

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

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PROVINCIAL NOTICE

Bill Western Cape: Gambling and Racing Bill, 1996

P.N. 60

8 February 1996

The following Bill is hereby published for general information:—

Western Cape Gambling and Racing Bill, 1996
[B 1—96]

Any person or organisation wishing to comment on the said Bill is requested to lodge such comment in writing before or on 22 February 1996:

(a) by posting it to:

The Acting Secretary
Western Cape Legislature
P.O. Box 648
Cape Town 8000, or

(b) by handing it in at:

Room 663
Provincial Building
Wale Street
Cape Town

D. du Plessis
Acting Secretary
Western Cape Legislature

INHOUD

PROVINSIALE KENNISGEWING

Wetsontwerp Wes-Kaapse Wetsontwerp op Dobbelaar en Wedrenne, 1996

P.K. 60

8 Februarie 1996

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:—

Wes-Kaapse Wetsontwerp op Dobbelaar en Wedrenne, 1996 [W 1—96]

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 22 Februarie 1996:

(a) deur dit te pos aan:

Die Waarnemende Sekretaris
Wes-Kaapse Wetgewer
Posbus 648
Kaapstad 8000, of

(b) deur dit in te handig by:

Kamer 663
Provinsiale-gebou
Waalstraat
Kaapstad

D. du Plessis
Waarnemende Sekretaris
Wes-Kaapse Wetgewer

BILL

To provide for the establishment of a gambling and racing board; to provide for the licensing of persons conducting gambling and betting and for the licensing of persons engaged in gambling, betting and the manufacture and sale of gambling machines and gambling devices; to provide for the restriction, regulation and control of gambling and betting; to provide for taxes on gambling and fees for applications and investigations; to repeal the Horse Racing and Betting Ordinance, 1968, and to provide for matters incidental thereto.

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Om voorsiening te maak vir die instelling van 'n raad op dobbelary en wedrenne; om voorsiening te maak vir die lisensiëring van persone wat dobbelary en weddery beoefen en vir die lisensiëring van persone wat betrokke is by dobbelary, weddery en die vervaardiging en verkoop van dobbelmasjiene en dobbeltoestelle; om voorsiening te maak vir die beperking, regulering en beheer van dobbelary en weddery; om voorsiening te maak vir belastinge op dobbelary en gelde vir aansoeke en ondersoeke; om die Ordonnansie op Perdewedrenne en Weddery, 1968, te herroep, en om voorsiening te maak vir sake wat daarmee in verband staan.

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PREAMBLE

WHEREAS gambling and racing can contribute substantially to the economy of the province of Western Cape and to the welfare of its inhabitants;

AND WHEREAS the growth and success of gambling and racing are dependent on public confidence and trust that gambling and racing are conducted honestly and competitively and free from criminal or corruptive elements;

AND WHEREAS it is necessary to ensure the health, safety, general welfare and good order of the inhabitants of the Province;

AND WHEREAS it is recognised that public confidence and trust and the health, safety, general welfare and good order of the inhabitants of the Province are dependent upon the strict regulation of all persons, premises, practices, associations and activities relating to gambling and racing;

AND WHEREAS it is recognised that opportunities for gambling, betting and racing entail particular risks and dangers to the inhabitants of the Province, which justify the imposition of appropriate restrictions, regulations and controls;

AND WHEREAS no applicant for a licence or for an approval in respect of gambling or racing has any right to a licence or approval;

BE IT THEREFORE enacted by the Provincial Legislature of the Province of Western Cape, as follows:

CHAPTER 1 : DEFINITIONS

Definitions

1. In this law the following words and expressions shall have the following meanings, 5

78. Bevoegdheid om strawwe op te lê
79. Verbeurdverklaring
80. Kliëntdispute
81. Dobbeldaryskulde afdwingbaar
82. Beloning aan informante
83. Regulasies
84. Reëls
85. Toepassing van wet
86. Oorgangsbepalings
87. Herroeping van wette
88. Kort titel en inwerkingtreding

AANHEF

AANGESIEN dobbelary en wedrenne wesenlik kan bydra tot die ekonomie van die provinsie Wes-Kaap en tot die welvaart van sy inwoners;

EN AANGESIEN die groei en welslae van dobbelary en wedrenne afhang van openbare vertroue en oortuiging dat dobbelary en wedrenne eerlik en kompetend en vry van kriminele of korruptiewe elemente beoefen word;

EN AANGESIEN dit nodig is om die gesondheid, veiligheid, algemene welsyn en goeie orde van die inwoners van die Provinsie te verseker;

EN AANGESIEN erken word dat openbare vertroue en oortuiging en die gesondheid, veiligheid, algemene welsyn en goeie orde van die inwoners van die Provinsie afhang van die streng regulering van alle persone, persele, praktyke, verenigings en aktiwiteite met betrekking tot dobbelary en wedrenne;

