Application for registration as manufacturer, supplier or maintenance provider .....	29
79. Form of and making of application .....	29
80. Conditions of registration .....	29
81. Authorised activities specified as condition of registration .....	29
Part 2 – Gaming equipment: Registration of gaming equipment .....	30
82. Gaming equipment to comply with SABS standards and registered by Board .....	30
83. Certification and approval by SABS .....	30
84. Alterations and modifications prohibited .....	31
85. Suspension of approval and registration .....	31
Part 3 – Gaming equipment: Training of service or manufacturing employees .....	31
86. Training programmes for service or manufacturing employees .....	31
87. Registration certificate available for inspection .....	31
Part 4 – Gaming equipment: Records and returns for manufacturers, suppliers and maintenance providers .....	32
88. Accounting records .....	32
89. Distribution records .....	32
90. Maintenance and repair records .....	32
91. Stock records .....	32
92. Other records .....	33
93. Returns to be rendered .....	33
Chapter 5 – Limited payout machines .....	33
Part 1 – Limited payout machines: Limitations .....	33
94. Limited payout machine to comply with SABS standard .....	33
95. Prescribed maximum stake .....	33
96. Prescribed maximum prize .....	33
97. Prizes to be displayed .....	34
98. Return to player .....	34
99. Limited payout machine to communicate with approved monitoring and control system .....	34
Part 2 – Limited payout machines: Registration .....	34
100. Possession of limited payout machines, games and associated equipment .....	34
101. Operation of and maintenance of limited payout machines .....	34
102. Records kept of limited payout machines, games and associated equipment .....	34
Chapter 6 – Site operators .....	35
Part 1 – Site operators: Provisions common to site operators .....	35
103. Activities authorised by site operator licence .....	35
104. Types of site operators .....	35

Part 2 – Site operators: Type "A" site operator licence .....	35
105. Application for type "A" site operator licence .....	35
106. Grounds for refusal of type "A" site operator licence .....	36
107. Maximum number of limited payout machines .....	36
108. Minimum standards for premises .....	37
109. Restriction on advertising .....	37
Part 3 – Site operators: Type "B" site operator licence .....	37
110. Application for type "B" site operator licence .....	37
111. Grounds for refusal of type "B" site operator licence .....	38
112. Maximum number of limited payout machines .....	38
113. Minimum standards for premises .....	38
114. Restriction on advertising .....	38
115. Grant of licence where premises being converted .....	39
Part 4 – Site operators: Miscellaneous .....	39
116. Limited payout machines and gaming equipment not altered, maintained or repaired by licensee .....	39
Chapter 7 – Route operators and independent site operators .....	39
Part 1 – Route operators and independent site operators: Prescribed activities and operating limitations .....	39
117. Prescribed activities of route operator .....	39
118. Prescribed activities of independent site operator .....	40
119. Maximum number of limited payout machines per route operator licence .....	40
120. Application for route operator licence or independent site operator licence .....	40
121. Written agreement between route operator and site operator .....	40
Part 2 – Route operators and independent site operators: Monitoring and control systems .....	41
122. Electronic monitoring system .....	41
Part 3 – Route operators and independent site operators: Internal controls .....	41
123. Minimum operational and internal control standards for route operator and independent site operator .....	41
124. Minimum internal controls .....	41
125. Internal control system approved by Board .....	41
126. Amendment of existing system of internal control .....	42
Part 4 – Route operators and independent site operators: Accounting records and returns .....	42
127. Accounting records .....	42
128. Audited financial statements .....	43
129. Other records .....	43
Part 5 – Route operators and independent site operators: Miscellaneous .....	43

130. Lodging of security .....	43
Chapter 8 – Bingo .....	44
Part 1 – Bingo: Activities authorised by licence and applications .....	44
131. Activities authorised by bingo licence .....	44
132. Application for bingo licence .....	44
133. Minimum standards for bingo hall .....	45
134. Grounds for refusal of bingo licence .....	45
Part 2 – Bingo: Stakes, prizes and maximum number of electronic bingo terminals .....	45
135. Stakes or participation fees in respect of bingo .....	45
136. Prizes in respect of bingo .....	45
137. Maximum number of electronic bingo terminals .....	45
Part 3 – Bingo: Registration, deregistration and maintenance of bingo equipment, games and associated equipment .....	46
138. Bingo and associated equipment to comply with SABS or Board standard .....	46
139. Application for registration, deregistration or renewal of bingo and associated equipment .....	46
140. Operation and maintenance of registered bingo equipment and associated equipment .....	46
141. Records kept by bingo licensee .....	47
142. Equipment to communicate with approved monitoring system .....	47
Part 4 – Bingo: Internal controls .....	47
143. Minimum operational and internal control standards .....	47
144. Minimum internal controls .....	47
145. Internal control system approved by Board .....	47
146. Amendment of existing system of internal control .....	48
Part 5 – Bingo: Accounting records and returns .....	48
147. Accounting records .....	48
148. Audited financial statements .....	48
149. Other records .....	49
150. Returns rendered .....	49
Part 6 – Bingo: Miscellaneous .....	49
151. Lodging of security .....	49
Chapter 9 – Amusement machines .....	50
Part 1 – Amusement machines: Regulation of amusement machines .....	50
152. Regulations not apply to certain persons .....	50
153. Acquisition of amusement machine .....	50
154. Restrictions on keeping and making amusement machine available .....	50

155. Application for registration of amusement machine .....	50
156. Amusement machine to carry registration number .....	51
157. Amusement machine kept and made available at place specified in registration certificate .....	51
158. Amendment of registration or authority to keep and make amusement machine available .....	51
159. Board's power to grant or refuse application .....	51
160. Registration certificate and authority prominently displayed .....	52
Chapter 10 – Betting .....	52
Part 1 – Betting: Application for bookmaker's licence .....	52
161. Sale of bookmaking right by Board .....	52
162. Application for, transfer of ownership and renewal of bookmaker's licence .....	52
Part 2 – Betting: Miscellaneous matters relating to bookmakers .....	53
163. Betting room premises .....	53
164. Relocation of bookmaking business to other premises and alteration of betting room premises .....	54
165. Security by bookmakers for betting liabilities .....	55
166. Betting disputes .....	55
167. Unsettled bets .....	56
168. Control of partnerships that operate bookmaking businesses .....	56
169. Defaulting bettor .....	57
170. Security for tax .....	58
171. Approval procedure: Other events and contingencies .....	58
172. Persons not allowed to bet: Horse races, sporting events and other events or contingencies .....	58
173. List of bookmakers submitted by racecourse operator .....	59
Part 3 – Betting: Miscellaneous matters relating to totalisators .....	59
174. Totalisator betting system .....	59
175. Computerised back-ups of data and records .....	60
176. Totalisator rules and betting disputes .....	61
177. Relationship between totalisator licensee and totalisator operator, totalisator manager or totalisator agent .....	62
Chapter 11 – Miscellaneous .....	62
Part 1 – Miscellaneous: Serving of notices .....	62
178. Method for serving of notice .....	62
Part 2 – Miscellaneous: Cheating and fraudulent acts .....	62
179. Use of certain devices prohibited .....	62
180. Fraudulent acts .....	63
181. Unlawful use of coins, counterfeit chips, plaques and tokens .....	63



182. Detention and questioning of person suspected of contravention .....	64
183. Seizure of objects or devices .....	64
Part 3 – Miscellaneous: Appeals .....	64
184. Appeal against decision of committee, delegatee or Chief Executive Officer .....	64
185. Appeal against decision of Board .....	65
Part 4 – Miscellaneous: Due date for tax and tax statements .....	66
186. Due date for payment of tax and lodging of tax statements .....	66
Part 5 – Miscellaneous: Credit extension .....	66
187. Credit extension .....	66
Chapter 12 – Repeal of regulations and short title .....	67
Part 1 – Repeal of regulations .....	67
188. Repeal of regulations .....	67
Part 2 – Short title .....	67
189. Short title .....	67



# KwaZulu-Natal South Africa

KwaZulu-Natal Gaming and Betting Act, 2010

## KwaZulu-Natal Gaming and Betting Regulations, 2012 Provincial Notice 64 of 2012

Published in KwaZulu-Natal Provincial Gazette 770 on 29 June 2012

**Assented to on 14 June 2012**

**Commenced on 29 June 2012**

*[This is the version of this document from 11 July 2013 and includes any amendments published up to 28 June 2024.]*

*[Amended by KwaZulu-Natal Gaming and Betting Amendment Regulations, 2013 (Provincial Notice 118 of 2013) on 11 July 2013]*

### Chapter 1 General

#### Part 1 – General: Definitions

##### 1. Definitions

In these Regulations, "the Act" means the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010), and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it, and, unless the context otherwise indicates—

"**amusement machine**" means a machine, apparatus or device that—

- (a) is played without any reward being delivered, either directly, indirectly or by way of entitlement, to the person playing such machine, apparatus or device; or
- (b) delivers to the person as a reward for successfully playing or operating or playing and operating the machine, apparatus or device, either directly, indirectly or by way of entitlement, a prize: Provided that such prize must not be wholly or partially in the form of cash, tokens, credit or any negotiable instrument, but must instead be limited to non-cash prizes with a retail value not exceeding the amount prescribed in terms of section 47 of the National Gambling Act;

"**cash**" means coin or currency which is customarily used and accepted as legal tender in the issuing nation;

"**chip**" means a representation of monetary value issued and sold by a licensee for use at the licensee's licensed premises and is redeemable for cash;

"**credit instrument**" means a document, signed by a patron, recording the value of gaming chips advanced to such patron for use in gambling against a predetermined cheque cashing facility extended to such patron by a casino, secured by a cheque or other negotiable instrument signed by the patron and issued in favour of the casino;

"**defaulter**" means—

- (a) a bookmaker who fails to comply with an order by the Board, in terms of regulation 169, to settle a valid claim against such bookmaker in respect of a bet which he or she has failed to settle;

- (b) a bookmaker who is adjudged by the Board to be unable to pay any of his or her debts in respect of bets made by him or her and which are due and payable;
- (c) a bettor who is adjudged by the Board to have failed to pay a bookmaker any amount due in respect of a bet made by him or her with such bookmaker; or
- (d) a person who has been warned off by the National Horse Racing Authority;

**"designated officials"** means those officials of the Department who are so designated by the responsible Member of the Executive Council and who are responsible, in the Department, for matters relating to the Board and for gaming and betting matters generally;

**"drop"** means, in the case of—

- (a) a table game, the total amount of cash, chips, tokens, plaques and credit markers in the drop box; or
- (b) a gaming machine, the total amount of—
  - (i) cash or tokens required to be in the drop box or drop bucket of such machine according to the meters monitoring such machine; or
  - (ii) all amounts electronically downloaded by players from smart cards or smart devices to the credit meter of such machine and played by such players;

**"drop box"** or **"drop bucket"** means, in the case of—

- (a) a table game, a locked container permanently marked with the game, shift and a number corresponding to the permanent number on a gaming table, into which must be placed all currency or credit instruments which are exchanged at such gaming table for chips, plaques or tokens and all documents pertaining to transactions at the table; or
- (b) a gaming machine, a container in a locked part of the machine or its cabinet into which cash or tokens are collected and which are not used by the machine for making automatic payouts;

**"face value instrument"** means—

- (a) a cheque, promissory note, bill of exchange, security, or any document or thing representing money; and
- (b) items, including but not limited to tokens, plaques and chips issued—
  - (i) to a patron by a licensee for use in gambling, on the face of which their monetary value is reflected; or
  - (ii) against payment by such patron to the licensee of the face value thereof.

**"fill"** means, in the case of—

- (a) a table game, the issue of additional chips, plaques or tokens to the gaming table; or
- (b) a gaming machine, the issue of cash or tokens to the hopper of the gaming machine;

**"gaming table"** means a table in a casino on which certain casino games are played;

**"Head of Department"** means the person appointed in terms of the Public Service Act, 1994, as the administrative head of that department of the Provincial Government of KwaZulu-Natal to which the administration and implementation of the Act has been assigned;

**"hopper"** means a component of a gaming machine which is designed to hold the coins or tokens that are immediately available for payouts and which dispenses such coins or tokens into the coin tray when a player activates the payout function of the device;

**"integrated circuit card"** means a device which is similar in shape and dimensions to a credit card, which is used to electronically store monetary value, for use by a customer of a gambling operator to enter into gambling transactions with such gambling operator, by activating automated gambling devices;

**"junket"** means a visit or an excursion arranged by a junket agent to a casino by one or more persons who receive complimentary services such as transport, food and lodging as an inducement to participate in gambling;

**"junket agent"** means any person who, in conjunction with the holder of a casino licence, plans or organises a junket, for commission, for a share in gambling profits or for any other consideration;

**"KwaZulu-Natal Gaming and Betting Tax Act"** means the KwaZulu-Natal Gaming and Betting Tax Act, 2010 (Act No. 9 of 2010);

**"manufacturer, maintenance provider or supplier"** means a person contemplated by section 66 of the Act;

**"pari-mutuel bet"** means a bet taken in accordance with the system of betting contemplated in the definition of "totalisator" in section 1 of the Act;

**"pay line"** means a line of a predetermined configuration intersecting each of the actual or virtual reels of a gaming machine and depicting a winning combination;

**"primary betting room premises"** means the premises from which the bookmaking business is primarily operated, as specified in the bookmaker's licence and which are open to the public during normal business hours for such bookmaking business;

**"secondary betting room premises"** means the residential premises at which a natural person, bookmaker, or a bookmaker's manager nominated by a bookmaking business, ordinarily resides, which premises are not open to the public and where authorised activities relating to bookmaking take place;

**"site"** means premises licensed for the placement of one or more limited payout machines under authority of a site operator licence or an independent site operator licence;

**"theoretical return to player percentage"** means the theoretical ratio, expressed as a percentage, of all amounts won to all amounts staked in respect of a particular gambling game or device over a stipulated period of time;

**"token"** means—

- (i) when used in a gaming machine, a physical representation of value, redeemable for cash, and issued and sold by a licensee for use in gaming machines, table games or counter games on the licensed premises; and
- (ii) when used in an amusement machine, a coin or similar object having no face value, sold by an amusement machine operator for use in amusement machines;

**"totalisator betting system"** means the software programmes, firmware and computer hardware and other equipment which comprise the system by which a totalisator licensee captures the details of bets struck on the totalisator, issues betting slips to bettors, calculates the amounts won by bettors and calculates the taxes due from the betting transactions entered into through the totalisator; and

**"totalisator vending machine"** means a device which is part of the totalisator betting system, which is capable of automatically receiving stake money for bets and of printing a betting slip and which can be operated by a bettor, thus enabling the bettor to directly strike a bet on the totalisator by personally operating such device.

## Part 2 – General: Kwazulu-Natal Gaming and Betting Board

### 2. Board to supply certain information to responsible Member of Executive Council

- (1) The Board must submit to the responsible Member of the Executive Council, by 1 July in each year, draft proposed strategic objectives, outcomes, performance indicators and performance measures, for approval by the responsible Member of the Executive Council.

- (2) The Board must submit to the responsible Member of the Executive Council, by 1 September in each year, a draft corporate strategic plan covering a period of three years beginning on 1 April of the following year and must include strategic objectives, outcomes, performance indicators and performance measures, as previously approved by the responsible Member of the Executive Council.
- (3) The Board's strategic objectives, outcomes, performance indicators and performance measures must be based upon the Board's objects, powers and functions, as contained in sections 6 and 7 of the Act and must include the promotion of tourism, employment, economic and social development.

### **3. Board to supply certain information to Portfolio Committee**

- (1) The Board must provide a report to the Portfolio Committee in terms of section 7(1)(s) of the Act, on a quarterly basis, which report must contain the following minimum information—
  - (a) information regarding all invitations issued by the Board to apply for licences or registrations under the Act, during the previous quarter;
  - (b) information regarding all applications made for licences or registrations under the Act, during the previous quarter;
  - (c) information regarding all licences or registrations issued under the Act, during the previous quarter, including copies of the conditions under which each licence was issued;
  - (d) information regarding identification of non-compliance with the Act or the National Gambling Act, 2004 on the part of licensees, registrants and other persons, including actions taken or proposed to be taken regarding the incidents of non-compliance;
  - (e) information regarding applications made by licensees or registrants under the Act for amendments to be made to conditions of licence or registration;
  - (f) information regarding the progress of transformation in the horse racing and betting industries in the Province;
  - (g) a detailed breakdown of all fees, taxes and levies collected during the previous quarter; and
  - (h) information regarding progress made, through the activities of the Board, towards the promotion of tourism, employment and economic and social development in the Province and including the fulfillment of conditions of licence, actions taken, or projects managed by licensees and registrants, which contribute towards the promotion of tourism, employment and economic and social development in the Province.
- (2) The Board must provide the responsible Member of the Executive Council with a copy of the report contemplated in subregulation (1).

### **4. Remuneration of Board staff**

- (1) When the Board consults the responsible Member of the Executive Council in terms of section 27(4) of the Act, the Board must provide the following documentation and information in order to enable the responsible Member of the Executive Council to consult effectively—
  - (a) a document depicting only those posts in the organisational structure of the Board that have previously been determined in terms of section 27(4) of the Act and depicting the remuneration, the conditions of service, the pension and the retirement benefits applicable to each post;
  - (b) a document depicting both actual and proposed posts in the organisational structure of the Board and depicting the proposed remuneration, the proposed conditions of service and the proposed pension and retirement benefits applicable to each actual or proposed post;

- (c) a document detailing the job description of each actual or proposed post in the organisational structure of the Board, in the following format—
    - (i) a summary of job details, including, as a minimum, the job title, organisational and geographical location of the post;
    - (ii) the job purpose, including an accurate, short statement about the overall purpose or reason for the existence of the post;
    - (iii) a description of the objectives of the job, including the goals that must be achieved to fulfil the overall purpose of the job and clearly demonstrating the level of work which the job entails, including, *inter alia*, management and supervisory responsibilities, where applicable; and
    - (iv) the competencies that an employee needs in order to carry out the job;
  - (d) an indication of the total cost to the Board of the organisational structure of the Board contemplated in subparagraph (a);
  - (e) an indication of the total cost to the Board of the organisational structure of the Board contemplated in subparagraph (b);
  - (f) motivation for the creation of each proposed post in the organisational structure of the Board; and
  - (g) where the conditions of service of the Chief Executive Officer and the other members of staff of the Board are completely uniform, these conditions of service should be set out in a separate document, or as an annexure to the document contemplated in subparagraphs (a) and (b).
- (2) Where the Board acts in terms of section 27(4) of the Act for the first time, it must submit a document depicting only the filled posts in the organisational structures of the former KwaZulu-Natal Gambling Board and the former KwaZulu-Natal Bookmakers Control Committee and depicting the remuneration, the conditions of service, the pension and the retirement benefits applicable to each post.
- (3) The Chief Executive Officer may only employ a person in terms of section 25(1) of the Act if he or she appoints that person to fill a post for which the remuneration, conditions of service, pension and retirement benefits have been determined in terms of section 27(4) of the Act.