EN AANGESIEN erken word dat geleenthede vir dobbelary, weddery en wedrenne eiesoortige risiko's en gevare vir die inwoners van die Provinsie meebring, wat die oplegging van geskikte beperkings, regulasies en beheermaatreëls regverdig;

EN AANGESIEN geen aansoeker om 'n lisensie of om goedkeuring ten opsigte van dobbelary of wedrenne enige reg op 'n lisensie of goedkeuring het nie;

WORD DAAR DERHALWE deur die Provinsiale Wetgewer van die Provinsie Wes-Kaap bepaal, soos volg:

HOOFSTUK 1: WOORDBEPALING

Woordbepaling

- 5 1. In hierdie wet het die volgende woorde en uitdrukkings die volgende betekenisse, tensy uit die sinsverband anders blyk:

unless the context indicates otherwise:

- (1) "Applicant" means any person who or entity which requests the Board or any of its members, officers, appointees or delegates to exercise a power, and in the case of a company, corporation, association, partnership or trust, includes each director, member, partner, beneficiary or trustee thereof. (1) 5
- (2) "Authorised officer" means a person authorised in terms of section 12(30). (23)
- (3) "Bet" or "betting" means to stake any money or thing of value or to stake on behalf of any person, or expressly or impliedly, to undertake, promise or agree to stake on behalf of any person, any money or thing of value on any event or contingency other than the contingency involved in a gambling game. (51) 10
- (4) "Bingo" means the game known as bingo and any similar game which is played with cards (including electronic screens) on which appear sets of numbers or symbols and in the course of which each player attempts to match for money, property, cheques or anything of value, all or a specified set of numbers or symbols on his or her cards to calls made by the operator and includes any similar game operated in whole or in part by electronic means. (5) 15
- (5) "Bingo licence" means any licence issued in terms of section 49. (6)
- (6) "Board" means the Western Cape Gambling and Racing Board established in terms of section 2. (35) 20
- (7) "Bookmaker" means any person who earns or endeavours to earn his or her livelihood wholly or partly by directly or indirectly laying or taking fixed odds or open bets with members of the public or other bookmakers, but excluding totalisator-type bets. (7) 25
- (8) "Bookmaker licence" means any licence issued in terms of section 56. (8)
- (9) "Casino" means any premises in or on which gambling, but not betting, takes place under a casino operator licence. (9)
- (10) "Casino operator licence" means any licence issued in terms of section 46. (10) 30
- (11) "Chairperson" means a person appointed chairperson of the Board in terms of section 3(3). (50)
- (12) "Chief Executive Officer" means the Chief Executive Officer of the Board appointed in terms of section 9. (25)
- (13) "Consideration" means any thing, undertaking, promise, agreement or assurance, regardless of its apparent or intrinsic value. (41) 35
- (14) "Distributor licence" means any licence issued in terms of section 52. (47)
- (15) "Event" or "contingency" means any occurrence of which the outcome is uncertain or unknown to any person. (19)
- (16) "Executive Council" means the Executive Council of the Province. (44) 40
- (17) "Financial interest", in relation to a company or corporation, means—
 - (a) having a right or entitlement to share in profits or revenue;
 - (b) being the holder of any real right in respect of any property of the company or corporation;
 - (c) being the owner or holder of a real or personal right in any property used by the company or corporation in conducting its gambling business, or 45
 - (d) having a direct or an indirect interest of ten per cent or more in the voting shares of the company or having an interest of ten per cent or more in a close corporation. (20)
- (18) "Fixed odds bet" means a bet laid by a licensed bookmaker on one or more events or contingencies where fixed odds are agreed upon when such bet is laid. (45) 50
- (19) "Gambling" means the playing of any gambling game and includes bingo, betting and the acceptance of stakes on a totalisator. (11)
- (20) "Gambling business" means any business of which gambling forms any part. (12) 55

- (1) "Aansoeker" beteken enige persoon of entiteit wat die Raad of enige van sy lede, beamptes, aangesteldes of gedelegeerdes versoek om 'n bevoegdheid uit te voer en omvat, in die geval van 'n maatskappy, korporasie, vereniging, vennootskap of trust, elke direkteur, lid, vennoot, begunstigde of trustee daarvan. (1)
- (2) "Beperkte dobbelmasjien" beteken 'n muntoutomaat wat beperk is soos voorgeskryf. (31)
- (3) "Beperktedobbelmasjien-operateurlisensie" beteken 'n lisensie ingevolge artikel 47 uitgereik. (32)
- (4) "Beperktedobbelmasjien-perseellisensie" beteken 'n lisensie ingevolge artikel 48 uitgereik. (33)
- (5) "Bingo" beteken die spel wat bekend staan as bingo en enige dergelike spel wat gespeel word met kaarte (insluitende elektroniese skerms) waarop stelle syfers of simbole verskyn en in die loop waarvan elke speler probeer om, vir geld, eiendom, tjeks of enigiets van waarde, alle of 'n gespesifiseerde stel nommers of simbole op sy of haar kaarte by die vereistes gestel deur die operateur te laat pas, en omvat enige dergelike spel wat geheel en al of gedeeltelik elektronies gedrewe is. (4)
- (6) "Bingolisensie" beteken 'n lisensie ingevolge artikel 49 uitgereik. (5)
- (7) "Boekmaker" beteken enige persoon wat sy of haar bestaan geheel en al of gedeeltelik maak of probeer maak deur regstreeks of onregstreeks vasgestelde of ope weddenskappe met lede van die publiek of ander boekmakers te aanvaar of te neem, maar omvat nie totalisator-tipe weddenskappe nie. (7)
- (8) "Boekmakerlisensie" beteken 'n lisensie ingevolge artikel 56 uitgereik. (8)
- (9) "Casino" beteken enige perseel waarin of waarop dobbelary, maar nie weddery nie, kragtens 'n casino-operateurlisensie plaasvind. (9)
- (10) "Casino-operateurlisensie" beteken 'n lisensie ingevolge artikel 46 uitgereik. (10)
- (11) "Dobbelary" beteken die spel van enige dobbelspel en omvat bingo, weddery en die aanvaarding van inleggeld op 'n totalisator. (19)
- (12) "Dobbelarybesigheid" beteken enige besigheid waarvan dobbelary 'n deel uitmaak. (20)
- (13) "Dobbelaryonderneming" beteken enige perseel of deel daarvan waarin of waarop dobbelary plaasvind. (23)
- (14) "Dobbelarywerknemerlisensie" beteken 'n lisensie ingevolge artikel 58 uitgereik. (22)
- (15) "Dobbelspel" beteken enige spel wat met of deur middel van kaarte of dobbelstene of 'n meganiese, elektromeganiese of elektroniese toestel, komponent of masjien of rekenaarhardeware of -sagteware gespeel word vir geld, eiendom, tjeks, krediet of enigiets van waarde en omvat, sonder om inbreuk te maak op die algemeenheid van voorgenoemde, roulette, bingo, een-en-twintig, blackjack, chemin de fer, baccarat, poker, craps en punto banco. (24)
- (16) "Dobbeltoestel" beteken enige toerusting of ding wat regstreek of onregstreeks gebruik word of ontwerp is om gebruik te word in verband met 'n dobbelspel. (21)
- (17) "Eiendom" beteken enige roerende of onroerende goed of liggaamlike of onliggaamlike bates van enige aard. (41)
- (18) "Gade" omvat enige persoon wat met 'n ander persoon saamleef asof hulle getroud is. (49)
- (19) "Gebeurtenis" of "gebeurlikheid" beteken enigiets wat plaasvind waarvan die uitslag onseker of onbekend is vir enige persoon. (15)
- (20) "Geldelike belang", met betrekking tot 'n maatskappy of korporasie, beteken—
- (a) om 'n reg of geregtigheid te hê om in wins of inkomste te deel;
- (b) om die houer te wees van enige saaklike reg ten opsigte van enige eiendom van die maatskappy of korporasie;
- (c) om die eienaar of houer te wees van 'n saaklike of persoonlike reg ten opsigte van enige eiendom wat deur die maatskappy of korporasie gebruik word by die beoefening van sy dobbelarybesigheid, of
- (d) om 'n regstreekse of onregstreekse belang van tien persent of meer in die stemdraende aandele van die maatskappy te hê of om 'n belang van tien persent of meer in 'n beslote korporasie te hê. (17)