## 5. Claims by Board members for remuneration and costs related to duties performed

- (1) The responsible Member of the Executive Council must ensure that a policy is issued to the Board in respect of the claims made by Board members for the remuneration and allowances approved in terms of section 17 of the Act.
- (2) A claim made by a Board member in respect of work performed as an individual, on a task assigned to that individual member by the Board, must be supported by a clear and valid resolution of the Board, assigning such task to that individual member: Provided that such resolution must clearly describe the nature and scope of the task and must be captured in the minutes of the Board.
- (3) Board members may not claim for work performed on own initiative and *ex-post-facto* approval by the Board of such work does not validate the claim.
- (4) Claims made by Board members for remuneration and allowances must be countersigned by a designated official, prior to any payment in respect of the claim being paid to the Board member.
- (5) Board members are only entitled to remuneration and allowances paid in terms of the policy contemplated in subregulation (1) and may not receive remuneration from the Board—
  - (a) as consultants to the Board; or

- (b) in terms of any contract for goods or services entered into between the Board member or any entity in which he or she has an interest, and the Board.
- (6) A Board member may not a claim for travel undertaken outside of the borders of South Africa, unless the responsible Member of the Executive Council has given that Board member prior written approval to undertake such travel.

## 6. Minutes of meetings open to inspection

- (1) Subject to the provisions of sections 16(6) and 34(2) of the Act, the minutes of meetings of the Board and of any committee of the Board must be filed in a minute book and such minute book must be open to public inspection at the offices of the Board, during normal office hours of the Board.
- (2) Within 45 days of any meeting of the Board or of any committee of the Board, the minutes of such meeting must be confirmed and must be filed in the minute book contemplated in subregulation (1).
- (3) At least one copy of the minute book contemplated in subregulation (1) must be kept in a secure place, away from the area in which the original minute book is made available for public inspection.

## 7. Copies or extracts and fees payable

The Chief Executive Officer must, subject to sections 16(6) and 34(2) of the Act, make a copy of or an extract from the minutes of meetings of the Board or of any committee of the Board available to any person requesting such copy or extract, upon payment of the amount specified in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000): Provided that no charge may be levied for provision to a requester of an electronic version of, or extract from an existing electronic document in possession of the Board.

## 8. Oaths and solemn affirmations

When being appointed to the Board a member of the Board and the Chief Executive Officer must take the following oath or affirmation—

*"I, (full names), do hereby swear/solemnly affirm to, at all times, promote the objects of the Board, not to divulge directly or indirectly any matters which are entrusted to me in secrecy, to hold my office with honour and dignity and to perform my duties of my office conscientiously and to the best of my ability, without fear, favour or prejudice, in accordance with the principles embodied in the Act".*

## 9. Establishment of special funds

When the Board wishes to establish a special fund as contemplated in section 28 of the Act, it must submit a full proposal containing details of the purpose and objects of such fund to the Executive Council for authorisation.

## 10. Administration of special funds

- (1) The Board must open a separate banking account for each special fund it administers.
- (2) All monies accruing to a special fund must immediately be paid into the relevant banking account.
- (3) The assets of a special fund must, subject to the prior approval of the responsible Member of the Executive Council, be utilised for the purposes of such fund or for such other purposes not in conflict with the overall purposes of the fund as the responsible Member of the Executive Council may direct.
- (4) Any money standing to the credit of the fund and available for investment must be invested for the benefit of the fund by the Board: Provided that the investment is not of a speculative nature.



## 11. Power of Board to levy fine or penalty on licensee or registrant

The maximum fine or penalty that the Board may levy on a licensee or registrant is R2 million: Provided that the Board may not levy a fine or penalty that exceeds double the amount of the fee, tax or levy or part thereof, in respect of the failure to pay any fee, tax or levy or part thereof, by the due date.

## Chapter 2

### Provisions relating to all applications, licensees and registered persons

#### Part 1 – Provisions relating to all applications, licensees and registered persons: Applications and investigations

## 12. Applications and grant thereof

- (1) Any licence, registration, certificate of suitability, authorisation, consent or approval granted by the Board must be subject to any licensing norms and standards prescribed in the National Gambling Act.
- (2) Any licence, registration, certificate of suitability, authorisation, consent or approval granted by the Board is revocable, contingent upon continuous suitability for licensing, registration, authorisation, consent or approval and, without limiting the Board's right to conduct an investigation, the Board has the right to call, at any time, for any information it deems necessary to satisfy itself as to such continuous suitability, which information must be submitted to the Board within 14 days of the Board's request for such information, or within such longer period as the Board may allow.
- (3) Any person applying for a licence, registration, certificate of suitability, authorisation or consent is required to satisfy the Board that such person is not disqualified from being granted such licence, registration, certificate, authorisation or consent.

## 13. Invitation to submit application

- (1) The Board may invite persons to apply for any licence, any registration, certificate of suitability, authorisation, consent or approval as contemplated in the Act.
- (2) Whenever the Board invites persons to apply for a licence, the Chief Executive Officer must cause a notice inviting applications to be published in the *Gazette* and in at least two newspapers circulating in the province: Provided that this will not apply in the case of an application for a casino licence, which must be dealt with in the manner contemplated in Part 3 of this Chapter.
- (3) Where the Board invites an application for registration, certificate of suitability, authorisation, consent or approval, in circumstances in which the absence of publicity may detrimentally affect potential applicants, the Board must take steps it deems fit to publicise such invitation.
- (4) The notice inviting applications contemplated in subregulation (2)—
  - (a) must specify the address at which the relevant application forms may be obtained and, where applicable, the closing date by which applications must be submitted to the Board; and
  - (b) may indicate—
    - (i) the type and number of licences to be issued;
    - (ii) the area to which the licence will relate;
    - (iii) the nature of the criteria to be applied in the evaluation of the application;
    - (iv) any requirements with which the applicant must comply, including the furnishing of fingerprints; and

- (v) any other particulars or any documents which the Board may, in its discretion, call for.
- (5) Any person responding to an invitation as contemplated in this regulation, must submit an application in the form prescribed by the Board in its rules.
- (6) An application must be accompanied by the relevant application fee and any plans, documents, approvals and information as may be required by the Board.
- (7) An application which is received after the closing date may not be considered by the Board.
- (8) A person wishing to apply for a licence in respect of which no invitation as has been issued, may submit, to the Board, a written expression of interest in making an application for such licence, in such manner and format as the Board may determine: Provided that when such an expression of interest is received by the Board, the Board must immediately thereafter resolve whether or not it will issue an invitation as contemplated in subregulation (2), whereupon—
  - (a) if it resolves to issue an invitation, it must issue such invitation within two months of the date of such resolution; or
  - (b) if it resolves not to issue such invitation, it must communicate such resolution to the person who submitted the expression of interest, together with reasons thereof, within two weeks of the date of such resolution.
- (9) A person wishing to apply for—
  - (a) any form of registration contemplated in the Act;
  - (b) a certificate of suitability; or
  - (c) authorisation, consent or approval contemplated in the Act,

in respect of which no invitation to apply has been issued by the Board, may apply to the Board as the need arises and must make such application in the manner prescribed by the Board in its rules.

#### **14. Notice of applications received and public inspection of application**

- (1) Where an applicant applies for—
  - (a) any licence, other than a casino licence; or
  - (b) registration as a—
    - (i) manufacturer;
    - (ii) supplier;
    - (iii) maintenance provider;
    - (iv) totalisator operator;
    - (v) totalisator manager;
    - (vi) totalisator agent; or
    - (vii) bookmaker's manager,

the Chief Executive Officer must publish a notice of applications received by the Board, in the *Gazette* and in at least two newspapers circulating in the Province.

- (2) The notice contemplated in subregulation (1), must be made within 14 days of the closing date specified in the notice contemplated by regulation 13(4)(a), or where no date is so specified, by a date determined by the Board.

- (3) The notice of applications received must—
- (a) contain a list of the names of all persons who have submitted applications in response to the invitation referred to in regulation 13, or where the application is not in response to such invitation, the names of all persons who are party to the application concerned;
  - (b) contain the material particulars of each application;
  - (c) indicate that the applications will be open to public inspection, for a period to be specified in the notice, which period must commence from the date of the said notice, subject to any confidential information not being made available for public inspection in accordance with the provisions of section 30(5) and section 34(2) of the Act; and
  - (d) invite interested persons to—
    - (i) lodge, in accordance with the provisions of regulation 17, their written representations in regard to any or all of the applications concerned, with the Chief Executive Officer, by the closing date for public inspection contemplated in paragraph (c) hereof; and
    - (ii) indicate, in any written representations, whether or not they wish to make oral representations, in accordance with the provisions of section 37 of the Act, when the Board hears the application.
- (4) All applications for casino licences must be dealt with in the manner contemplated in Chapter 3 of these regulations.

#### **15. Representations by interested persons and response by applicant to representations**

- (1) Any interested person who wishes to make representations in regard to an application submitted to the Board, must do so in writing by the date determined by the Chief Executive Officer as contemplated in regulation 14(2)(d)(i).
- (2) The representations must contain at least the following information—
- (a) the name of the applicant to which the representations relate;
  - (b) the grounds on which representations are made;
  - (c) the name, address and telephone number of the person submitting the representations; and
  - (d) whether or not the person making the representations wishes to make oral representations when the Board hears the application in accordance with the provisions of section 37 of the Act.
- (3) Any representations not containing the information required by subregulation (2) are of no force or effect and must be deemed not to have been lodged with the Board.
- (4) A person making representations must show cause why the Board should rule, in terms of section 34(3) of the Act, that his or her identity should not be divulged.
- (5) Within 14 days after receipt of any representations, the Chief Executive Officer must, subject to section 34(3) of the Act, send by personal delivery, registered mail or facsimile transmission, a copy of such representations to the applicant concerned.
- (6) The applicant must furnish any response to the representations within 14 days of the date on which the representations are referred to him or her: Provided that the Board may extend such date on the applicant showing good cause for such extension.
- (7) Any representations, responses thereto or any amended or further information lodged with the Board must, subject to the provisions of section 30(1) and section 34(2) and (3) of the Act, be open to public inspection by interested persons during the normal office hours of the Board for such period as the Board may determine.

## 16. Police report

The Chief Executive Officer must, on receipt of an application for a licence, request the South African Police Service for a report on—

- (a) convictions, whether in the Republic or elsewhere, recorded against the applicant and any other person who will be involved in the business to which the application relates;
- (b) other matters which, in the opinion of the South African Police Service, ought to be taken into consideration by the Board in respect of the application concerned; and
- (c) any other matter which the Board deems necessary.

## 17. Amendment of information and obtaining or furnishing of further information

- (1) An applicant may, with the approval of the Board, amend an application in any respect at any time prior to final action by the Board.
- (2) The Board may, by notice in writing, require any applicant for registration or any person associated with such applicant, to provide such additional information as the Board may require, in order to enable it to consider the application.
- (3) Whenever the Board requests further information from an applicant for a licence in accordance with the provisions of section 36 of the Act or from an applicant for registration in accordance with the provisions of subregulation (2), it must specify a date by which such additional information should reach the Board.
- (4) Failure to furnish the additional information by the date so specified constitutes possible grounds for refusal of the application by the Board.

## 18. Recovery of investigation expenses

- (1) For the purposes of this regulation "an applicant" means an applicant for—
  - (a) a licence;
  - (b) the amendment, substitution or rescission of a condition attached to a licence;
  - (c) the transfer of a licence;
  - (d) the removal of his or her business from the premises specified in the licence to other premises;
  - (e) any registration or authority required under Chapter 13, 14, 15 or 16 of the Act; or
  - (f) approval of a computerised record keeping system.
- (2) Prior to the commencement of an investigation into an applicant, the Board or the Board's licensing investigations consultant, must prepare an estimate of such reasonable expenses that will necessarily be incurred to carry out the investigation and must obtain advance payment of a deposit from the applicant as it may determine.
- (3) The deposit referred to in subregulation (2) must be paid by the applicant into the Board's bank account, as contemplated in section 27(3)(a) of the Act.
- (4) The Board, or the Board's licensing investigations consultant, may, whenever necessary at any stage during an investigation, require an applicant to pay an additional deposit towards the investigation fees and costs as a condition precedent to the continuation of the investigation.
- (5) Within 30 days of completion of an investigation, the Board, or the Board's licensing investigations consultant, must furnish the applicant concerned with a detailed account of the investigation fees and costs incurred, which must be offset against the deposit and any additional deposit paid by the

applicant, and any monies to the credit of the applicant must be refunded to the applicant after the Board has issued its written decision on the application.

- (6) The Board may not issue its written decision in respect of any application unless all investigation fees and costs have been paid in full.
- (7) Upon the withdrawal of an application, as contemplated in regulation 20, the Board, or the Board's licensing investigations consultant, must refund to the applicant the investigation fee or any remaining balance thereof, at the time that the Board accepts the withdrawal.

#### **19. Applicant to ensure information is true and complete**

- (1) An applicant must ensure that all information in an application is true and complete prior to the date on which the Board considers it or issues its written decision in respect of such application.
- (2) Should anything stated in an application change after it has been lodged with the Board, prior to the application being considered and prior to the Board's written decision on the application being issued, the applicant must immediately notify the Board in writing of any material changes and of the effect thereof on the application.
- (3) Upon receipt of the notice contemplated in subregulation (2) the Board may require the Chief Executive Officer to repeat the procedures as contemplated in regulation 14.

#### **20. Withdrawal of application**

- (1) An applicant may request the Board, in writing, to withdraw the application at any time prior to a decision being made by the Board in respect of the application.
- (2) The Board may, in its discretion, grant the request, in which event any investigation into the applicant concerned, which is in progress, must cease, whereupon the provisions of regulation 28 will apply with the necessary changes, as if the investigation had been completed.

#### **21. Hearing of application**

- (1) The Board must, in respect of every application, hold a hearing in the manner contemplated in section 37 of the Act, not later than—
  - (a) 30 days after the completion of the investigation contemplated in section 35 of the Act; or
  - (b) where an applicant is required to furnish a response to representations in accordance with regulation 15(6), 30 days after the date by which the applicant is required to furnish such representations.
- (2) The Board may, not later than 30 days after the completion of the investigation contemplated in section 35 of the Act, hold a Board hearing, in respect of any application for registration as a manufacturer, supplier or maintenance provider.
- (3) A hearing, as contemplated in subregulation (2), is not open to the public.

#### **22. Grounds for finding applicant not a fit and proper person**

The Board may, where the applicant, in an application to the Board—

- (a) makes any false statement of material fact, knowing it to be false;
- (b) omits to state any material fact which is required to be stated therein; or
- (c) omits to state a material fact, which by its omission, is misleading, find an applicant is not a fit and proper person in terms of section 32(1)(l) of the Act.

**23. Opportunity to rectify disqualifying circumstances**

- (1) An applicant who is subject to any disqualification in terms of the Act must, prior to the Board deciding on the application, be granted a reasonable period not exceeding 60 days, as determined by the Board, to rectify the disqualifying circumstances.
- (2) If the Board determines that the applicant is not able to rectify the disqualifying circumstances, it may not grant the applicant an opportunity to rectify the disqualifying circumstances.

**24. Transfer of licence**

- (1) Whenever a licensee wishes to transfer a licence to another person, he or she must address a letter of application to the Board.
- (2) The provisions of this Part, excluding regulation 13, apply with the necessary changes to an application to transfer a licence to another person.

**25. Removal of business to other premises**

- (1) When a licensee or registrant who wishes to move a business licensed or registered under the Act, from the premises specified in the licence or certificate of registration, to other premises, such licensee or registrant must apply to the Board, in writing, for permission to move the business to other premises.
- (2) The Board may grant the application with or without conditions: Provided that it may not grant an application—
  - (a) to move the business to premises outside the area determined by the Board, in respect of that business; or
  - (b) in the case of a casino, for removal of the casino to premises which fall outside the zone or area in which the casino is required to be located in terms of a directive issued by the responsible Member of the Executive Council in terms of section 47(1)(b) of the Act.

**Part 2 – Provisions relating to all applicants, licensees and registered persons: Hearings and issuing of licenses****26. Proceedings at hearings**

- (1) The proceedings at a hearing must, in so far as they have not been prescribed in the Act, be determined by the Board or by the person presiding at the hearing: Provided that all proceedings at a hearing must at all times comply with the rules of natural justice.
- (2) The Board or the person presiding at a hearing may direct the aspects to be covered in oral presentations by a person afforded the opportunity to be heard at such hearing and may set time limits for such oral presentations.

**27. Record of proceedings at hearing**

- (1) The Board or presiding officer must cause minutes to be kept of proceedings at any hearing.
- (2) Oral proceedings must be recorded in such manner as to adequately ensure the preservation thereof and must be retained by the Board for a period of at least three years after the Board issues its written decision on an application or any other period necessary to finalise an appeal, other legal proceeding or required by any other law.
- (3) Oral proceedings must be transcribed on request by any party upon payment of a fee of the amount specified in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

## **28. Decisions, issuing of licences or certificates of registration and renewal**

- (1) The Board or a committee must issue its written decision on all applications considered by it, including the reasons for its decision.
- (2) A decision of the Board or a committee becomes effective upon serving of notice of such decision.
- (3) Where the Board or a committee approves an application for a licence or registration, the licensee or registrant must, within 30 days of having been served notice of the Board's decision on the application, pay to the Board the fee prescribed in Schedule 2 to the Act, against the issue of the licence or registration certificate.
- (4) Upon receipt of the fee contemplated in subregulation (5) and upon compliance by the applicant with any other requirements of the Act, the Board must issue the licence or registration certificate forthwith.
- (5) Unless the Act provides that a licence or registration expires on 31 December, every licensee or registrant must, no earlier than 1 January and no later than 1 February of every year, make application for renewal of the licence or registration on 1 April of that year and must simultaneously pay to the Board the fee prescribed in Schedule 2 to the Act.
- (6) Where a licence or registration is issued after 1 February of any year, such licensee or registrant must, no later than 15 March of that year, make application for renewal of the licence or registration, as the case may be and must simultaneously pay to the Board the fee prescribed in Schedule 2 to the Act.
- (7) Where a registration is renewable upon the anniversary of its date of issue, the registrant must apply for renewal and must pay the applicable fee, no later than 60 days prior to the anniversary of the date of issue.
- (8) The Board may not issue a licence or certificate of registration during the month of March in any year unless it applies to those certificates of registration which are renewable on the anniversary of the issue of such certificate.

### **Part 3 – Provisions relating to all applications, licensees and registered persons: Suitability of third parties and junket agents**

## **29. Licensee to disclose details of business contracts and agreements**

- (1) Whenever the Board requires a licensee to disclose the details contemplated in section 46(a) of the Act, it must request the information it deems necessary from the licensee by serving notice, which notice must specify the date by which the information so requested must be received by the Board.
- (2) The Board may, after giving a licensee the opportunity to be heard, direct the licensee to amend or terminate any contract or agreement by a date specified by the Board.
- (3) Whenever the Board directs a licensee to amend or terminate a contract or agreement, it must give the licensee reasons for its decision.