- (21) "Gambling device" means any equipment or thing used, or designed to be used, directly or indirectly in connection with a gambling game. (16)
- (22) "Gambling employee licence" means any licence issued in terms of section 58. (14)
- (23) "Gambling establishment" means any premises or part thereof in or on which gambling takes place. (13) 5
- (24) "Gambling game" means any game played with or by means of cards or dice or any mechanical, electro-mechanical or electronic device, component or machine or computer hardware or software for money, property, cheques, credit or anything of value and includes, without derogating from the generality of the foregoing, roulette, bingo, twenty-one, blackjack, chemin de fer, baccarat, poker, craps and punto banco. (15) 10
- (25) "Junket" means a visit or an excursion to a casino by one or more persons who receive complimentary services such as transport, food and lodging as an inducement to gamble at the casino, which is arranged by a third party. (31) 15
- (26) "Junket agent" means any person who, for commission, a share in gambling profits or any other consideration, on behalf of the holder of a casino operator licence plans or organises visits to the casino concerned in the Province by one or more persons who receive complimentary services such as transport, food and lodging to induce him, her or them to gamble at the casino. (32) 20
- (27) "Key employee licence" means any licence issued in terms of section 57. (38)
- (28) "Licence" means any licence referred to in section 28. (26)
- (29) "Licensed premises" means any premises in or on which gambling or racing or any related activity is conducted under a licence in terms of this law. (21)
- (30) "Licensed race course" means a race course licensed in terms of section 53. (22) 25
- (31) "Limited gambling machine" means a slot machine, limited as prescribed. (2)
- (32) "Limited gambling machine operator licence" means a licence issued in terms of section 47. (3)
- (33) "Limited gambling machine premises licence" means a licence issued in terms of section 48. (4) 30
- (34) "Manufacturer licence" means any licence issued in terms of section 51. (48)
- (35) "Open bet" means a bet, other than a totalisator-type bet, laid by a licensed bookmaker on one or more events or contingencies where no fixed odds are agreed upon when such bet is laid. (28) 35
- (36) "Operator licence" means a licence referred to in section 28(a), (b), (d) and (i). (29)
- (37) "Player" or "patron" means any participant in a gambling game and includes a punter in any betting transaction. (40)
- (38) "Political office bearer" means a person as defined in section 190A of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), and members of the provincial houses of traditional leaders, the Council of Traditional Leaders, the Volkstaat Council and local governments and an office bearer of any political party. (33) 40
- (39) "Premises" means any site, place or location, regardless of whether it is or forms part of any temporary or permanent structure, building, vessel, vehicle or aircraft. (30) 45
- (40) "Prescribed" means prescribed by regulation in terms of this law. (49)
- (41) "Property" means any movable, immovable, corporeal or incorporeal property of any nature. (17) 50
- (42) "Province" means the province of Western Cape. (34)
- (43) "Race" means any horse race over a defined or agreed course held for the entertainment of the public and members of any association or club, but does not include—
- (a) any race in the nature of a public trial gallop at which no betting takes place, held under the management and control of the holder of a race course licence, and 55

- (21) "Gelisensieerde perseel" beteken enige perseel waarin of waarop dobbelary of wedrenne of enige verwante aktiwiteit kragtens 'n lisensie ingevolge hierdie wet beoefen word. (29)
- 5 (22) "Gelisensieerde renbaan" beteken 'n renbaan ingevolge artikel 53 gelisensieer. (30)
- (23) "Gemagtigde beampte" beteken 'n persoon ingevolge artikel 12(30) gemagtig. (2)
- (24) "Hierdie wet" omvat die Bylaes en enige regulasie of reël daarkragtens gemaak of uitgereik. (51)
- 10 (25) "Hoof Uitvoerende Beampte" beteken die Hoof Uitvoerende Beampte van die Raad, ingevolge artikel 9 aangestel. (12)
- (26) "Lisensie" beteken 'n lisensie in artikel (28) genoem. (28)
- (27) "Muntoutomaat" beteken enige meganiese, elektriese, video-, elektroniese of ander toestel, apparaat of masjien wat, nadat 'n muntstuk, tekenmunt of dergelike voorwerp daarin geplaas is, of na betaling deur 'n speler van enige teenprestasie hoegenaamd wat vereis word, beskikbaar is om gespeel of bedien te word en waarvan die speel of bediening, hetsy omrede van die vaardigheid van die speler of bediener of die toepassing van 'n toevalselement of albei, aan die persoon wat die outomaat speel of bedien, kontant of tekenmunte wat vir kontant of handelsware of enige ding van waarde van watter aard ook al, uitgesonderd onaflosbare gratis spelle, geruil moet word, besorg of sodanige persoon geregtig daarop maak om sodanige kontant, tekenmunte, handelsware of ding van waarde te ontvang, ongeag of die uitbetaling outomaties uit die outomaat of op enige ander wyse hoegenaamd gedoen word. (47)
- 15 (28) "Ope weddenskap" beteken 'n weddenskap, uitgesonderd 'n totalisator-tipe weddenskap, deur 'n gelisensieerde boekmaker op een of meer gebeurtenisse of gebeurlikhede aanvaar waar daar oor geen vasgestelde wenprys ooreengekom word wanneer sodanige weddenskap aanvaar word nie. (35)
- 20 (29) "Operateurlisensie" beteken 'n lisensie in artikel (28)(a), (b), (d) en (i) genoem. (36)
- (30) "Perseel" beteken enige terrein, plek of standplaas, ongeag of dit 'n tydelike of permanente struktuur, gebou, vaartuig, voertuig of vliegtuig is of deel daarvan uitmaak. (39)
- 25 (31) "Plesiertoeg" beteken 'n besoek aan of ekskursie na 'n casino deur een of meer persone wat komplimentêre dienste soos vervoer, kos en huisvesting ontvang as 'n beweegmiddel om by die casino te dobbel, wat deur 'n derde party gereël word. (25)
- (32) "Plesiertoeg-agent" beteken enige persoon wat, teen kommissie, 'n aandeel in dobbelarywins of enige ander teenprestasie, namens die houer van 'n casino-operateurlisensie die beplanning of organisasie doen ten opsigte van besoeke aan die betrokke casino in die Provinsie deur een of meer persone wat komplimentêre dienste soos vervoer, kos en huisvesting ontvang om hom, haar of hulle daartoe te beweeg om by die casino te dobbel. (26)
- 30 (33) "Politieke ampsdraer" beteken 'n persoon soos omskryf in artikel 190A van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet 200 van 1993), en lede van die provinsiale huise van tradisionele leiers, die Raad van Tradisionele Leiers, die Volkstaatraad en plaaslike regerings en 'n ampsdraer van enige politieke party. (38)
- 35 (34) "Provinsie" beteken die provinsie Wes-Kaap. (42)
- (35) "Raad" beteken die Wes-Kaapse Raad op Dobbeldary en Wedrenne ingevolge artikel 2 ingestel. (6)
- (36) "Reëls" beteken die reëls ingevolge artikel 84 deur die Raad gemaak. (46)
- (37) "Renbaanlisensie" beteken 'n lisensie ingevolge artikel 53 uitgereik. (44)
- 40 (38) "Sleutelwerknemerlisensie" beteken enige lisensie ingevolge artikel 57 uitgereik. (27)
- (39) "Sosiale dobbelary" beteken—
- 45 (a) die speel van 'n dubbelspel, uitgesonderd die gebruik van 'n muntoutomaat, in 'n privaat woonhuis, 'n kerk-, skool- of gemeenskapsaal, 'n klubhuis wat behoort aan 'n werklike sportklub of dié ander plek wat die Raad van tyd tot tyd goedkeur, wat nie met 'n winsoogmerk bedryf of beoefen word nie en waar geen persoon regstreeks of onregstreeks enige vorm van besoldiging of vergoeding
- 50
- 55
- 60