## **30. Application for certificate of suitability by certain persons doing business with licensee**

- (1) An application for a certificate of suitability contemplated in section 46(b) of the Act must be—
  - (a) made in the manner and using the form prescribed by the Board in its rules;
  - (b) accompanied by the relevant application fee as prescribed in Schedule 2 to the Act; and
  - (c) accompanied by any documents and information as may be required by the Board.

- (2) The Board may grant an application subject to any condition or it may refuse an application for a certificate of suitability.
- (3) The provisions of Part 1, 2 and 3 of Chapter 2 apply with the necessary changes whenever a person applies for a certificate of suitability.

### **31. Financial interests in holder of certificate of suitability**

The provisions of Part 4 of Chapter 2 apply with the necessary changes to the holder of a certificate of suitability.

### **32. Suspension or cancellation of certificate of suitability**

The Board may, after giving the holder of a certificate of suitability an opportunity to be heard, suspend such certificate for a specified time or cancel such certificate—

- (a) if any information in the application for such certificate was false in any material respect or was subject to any material omission;
- (b) if the holder of the certificate has failed to comply with or has contravened any term or condition of the certificate or any provision of the Act, these regulations or the rules of the Board; or
- (c) if there are good reasons for doing so and it is in the best interests of the Board's objects and the proper control and regulation of gambling.

### **33. Termination of agreement or association**

- (1) If, the Board—
  - (a) refuses an application for a certificate of suitability; or
  - (b) suspends or cancels a certificate of suitability,a licensee must cease to receive any goods or services from such applicant or certificate holder.
- (2) Whenever an agreement or association between a licensee and a certificate holder is terminated by either of the parties thereto, both parties must immediately notify the Board of such termination.

### **34. Provisions of Part to apply to registered manufacturer, supplier or maintenance provider**

The provisions of this Part apply with the necessary changes to a registered manufacturer, supplier or maintenance provider.

## **Part 4 – Provisions relating to all applications, licensees and registered persons: Change in financial interests**

### **35. Notice of procurement of interest and application for consent**

- (1) Any licensee or registrant, licensed or registered under the Act, who becomes aware of any person who, directly or indirectly, procures a controlling interest in, or any financial interest in the business to which the licensee's or registrant's licence or registration relates, must immediately, in writing, notify the Board of—
  - (a) the nature of the interest procured; and



- (b) the name and contact details of the person who procured such interest;
- and thereafter must furnish the Board with such further information as the Board may deem necessary.
- (2) Any person who directly or indirectly procures an interest contemplated in subregulation (1) must, within 14 days, apply to the Board for consent for the holding of such interest.
- (3) When a person makes an application contemplated in subregulation (2) for the acquisition of a financial interest of less than 5 percent in the business to which the licence or registration relates, the Board must consider the application and may—
- (a) either immediately provide its written consent to the acquisition of the financial interest; or
- (b) deem the provisions of sections 32 to 38 of the Act to apply to the application for consent for the holding of such interest, and that the application should be administered accordingly.
- (4) An application for consent to procure or hold a financial interest in any casino, bingo, route operator, independent site operator, site operator licensee, or registered gaming equipment manufacturer, supplier or maintenance provider, must be made in a form determined by the Board and must be accompanied by the relevant application fee prescribed in Schedule 2 to the Act and any documents and information as may be required by the Board.
- (5) When a person makes an application contemplated in subregulation (2) the provisions of Parts 1, 2 and 3 of Chapter 2 of these regulations, excluding regulation 13, apply, with the necessary changes, to such application.

### **36. Determination of suitability or unsuitability of applicant**

- (1) The Board may grant or refuse an application contemplated in regulation 35(2).
- (2) Whenever the Board finds an applicant to be unsuitable to hold an interest in the business of any licensee or registrant, it must refuse the application.
- (3) If the Board refuses an application as contemplated in subregulation (2) the applicant must dispose of such interest in the licensee or registrant within six months or within such longer period as may upon good cause shown be approved, by the Board.
- (4) The Board may, at any time after having found a person suitable to hold an interest in the business of a casino, bingo, route operator or site operator licensee and after having given such person the opportunity to be heard, find that such person is no longer suitable to continue holding such interest.
- (5) Where the Board finds that the person is not suitable to hold an interest as contemplated in subregulation (4) such person must dispose of the interest in the licensee within three months after the date of the Board's finding.
- (6) With effect from the date on which the Board serves notice on a person who or which has been found unsuitable in terms of subregulations (2) and (4), such person must cease to exercise, directly or through any trustee or nominee, any voting right conferred by the holding of the interest in the licensee.

### **37. Principals to be disclosed**

A person may not hold or acquire any interest in a licence as an agent or nominee for an undisclosed principal or beneficial owner.

## **Part 5 – Provisions relating to all applications, licensees and registered persons: Employee registration**

### **38. Special employees employed by licensees or registrants**

- (1) For the purposes of registration of special employees in terms of section 65 of the Act—
  - (a) a person employed by a casino licensee, bingo licensee, a route operator or an independent site operator, in a managerial capacity, must include all persons who individually, or as part of a group, formulate management policy for the operation; and
  - (b) a person authorised by a casino licensee, bingo licensee, a route operator or an independent site operator, to make decisions that regulate that licensee's operations, must include—
    - (i) any person who has the authority to supervise or direct a shift of each gaming or security activity, including but not limited to, the supervision or direction of the entire pit operation, gaming machines or other gaming operation; and
    - (ii) any person having authority to supervise or direct such persons.
- (2) For the purposes of subregulation (1) the Board is not restricted in making its decision as to special employee status, by the title of the job performed, but must consider the functions and responsibilities of the person or job involved.

### **39. Proof of registration on licensee's employment record**

A licensee or registrant must, in respect of every employee required to be registered or licensed in terms of the Act and this Part, keep a copy of such employee's certificate of registration on his or her employment record.

### **40. Suspension or cancellation of registration**

In the event that any employee who is required to be registered in terms of the Act and or licensed in terms of the National Gambling Act, has his or her registration—

- (a) cancelled by the Board in accordance with the provisions of section 71 of the Act, the licensee or registrant by whom such a person is employed must summarily terminate the employment of that person in any capacity in which he or she is required to be so registered; or
- (b) suspended by the Board in accordance with the provisions of section 71 of the Act, the licensee by whom such a person is employed must summarily suspend the employment of that person in any capacity in which he or she is required to be so registered, for the period of suspension by the Board.

## **Part 6 – Provisions relating to all applications, licensees and registered persons: Miscellaneous provisions**

### **41. Licence to be prominently displayed**

A licence issued in terms of the provisions of the Act must be prominently displayed in a conspicuous place in or on the premises of the licensed business.

## Chapter 3 Casinos

### Part 1 – Casinos: Proposals for casinos and application for licence

#### 42. Issue of request for proposal

- (1) The Board may invite any interested person to lodge proposals for casino development projects in the Province following the issue of a directive by the responsible Member of the Executive Council contemplated in section 47(1) of the Act.
- (2) The request for proposal must—
  - (a) indicate the number of licences to be issued;
  - (b) identify the evaluation process which the Board must follow to select a prospective licensee, including any matter contemplated in a directive by the responsible Member of the Executive Council issued in terms of section 47 of the Act, if any: Provided that no process identified by the Board must conflict with such ministerial directive;
  - (c) subject to section 49 of the Act, identify the criteria which the Board will follow to select an applicant to which a licence may be granted, including those policy criteria contained in a directive by the responsible Member of the Executive Council issued in terms of section 47 of the Act, if any: Provided that no criteria identified by the Board must conflict with the directive; and
  - (d) include the fees applicable to the various stages of the request for proposals.

#### 43. Invitation to submit application for casino licence

- (1) Upon completion of the evaluation process contemplated in regulation 42(2)(b), as applied to the proposals for a casino development project and after consultation with the responsible Member of the Executive Council, the Board must invite the persons who made the proposal to apply for a casino licence: Provided that the Board must indicate in such invitation the preliminary ranking of such proposals for the purposes of selecting the applicant to whom a licence will be issued.
- (2) The invitation contemplated in subregulation (1) must indicate that the application must be made in line with the requirements set out in the "Request for Proposals" document and must detail any further requirements of the Board for documentation and information required to support the application.
- (3) Subject to regulation 22, the Board must on receipt of an application contemplated in subregulation (1), including the prescribed fee, commence with the investigation contemplated by section 35 of the Act.

#### 44. Criteria for casino licensing

- (1) In selecting an applicant for a casino licence, the Board must apply the criteria referred to in regulation 42(2)(c).
- (2) The criteria referred to in subregulation (1) must be applied by—
  - (a) comparing each bid to all other bids competing for a casino licence in the same zone in respect of each criterion separately;
  - (b) allocating scores against each criterion in each bid; and
  - (c) calculating the total of the scoring so allocated.

- (3) An applicant for a casino licence must satisfy the Board that such applicant has the legal title to the land where the casino activity is to be developed and the financial and other resources necessary to develop it.
- (4) If, in the opinion of the Board, none of the applicants for a particular casino licence has made a suitable bid proposal for a casino licence, it must call for new proposals in respect of such casino licence.

#### **45. Application for casino licence**

- (1) Any person who is invited by the Board to apply for a casino licence must do so in accordance with the terms of the invitation contemplated in regulation 43 and such application must be accompanied by the application fee prescribed in Schedule 2 to the Act.
- (2) The provisions of Part 1, where applicable, and Part 2 and 3 of this Chapter, apply with the necessary changes, whenever a person applies for a casino licence.

### **Part 2 – Casinos: Monitoring and control systems**

#### **46. Electronic monitoring system**

- (1) A casino licensee must store electronic records relating to the electronic monitoring system in chronological order for a period of five years.
- (2) The Board must—
  - (a) determine a common protocol to facilitate communication between the Board and the casino's monitoring and control systems; and
  - (b) authorise any interface or the format of any interface between the systems.
- (3) A casino licensee must connect all the gaming machines which such licensee makes available for play, to the monitoring and control system as approved by the Board in accordance with the provisions of subregulation (4).
- (4) The Board may approve a monitoring system contemplated in section 58 of the Act, which is certified as being compliant with the applicable SABS standard and which is designed in such manner that it—
  - (a) records the monetary value placed in each gaming machine for the purpose of activating play;
  - (b) records the monetary value deposited in the drop box of each gaming machine that has a drop box;
  - (c) records the monetary value automatically paid out by each gaming machine;
  - (d) records the monetary value paid manually;
  - (e) identifies any machine taken off-line or placed on-line of the computer monitor system, including the date, time and machine identification number; and
  - (f) is capable of reporting any revenue transactions not directly monitored by those meters which read money or monetary value, such as, but not limited to, monetary value placed in the machine as a result of a hopper fill.
- (5) It is an offence for any person to alter or modify, in anyway, the approved monitoring system contemplated in subregulation (4) without the prior approval of the Board.

### **Part 3 – Casinos: Casino games**

#### **47. Types of casino games permitted to be played**

The Board must authorise, on application to it by a casino licensee, the types of casino games that may be played in or on the premises of a casino licensee and such games must be governed by the Board's rules made in accordance with the provisions of section 7(1)(m) of the Act.

#### **48. Stakes and prizes for casino games other than gaming machines**

- (1) The stakes and prizes applicable to every authorised casino game must be on permanent display, either at the table at which the casino game is played or in a conspicuous place immediately adjacent to the place at which the game is played.
- (2) Payoff schedules or award cards must accurately state actual payoffs or awards applicable to the particular game and must not be worded in such a manner as to mislead or deceive the public.

#### **49. Gaming machines**

- (1) Every gaming machine exposed for play must have a confirmed theoretical return to player percentage of not less than 80 percent.
- (2) All winning combinations, together with the corresponding prizes, must be clearly displayed, or must be easily accessible by the player, on every gaming machine exposed for play.

### **Part 4 – Casinos: Registration or deregistration of gaming equipment, gaming machines or games and maintenance thereof**

#### **50. Gaming equipment, gaming machines or games to comply with SABS or Board standard**

A casino licensee must not keep or maintain any gaming equipment, gaming machine or game which has not been certified and registered in accordance with regulation 82.

#### **51. Possession of gaming equipment, gaming machines or games**

All gaming equipment, gaming machines or games on casino premises which have been approved and registered by the Board, as contemplated by regulation 82, must be included in the Board's records.

#### **52. Operation of and maintenance of gaming equipment and gaming machines**

- (1) A casino licensee must not alter the operation of registered gaming equipment and gaming machines without the prior approval of the Board.
- (2) A casino licensee must use a licensed maintenance provider to maintain such equipment and machines in a suitable condition.
- (3) Notwithstanding subregulation (2), a casino licensee may perform the maintenance, repair or alteration of any gaming equipment, device or machine utilised by it in the conduct of its licensed activities, utilising appropriately qualified or experienced personnel, and provided further that such equipment, device or machine remains in the approved physical configuration.

#### **53. Records to be kept by licensee**

A casino licensee must, for a period of five years, keep a record of all gaming equipment, gaming machines and games registered in accordance with the provisions of this Part, including, but not limited to,

manufacturer, date of purchase, machine serial number, model number, Board registration number and date of deregistration by the Board.

## **Part 5 – Casinos: Chips, plaque, tokens, integrated circuit cards or face value instruments**

### **54. Explanatory provisions**

The following types of wagering media may, subject to the provisions of this Part, be used in a casino—

- (a) a "chip" which must be circular in shape, with or without an indicated rand value, and which is used for gaming on table games in a licensed casino;
- (b) a "plaque" which must be either square, rectangular or oval in shape, with an indicated rand value and which is used for gaming on table games in a licensed casino;
- (c) a "token" which must be circular in shape, with an indicated rand value, and which is used to activate automated gaming equipment in a licensed casino; and
- (d) an "integrated circuit card" which must be similar in shape and dimensions to a credit card and which is used to store monetary value and to activate automated gaming equipment in a licensed casino.

### **55. Other face value instruments**

- (1) A casino licensee must not use any face value instrument in a casino, other than an approved integrated circuit card, chip, plaque or token, unless the Board has granted approval for the use of a specific type of face value instrument.
- (2) The Board may, in its discretion, refuse an application for the use of a face value instrument other than integrated circuit cards, chips, plaques or tokens or may grant an application subject to any conditions it considers appropriate.
- (3) The provisions of this Part apply to all other face value instruments: Provided that the design, colour, size and shape of and the standards for such face value instruments are such that they are readily distinguishable from the integrated circuit cards, chips, plaques or tokens approved by the Board in terms of this Part.

### **56. Procedures on receipt of chips, plaques or tokens from manufacturer or distributor**

- (1) On delivery of any chips, plaques or tokens from the manufacturer or distributor thereof, a casino licensee must ensure that a minimum of three employees, each of whom must be employed in a separate department and must be registered as a special employee, are simultaneously present to open and check the chips, plaques or tokens delivered.
- (2) After the chips, plaques or tokens have been checked in accordance with the provisions of subregulation (1) the casino licensee must cause the appropriate annotations to be made in the inventory register referred to in regulation 57.
- (3) In the event that the persons checking the chips, plaques or tokens find any defects in or any discrepancy between the manufacturer's or distributor's invoice or other document accompanying the chips, plaques or tokens and the actual chips, plaques or tokens received, they must immediately report such defect or discrepancy to the Board and record details of the defect or discrepancy and the reporting thereof in the inventory register.
- (4) Any chips, plaques or tokens received in accordance with the provisions of this regulation, that are not intended for immediate use at a gaming table or at a cashier's cage in the licensee's casino, must be recorded in the inventory register as reserve chips, plaques or tokens and must be stored in a separate locked compartment either in a vault or in a cashier's cage by the licensee.

### 57. Inventory register of chips, plaques or tokens

A casino licensee must keep an inventory register for all approved chips, plaques or tokens for the purposes of recording any information required in terms of this Part and for the purposes of recording the following information—

- (a) a description of the various approved chips, plaques or tokens used in the casino including the denomination thereof;
- (b) the quantity of each denomination of the various chips, plaques or tokens taken into stock on receipt thereof from the manufacturer or distributor;
- (c) the date and time on which the chips, plaques or tokens were received and taken into stock;
- (d) the names and signatures of the special employees who opened and checked such chips, plaques or tokens;
- (e) any defects or discrepancies and the reporting thereof to the Board;
- (f) the denomination and quantity of chips, plaques or tokens placed in, removed from and returned to the reserve inventory;
- (g) daily, monthly and annual inventories of chips, plaques or tokens; and
- (h) any other information the Board considers necessary.

### 58. Record of movement of chips, plaques or tokens

- (1) Whenever chips, plaques or tokens are required in a cashier's cage or at a table game in the casino or are returned therefrom by the licensee—
  - (a) they must either be removed from or returned to the vault or cashier's cage, as the case may be, in the presence of at least three casino employees, each of whom must be employed in a separate department and each of whom must be registered as a special employee; and
  - (b) the denomination and quantity of any chip, plaque and token so removed or returned must be recorded in the inventory register by the registered casino employees contemplated in paragraph (a) of this subregulation, who must date and sign the inventory register and note the time of such annotation.
- (2) A casino licensee must, on a daily basis, compute and record the unredeemed liability for each denomination of chips, plaques or tokens and must cause an inventory of chips, plaques or tokens in circulation to be taken and the result thereof to be recorded in the inventory register.
- (3) A casino licensee must, on at least a monthly basis, cause an inventory of chips, plaques or tokens in reserve to be taken and the result thereof to be recorded in the inventory register.
- (4) Where the inventory procedures incorporate the sealing of the locked compartment, a casino licensee must cause an inventory of chips, plaques or tokens in reserve to be taken at least annually.
- (5) During non-gaming hours, all chips, plaques or tokens in the possession of the licensee must be stored by the licensee either in a vault or in the cashier's cage: Provided that chips representing the table bankroll may be locked in a secure compartment at the table: Provided further that the Board determines that there is adequate security to allow such an arrangement.
- (6) The procedures to be utilised to compute the unredeemed chips and to inventory chips in circulation and reserve must be submitted to the Board, by the licensee for approval.

## Part 6 – Casinos: Underage exposure to gambling

### 59. Underage gambling or exposure thereto not permitted

- (1) A casino licensee or any employee of such licensee must not allow or permit any person who is under the age of 18 years to—
  - (a) enter a casino, except to pass directly to another room or area of the establishment: Provided that if such underage person is registered as a special employee under the Act and is acting in the normal course of his or her work as a special employee, he or she may remain in a casino until completion of the work concerned;
  - (b) be served any food or beverages in the gambling area of a casino;
  - (c) be rated as a player, patron or punter;
  - (d) receive complimentary services or items as a result of or in anticipation of his or her gambling in such casino; or
  - (e) be targeted for purposes of advertising, through the post, any gambling promotions or competitions.
- (2) A casino licensee and any employee of such licensee may, at any time, demand from any person who enters or attempts to enter a casino and the gambling area of a casino, the production of any of the following for purposes of establishing the age of such person—
  - (a) a valid identity document or passport issued by the Department of Home Affairs in the Republic or by a competent issuing authority in another country; or
  - (b) a valid driver's licence issued by a competent driving testing authority.