- (b) any race or contest of a private nature at which no betting takes place.
(52)
- (44) "Race course licence" means any licence issued in terms of section 53. (37)
- (45) "Responsible Member" means the member of the Executive Council responsible for the administration of this law. (46) 5
- (46) "Rules" means the rules made by the Board in terms of section 84. (36)
- (47) "Slot machine" means any mechanical, electrical, video, electronic or other device, contrivance or machine which, upon insertion of a coin, token or similar object therein, or upon payment by a player of any consideration whatsoever that is required, is available to be played or operated and the playing or operation of which, whether by reason of the skill of the player or operator or the application of the element of chance or both, may deliver to the person playing or operating the machine cash or tokens to be exchanged for cash or merchandise or any thing of value whatsoever, other than unredeemable free games, or to entitle such person to receive such cash, tokens, merchandise or thing of value, whether the pay-off is made automatically from the machine or in any other manner whatsoever. (27) 10 15
- (48) "Social gambling" means—
- (a) the playing of a gambling game, other than the operation of a slot machine, in a private dwelling, a church, school or community hall, a club house belonging to a genuine sports club or such other place as the Board may from time to time approve, which is not operated or conducted for profit and in which no person directly or indirectly receives any form of remuneration or compensation for operating, conducting, carrying on, maintaining or providing such game, and 20 25
- (b) the playing of any gambling game for the purpose of genuine fund-raising by a church, a school, a sports club or an entity duly registered in terms of the Fund-Raising Act, 1978 (Act 107 of 1978), or such other entity as the Board may from time to time determine, and in accordance with the procedures and subject to the conditions which may be prescribed. (39) 30
- (49) "Spouse" includes any person living with another person as if they were married. (18)
- (50) "Temporary licence" means any licence issued in terms of section 37. (43)
- (51) "This law" includes the Schedules and any regulation or rule made or issued thereunder. (24) 35
- (52) "Totalisator" means any instrument, machine, contrivance or apparatus for registering or indicating or registering and indicating the number or amount or the number and amount of bets on any event or combination of events and which is operated in accordance with a system of betting in which the aggregate amount staked on such event or combination of events, after deduction from such aggregate amount of any amounts which may lawfully be deducted therefrom, whether under this law or by agreement, is divided amongst those persons who have made winning bets on any event or combination of events in proportion to the amounts staked by such persons in respect of such winning bets, and includes any scheme, form or system of betting, whether mechanically operated or not, which is operated on similar principles. (42) 40 45
- (53) "Winning bet" means any bet where the person who placed the bet correctly predicted the result of the event or contingency or combination thereof in respect of which the bet was placed. (53) 50

CHAPTER II: WESTERN CAPE GAMBLING AND RACING BOARD

Establishment of Western Cape Gambling and Racing Board

2. (1) A Board is hereby established, to be known as the Western Cape Gambling and Racing Board. 55

- ontvang vir die bedryf, beoefening, voer, handhawing of voorsiening van sodanige spel nie, en
- (b) die speel van enige dobbelspel vir die doel van werklike fondsinsameling deur 'n kerk, skool, sportklub of entiteit behoorlik ingevolge die Wet op Fondsinsameling, 1978 (Wet 107 van 1978), geregistreer of enige ander entiteit wat die Raad van tyd tot tyd bepaal, en ooreenkomstig die prosedures en onderworpe aan die voorwaardes wat voorgeskryf is. (48)
- (40) "Speler" of "kliënt" beteken enige deelnemer aan 'n dobbelspel en omvat 'n wedder in enige wedderytransaksie. (37)
- (41) "Teenprestasie" beteken enige ding, onderneming, belofte, ooreenkoms of versekering, ongeag die oënskynlike of intrinsieke waarde daarvan. (13)
- (42) "Totalisator" beteken enige instrument, masjien, toestel of apparaat om die getal of bedrag of die getal en bedrag van weddenskappe op 'n gebeurtenis of kombinasie van gebeurtenisse te registreer of aan te wys of te registreer en aan te wys en wat gebruik word ooreenkomstig 'n stelsel van weddery waarvolgens die totale bedrag ingelê op sodanige gebeurtenis of kombinasie van gebeurtenisse, ná aftrekking van sodanige totale bedrag van enige bedrae wat regtens daarvan afgetrek kan word, hetsy kragtens hierdie wet of ingevolge ooreenkoms, verdeel word onder dié persone wat wenweddenskappe op enige gebeurtenis of kombinasie van gebeurtenisse aangegaan het, in verhouding tot die bedrae deur sodanige persone ten opsigte van sodanige wenweddenskappe ingelê, en omvat enige skema, vorm of stelsel van weddery, hetsy meganiese gedrewe of nie, wat volgens dergelike beginsels gebruik word. (52)
- (43) "Tydelike lisensie" beteken 'n lisensie ingevolge artikel 37 uitgereik. (50)
- (44) "Uitvoerende Raad" beteken die Uitvoerende Raad van die Provinsie. (16)
- (45) "Vasgestelde weddenskap" beteken 'n weddenskap deur 'n gelisensieerde boekmaker op een of meer gebeurtenisse of gebeurlikhede aanvaar, waar daar oor 'n vasgestelde wedprys besluit word wanneer sodanige weddenskap aanvaar word. (18)
- (46) "Verantwoordelike Lid" beteken die lid van die Uitvoerende Raad wat verantwoordelik is vir die administrasie van hierdie wet. (45)
- (47) "Verspreiderlisensie" beteken 'n lisensie ingevolge artikel 52 uitgereik. (14)
- (48) "Vervaardigerlisensie" beteken 'n lisensie ingevolge artikel 51 uitgereik. (34)
- (49) "Voorgeskryf" beteken by regulasie ingevolge hierdie wet voorgeskryf. (40)
- (50) "Voorsitter" beteken 'n persoon ingevolge artikel 3(3) as voorsitter van die Raad aangestel. (11)
- (51) "Wed" of "weddery" beteken om enige geld of waardevolle ding in te lê of dit namens enige persoon in te lê, of om uitdruklik of stilswyend te onderneem, te beloof of ooreen te kom om namens enige persoon enige geld of waardevolle ding op 'n gebeurtenis of gebeurlikheid, uitgesonderd die gebeurlikheid wat by 'n dobbelspel betrokke is, in te lê. (3)
- (52) "Wedren" beteken enige perdewedren op 'n omskrewe of ooreengekome baan wat gehou word vir die vermaak van die publiek en lede van enige vereniging of klub, maar omvat nie—
- (a) enige wedren in die aard van 'n openbare proefgalop nie, waar geen weddery plaasvind nie en wat gehou word onder die bestuur en beheer van die houer van 'n renbaanlisensie, en
- (b) enige wedren of kompetisie van 'n privaat aard waar geen weddery plaasvind nie. (43)
- (53) "Wenweddenskap" beteken enige weddenskap waar die persoon wat die weddenskap aangegaan het, die uitslag van die gebeurtenis of gebeurlikheid of kombinasie daarvan ten opsigte waarvan die weddenskap aangegaan is, korrek voorspel het. (53)

HOOFTUK II: WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

Instelling van Wes-Kaapse Raad op Dobbelary en Wedrenne

2. (1) 'n Raad word hierby ingestel wat bekend staan as die Wes-Kaapse Raad op Dobbelary en Wedrenne.

(2) The right to carry on any gambling business in any manner, whether directly or indirectly, within the Province shall vest exclusively in the Board.

(3) The Board shall be a juristic person and shall have the right and capacity to conduct and participate in legal proceedings and conduct all its business in its own name.