## Part 7 – Casinos: Cash transactions

### 60. Certain transactions prohibited

A casino licensee must not—

- (a) exchange cash for cash other than to enable the patron to participate in gambling where cash is used as the stake or to convert such cash after participation in gaming;
- (b) issue a cheque or other negotiable instrument or transfer any funds on behalf of a patron in exchange for cash, any other negotiable instrument, chips or tokens, unless such licensee is satisfied that the patron has become entitled to winnings in such amount, pursuant to a *bona fide* gambling transaction.

## Part 8 – Casinos: Internal controls

### 61. Internal controls

Each casino licensee must include as part of such licensee's system of internal control, a description of the procedures adopted by such licensee in order to comply with these regulations.

### 62. Minimum operational and internal control standards for casino licensee

- (1) The Board must determine minimum operational standards and minimum standards for internal control procedures and must make these available to all licensees and to all applicants for a casino licence.



- (2) The Board may, from time to time, amend, substitute or rescind any of the standards contemplated in subregulation (1), in which event it must make such amendment, substitution or rescission available to all licensees and to all applicants for a casino licence.
- (3) A casino licensee is required to comply with any standard adopted by the Board and incorporated in its Rules.

### **63. Minimum internal controls**

- (1) A casino licensee must establish and maintain administrative and accounting procedures for the purpose of determining such licensee's liability for taxes and fees under the Act and for the purpose of exercising effective control over such licensee's internal financial affairs.
- (2) The procedures must be designed to reasonably ensure that—
  - (a) assets are safeguarded;
  - (b) financial records are accurate and reliable;
  - (c) transactions are performed by employees in accordance with management's general or specific authorisation;
  - (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
  - (e) functions, duties and responsibilities are appropriately segregated and performed, in accordance with sound practices, by competent, qualified personnel.

### **64. Internal control system approved by Board**

- (1) Each licensee and each applicant for a licence must describe, in writing, in such manner as the Board may approve or require, such licensee's or applicant's internal control, administrative and accounting procedures in detail and must submit same to the Board for approval, prior to the implementation of the procedures.
- (2) Each system of internal control submitted for approval must include—
  - (a) an organisational chart depicting segregation of functions and responsibilities;
  - (b) a description of the duties and responsibilities of each position shown on the organisational chart;
  - (c) a detailed, narrative description or a detailed systems flow chart of the administrative and accounting procedures designed to satisfy the requirements of regulations 62 and 63; and
  - (d) such further information as the Board may require.
- (3) Where the Board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Part, it must notify the applicant or licensee, accordingly, in writing.
- (4) Within 30 days of receiving the notification contemplated in subregulation (3) the applicant or licensee must amend such licensee's or applicant's internal control system accordingly, and must submit a copy of the amended system to the Board for approval.

### **65. Amendment of existing system of internal control**

- (1) A licensee wishing to amend such licensee's previously approved system of internal control must, prior to implementing such amended system, submit to the Board a copy of the written internal control system, as amended, for approval.

- (2) The provisions of regulation 70(2) to (4) apply with the necessary changes to an application for approval contemplated in subregulation (1).

## **Part 9 – Casinos: Accounting records and returns**

### **66. Accounting records**

- (1) A casino licensee must, in such manner as the Board may approve or require, keep accurate, complete, legible and permanent records of all of such licensee's transactions.
- (2) A casino licensee must keep—
  - (a) generally accepted accounting records on a double entry system of accounting and detailed, supporting subsidiary records, identifying revenue, expenses, assets, liabilities and equity;
  - (b) individual game records to reflect drop, win and the percentage of win-to-drop by table for each table game and to reflect drop, win and the percentage of win-to-drop for each type of table game, by gaming day and individual game records reflecting similar information for all other games;
  - (c) gaming machine analysis reports which reflect, in respect of each gaming machine, turnovers and payouts and which compare actual hold percentages to theoretical hold percentages on a monthly, quarterly and 12 month rolling basis;
  - (d) the records required by the licensee's approved system of internal control; and
  - (e) any other records that the Board requires be maintained.

### **67. Audited financial statements**

- (1) A casino licensee must, at the end of such licensee's financial year, prepare or cause to be prepared annual financial statements, which must be in accordance with statements of Generally Accepted Accounting Practice and which must be presented in a format approved or required by the Board.
- (2) A casino licensee must engage an independent auditor who is registered as being engaged in public practice in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), to audit such licensee's financial statements in accordance with generally accepted auditing standards.
- (3) A casino licensee must, within three months of the last day of the financial year, submit to the Board two copies of the annual financial statements duly audited in accordance with subregulation (2) together with any reports communicating the results of the audit, including management letters.
- (4) The Board may, on good cause shown by a casino licensee, extend the period contemplated in subregulation (3) by a period not exceeding six months.
- (5) The Board may request additional information or documents, in connection with financial statements drawn up by, or services performed by, an auditor, from either—
  - (a) the casino licensee; or
  - (b) subject to such licensee's prior consent, the auditor engaged by such licensee.

### **68. Other records**

A casino licensee must, where applicable, keep at such licensee's registered offices, or must provide to the Board at its request, the following records or documents or their equivalent—

- (a) a copy of the memorandum and articles of association of the company, including any amendments;
- (b) a copy of the company's certificate to commence business;

- (c) a register of all current and former officers and directors;
- (d) minutes of all meetings of the shareholders;
- (e) minutes of all meetings of the directors and committees of the board of directors;
- (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
- (g) any other records which the Board may from time to time require to be maintained.

## **Part 10 – Casinos: Surveillance and security**

### **69. Compliance with provisions of Part**

A casino licensee must comply fully with the provisions of this Part within 14 days of the commencement of such licensee's gaming operations.

### **70. General requirements for surveillance systems**

- (1) A casino licensee must install, maintain and, at all times, operate, a surveillance system comprising cameras, monitors and visual data recorders, all of which cumulatively provide the surveillance coverage required by this Part.
- (2) The surveillance system must include date and time generators that display on each visual data recording the date and time of the recorded events, without obstructing the recorded view.
- (3) A casino licensee must provide a surveillance room on its premises, which must—
  - (a) house all equipment used to monitor or record views through the surveillance system;
  - (b) have a separate entrance situated away from the view of casino employees and the general public; and
  - (c) at all times, be staffed by qualified personnel as contemplated in subregulation (6).
- (4) A casino licensee must ensure that surveillance equipment is monitored at all times by qualified personnel contemplated in subregulation (6) and such equipment must have total override capability over any other satellite monitoring equipment in other offices.
- (5) The Board or any inspector must, at all times, be given immediate access to the surveillance room and other surveillance areas in the casino, provided that positive identification has been furnished.
- (6) Surveillance personnel contemplated in subregulation (4) must—
  - (a) be appointed and be provided with training, exclusively for surveillance purposes, by the casino licensee in accordance with minimum standards approved by the Board; and
  - (b) have, or be involved in training to acquire a comprehensive knowledge of—
    - (i) all table games available for play in the licensee's casino;
    - (ii) these regulations; and
    - (iii) any rules made by the Board in terms of section 7(1)(m)(ii) of the Act.
- (7) The surveillance system and its equipment must—
  - (a) be wired or connected in such a way as to reduce the risks associated with tampering; and
  - (b) be connected to an auxiliary power source capable of providing, in the event of a power loss, uninterrupted power to the surveillance system and sufficient lighting to monitor and operate the surveillance system.

- (8) Each monitor screen in the surveillance system must measure a minimum of 30 centimetres diagonally.
- (9) Each camera connected to the surveillance system and located in public areas must be concealed from the public view by way of a smoked glass dome, a one-way mirror or other similar material.
- (10) The surveillance system must view and record in colour, *inter alia*—
  - (a) transactions occurring at the casino cages;
  - (b) views of roulette tables;
  - (c) views of progressive jackpots in cases where the relevant values are not displayed on the linked gaming machines;
  - (d) any machines with bill validators; and
  - (e) soft count rooms.
- (11) For purposes of defining the soft count room contemplated in this part, a "soft count room" means a secure and monitored room in which the registered casino employees count paper currency, charge slips, and bank checks in a casino.
- (12) The visual data recorders used in the surveillance system must be capable of generating, immediately on demand, a clear and still black and white or colour copy or photograph of the images depicted on any visual data recording.
- (13) A casino licensee must have the capability of creating first generation visual data recordings that are capable of being copied onto a computer-readable and portable electronic medium or device.

#### **71. Surveillance systems in count rooms and casino cage**

- (1) A casino licensee must install, maintain and, at all times, operate a surveillance system that is capable of monitoring and recording clear unobstructed views of all areas and transactions within—
  - (a) the hard count room and any area where uncounted coin is stored during the drop and count process, including walls, doors, scales, wrapping machines, coin sorters, vaults, safes and general work surfaces;
  - (b) the soft count room, including walls, doors, drop boxes, vaults, safes and counting surfaces that must be transparent; and
  - (c) the casino cage, including customer windows, employees' windows, cash drawers, vaults, safes, counters, chip storage and fill windows.
- (2) For purposes of defining the hard count room contemplated in this part, a "hard count room" means a secure and monitored room in which the registered casino employees count coins and tokens in a casino.
- (3) Views of all transactions within the hard count room, soft count room and casino cage, must be recorded with sufficient clarity to permit visual identification of each employee and his or her movements, and to permit visual identification of all currency, coins and paperwork.
- (4) The surveillance system must include audio monitoring and recording capabilities for the soft count room.
- (5) The recorded data from the soft and hard count rooms must be retained for a minimum of seven days.

*[subregulation (5) substituted by section 2 of Provincial Notice 118 of 2013]*

## 72. Surveillance systems at table games and card rooms

- (1) A casino licensee that operates table games or a card room must install, maintain and, at all times, operate a surveillance system that is capable of monitoring and recording—
  - (a) on a continuous basis and by way of a fixed camera dedicated to such table, each table game, at any time during which the drop box is attached to such table; and
  - (b) clear and unobstructed views of—
    - (i) all table games and card room areas with sufficient clarity to permit visual identification of all dealers, patrons, spectators and pit personnel;
    - (ii) all table games or card table surfaces, including table bank trays, with sufficient clarity to permit visual identification of all chip, cash, dice and card values, and the outcome of the game;
    - (iii) both the table game area and the table game surface simultaneously;
    - (iv) roulette tables and wheels, so as to permit views of both the table and the wheel on one monitor screen;
    - (v) all slots of drop boxes and table numbers; and
    - (vi) all card rooms or podium banks, including any drawers, cabinets and safes contained therein.
- (2) All recordings in terms of this regulation must be retained by the licensee for at least seven days after the recorded event.

*[subregulation (2) substituted by section 3 of Provincial Notice 118 of 2013]*

## 73. Surveillance systems for gaming machines

- (1) A casino licensee that makes gaming machines available for play must install, maintain and, at all times, operate a surveillance system capable of monitoring, on a continuous basis, and recording clear, unobstructed and continuous views of all—
  - (a) areas in which gaming machines are located with sufficient clarity to visually identify all patrons and employees; and
  - (b) slot change booths, including the cash drawers of such booths, countertops, counting machines, customer windows and employee windows with sufficient clarity to permit visual identification of all transactions, cash, documents, patrons and employees.
- (2) All recordings in terms of this regulation must be retained by the licensee for at least seven days after the recorded event.

*[subregulation (2) substituted by section 4 of Provincial Notice 118 of 2013]*

## 74. Surveillance systems for casino security offices

- (1) A casino licensee must install a surveillance system capable of monitoring, on a continuous basis, and recording clear, unobstructed and continuous views of any security office in which any persons may be questioned or interviewed by casino security officers, an inspector or a member of the South African Police Service.
- (2) Any monitoring and recording of security offices contemplated in subregulation (1) must be by way of audio and visual data recordings for the entire period during which a person is detained, questioned or interviewed in such office.

- (3) Every security office contemplated in this regulation must have a sign, prominently displayed therein, stating that such office is under constant audio and video surveillance.
- (4) All recordings in terms of this regulation must be retained by the licensee for at least seven days after the recorded event.

*[subregulation (4) substituted by section 5 of Provincial Notice 118 of 2013]*

#### **75. Malfunction of casino surveillance system equipment**

- (1) A casino licensee must establish and maintain a written log of any and all casino surveillance system equipment malfunctions and retain the log for at least one year after the date of the most recent entry in the log.
- (2) Every malfunction must be repaired within twenty-four hours of the malfunction occurring and, in the event that it is not possible to complete the repair within 24 hours, the casino licensee concerned must immediately submit a written report to the Board giving the reasons for the delay in the repair and must retain such report for a period of at least thirty days after submission thereof to the Board.
- (3) The Board may, subject to the provisions of subregulation (6), order that all activity in the area affected by the malfunction be suspended pending repair.
- (4) In the event of a malfunction of a dedicated camera, recorder or monitor, a casino licensee must immediately suspend all gambling activity, the playing of any casino games or gaming machines that are viewed and recorded by such dedicated camera, recorder or monitor, pending repair thereof.
- (5) The suspension of the gaming activity contemplated in subregulation (4) does not apply where alternative monitoring and recording devices are immediately deployed to cover the affected area, pending repairs being effected to the said equipment.
- (6) The alternate monitoring of the gaming activity contemplated in subregulation (5) may not exceed a maximum period of 24 hours following a malfunction of a dedicated camera, recorder or monitor.

#### **76. Surveillance system recording requirements**

- (1) The Board may require a casino licensee to record views, activities and locations additional to those prescribed in this Part, including, but not limited to, all entrances and reception areas of the casino.
- (2) A casino licensee must maintain a written log of all incidents observed by casino surveillance personnel which appear to be unusual or irregular or which violate or appear to violate any law of the Republic, the provisions of the Act, these regulations or rules of the Board and must, immediately upon the occurrence of such incident, notify the Board.
- (3) All visual data recordings produced by a surveillance system must present a clear and unobstructed view of the scene depicted thereon.
- (4) A casino licensee must retain all visual data recordings for at least seven days after the recording is made, unless a longer period is required by another regulation in this Part of the regulations or by order of the Board.
- (5) The surveillance personnel on duty at the time of making any recording must, prior to the end of their shift, ensure that every visual data recording made during the course of such shift is labelled with the date and time period covered by the recording, the areas covered by the recording and is signed by the person who made the recording.
- (6) All visual data recordings must be made in either real time or extended playtime and not in a time lapse recording mode.

**77. Approval of and alterations to surveillance system plans**

- (1) Every applicant for a casino licence must submit to the Board, upon its request and for its approval, a surveillance system plan.
- (2) The surveillance system plan contemplated in subregulation (1) must include—
  - (a) a casino floor plan showing the placement of all surveillance equipment; and
  - (b) a detailed description of the casino surveillance system and its equipment, in relation to the locations that are required to be under surveillance in terms of this Part.
- (3) An applicant or a casino licensee must not change, alter or modify the approved surveillance system plan contemplated in subregulation (1), without the prior approval of the Board, as contemplated in subregulation (4).
- (4) Whenever an applicant or a casino licensee wishes to change, alter or modify a surveillance system plan, such applicant must submit to the Board for its approval, the proposed amended plan reflecting any change, alteration or modification of the surveillance system, no later than 30 days prior to the implementation of such proposed change, alteration or modification.

## **Chapter 4 Gaming equipment**

### **Part 1 – Gaming equipment: Registration of persons contemplated by section 66 of Act**

**78. Application for registration as manufacturer, supplier or maintenance provider**

A person who wishes to manufacture, sell, make available, lease, distribute, import, market, maintain, service or repair any gaming equipment contemplated in section 66 of the Act, must apply to the Board for registration as a manufacturer, supplier or maintenance provider.

**79. Form of and making of application**

An application for registration as contemplated in regulation 78 must be submitted in a form determined by the Board, which must be obtained from the offices of the Board during normal office hours, and which must be accompanied by the relevant application for registration fee prescribed in Schedule 2 to the Act.

**80. Conditions of registration**

The Board may grant approval for an application for registration subject to the authorised activities contemplated in regulation 81, as well as to any further conditions, or it may refuse an application for registration.

**81. Authorised activities specified as condition of registration**

Whenever the Board grants a certificate of registration in accordance with regulation 80 it must specify, as a condition, the activity authorised by the registration which may be any or all of the following—

- (a) manufacturing;
- (b) assembly;
- (c) programming or program duplication;
- (d) sale, import, distribution, leasing or marketing;

- (e) servicing, maintaining or repairing; or
- (f) any other related activity authorised by the Board, in respect of any approved gaming equipment.

## **Part 2 – Gaming equipment: Registration of gaming equipment**

### **82. Gaming equipment to comply with SABS standards and registered by Board**

- (1) No gaming equipment must be used or distributed, sold, leased, marketed or otherwise be made available for play, or be maintained, serviced or repaired by any person registered in accordance with the provisions of this Part of the regulations, unless—
  - (a) it has been certified as complying with either the relevant SABS standard, or another national norm or standard, or, in the absence of the aforementioned, with a standard determined by the Board; and
  - (b) it has, on application in a form determined by the Board, been separately approved and registered by the Board.
- (2) A person who wishes to manufacture, sell, make available, lease, distribute, import, market, maintain, service or repair any gaming equipment may have in his or her possession gaming or associated equipment, devices or games which have not been certified, approved and registered in accordance with the provisions of subregulation (1), where such equipment, device or game—
  - (a) is to be exported for sale or distribution to another place outside of the Province and documentation in support of such export exists;
  - (b) is in the process of being submitted for certification and approval in the manner contemplated in subregulation (1) and there is appropriate documentation to support this; and
  - (c) is, with the written approval of the Board, used for demonstration or exhibition purposes or for such other purposes as the Board may approve.
- (3) Any licensee in possession of gaming or associated equipment, devices or games which have not been certified, approved and registered in accordance with the provisions of subregulation (1) of this regulation, must apply forthwith for registration and approval in the manner determined by the Board.
- (4) A person contemplated by section 66 of the Act may, at any time, in the manner and form determined by the Board, apply for the deregistration of any gaming or associated equipment, device and game registered in terms of this regulation.
- (5) Any gaming or associated equipment, device and game which has been approved and registered by the Board must carry, in a conspicuous place, the Board's registration number.
- (6) Gaming equipment must not be destroyed or sold without the prior approval of the Board: Provided that in giving its approval, the Board must specify the manner and form of the destruction or sale.
- (7) The authorised destruction or sale of gaming equipment must be conducted in the manner and form specified by the Board when it approved such destruction or sale.

### **83. Certification and approval by SABS**

- (1) A registered manufacturer, supplier or maintenance provider must, subject to the provisions of regulation 82(2), submit all non-certified and non-approved gaming equipment in its possession, to the SABS, for certification and approval, without delay.
- (2) The SABS may dismantle any gaming equipment and may destroy components in order to fully test, inspect and evaluate the gaming equipment, in order to establish whether or not it complies with the relevant standard and is capable of certification and approval.



- (3) The costs associated with the testing, inspection and certification of gaming equipment, including any damage to such equipment during the testing thereof, must be borne by the registered manufacturer, supplier or maintenance provider.
- (4) The Board may require an applicant for the registration of gaming equipment, to provide specialised equipment, or the services of an independent technical expert, to test, inspect and evaluate any gaming equipment.
- (5) The licensee must, upon completion of the testing and inspection contemplated in this regulation, notify the Board in writing as to whether or not the gaming equipment submitted to the SABS has been certified as complying with the relevant standard.
- (6) Upon receipt of the SABS certificate contemplated in subregulation (5), an applicant for the registration of gaming equipment must submit such certificate to the Board.
- (7) Where the SABS certificate contemplated in subregulation (5) indicates that the gaming equipment complies with the relevant SABS standard, the Board may register such gaming equipment and, if it does so register such equipment, the Board must supply the applicant with a suitable registration certificate.

#### **84. Alterations and modifications prohibited**

No person must be permitted to alter the operation of, or to modify any properly registered and approved gaming equipment, without the prior written approval of the Board.

#### **85. Suspension of approval and registration**

- (1) The Board may issue an order, with or without prior notice, to any licensee or persons registered in accordance with this Part, suspending approval and registration of any gaming equipment, if the Board finds that such equipment does not operate as approved by the Board or if the manufacturer or supplier misrepresented in any way the manner in which any gaming equipment operates.
- (2) After issuing an order in terms of subregulation (1) the Board may seal or seize all models of the gaming equipment in question.

### **Part 3 – Gaming equipment: Training of service or manufacturing employees**

#### **86. Training programmes for service or manufacturing employees**

Every registered manufacturer, supplier or maintenance provider must submit to the Board for approval—

- (a) a training programme for the training of service and manufacturing employees in manufacturing, servicing and maintenance of gaming or associated equipment, devices and games;
- (b) an outline of the training curriculum;
- (c) a list of instructors and their qualifications; and
- (d) a copy of the instruction materials.

#### **87. Registration certificate available for inspection**

Every employee of a registered manufacturer, supplier or maintenance provider must have his or her registration certificate available for inspection at all times whilst on duty.

## **Part 4 – Gaming equipment: Records and returns for manufacturers, suppliers and maintenance providers**

### **88. Accounting records**

Every registered manufacturer, supplier or maintenance provider must, in such manner as the Board may approve or require, keep accurate, complete, legible and permanent records of all of its transactions.

### **89. Distribution records**

A registered manufacturer or supplier must keep written distribution records reflecting—

- (a) the date of distribution;
- (b) the name, address and licence number of the recipient;
- (c) description and number of devices or equipment supplied;
- (d) Board approval number and registration number;
- (e) serial numbers of devices or equipment supplied; and
- (f) such further information as the Board may require,

and must, immediately on request, provide such records to the Board or an inspector.

### **90. Maintenance and repair records**

A registered maintenance provider must keep written records of all repairs made to gaming devices or equipment reflecting—

- (a) the date of repair;
- (b) the name, address and licence number of the owner of the device or equipment;
- (c) description of work carried out;
- (d) serial number of device or equipment repaired; and
- (e) such further information as the Board may require,

and must immediately on request, provide such records to the Board or an inspector.

### **91. Stock records**

Every registered manufacturer, supplier or maintenance provider must keep written continuous stock records reflecting—

- (a) opening stock on hand;
- (b) stock purchased/manufactured;
- (c) distributions; and
- (d) closing stock on hand,

and must, immediately upon request, provide such records to the Board or to an inspector.

## 92. Other records

- (1) Every registered manufacturer, supplier or maintenance provider which is a company must keep at such registrant's business premises or registered offices, or upon request, must provide to the Board, or to an inspector—
  - (a) a copy of the memorandum and articles of association of the company, including any amendment;
  - (b) a copy of the company's certificate to commence business;
  - (c) a register of all current and former officers and directors;
  - (d) minutes of all meetings of the shareholders;
  - (e) minutes of all meetings of the directors and committees of the board of directors;
  - (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
  - (g) any other records that the Board specifically requires be maintained.
- (2) Every natural person who is registered as a manufacturer, supplier or maintenance provider must keep such records as the Board may determine.

## 93. Returns to be rendered

Every person registered in accordance with this Part of the regulations must, in the manner and format determined by the Board, submit information at such intervals as the Board may determine.

# Chapter 5 Limited payout machines

## Part 1 – Limited payout machines: Limitations

### 94. Limited payout machine to comply with SABS standard

A route operator or an independent site operator must, before applying in the manner contemplated in Part 2 of Chapter 4, for the registration of a limited payout machine or other gaming equipment, ensure that such limited payout machine or other gaming equipment has been certified by the SABS as complying with the applicable part of SABS Standard SABS 1718 and must ensure that the Board is provided with the relevant certification documentation.

### 95. Prescribed maximum stake

- (1) The maximum amount that may be staked or wagered in total to enable a person to play all pay lines of a game on a limited payout machine is five rands.
- (2) For the purposes of subregulation (1) a game must include any feature games triggered by a winning event in the primary game, but excludes any double-up games.

### 96. Prescribed maximum prize

- (1) The maximum amount that may be won in respect of all pay lines on a game played on a limited payout machine is R500,00.
- (2) For the purposes of subregulation (1) of this regulation, a game must include any feature game or any option to play a double-up game, which is triggered by a winning event in the primary game:

Provided that an option to play a double-up game must not be available if the prize or win amount to be doubled exceeds R250,00.

**97. Prizes to be displayed**

All possible winning combinations, together with the corresponding prizes or win amounts, must be clearly displayed or be easily accessible by the player, on every limited payout machine exposed for play.

**98. Return to player**

Every limited payout machine exposed for play must have a confirmed theoretical return to player percentage of not less than 85 percent.

**99. Limited payout machine to communicate with approved monitoring and control system**

Every limited payout machine exposed for play must be capable of communicating with the approved monitoring and control system as contemplated in section 27 of the National Gambling Act.

**Part 2 – Limited payout machines: Registration**

**100. Possession of limited payout machines, games and associated equipment**

Every limited payout machine and other gaming equipment which has been approved and registered by the Board must be included in the Board's records.

**101. Operation of and maintenance of limited payout machines**

- (1) A route operator or an independent site operator must not alter the operation of a registered limited payout machine or other gaming equipment without the prior approval of the Board.
- (2) A route operator or an independent site operator must use a licensed maintenance provider to maintain the limited payout machines and gaming equipment in a suitable condition.
- (3) A route operator or an independent site operator may only maintain, repair or alter any limited payout machine utilised by it in the conduct of its licensed activities, through appropriately qualified or experienced personnel, and provided that such limited payout machine remains in the approved physical configuration.

**102. Records kept of limited payout machines, games and associated equipment**

A route operator or an independent site operator must keep, for a period of five years, records of all limited payout machines, games and associated equipment registered in accordance with the provisions of regulation 82, including, but not limited to, manufacturer, date of purchase, machine serial number, model number, Board registration number and date of deregistration by the Board.

## Chapter 6 Site operators

### Part 1 – Site operators: Provisions common to site operators

#### 103. Activities authorised by site operator licence

A site operator licensee or an independent site operator licensee is authorised to operate and keep in or on the licensed premises, or such part of such premises as is specified in the licence, limited payout machines specified in the licence, subject to the following conditions—

- (a) the number of limited payout machines per licensed premises must not exceed the maximum number prescribed in this Part of the regulations; and
- (b) all limited payout machines must be positioned within the licensed premises in such manner that they are not accessible to persons under the age of eighteen years.

#### 104. Types of site operators

- (1) The Board may, subject to the Act and for purposes of the activities contemplated in regulation 103, licence—
  - (a) a type "A" site operator whose primary business is either a *bona fide* sports club, a public bar, a licensed tavern, a bingo hall, or a licensed betting outlet: Provided that the playing of limited payout machines on such site forms a secondary activity to the main activity of the site; and
  - (b) a type "B" site operator whose primary business is of an entertainment nature, including a bingo hall: Provided that the playing of limited payout machines on such site forms a secondary activity to the main activity of the site.
- (2) The Board must, when licensing site operators as contemplated in subregulation (1), comply with the Regulations on Limited Payout Machines published under Government Notice No. R. 1425 dated 21 December 2000 and the National Gambling Regulations published under Government Notice No. R. 1342 dated 12 November 2004.

### Part 2 – Site operators: Type "A" site operator licence

#### 105. Application for type "A" site operator licence

- (1) A person—
  - (a) who wishes to obtain a type "A" site operator licence or independent site operator licence; and
  - (b) whose primary business is as contemplated in regulation 104(1)(a),

must, following upon the publication of a notice referred to in regulation 13, apply to the Board for a site operator licence, or independent site operator licence, in the manner determined by the Board in its Rules.

- (2) In addition to any information which an applicant for a licence contemplated in subregulation (1) is required to furnish in terms of the provisions of Part 2 of this Chapter, the applicant must furnish the Board with—
  - (a) the physical address of the premises at which the applicant proposes to conduct business as a site operator or independent site operator;

- (b) the physical address of any premises at which the applicant already conducts business as a licensed site operator or independent site operator;
- (c) a full description of the existing or proposed business activities which are offered or will be offered on the premises to which the application relates, together with a copy of any business or other licence pertaining to such business activities;
- (d) if available and if applicable, the name of the licensed route operator who will provide limited payout machines for the applicant's proposed site operation and a copy of any existing written agreement between the applicant and such route operator, as contemplated in regulation 121;
- (e) a floor plan of the premises concerned, showing the area where it is proposed to place the limited payout machines;
- (f) local authority approval for both the primary business being conducted from, or to be conducted from the premises concerned and for the site operator gambling activities; and (g) any other information that the Board may require.

#### 106. Grounds for refusal of type "A" site operator licence

The Board may not grant an application for a type "A" site operator licence or independent site operator licence—

- (a) if the applicant does not meet the requirements prescribed in the Regulations on Limited Payout Machines published under Government Notice No. R. 1425 dated 21 December 2000 and the National Gambling Regulations published under Government Notice No. R. 1342 dated 12 November 2004;
- (b) for the operation and keeping of more than the maximum number of limited payout machines prescribed in regulation 107;
- (c) if the applicant's primary business does not constitute a *bona fide* sports club, a public bar, a licensed tavern or a licensed betting outlet;
- (d) unless it is satisfied that the playing of limited payout machines on such a site will form a secondary activity to the main activity of the site; or
- (e) if the premises do not meet the minimum standards prescribed in regulation 108 of these regulations or in section 18 of the National Gambling Act.

#### 107. Maximum number of limited payout machines

- (1) Subject to the provisions of this regulation, the maximum number of limited payout machines which may be made available for play in or on the licensed premises of a type "A" site operator or independent site operator, is five.
- (2) Where an applicant is the owner of several separate sites which are situated in the same premises or building and such applicant applies for type "A" site operator licences or independent site operator licences, in respect of more than one of such sites, the Board may grant the application in respect of one or more of the sites and the maximum of five limited payout machines per site may be approved for each site.
- (3) Whenever an applicant applies for a type "A" site operator licence or independent site operator licence, in respect of a single site owned by him or her and which is situated in premises where site operator licences or independent site operator licences have already been granted to other site operators or independent site operators who are not associated with such applicant, the Board may grant the application in respect of such premises: Provided that the total number of limited payout machines in any single *bona fide* sports club, public bar, licensed tavern or licensed betting outlet does not exceed the maximum of five as contemplated in subregulation (1).

- (4) Where an applicant conducts more than one primary business from the same site, such as, but not limited to, a sports club and a public bar, such businesses are regarded as one business for the purpose of an application for a type "A" site operator licence and in the event that the licence is granted, the total number of limited payout machines specified in the licence must not exceed the maximum of five prescribed in subregulation (1).

#### **108. Minimum standards for premises**

The premises of a type "A" site operator or independent site operator must comply with the following minimum standards—

- (a) compliance with any national health and safety regulations or any municipal health and safety by-laws; and
- (b) all limited payout machines to be operated from the licensed premises must be situated in such manner that they are not accessible to persons under the age of 18 years.

#### **109. Restriction on advertising**

A type "A" site operator or independent site operator may not advertise the presence of limited payout machines on any signage outside of his or her premises.

### **Part 3 – Site operators: Type "B" site operator licence**

#### **110. Application for type "B" site operator licence**

- (1) A person who wishes to obtain a type "B" site operator licence or independent site operator licence and whose primary business is as contemplated in regulation 104(1)(b), must, following upon the publication of a notice referred to in regulation 13, apply to the Board for a site operator licence, or independent site operator licence, in the manner determined by the Board in its Rules.
- (2) The provisions of Parts 1, 2 and 3 of Chapter 2 of the regulations apply with the necessary changes to a person applying for a type "B" site operator licence or independent site operator licence.
- (3) In addition to any information which an applicant for a type "B" site operator licence is required to furnish in terms of the provisions of Part 1 of Chapter 2 of the regulations, the applicant must furnish the Board with—
  - (a) the physical address of the premises in or on which the applicant proposes to conduct business as a site operator;
  - (b) a full description of the applicant's existing or proposed business specifying the primary entertainment and recreation activities which are offered on the premises to which the application relates;
  - (c) evidence to demonstrate to the Board that making available limited payout machines in the applicant's premises will fulfil, rather than create, a demand for gambling in the area;
  - (d) where available, the name of the licensed route operator who will provide limited payout machines for the applicant's proposed site operation and details of the proposed or actual written agreement contemplated in regulation 121, between the applicant and such route operator;
  - (e) a floor plan of the premises concerned, showing the area where it is intended that the limited payout machines be placed;
  - (f) local authority approval for both the primary business being conducted from the premises concerned and the proposed gaming business; and
  - (g) any other information that the Board may require.

- (4) The Board must comply with the provisions of regulation 3(2) of the Regulations on Limited Payout Machines published under Government Notice No. R. 1425 of 21 December 2000 when considering an application for a type "B" site operator licence or independent site operator licence.

#### **111. Grounds for refusal of type "B" site operator licence**

The Board may not grant an application for a type "B" site operator licence or independent site operator licence—

- (a) if the applicant does not meet the requirements prescribed in the Regulations on Limited Payout Machines published under Government Notice No. R. 1425 dated 21 December 2000 and the National Gambling Regulations published under Government Notice No. R. 1342 dated 12 November 2004;
- (b) if it is of the view that the presence of limited payout machines on the site concerned will not be in the public interest or will have a negative socio-economic impact on the community in the vicinity of the proposed site;
- (c) if it is of the view that the grant of the licence will not result in any of the objects of the Board, contemplated in section 6(1) of the Act, being realised;
- (d) unless it is satisfied that the playing of limited payout machines on such a site will form a secondary activity to the primary activity of the site; or
- (e) if the premises does not or will not, after any conversion authorised by the Board, meet the minimum standards prescribed in regulation 113, or in section 18 of the National Gambling Act.

#### **112. Maximum number of limited payout machines**

The maximum number of limited payout machines that may be made available for play in or on the licensed premises of a type "B" site operator, is 40.

#### **113. Minimum standards for premises**

The premises of a type "B" site operator must comply with the following minimum standards—

- (a) local authority approval of the primary business being, or to be conducted, at such premises;
- (b) compliance with any national health and safety regulations or any municipal health and safety by-laws;
- (c) all limited payout machines to be operated from the licensed premises must be situated in such manner that they are not accessible to persons under the age of 18 years;
- (d) adequate parking facilities in accordance with any local authority by-laws; and
- (e) the security arrangements designed to promote the safety of patrons and their property, must be deemed to be adequate by the Board.

#### **114. Restriction on advertising**

- (1) A type "B" site operator must obtain the prior approval of the Board to advertise the presence of limited payout machines on any external signage at the site premises.
- (2) Any approval granted by the Board in terms of subregulation (1) is subject to a type "B" site operator having obtained prior local authority approval for the advertising.



### 115. Grant of licence where premises being converted

Where the Board is satisfied that a *bona fide* need exists to allow a licensee time for premises to be converted it may grant a licence: Provided that it must be a condition of such licence that—

- (a) the conversion of the premises is completed prior to limited payout machines being made available for play;
- (b) the local authority concerned has approved the conversion; and
- (c) all limited payout machines at the licensed premises must be situated in such manner that they will not be accessible to persons under the age of 18 years.

## Part 4 – Site operators: Miscellaneous

### 116. Limited payout machines and gaming equipment not altered, maintained or repaired by licensee

A site operator—

- (a) may not alter the operation of a registered limited payout machine or gaming equipment; and
- (b) may not undertake any maintenance or repair on any limited payout machine, game and associated equipment: Provided that appropriately qualified or experienced personnel of a licensed route operator may perform the maintenance, repair or alteration of any limited payout machine: Provided further that the approved configuration of the limited payout machine is not thereby altered.

## Chapter 7

### Route operators and independent site operators

#### Part 1 – Route operators and independent site operators: Prescribed activities and operating limitations

### 117. Prescribed activities of route operator

- (1) Subject to any conditions that the Board may impose, a route operator may—
  - (a) make such number of limited payout machines, as are specified in the route operator licence, available to be played on the premises of any licensed site operator: Provided that—
    - (i) the total number of limited payout machines so specified does not exceed the maximum prescribed in regulation 107 or in regulation 112; and
    - (ii) the limited payout machines and games played thereon, comply in all respects with the provisions of Part 1 of Chapter 5;
  - (b) subject to the provisions of regulation 101 undertake the regular maintenance or repair, replacement or upgrading of a limited payout machine specified in the route operator licence; and
  - (c) collect the prescribed taxes from site operators and pay such taxes to the Provincial Revenue Fund.
- (2) A route operator is responsible for calculating and accounting for the taxes due from the operations of the site operators with which the route operator is contracted to make limited payout machines available for play.

**118. Prescribed activities of independent site operator**

- (1) Subject to any conditions the Board in its discretion may impose, an independent site operator may—
  - (a) make such number of limited payout machines, as are specified in the licence, available to be played on approved premises: Provided that—
    - (i) the total number of limited payout machines so specified does not exceed the maximum prescribed in regulations 107 or 112 and
    - (ii) the limited payout machines and games played thereon, comply in all respects with the provisions of Part 1 of Chapter 5; and
  - (b) subject to the provisions of regulation 101, undertake the regular maintenance or repair, replacement or upgrading of a limited payout machine specified in the licence.
- (2) An independent site operator is responsible for calculating and accounting for the taxes due from its operations and for paying such taxes to the Provincial Revenue Fund.

**119. Maximum number of limited payout machines per route operator licence**

The maximum number of limited payout machines which the Board may specify per route operator licence is 1000.

**120. Application for route operator licence or independent site operator licence**

In addition to any information which an applicant for a route operator licence or independent site operator licence is required to furnish in terms of the provisions of Part 1 of Chapter 2, the applicant must, as far as is possible at the time of making the application, also furnish the Board with—

- (a) a full description of the limited payout machines, together with their serial numbers, which the applicant intends to make available for play;
- (b) the relevant certification by the SABS for each type of limited payout machine, as contemplated in regulation 94;
- (c) details as to ownership of the limited payout machines or of any contract or agreement with another party in connection with the leasing, lending or hiring of the limited payout machines concerned;
- (d) in the case of an applicant for a route operator licence, the physical address of the site or sites in or at which the applicant intends to make the limited payout machines available for play and full disclosure of the number of limited payout machines intended for each site and all financial and other agreements or contracts already entered into or intended to be entered into with each potential site operator;
- (e) in the case of an applicant for an independent site operator licence, the physical address of the premises at which applicant intends to make the limited payout machines available for play and full disclosure of the number of limited payout machines intended for the site; and
- (f) any other information required as per the application form.