(4) The main object of the Board shall be to control all gambling, racing and activities incidental thereto in the Province subject to this law and any policy determinations of the Executive Council.

(5) The Board shall have all powers that are necessary to achieve its main object and perform its functions under this law, including the powers set out in section 12.

Composition of Board

3. (1) The Board shall consist of seven members appointed by the Executive Council in accordance with the prescribed procedure, which shall provide for public participation in the nomination of candidates for appointment.

(2) The members of the Board shall be eligible persons who have appropriate knowledge or experience.

(3) The responsible Member shall designate one of the members as chairperson and another as vice-chairperson of the Board.

(4) The vice-chairperson shall act as chairperson of the Board when the chairperson is absent or unable to act as chairperson, and when both the chairperson and vice-chairperson are absent or unable to act as chairperson, the members present at the meeting shall elect one of their number to preside at such meeting by majority vote on a show of hands.

(5) Before being appointed a member of the Board the candidate shall submit to the responsible Member an affidavit in which such candidate declares that he or she—

(a) is eligible for such appointment, and

(b) is not disqualified from such appointment.

(6) The responsible Member shall at any time be entitled to call for proof to his or her satisfaction of the continued eligibility of any member or prospective member of the Board, or to undertake or cause to be undertaken any investigation or enquiry in that regard.

(7) The Chief Executive Officer of the Board shall by virtue of his or her office be a member of the Board, but shall not be entitled to vote at any meeting of the Board or a committee of the Board.

Eligibility for appointment as member or employee of Board

4. In order to be eligible for appointment as a member or an employee of the Board a person shall—

(a) be a natural person;

(b) have attained the age of twenty-five years or, in the case of an employee of the Board, the age of eighteen years;

(c) be a citizen of the Republic;

(d) be a fit and proper person as contemplated in section 29(a)(i), and

(e) not be disqualified under section 5.

Disqualification from appointment as member or employee of Board

5. The following persons shall be disqualified from being appointed, continuing or acting as members of the Board or as employees of the Board:

(a) anyone who has at any time been convicted of an offence in terms of this law or any similar law;

(b) anyone who at any time, whether in the Republic or elsewhere, has been convicted of theft, fraud, forgery, the uttering of a forged document, perjury or any offence under the Corruption Act, 1992 (Act 94 of 1992), or any offence of which dishonesty is an element, unless the responsible Member or the Board, as the case may be, is of the opinion that the offence does not render such person unsuitable to be appointed to the Board or to be employed by the Board;

(2) Die reg om op enige wyse, hetsy regstreeks of onregstreeks, enige dobbelarybesigheid in die Provinsie te dryf, berus uitsluitlik by die Raad.

(3) Die Raad is 'n regspersoon en het die reg en bevoegdheid om regsgedinge te voer en daaraan deel te neem en al sy sake in sy eie naam te verrig.

5 (4) Die hoofoogmerk van die Raad is om alle dobbelary, wedrenne en verwante aktiwiteite in die Provinsie behoudens hierdie wet en enige beleidsbepalings van die Uitvoerende Raad te beheer.

10 (5) Die Raad het alle bevoegdhede wat nodig is om sy hoofoogmerk te bereik en sy funksies kragtens hierdie wet te verrig, insluitende die bevoegdhede in artikel 12 uiteengesit.

Samestelling van Raad

3. (1) Die Raad bestaan uit sewe lede wat deur die Uitvoerende Raad aangestel word in ooreenstemming met die voorgeskrewe prosedure, wat voorsiening maak vir openbare deelname in die benoeming van kandidate vir aanstelling.

15 (2) Die lede van die Raad is bevoegde persone wat oor toepaslike kennis of ondervinding beskik.

(3) Die verantwoordelike Lid wys een van die lede as voorsitter en 'n ander as ondervoorsitter van die Raad aan.

20 (4) Die ondervoorsitter neem waar as voorsitter van die Raad wanneer die voorsitter afwesig is of nie as voorsitter kan optree nie, en wanneer beide die voorsitter en die ondervoorsitter afwesig is of nie as voorsitter kan optree nie, verkies die lede wat op die vergadering aanwesig is, by wyse van 'n meerderheidstem deur die opsteek van hande een uit hul geledere om op sodanige vergadering voor te sit.

25 (5) Voordat die kandidaat as 'n lid van die Raad aangestel word, moet hy of sy 'n verklaring aan die verantwoordelike Lid voorlê waarin sodanige kandidaat verklaar dat hy of sy—

(a) bevoeg is vir sodanige aanstelling, en

(b) nie gediskwalifiseer is vir sodanige aanstelling nie.

30 (6) Die verantwoordelike Lid is te alle tye daarop geregtig om tot sy of haar genoeë bewys van die volgehoue bevoegdheid van 'n lid of voornemende lid van die Raad aan te vra of om 'n ondersoek of navraag in dié verband te onderneem of te laat onderneem.