**121. Written agreement between route operator and site operator**

A licensed route operator must enter into a written agreement with a licensed site operator for the making available of limited payout machines at the premises of the site operator, which agreement must specify the manner in which the gross gaming revenue, after deduction of the gaming tax prescribed in the KwaZulu-Natal Gaming and Betting Tax Act, will be distributed between the licensed route operator and the licensed site operator.

## **Part 2 – Route operators and independent site operators: Monitoring and control systems**

### **122. Electronic monitoring system**

The Board must require all limited payout machines to be linked to the national central electronic monitoring system established and maintained by the National Gambling Board in terms of section 27 of the National Gambling Act.

## **Part 3 – Route operators and independent site operators: Internal controls**

### **123. Minimum operational and internal control standards for route operator and independent site operator**

- (1) The Board must adopt and make available to applicants for a route operator licence or independent site operator licence and to all licensees, the minimum operational standards and minimum standards for internal control procedures.
- (2) The Board may, from time to time, amend, substitute or rescind any of the standards contemplated in subregulation (1), in which event it must make such amendment, substitution or rescission available to all applicants for a route operator licence or independent site operator licence and to all licensees.
- (3) Every licensed route operator or independent site operator is required to comply with any standard adopted by the Board.

### **124. Minimum internal controls**

- (1) Every route operator or independent site operator must establish and maintain administrative and accounting procedures for the purpose of determining the liability of such route operator or independent site operator for taxes and fees under the Act and for the purpose of exercising effective control over his or her internal financial affairs.
- (2) The administrative and accounting procedures contemplated in subregulation (1), must be designed to reasonably ensure that—
  - (a) assets are safeguarded;
  - (b) financial records are accurate and reliable;
  - (c) transactions are performed by employees in accordance with management's general or specific authorisation;
  - (d) transactions are recorded adequately to permit proper reporting of gaming revenue and fees and taxes; and
  - (e) functions, duties and responsibilities are appropriately segregated and performed, in accordance with sound practices, by competent, qualified personnel.

### **125. Internal control system approved by Board**

- (1) Each—
  - (a) route operator or independent site operator; and
  - (b) applicant for a route operator licence or independent site operator licence, must document—
    - (i) the administrative and accounting procedures; and

- (ii) the internal control system;

which comply with the applicable norms and standards determined by the Board and must submit a copy thereof to the Board for approval prior to implementation of either the procedures or the system.

- (2) Each system of internal control submitted for approval in terms of subregulation (1), must include—
  - (a) an organisational chart depicting segregation of functions and responsibilities;
  - (b) a description of the duties and responsibilities of each position shown on the organisational chart;
  - (c) a detailed, narrative description or a detailed systems flow chart of the administrative and accounting procedures designed to satisfy the requirements of regulations 124 and 127;
  - (d) a letter from an independent chartered accountant stating that the system of internal control has been reviewed by the accountant and complies with the requirements of this Part; and
  - (e) such further information as the Board may require.
- (3) Where the Board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Part, it must, in writing, notify the applicant or licensee thereof.
- (4) The applicant or licensee must, within 30 days of receipt of the notification contemplated in subregulation (3), amend his or her internal control system, and must submit a copy of the amended system to the Board for approval.

#### **126. Amendment of existing system of internal control**

- (1) A licensee wishing to amend his or her system of internal control must, prior to implementing such amended system, submit to the Board for approval, a copy of the proposed amended internal control system.
- (2) The provisions of regulation 125(2) to (4) apply, with the necessary changes, to an application for approval contemplated in subregulation (1).

### **Part 4 – Route operators and independent site operators: Accounting records and returns**

#### **127. Accounting records**

- (1) Every route operator or independent site operator must, in such manner as the Board may approve or require, keep accurate, complete, legible and permanent records of all transactions entered into by such route operator or independent site operator.
- (2) Every route operator or independent site operator must keep—
  - (a) generally accepted accounting records on a double entry system of accounting and must maintain detailed, supporting subsidiary records, identifying revenue, expenses, assets, liabilities and equity;
  - (b) limited payout gaming machine analysis reports which reflect turnovers and payouts and compare actual hold percentages to theoretical hold percentages on a daily, monthly, quarterly, and 12 month rolling basis, in respect of each individual limited payout gaming machine;
  - (c) the records required by the licensee's approved system of internal control; and
  - (d) any other records that the Board specifically requires be maintained.

## 128. Audited financial statements

- (1) A route operator or independent site operator must, at the end of the financial year, prepare, or cause to be prepared, annual financial statements in a format which is both approved by the Board and is prepared in accordance with statements of Generally Accepted Accounting Practice, as promulgated by the Accounting Practices Board, from time to time.
- (2) Every route operator or independent site operator must engage an independent auditor who is registered in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), to audit his or her operation's financial statements in accordance with generally accepted auditing standards.
- (3) A route operator or independent site operator must, within three months from the last day of the financial year, submit to the Board two copies of the annual financial statements duly audited in accordance with the provisions of subregulation (2), together with any reports communicating the results of the audit, including management letters.
- (4) The Board may, on good cause shown by a licensee, extend the period contemplated in subregulation (3) by a period not exceeding six months.
- (5) The Board may request additional information or documents from either—
  - (a) the route operator or independent site operator; or
  - (b) subject to the route operator's or independent site operator's prior consent, the auditor engaged by such operator, in connection with the financial statements or the services performed by such auditor.

## 129. Other records

- (1) A route operator or independent site operator, which is a company, must keep, at such operator's business premises, or must provide to the Board at its request, the following records, documents or their equivalent—
  - (a) a copy of the memorandum and articles of association of the company, including any amendments;
  - (b) a copy of the company's certificate to commence business;
  - (c) a register of all current and former officers and directors;
  - (d) minutes of all meetings of the shareholders;
  - (e) minutes of all meetings of the directors and committees of the board of directors;
  - (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date on which the shares were acquired; and
  - (g) any other records which the Board may from time to time specifically require to be maintained.
- (2) A route operator or independent site operator, who is a natural person, must keep such records as the Board may determine.

## Part 5 – Route operators and independent site operators: Miscellaneous

### 130. Lodging of security

- (1) Every route operator or independent site operator must, immediately upon being granted a licence and prior to commencing business, lodge security with the Chief Executive Officer, in the

form contemplated in subregulation (2) and in such amount as the Board may, from time to time determine, for the payment of—

- (a) any fees, taxes or penalties; and
  - (b) any winnings owed to a player.
- (2) The security contemplated in subregulation (1), must consist of—
- (a) a cash deposit;
  - (b) a banker's guarantee; or
  - (c) such other form of security as the Board may accept.
- (3) The Board may require a route operator or independent site operator to replace one or more existing securities with other securities or to furnish additional securities, in the event that the Board deems the existing security to be either inadequate or unsuitable.
- (4) The route operator or independent site operator must, at the time of lodging the security, furnish the Board with written authority empowering the Board to sell, realise, redeem and give conveyance of so much of the securities lodged as the Board may deem necessary to pay any indebtedness to the Provincial Revenue Fund or to a player on the part of the route operator or independent site operator.
- (5) The Chief Executive Officer must, upon the expiration, non-renewal or cancellation of a route operator licence or independent site operator licence, return any securities lodged by the route operator or independent site operator or any portion of such securities as remain after any indebtedness contemplated in subregulation (4) has been deducted.

## **Chapter 8**

### **Bingo**

#### **Part 1 – Bingo: Activities authorised by licence and applications**

##### **131. Activities authorised by bingo licence**

Subject to any conditions which the Board may impose, a bingo licensee may be permitted to do any or all of the following—

- (a) maintain premises where the primary gaming activity on offer is the game of bingo, which must be played in accordance with the provisions of the Act, these regulations and any rules of the Board;
- (b) link, by electronic or other similar means, to other licensed bingo halls for purposes of playing linked games of bingo, which must be linked and played in accordance with the provisions of the Act, these regulations and any rules of the Board; and
- (c) undertake the regular maintenance or repair, replacement or upgrading of any bingo equipment.

##### **132. Application for bingo licence**

The applicant for a bingo licence must, in addition to any information required to be furnished in terms of these regulations, at the time of making the application, furnish the Board with—

- (a) full details of any survey, analysis or study which he or she has undertaken or caused to be undertaken, together with a business plan showing projected income and expenditure, for purposes of demonstrating to the Board that the applicant has endeavoured to establish the extent of the demand for a bingo hall in the area concerned;
- (b) the physical address of the premises in or on which the applicant proposes to conduct business;

- (c) an application for approval of the premises in or on which the applicant proposes to conduct business, including a floor plan of the bingo hall concerned, showing the area in which the game of bingo will be played;
- (d) written confirmation from the municipality concerned that the proposed bingo hall complies with municipal standards and that the premises may be used for the proposed gaming business;
- (e) where available, the relevant certification by the SABS for all bingo equipment;
- (f) details as to ownership of the bingo equipment or of any contract or agreement with another party in connection with the leasing, lending or hiring of the bingo equipment concerned;
- (g) details of the electronic monitoring system the applicant intends to use for the purposes of enabling the Board to monitor the applicant's operations; and
- (h) any other information the Board may require.

### **133. Minimum standards for bingo hall**

- (1) The premises used for a bingo hall must—
  - (a) comply with any municipal health and safety standards;
  - (b) be designed in a manner intended to prevent access by persons under the age of 18 years to the area in which gambling takes place;
  - (c) include adequate parking facilities in accordance with any municipal by-laws; and
  - (d) include security arrangements to secure the safety of patrons and employees and their property, to the satisfaction of the Board.
- (2) The premises used for a bingo hall must also comply with any other standard which the Board determines in its rules.

### **134. Grounds for refusal of bingo licence**

The Board must not grant an application for a bingo licence if the proposed premises do not meet the minimum standards as contemplated in regulation 133 or are, in the opinion of the Board, otherwise unsuitable for the purposes of a bingo hall.

## **Part 2 – Bingo: Stakes, prizes and maximum number of electronic bingo terminals**

### **135. Stakes or participation fees in respect of bingo**

- (1) The maximum amount which may be staked on a single game of bingo, by a player of a game of bingo, is R200,00.
- (2) For the purposes of this regulation, the stake on a single game of bingo is the total amount spent by a player of a single game of bingo, on bingo cards or similar devices.

### **136. Prizes in respect of bingo**

The theoretical return to player percentage of the game of bingo must be not less than 70 percent.

### **137. Maximum number of electronic bingo terminals**

- (1) The maximum number of electronic bingo terminals which may be exposed for play in any bingo hall, is either 150, or such maximum as may be prescribed in terms of the National Gambling Act, whichever prescribed maximum is the lesser of the two.

- (2) Where the maximum number of electronic bingo terminals which may be exposed for play in any bingo hall, as prescribed in terms of the National Gambling Act, is less than 150, a bingo hall authorised by a licence in the province to expose more electronic bingo terminals than the national maximum, must within 18 months of the coming into force of the national maximum, reduce the number of electronic bingo terminals exposed for play in such bingo hall, to the national maximum number, or to a lower number.

### **Part 3 – Bingo: Registration, deregistration and maintenance of bingo equipment, games and associated equipment**

#### **138. Bingo and associated equipment to comply with SABS or Board standard**

- (1) A bingo licensee must, before applying for the registration of any bingo equipment, ensure that—
  - (a) all bingo equipment which is specified in his or her licence has, subject to the provisions of subregulation (2), been certified by the SABS as complying with the applicable part of SABS Standard SABS 1718; and
  - (b) the Board is provided with the relevant SABS certification.
- (2) The Board may determine a standard for any bingo equipment which does not fall under the SABS standard for bingo equipment referred to in subregulation (1)(a).

#### **139. Application for registration, deregistration or renewal of bingo and associated equipment**

- (1) Upon receiving the certification from the SABS or the Board in the manner contemplated in regulation 138, a bingo licensee must apply to the Board, in a form determined by the Board in its Rules, for the registration of any bingo equipment and associated equipment, which is of the type so certified by the SABS or the Board.
- (2) The Board may, subject to regulation 142 approve and register bingo equipment which has been certified as contemplated in regulation 138(1)(a), or which has been found to comply with a standard for bingo equipment contemplated in regulation 138(2).
- (3) All bingo equipment and associated equipment which has been approved and registered by the Board must—
  - (a) be specified in the relevant bingo licence;
  - (b) be included in the Board's records; and
  - (c) must carry, in a conspicuous place, the Board's registration number.
- (4) A bingo licensee may, at any time and without any fee being charged, in a form determined by the Board, apply to the Board for the deregistration of bingo equipment or associated equipment registered in terms of subregulation (1).

#### **140. Operation and maintenance of registered bingo equipment and associated equipment**

A bingo licensee must—

- (a) not alter the operation of any bingo equipment or associated equipment registered in accordance with the provisions of regulation 138, without the prior written approval of the Board; and
- (b) ensure that all bingo equipment is maintained in a suitable condition, either through its own efforts, or through using the services of a registered maintenance provider.



**141. Records kept by bingo licensee**

A bingo licensee must keep a record of all bingo equipment and associated equipment registered in accordance with the provisions of regulation 138, including, manufacturer, date of purchase, serial number, model number, Board registration number and date of deregistration by the Board.

**142. Equipment to communicate with approved monitoring system**

Where the Board has approved a monitoring system for bingo equipment, all bingo equipment exposed for play, must be capable of communicating with such approved monitoring system.

**Part 4 – Bingo: Internal controls****143. Minimum operational and internal control standards**

- (1) The Board must make rules providing for—
  - (a) minimum operational standards for bingo halls; and
  - (b) internal control procedures for bingo hall operations.
- (2) The rules contemplated in subregulation (1) must, with regard to licensed bingo halls, be designed to reasonably ensure that—
  - (a) assets are safeguarded;
  - (b) financial records are accurate and reliable;
  - (c) transactions are performed only in accordance with management's general or specific authorisation;
  - (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
  - (e) functions, duties and responsibilities are appropriately assigned and performed in accordance with sound practices by competent, qualified personnel.

**144. Minimum internal controls**

A bingo licensee must, in compliance with the rules made by the Board, establish and maintain administrative and accounting procedures for the purpose of determining his or her liability for taxes and fees under the Act and for the purpose of exercising effective control over his or her internal financial affairs.

**145. Internal control system approved by Board**

- (1) A bingo licensee and an applicant for a bingo licence must—
  - (a) document detailed administrative and accounting procedures; and
  - (b) submit a copy thereof to the Board for approval prior to implementation of the system.
- (2) Each system of internal control submitted for approval as contemplated in subregulation (1), must include—
  - (a) an organisational chart depicting segregation of functions and responsibilities;
  - (b) a description of the duties and responsibilities of each position shown on the organisational chart;

- (c) a detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of regulations 144 and 147;
  - (d) a letter from an independent chartered accountant stating that the system of internal control has been reviewed by the accountant and complies with the requirements of this Part; and
  - (e) such further information as the Board may require.
- (3) Where the Board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Part, it must notify the applicant or licensee, accordingly, in writing.
- (4) Within 30 days of receipt of the notification contemplated in subregulation (3), the applicant or licensee must amend his or her internal control system accordingly, and must submit a copy of the amended system to the Board for approval.

#### **146. Amendment of existing system of internal control**

- (1) Where the holder of a bingo licence wishes to amend the system of internal control, such licensee must, prior to implementing such amended system, submit to the Board a copy of the written internal control system as amended, for approval.
- (2) The provisions of regulation 145(2) to (4) apply with the necessary changes to an application for approval contemplated in subregulation (1).

### **Part 5 – Bingo: Accounting records and returns**

#### **147. Accounting records**

- (1) A bingo licensee must, in such manner as the Board may approve or require, keep accurate, complete, legible and permanent records of all its transactions.
- (2) A bingo licensee must—
  - (a) keep generally accepted accounting records on a double entry system of accounting; and
  - (b) maintain detailed, supporting subsidiary records, identifying revenue, expenses, assets, liabilities and equity and any other records which the Board specifically requires be maintained.

#### **148. Audited financial statements**

- (1) In order to comply with subregulation (3) every holder of a bingo licence must, at the end of such licensee's financial year, prepare or cause to be prepared annual financial statements in a format approved or required by the Board which must be in accordance with statements of Generally Accepted Accounting Practice.
- (2) Every bingo licensee must engage an independent auditor who is registered as being engaged in public practice in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), to audit such licensee's bingo and limited payout machine operation's financial statements in accordance with generally accepted auditing standards.
- (3) A bingo licensee must, within three months from the last day of the financial year, submit to the Board two copies of the annual financial statements duly audited in accordance with subregulation (2), together with any reports communicating the results of the audit, including management letters.
- (4) The Board may request additional information or documents from either the bingo licensee or the auditor engaged by such licensee, in connection with the financial statements or the services performed by such auditor.

#### 149. Other records

Every bingo licensee, which is a company, must keep at such licensee's bingo hall or registered offices, and must provide to the Board at its request, the following records or documents or equivalent—

- (a) a copy of the memorandum and articles of association of the company, including any amendments;
  - (b) a copy of the company's certificate to commence business;
  - (c) a register of all current and former officers and directors;
  - (d) minutes of all meetings of the shareholders;
  - (e) minutes of all meetings of the directors and committees of the Board of directors;
  - (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
  - (g) any other records which the Board may, from time to time, specifically require to be maintained.
- (2) A bingo licensee who is a natural person must keep such documents and records as may be determined by the Board.

*[note: numbering as in original]*

#### 150. Returns rendered

Every bingo licensee must, in a format determined by the Board, submit such information at such intervals as the Board may determine.

### Part 6 – Bingo: Miscellaneous

#### 151. Lodging of security

- (1) Every bingo licensee must, immediately upon being granted a licence and prior to commencing business, lodge with the Chief Executive Officer security in a form contemplated in subregulation (2) and in such amount as the Board may from time to time determine, for the payment of—
  - (a) any fees, taxes or penalties; and
  - (b) any winnings owed to a player.
- (2) The security contemplated in subregulation (1), must consist of—
  - (a) a cash deposit;
  - (b) a banker's guarantee; or
  - (c) such other form of security as the Board may determine.
- (3) The Board may require a bingo licensee—
  - (a) to replace one or more existing securities with other securities; or
  - (b) to furnish additional securities.
- (4) The bingo licensee must, at the time of lodging the security, furnish the Board with written authority empowering the Board to sell, realise, redeem and give conveyance of so much of the securities lodged as the Board may deem necessary to pay any indebtedness to the Provincial Revenue Fund or to a player on behalf of the bingo licensee.

- (5) The Chief Executive Officer must, upon the expiration, non-renewal or cancellation of a licence of a bingo licensee, return any securities lodged by the bingo licensee or any portion of such securities as remain after any indebtedness contemplated in subregulation (4) has been deducted.

## **Chapter 9 Amusement machines**

### **Part 1 – Amusement machines: Regulation of amusement machines**

#### **152. Regulations not apply to certain persons**

The provisions of this Part of the regulations do not apply to any person—

- (a) who manufactures, assembles, repairs or services an amusement machine; and
- (b) who keeps such machines in a manner that they are only available for sale or for purposes of being repaired or serviced and are not in any way made available to be played.

#### **153. Acquisition of amusement machine**

Any person who acquires an amusement machine must, before making such machine available for play, apply to the Board, in the manner prescribed in this Part of the regulations, for such machine to be registered and for authority to make such machine available for play.

#### **154. Restrictions on keeping and making amusement machine available**

- (1) A person may not keep or make an amusement machine available for play unless authorised by the Board to do so in the manner prescribed in its Rules and unless such amusement machine has been registered by the Board in the manner prescribed in regulation 155.
- (2) An amusement machine may be made available in the same premises as gaming equipment only if—
  - (a) the person authorised to keep an amusement machine is also the holder of a casino licence, a bingo licence, an independent site operator licence, or a site operator licence; and
  - (b) any gaming equipment present in such premises is not accessible to persons under the age of 18 years who play amusement machines in such premises.
- (3) Where a person who plays an amusement machine becomes entitled to receive a prize as a reward for successfully playing or operating or playing and operating the amusement machine, such prize may not be redeemed for cash, or converted to cash, by any person.

#### **155. Application for registration of amusement machine**

- (1) Any person who—
  - (a) either owns an amusement machine: or
  - (b) makes an amusement machine available for play, must apply to the Board, in a form determined by the Board in its Rules, for such machine to be registered.

- (2) The Board must, on granting an application contemplated in subregulation (1), furnish the applicant with a registration certificate, which registration certificate must contain, but will not be limited to, the following information—
  - (a) a complete description of each amusement machine listed in the registration certificate together with the registration number which the Board has allocated to each amusement machine;
  - (b) the physical address at which each amusement machine is kept and made available for play, or is to be kept and made available for play;
  - (c) full company details of, or the name, identity number and physical address of, the owner of each amusement machine; and
  - (d) full company details of, or the name, identity number and physical address of, the person making the amusement machine available for play.

#### **156. Amusement machine to carry registration number**

- (1) The owner of an amusement machine must ensure that each amusement machine specified in the registration certificate carries, in a conspicuous place, the registration number allocated to it by the Board.
- (2) Any person who attaches a registration number that has been allocated by the Board in accordance with this regulation, to a machine, apparatus or device that has not been registered by the Board in terms of this Part of the regulations, is guilty of an offence.

#### **157. Amusement machine kept and made available at place specified in registration certificate**

- (1) An amusement machine may only be kept and made available at the physical address specified in the registration certificate: Provided that an amusement machine may be moved to another address upon the Board being advised thereof in writing by the person authorised to keep and make such amusement machine available and upon the Board acknowledging such advice, in writing, prior to the removal of such machine.
- (2) The Board must, at no charge, amend the certificate of registration whenever a machine is moved to another physical address in accordance with the proviso to subregulation (1).

#### **158. Amendment of registration or authority to keep and make amusement machine available**

Any person holding a registration certificate for an amusement machine, or any person who is authorised to keep and make amusement machines available, in accordance with this Part of the regulations, may at any time, and upon payment of the fee prescribed in Schedule 2 to the Act, apply to the Board for—

- (a) the registration certificate to be amended; or
- (b) for the authority to keep and make amusement machines available to be amended.

#### **159. Board's power to grant or refuse application**

- (1) The Board may—
  - (a) grant an application for registration of an amusement machine, or
  - (b) grant an application for authority to keep and make amusement machines available, subject to any conditions it may impose.

- (2) The Board must refuse an application for registration of an amusement machine, or an application for authority to keep and make amusement machines available, where—
  - (a) the information contained in an application is not complete; or
  - (b) the Board deems that the device concerned constitutes gaming equipment, rather than an amusement machine.

#### **160. Registration certificate and authority prominently displayed**

A registration certificate and the written authority by the Board to keep and make amusement machines available for play, must be prominently displayed in a conspicuous place in the premises at which such amusement machines are kept and made available for play.

## **Chapter 10 Betting**

### **Part 1 – Betting: Application for bookmaker's licence**

#### **161. Sale of bookmaking right by Board**

- (1) Whenever a bookmaking right is required to be disposed of in terms of sections 7(2)(d), 45(7), 99(8)(b) or 99(11)(b) of the Act, the Board must dispose of such right by way of public tender.
- (2) Any invitation to tender and any award of a bookmaking right arising from such a tender must be published by the Board in the *Gazette*.
- (3) The invitation, publication, adjudication and award of a tender contemplated in subregulation (1), must be based on—
  - (a) a rating and categorisation of bidders according to the national law on broad-based black economic empowerment; and
  - (b) an award of the tender to the highest bidder within that category of bidders holding the highest broad-based black economic empowerment rating.

#### **162. Application for, transfer of ownership and renewal of bookmaker's licence**

- (1) Any person who wishes to obtain a bookmaker's licence must apply to the Board for a bookmaker's licence, in the manner determined by the Board in its Rules.
- (2) The provisions of Parts 1, 2, 3 and 4 of Chapter 2 of the regulations apply with the necessary changes to a person applying for a bookmaker's licence.
- (3) In addition to any information which an applicant for a bookmaker's licence is required to furnish in terms of the provisions of these regulations, the applicant must furnish the Board with—
  - (a) the physical address of the premises in or on which the applicant proposes to conduct business as a bookmaker;
  - (b) a floor plan of the premises concerned, clearly detailing the area where it is intended that bets will be transacted;
  - (c) local authority approval for the premises concerned; and
  - (d) any other information that the Board may require.
- (4) The provisions of regulation 24 apply to the transfer of ownership of a bookmaking business from a natural person to a corporate body, whether or not such corporate body is owned in whole or in part by the natural person.

- (5) Notwithstanding regulation 28(6), any bookmaking business being carried on must make application to the Board for the renewal of the bookmaking licence, no later than 31 October of the year in which the Act comes into effect.

## **Part 2 – Betting: Miscellaneous matters relating to bookmakers**

### **163. Betting room premises**

- (1) A bookmaking business must acquire and maintain a primary betting room premises for each bookmaking right concerned, within the area determined by the Board for such bookmaking right.
- (2) No bookmaking business may operate from any premises without those premises having been first approved by the Board.
- (3) The duties imposed by these Regulations apply jointly and severally where more than one bookmaking business operates from the same primary betting room premises.
- (4) A bookmaking business which is not able to operate from its primary betting room premises, must—
  - (a) make written application to the Board for approval to temporarily operate such bookmaking business from other premises; and
  - (b) simultaneously pay the application fee prescribed in Schedule 2 to the Act.
- (5) An application made as contemplated in subregulation (4), must include a motivation and any other information or documentation required by the Board.
- (6) A bookmaking business seeking authority to operate from temporary premises while continuing to operate from a primary betting room premises must provide the Board with—
  - (a) written motivation regarding the reasons for wanting to operate from temporary premises while continuing to operate from a primary betting room premises;
  - (b) information regarding the physical facilities that will house the temporary bookmaking operation, including the bookmaking business's computerised record-keeping system and related equipment;
  - (c) documentation proving that the bookmaker has obtained the permission, of the organisers of any major sporting event or other event or contingency, to operate at a particular space or place at or in close proximity to the venue at which the major sporting event or other event or contingency is to take place;
  - (d) written confirmation by the event organisers that employees of the Board will be able to gain free access to the physical facilities that will house the temporary bookmaking operation;
  - (e) confirmation that the situation and set-up of the bookmaking business's computerised record-keeping system and related equipment comply with these Regulations; and
  - (f) any motivation, information and supporting documents as may be required by the Board.
- (7) The Board may not grant authority to operate from temporary premises, while business operations from the primary betting room premises are temporarily discontinued, for a period of more than 90 days: Provided that in exceptional circumstances, and upon written application by the affected bookmaking business, the Board may grant a further extension.
- (8) The Board may not grant authority to operate from temporary premises, while continuing to operate from a primary betting room premises, for a period of more than 40 days.

- (9) Where a bookmaking business wishes to enter into betting transactions from a secondary betting room premises, such bookmaking business must first make application, in writing, to the Board for the—
- (a) approval that the natural person bookmaker or bookmaker's manager nominated by the bookmaking business, as the case may be, may enter into betting transactions from his or her residential premises, at which he or she ordinarily resides;
  - (b) approval of the secondary betting room premises;
  - (c) approval of the type of equipment to be used for the purpose of entering transactions on the bookmaking business's computerised record-keeping system, from the secondary betting room premises; and
  - (c) for the actual installation of such equipment at the secondary betting room premises.
- [note: numbering as in original]*
- (10) Any equipment approved by the Committee in terms of subregulation (9)(c) must—
- (a) operate in a manner substantially similar to a computer terminal ordinarily used by the bookmaking business for capturing betting transactions at the bookmaking business's primary betting room premises; and
  - (b) allow the bookmaking business to remotely enter betting transactions directly into the bookmaking business's computerised record-keeping system, from the bookmaking business's secondary betting room premises, using the Internet.
- (11) Approval by the Board of the installation at and the use of the computerised record-keeping system from the secondary betting room premises must have been communicated to the bookmaking business, before the natural person bookmaker or bookmaker's manager nominated by the bookmaking business may enter into betting transactions from any such premises.
- (12) A bookmaking business may only enter into betting transactions from the secondary betting room premises, once the primary betting room premises have been closed to the public for business.
- (13) The business hours during which the bookmaking business's primary betting room premises are open to the public, may, subject to municipal laws, be determined by the bookmaking business concerned.

#### **164. Relocation of bookmaking business to other premises and alteration of betting room premises**

- (1) No bookmaking business may—
- (a) relocate from primary betting room premises to other premises; or
  - (b) effect any structural alteration or addition to primary betting room premises,
- except with the prior written approval of the Board.
- (2) An application for approval contemplated in subregulation (1)(a) must be in writing and must be accompanied by a map showing the location of the premises and a ground plan of the premises to which it is proposed the bookmaking business relocate, indicating proposed alterations or additions, if applicable.
- (3) An application for approval contemplated in subregulation (1)(b) must be in writing and must be accompanied by a ground plan of the approved primary betting room premises, indicating proposed alterations or additions.



### 165. Security by bookmakers for betting liabilities

- (1) A holder of a bookmaking licence may not carry on the business of a bookmaker unless such bookmaking business has lodged security for payment of its obligations in respect of betting transactions with the Board.
- (2) The security referred to in subregulation (1) may not be withdrawn or reduced without the prior sanction of the Board.
- (3) The security referred to in subregulation (1) must consist of—
  - (a) a cash deposit;
  - (b) a banker's guarantee; or
  - (c) such other form of security as the Board may approve.

### 166. Betting disputes

- (1) The Board may settle any betting dispute between a bookmaking business and a bettor, or between one bookmaking business and another.
- (2) Any bettor or bookmaking business wishing to submit a betting dispute to the Board must—
  - (a) do so in writing addressed to the Chief Executive Officer within 60 days from the date upon which the dispute arose; and
  - (b) at the same time furnish full particulars of such dispute.
- (3) The Chief Executive Officer may require that a bettor submitting a betting dispute in terms of subregulation (2) must pay a deposit of R500,00 to the Board.
- (4) The Chief Executive Officer may require that a bookmaker submitting a betting dispute in terms of subregulation (2) must pay a deposit of R2 000,00 to the Board.
- (5) The Chief Executive Officer must immediately upon receipt of notification of such dispute enter the particulars thereof in a register to be kept for that purpose.
- (6) Employees of the Board must investigate the dispute and prepare a report regarding their findings for submission to the Board.
- (7) The Board, after receiving a report from its employees as contemplated in subregulation (6) must—
  - (a) conduct a hearing regarding the dispute; and
  - (b) at the conclusion of the hearing, adjudicate upon the dispute, as contemplated in subregulation (9).
- (8) If any party to a betting dispute fails to appear before the Board after having received not less than 14 days written notice to do so, the Board may proceed to consider and adjudicate upon the dispute in his or her absence.
- (9) The Board may—
  - (a) order that any deposit paid be refunded, after the Board has heard the dispute, or if the dispute is withdrawn before the Board hears it, at the time that the notification of the withdrawal of the dispute is received;
  - (b) order forfeiture of any deposit paid if it deems a dispute to be frivolous; or
  - (c) make an order determining the manner in which the betting dispute is to be resolved, including, *inter alia*, an order which voids a bet, or voids a selection, or an order which determines the payment of any amount by one party to the other.

- (10) The noting of an appeal against the decision or order of the Board made in terms of subregulation (7) or (9) does not suspend the enforcement of such decision or order: Provided that where a bookmaking business which has been ordered, through a decision made by the Board on a betting dispute, to pay any winnings or other amount to a bettor, appeals the decision, payment of the winnings or other amount must be made by such bookmaking business to the Board to be held in trust, pending the outcome of the appeal, whereupon the Board must pay out the winnings or other amount, to either the bookmaking business or to the bettor, as ordered by the responsible Member of the Executive Council.

### **167. Unsettled bets**

- (1) Any person having a valid claim against a bookmaking business—
- (a) in respect of a bet which such bookmaking business has failed to settle after a request to do so; or
  - (b) who has failed to settle a claim after an order of the Board made in terms of regulation 166(9)(c),
- must report the circumstances in writing to the Chief Executive Officer.
- (2) The Chief Executive Officer on receiving the report contemplated in subregulation (1)—
- (a) must record it forthwith in a register kept for that purpose;
  - (b) must conduct an enquiry into the matter;
  - (c) must submit the report contemplated in subregulation (1); and
  - (d) must submit the results of the enquiry, to the Board, without delay.
- (3) The Chief Executive Officer in conducting the enquiry contemplated in subregulation (2)(b) must give the bookmaking business an opportunity to be heard.
- (4) If, after a hearing conducted for the purpose of considering the report contemplated in subregulation (1) and the results of the enquiry as contemplated in subregulation (2)(d), the Board is satisfied that the claim should be paid by the bookmaking business, the Board may order the bookmaking business to pay the claim within 24 hours.
- (5) The Board may adjudge a bookmaking business to be a defaulter where the bookmaking business fails to comply with the order contemplated in subregulation (4).
- (6) Where a bookmaking business has been adjudged to be a defaulter in terms of subregulation (5) and where the bookmaking business is not subject to financial liquidation or sequestration, the Board may—
- (a) use all of, or so much of the security, furnished to the Board by the bookmaker in terms of section 126(1)(c) of the Act, as is necessary, to make payment on any claim which has led to the bookmaker having been adjudged to be a defaulter; and
  - (b) suspend the bookmaker's licence while and for as long as the bookmaking business fails to replenish the security so used.

### **168. Control of partnerships that operate bookmaking businesses**

- (1) While a bookmaking business continues to be carried on as a partnership of one or more licensed bookmakers—
- (a) the partners are jointly and severally liable for all the obligations of the partnership; and
  - (b) each partner must comply with the requirements regarding security and licences as if he or she were conducting business for his or her own account.

- (2) Where a partnership of bookmakers conducts business concurrently in a single primary betting room premises and at some other approved venue, such partnership must maintain—
  - (a) one field sheet—
    - (i) per horse race per venue;
    - (ii) per sporting event per venue;
    - (iii) per other event or contingency per venue; and
  - (b) one desk book.
- (3) Where two or more bookmakers carry on business in partnership, they must, upon demand by the Board, forthwith produce a certified copy of the relevant partnership agreement.
- (4)
  - (a) Where a partnership of bookmakers conducts its business from a single betting room premises such partnership must operate and maintain not more than one computerised record keeping system, producing a single set of the prescribed bookmaking records and tax returns,
  - (b) All books, records, statements, returns, betting boards and advertisements of such partnership must reflect the name of the partnership and the names of the partners.
  - (c) No bets may be transacted between partners, or by any partner with the partnership.
- (5) The Board may, at any time on good cause shown, impose such conditions as it deems necessary, on the licences of the bookmakers operating a bookmaking business as a partnership.
- (6) In the event that it is intended to terminate a partnership of licensed bookmakers, the partners concerned must immediately notify the Board in writing of their intention to do so.
- (7) Subject to the provisions of the Act, in the event of the death of a licensed bookmaker having carried on business in partnership, any surviving partner or partners within the partnership may continue to operate the bookmaking business.

#### **169. Defaulting bettor**

- (1) The Board may, declare a bettor to be a defaulter where it is satisfied after due enquiry, that the bettor has failed to pay a bookmaker any amount due in respect of a bet made by him or her with such bookmaker.
- (2) Whenever the Board has declared a bettor to be a defaulter, it must send a notice to every licensed bookmaking business and racing club in the Province.
- (3) A bookmaking business that has received the notice contemplated in subregulation (2) must display it in a conspicuous place in the primary betting room, until such time as such bookmaking business is directed by the Board in terms of subregulation (5)(b) to remove it, whereupon such bookmaking business must comply with such direction without delay.
- (4) Upon receipt of a notice contemplated in subregulation (2) any bookmaking business to which such bettor is indebted in respect of bets made with such bookmaking business, must forthwith advise the Board of the details of such indebtedness.
- (5)
  - (a) Any bettor who has been adjudged to be a defaulter by the Board may not enter or be upon any premises—
    - (i) licensed as a racecourse in terms of the Act; or
    - (ii) any premises upon which a licensed bookmaker carries on business, until such time as all his or her liabilities to bookmakers have been discharged and the Board is satisfied that he or she is a fit and proper person to resume betting.

- (b) When the Board is satisfied as contemplated in paragraph (a), it must forthwith direct every licensed bookmaking business to remove the notice contemplated in subregulation (2).

#### 170. Security for tax

- (1) The security to be lodged by a bookmaking business for the payment of tax as prescribed in the KwaZulu-Natal Gaming and Betting Tax Act, 2010, must be for such sum as may be determined by the Board and must consist of—
  - (a) a cash deposit;
  - (b) a banker's guarantee; or
  - (c) such other form of security as the Board may approve.
- (2) The Board may sell or realise such amount of the securities lodged as may be necessary to pay any indebtedness to the Provincial Revenue Fund.

#### 171. Approval procedure: Other events and contingencies

- (1) Any person who wishes the responsible Member of the Executive Council to make a determination regarding an event or contingency must make application to the responsible Member of the Executive Council in writing.
- (2) A written application contemplated in subregulation (1) must include at least the following—
  - (a) the profession, name, postal address and other contact details of the applicant;
  - (b) a clear, complete and concise description of the nature of the event or contingency for which the determination is requested;
  - (c) information regarding any organisation which, in any manner, controls the event or contingency for which the determination is requested;
  - (d) motivation that the act of betting on the event or contingency for which the determination is requested, will not offend public morals;
  - (e) motivation that the act of betting on the event or contingency for which the determination is requested, will not unreasonably expose or predispose the event or contingency to the manipulation of the results or outcomes thereof, or to other acts of fraud or corruption; and
  - (f) motivation that the event or contingency for which the determination is requested, exhibits integrity and transparency and will not mislead or in any other way unfairly disadvantage bettors.
- (3) Any determination made by the responsible Member of the Executive Council must be made by way of a notice published in the *Provincial Gazette*.
- (4) The effective date of a determination by the responsible Member of the Executive Council as contemplated in this regulation is the date of publication of the *Provincial Gazette* in which the relevant notice is published.

#### 172. Persons not allowed to bet: Horse races, sporting events and other events or contingencies

- (1) No person who participates in any sporting code as—
  - (a) a player, rider, driver, team member or similar participant;
  - (b) a referee, linesman, assistant referee, umpire or similar participant;
  - (c) a team coach, team or player manager, trainer, or similar participant; or

- (d) a team owner, dog owner, or similar participant, may bet on any sporting event, in which—
  - (i) that person participates;
  - (ii) a team which that person manages, owns, trains or coaches participates;
  - (iii) a player, rider, driver, team member or similar participant which that person manages, trains or coaches participates; or
  - (iv) an animal which that person owns, trains or coaches participates.
- (2) No person who participates in any other event or contingency as—
  - (a) a player, team member, contestant or similar participant;
  - (b) a producer, event organiser, referee, judge, or similar participant; or
  - (c) a team coach, team owner, a player or team member's manager, a contestant's manager or agent, or similar participant,may bet on such other event or contingency.
- (3) Any bet struck contrary to this regulation is voidable by a bookmaker, by a totalisator operator, or by the Board.

### **173. List of bookmakers submitted by racecourse operator**

A list of all bookmakers who operated on a racecourse must be submitted to the Board, by the relevant racecourse operator, at the end of each race day.

## **Part 3 – Betting: Miscellaneous matters relating to totalisators**

### **174. Totalisator betting system**

- (1) A totalisator licensee must use a totalisator betting system approved by the Board for the purpose of recording all betting transactions.
- (2) Before a totalisator licensee uses totalisator vending machines connected to its totalisator betting system to issue bets to bettors, it must obtain the Board's approval for such use.
- (3) Where an applicable SABS standard for totalisator betting systems or totalisator vending machine exists, a totalisator licensee must obtain a certificate of compliance with such standard and must submit same, along with its application for the approval of its totalisator betting system, or totalisator vending machine, to the Board.
- (4) Where an applicable SABS standard for totalisator betting systems, or totalisator vending machines does not exist, the Board will determine both a standard for totalisator betting systems or totalisator vending machines, as the case may be, as well as the procedure and documentation to be used by the totalisator licensee in making application for the approval of its totalisator betting system, or totalisator vending machine.
- (5) All costs involved in the testing, certification and approval of totalisator betting systems, or of totalisator vending machines, must be borne by the person or organisation submitting the totalisator betting system, or totalisator vending machine to the SABS for certification and to the Board for approval.
- (6) A totalisator betting system must, during its normal operations, automatically—
  - (a) create data files which will serve as a complete audit trail of every bet struck on the system and of every cancelled bet;

- (b) create a record of each bet struck on the system, which record must include the following minimum information—
    - (i) the betting slip number in respect of each betting transaction;
    - (ii) an indication of whether the bet is a bet on a horse race, on a sporting event, or on any other event or contingency;
    - (iii) the date of the horse race, sporting event, or other event or contingency;
    - (iv) the name or identifying number of the horse race, sporting event, or other event or contingency;
    - (v) the venue of the horse race, sporting event, or other event or contingency;
    - (vi) the selections or subject in respect of which the bet is laid; and
    - (vii) the bettor's stake;
  - (c) upon the input of results of horse races, sporting events, and other event or contingencies into the system, calculate bettors' winnings and taxes due; and
  - (d) issue to bettors against every bet struck on the system, a printed or printable detailed record of the bet or bets struck by the bettor.
- (7) The Board must devise systems and procedures for testing totalisator betting systems against the standards for such systems: Provided that the primary aims of such testing will be to determine—
- (a) the accuracy of the calculation of the payouts to winning bettors;
  - (b) the accuracy of the calculation of the quantum of taxes due; and
  - (c) the resistance of the system to possible malicious attempts at the manipulation of data or auditable records.

### 175. Computerised back-ups of data and records

- (1) All data contemplated in regulation 174(6)(a) and the records contemplated in regulation 174(6)(b), must be copied onto a suitable and portable electronic recording medium or device at the end of each day.
- (2) The electronic recording medium or device contemplated in subregulation (1) and the data saved therein must be securely retained in chronological order for inspection purposes at premises other than the totalisator premises.
- (3) In addition to the data and records contemplated in subregulation (1), the following information and records must be copied and retained as contemplated in subregulation (1)—
  - (a) the tax payable;
  - (b) fractions; and
  - (c) unclaimed dividends.
- (4) The Board must determine whether or not a portable electronic recording medium or device as contemplated in subregulation (1) is suitable for the purpose contemplated in subregulation (5) and must further determine the suitability of the place and manner in which such portable electronic recording medium or device is retained.
- (5) The totalisator licensee must retain the data and records contemplated in subregulation (1) for a period of five years.

## 176. Totalisator rules and betting disputes

- (1) A totalisator operator, a totalisator manager or a totalisator agent, must operate the totalisator in accordance with rules made by the totalisator licensee, which rules must be submitted to the Board for approval, in the manner determined by the Board in its Rules.
- (2) A totalisator operator, a totalisator manager or a totalisator agent, as the case may be, must immediately report any dispute with a bettor regarding the outcome of a betting transaction, or the payment of winnings based on the outcome of a betting transaction, whether resolved or not, to the Board.
- (3) The Board may settle any unresolved betting dispute between a totalisator operator, a totalisator manager or a totalisator agent and a bettor.
- (4) Any bettor or totalisator operator, totalisator manager or totalisator agent wishing to submit an unresolved betting dispute to the Board must—
  - (a) do so in writing addressed to the Chief Executive Officer within 60 days from the date upon which the dispute arose; and
  - (b) at the same time furnish full particulars of such dispute.
- (5) The Chief Executive Officer may require that a bettor submitting a betting dispute in terms of subregulation (4) must pay a deposit of R500,00 to the Board.
- (6) The Chief Executive Officer may require that a totalisator operator, totalisator manager or totalisator agent submitting a betting dispute in terms of subregulation (4) must pay a deposit of R2 000,00 to the Board.
- (7) The Chief Executive Officer must immediately upon receipt of notification of such dispute enter the particulars thereof in a register to be kept for that purpose.
- (8) Employees of the Board must investigate the dispute and prepare a report regarding their findings for submission to the Board.
- (9) The Board, after receiving a report drafted by its employees as contemplated in subregulation (8) must—
  - (a) conduct a hearing regarding the dispute; and
  - (b) at the conclusion of the hearing, adjudicate upon the dispute, as contemplated in subregulation (11).
- (10) If any party to a betting dispute fails to appear before the Board after having received not less than 14 days notice to do so, the Board may proceed to consider and adjudicate upon the dispute in his or her absence.
- (11) The Board may—
  - (a) order that any deposit paid be refunded, after the Board has heard the dispute, or if the dispute is withdrawn before the Board hears it, at the time that the notification of the withdrawal of the dispute is received;
  - (b) order forfeiture of any deposit paid if it deems a dispute to be frivolous; or
  - (c) make an order determining the manner in which the betting dispute is to be resolved, including, *inter alia*, an order which voids a bet, or voids a selection, or an order which determines the payment of any amount by one party to the other.
- (12) The noting of an appeal against the decision or order of the Board made in terms of subregulation (11) hereof, does not suspend the enforcement of such decision or order: Provided that where a totalisator operator, totalisator manager or totalisator agent who or which has been ordered, through a decision made by the Board on a betting dispute, to pay any winnings or other amount

to a bettor, appeals the decision, payment of the winnings or other amount must be made by such totalisator operator, totalisator manager or totalisator agent to the Board to be held in trust, pending the outcome of the appeal, whereupon the Board must pay out the winnings or other amount, should the responsible Member of the Executive Council so order.

**177. Relationship between totalisator licensee and totalisator operator, totalisator manager or totalisator agent**

- (1) A totalisator licensee, notwithstanding any contractual arrangement to the contrary, remains fully liable to the Board for the acts or omissions of its totalisator operator, its totalisator managers and totalisator agents, insofar as compliance with the Act is concerned.
- (2) The totalisator licensee must provide the Board with a certified copy of any written agreement between it and a totalisator agent, or between it and a totalisator manager.

## **Chapter 11 Miscellaneous**

### **Part 1 – Miscellaneous: Serving of notices**

**178. Method for serving of notice**

- (1) Any notice to be given to a person in terms of the Act by the Board or a committee of the Board, must be in writing and must be given or delivered by means of—
  - (a) personal delivery;
  - (b) registered mail;
  - (c) email; or
  - (d) facsimile transmission.
- (2) Any notice given in terms of subregulation (1) is deemed to have been received—
  - (a) in the case of personal delivery, upon delivery of the notice to such person's physical address;
  - (b) in the case of registered mail, 14 days after it has been posted; or
  - (c) in the case of an email or facsimile transmission, at 10h00 on the first business day following the date of transmission.

### **Part 2 – Miscellaneous: Cheating and fraudulent acts**

**179. Use of certain devices prohibited**

- (1) No person may use, or possess with the intent to use at any licensed premises, any device or substance to assist—
  - (a) in projecting the outcome of a game;
  - (b) in keeping track of the cards played in a game involving the use of cards;
  - (c) in analysing the probability of the occurrence of an event relating to a game; or
  - (d) in analysing the strategy for playing or betting to be used in a game,except as approved by the Board in writing, upon the written request of a licensee.



- (2) The provisions of subregulation (1) must not be deemed to prohibit—
- (a) the making of, and the making of reference to, handwritten records of the cards played at punto banco or baccarat;
  - (b) the making of, and the making of reference to, handwritten records of roulette results; or
  - (c) the use by any person of that person's mental faculties alone, to assist him or her to—
    - (i) project the outcome of a game; or
    - (ii) keep track of the cards played in a game involving the use of cards.

### 180. Fraudulent acts

No person may—

- (a) alter or misrepresent the outcome of a casino game, sporting event, horse race or other event or contingency, upon which bets have been made, after the outcome is determined but before it is revealed to the players;
- (b) place, increase or decrease a bet or determine the course of play in a game—
  - (i) after acquiring knowledge, not available to all players, of the outcome of such game or any event that affects the outcome of the game, or which outcome is the subject of the bet; or
  - (ii) aid anyone in acquiring knowledge, not available to all players, of the outcome of such game or any event that affects the outcome of the game, or which outcome is the subject of the bet, for the purpose of placing, increasing or decreasing a bet or for the purpose of determining the course of play, contingent upon that event or outcome;
- (c) claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from any gambling activity, with intent to defraud, without having made a bet contingent thereon, or to claim, collect or take an amount greater than the amount won;
- (d) place or increase a bet after acquiring knowledge of the outcome of a casino game, sporting event, horse race or other event or contingency, which is the subject of the bet;
- (e) reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the a casino game, sporting event, horse race or other event or contingency, which is the subject of the bet; or
- (f) damage or manipulate any component of gaming equipment in a manner contrary to the design and normal operational purpose of the component, such that the possibility that the damage caused or the act of manipulation may affect the outcome of the game.

### 181. Unlawful use of coins, counterfeit chips, plaques and tokens

- (1) When coins are found to have been used unlawfully at licensed premises and unless the Board or a court of competent jurisdiction orders otherwise in a particular case, a licensee may dispose of coins of the Republic of South Africa, or of any other nation, by—
- (a) including, in the case of local currency, such coins in such licensee's coin inventory;
  - (b) exchanging, in the case of foreign coins, such coins for local currency or coins and including them in such licensee's currency or coin inventory; or
  - (c) disposing of them in any other lawful manner.
- (2) Each licensee must record—
- (a) the number and denominations, actual and purported, of any counterfeit chips, plaques and tokens destroyed or otherwise disposed of in terms of this regulation;

- (b) the date on which any counterfeit chip, plaque and token was found;
- (c) the date, place and method of destruction or other form of disposal including, in the case of foreign coin exchanges, the exchange rate and the identity of the bank, exchange company, or other business or person at which or with whom the coins were exchanged;
- (d) the names of the persons carrying out the destruction or other form of disposal on behalf of the licensee; and
- (e) such other information as the Board may require.

## **182. Detention and questioning of person suspected of contravention**

Any inspector or any licensee or any of his or her officers, employees or agents who has reasonable cause for believing that there has been a contravention of this Part or of section 142 of the Act by any person, may take that person into custody, inform the South African Police Service and detain such person on the licensed premises in a reasonable manner until the arrival of a police officer.

## **183. Seizure of objects or devices**

- (1) Any object or device used or capable of being used for cheating at a gambling game may be seized by an inspector or police officer.
- (2) Any object or device contemplated in subregulation (1)—
  - (a) must not be returned to the owner or to any other person; and
  - (b) must be retained or destroyed in a manner determined by the Board in its Rules.

## **Part 3 – Miscellaneous: Appeals**

## **184. Appeal against decision of committee, delegatee or Chief Executive Officer**

- (1)
  - (a) An appeal from a decision of a committee of the Board, or from a decision of the Chief Executive Officer, or from a decision of a delegatee of the Board, in terms of section 140 of the Act, must be noted by the lodgement with the Chief Executive Officer of a written notice of appeal to the Board, setting out the grounds upon which such appeal is based.
  - (b) Such notice of appeal to the Board must be lodged with the Chief Executive Officer within 30 days of the date of the decision of the committee of the Board, of the delegatee, or of the Chief Executive Officer, against whom the appeal is noted, or within 21 days of the date upon which the written communication of the decision and the reasons for that decision, are received by the parties affected by the decision, whichever is the later date.
- (2) Subject to regulations 166 and 176, an appellant must, when lodging an appeal in terms of subregulation (1), pay to the Chief Executive Officer a deposit of R2 000,00.
- (3)
  - (a) The chairperson must, within 60 days after the appeal has been lodged, convene a meeting of the Board at which the appeal must be considered by the Board; and
  - (b) Members of the Board who consider an appeal may not include those members who were part of a committee who made the decision that is being appealed.
- (4) The Board may—
  - (a) disallow an appeal, uphold the decision of the committee, delegatee, or Chief Executive Officer, as the case may be and—
    - (i) order that any deposit paid be refunded, after disallowing the appeal, or if the appeal is withdrawn before the Board has considered it, at the time that the notification of the withdrawal of the appeal is received; or

- (ii) order forfeiture of any deposit paid, if the Board deems the appeal to be frivolous;
- (b) uphold the appeal wholly or partially, order that any deposit paid be refunded and—
  - (i) substitute its decision for that of the committee, delegatee, or Chief Executive Officer; or
  - (ii) alter the decision of the committee, delegatee, or Chief Executive Officer.
- (5) The Chief Executive Officer must notify the appellant of the Board's decision, within 14 days.
- (6) Written reasons for the decision must be given to the appellant upon written request.

### 185. Appeal against decision of Board

- (1)
  - (a) An appeal to the responsible Member of the Executive Council against a decision of the Board in terms of section 140 of the Act must be noted by the lodgement with the Chief Executive Officer of a written notice of appeal setting out the grounds upon which such appeal is based.
  - (b) Such notice of appeal must be lodged with the Chief Executive Officer within 30 days of the date of the decision against which the appeal is noted, or within 21 days of the date on which the notification contemplated in regulation 184(5) was provided to the appellant, whichever is the later.
- (2) Subject to regulations 166 and 176, an appellant must, when lodging an appeal in terms of subregulation (1), pay to the Chief Executive Officer a deposit of R2 000,00.
- (3) The Board must, within seven days of the noting of an appeal, forward a copy of the notice of appeal, together with a copy of the Board's reasons for its decision and all documents relevant to the matter, to the responsible Member of the Executive Council for his or her consideration.
- (4) The responsible Member of the Executive Council must consider an appeal within 30 days of receipt of the documentation contemplated in subregulation (3).
- (5) The responsible Member of the Executive Council may appoint an appeal panel to consider and advise him or her on the appeal.
- (6) The responsible Member of the Executive Council may—
  - (a) disallow an appeal, uphold the decision of the Board and—
    - (i) order that any deposit paid be refunded, after disallowing the appeal, or if the appeal is withdrawn before he or she has considered it, at the time that the notification of the withdrawal of the appeal is received; or
    - (ii) order forfeiture of any deposit paid, if he or she deems the appeal to be frivolous;
  - (b) uphold the appeal wholly or partially, order that any deposit paid be refunded and—
    - (i) substitute his or her decision for that of the Board; or
    - (ii) alter the decision of the Board; or
  - (c) refer the application back to the Board for reconsideration and a decision, with such instructions as he or she may deem fit.
- (7) The responsible Member of the Executive Council must, within 14 days of the decision having been taken, notify both the Board and the appellant, of the decision, in writing.
- (8) Written reasons for the decision must be given to the appellant upon written request.
- (9) The powers vested in the responsible Member of the Executive Council in terms of this section may not be delegated.

- (10) The responsible Member of the Executive Council in his or her discretion may, however, refer the appeal to any other Member of the Executive Council in the Province for a decision if—
  - (a) the responsible Member of the Executive Council is of the opinion that the decision would be better made by that other responsible Member of the Executive Council in the Province; or
  - (b) the appellant in subregulation (1) has requested that the decision be made by someone other than the responsible Member of the Executive Council and the appellant has provided valid reasons for such a request.

#### **Part 4 – Miscellaneous: Due date for tax and tax statements**

##### **186. Due date for payment of tax and lodging of tax statements**

- (1) Every licensee, other than a person licensed as a bookmaker or as a totalisator, must pay, into the Provincial Revenue Fund, within 10 days after the end of every month, the taxes due by such licensee from the preceding tax period, in accordance with the provisions of the KwaZulu-Natal Gaming and Betting Tax Act.
- (2) For the purposes of this regulation, "tax period" means a calendar month.
- (3) The Board must determine the format of the tax statement for each type of licensee, which must constitute declarations of the tax due by each licensee in respect of a tax period.
- (4) Every licensee must, within 10 days after the end of every month, lodge a correctly completed tax statement form with the Chief Executive Officer.
- (5) A tax statement form which is not correctly completed must be deemed by the Chief Executive Officer to not have been lodged.
- (6) Where a licensee fails to either pay the taxes due or to lodge a tax statement form by the due date, such licensee's licence is deemed to be suspended while, and for as long as, such failure to lodge the said statement and to pay the said taxes and any penalties due, continues.
- (7) Where a licensee fails to either pay the taxes due or lodge a tax statement form by the due date, the Chief Executive Officer must immediately inform such licensee that such licensee's licence is deemed to be suspended and, unless the licensee is able to show the Chief Executive Officer good cause as to why the suspension should not be enforced, the Chief Executive Officer must take effective steps to enforce such suspension.
- (8) Any licensee that operates while its license is suspended in terms of the provisions of this regulation, is guilty of an offence.

#### **Part 5 – Miscellaneous: Credit extension**

##### **187. Credit extension**

No licensee may grant credit to any customer gambling with such licensee, in a manner which is either in conflict with any national law dealing with the granting of credit, or in conflict with the applicable rules made by the Board.

**Chapter 12**  
**Repeal of regulations and short title**

**Part 1 – Repeal of regulations**

**188. Repeal of regulations**

The regulations referred to in section 150(a) of the Act are hereby repealed.

**Part 2 – Short title**

**189. Short title**

These regulations are called the KwaZulu-Natal Gaming and Betting Regulations, 2012.