(7) Die Hoof Uitvoerende Beampte van die Raad is ampshalwe lid van die Raad, maar is nie geregtig daarop om op enige vergadering van die Raad of 'n komitee van die Raad te stem nie.

35 Bevoegdheid vir aanstelling as lid of werknemer van Raad

4. Ten einde bevoeg te wees vir aanstelling as 'n lid of werknemer van die Raad moet 'n persoon—

(a) 'n natuurlike persoon wees;

40 (b) die ouderdom van vyf-en-twintig jaar of, in die geval van 'n werknemer van die Raad, die ouderdom van agtien jaar bereik het;

(c) 'n burger van die Republiek wees;

(d) 'n geskikte en gepaste persoon wees soos in artikel 29(a)(i) beoog, en

(e) nie kragtens artikel 5 gediskwalifiseer wees nie.

Diskwalifisering vir aanstelling as lid of werknemer van Raad

45 5. Die volgende persone is gediskwalifiseer om as lede van die Raad of as werknemers van die Raad aangestel te word, aan te bly of op te tree:

(a) enigeen wat te eniger tyd skuldig bevind is aan 'n misdryf ingevolge hierdie wet of enige dergelike wet;

50 (b) enigeen wat te eniger tyd, hetsy in die Republiek of elders, skuldig bevind is aan diefstal, bedrog, vervalsing van 'n dokument en die in omloop bring van 'n vervalste dokument, meened of enige misdryf kragtens die Wet op Korruptsie, 1992 (Wet 94 van 1992), of enige misdryf waarvan oneerlikheid 'n element is, tensy die verantwoordelike Lid of die Raad, na gelang van die geval, van mening is dat die misdryf so 'n persoon nie ongeskik maak vir
55 aanstelling in die Raad of indiensneming deur die Raad nie;

- (c) an unrehabilitated insolvent or anyone who is subject to any legal disability;
- (d) anyone who has at any time been removed from any office of trust on account of misconduct;
- (e) any political office bearer, and
- (f) anyone who, whether personally or through his or her spouse, an immediate family member within the second degree of affinity or the third degree of consanguinity, a partner or an associate, or any person connected to such person by marriage—
 - (i) has or acquires a direct or an indirect financial interest in any gambling business or activity, or
 - (ii) has any interest in any business or enterprise that may conflict or interfere with the proper performance of his or her duties as a member or an employee of the Board or in any licence issued under this law.

Tenure of office

6. A member of the Board shall hold office for such period, not exceeding four years, as the Executive Council may determine at the time of his or her appointment to the Board, and a member of the Board shall be eligible for reappointment at the termination of his or her term of office.

Termination of term of office

7. (1) A vacancy in the office of a member of the Board shall immediately occur when—

- (a) such member dies;
- (b) such member's written resignation is received by the Chief Executive Officer;
- (c) such member becomes disqualified from remaining a member of the Board;
- (d) such member is absent from two consecutive meetings of the Board without the prior written leave of the chairperson, or where applicable, the vice-chairperson;
- (e) such member's term of office has expired, and
- (f) such member's term of office is terminated by the Executive Council, provided that the Executive Council shall not terminate a member's term of office unless it considers this to be in the public interest or in the interest of the proper administration of this law.

(2) In the event of any vacancy contemplated by paragraphs (a) to (d) or (f) of subsection (1), the unexpired portion of the term of office of the member concerned shall be deemed to have lapsed.

Vacancies

8. In the event of a vacancy contemplated by section 7, the Executive Council shall, in accordance with sections 3(1), 4, 5 and 6, appoint a new member to the Board.

Staff

9. (1) Subject to section 4, the Board shall, in the performance of its functions under this law, be assisted by—

- (a) a suitably qualified and experienced person who shall be appointed Chief Executive Officer by the Board for the purpose of assisting the Board in the performance of all financial, administrative and clerical responsibilities pertaining to the functions of the Board and who shall in respect thereof be accountable to the Board, and
- (b) such other staff as may be necessary to enable the Board to perform its functions.

(2) The staff of the Board shall—

- (a) be appointed by the Board on such terms and conditions as it may determine and shall be remunerated by the Board, provided that such remuneration shall, on the first appointment of staff under this law, be fixed by the Board in consultation with the responsible Member acting in concurrence with the member of the Executive Council responsible for finance, and

- (c) 'n insolvente persoon wat nie gerehabiliteer is nie of enigeen wat onderworpe is aan enige handelingsonbevoegdheid;
- (d) enigeen wat te eniger tyd uit enige vertrouensposisie ontslaan is op grond van wangedrag;
- 5 (e) enige politieke ampsdraer, en
- (f) enigeen wat, hetsy persoonlik of deur sy of haar gade, 'n onmiddellike familielid binne die tweede graad van aanverwantskap of die derde graad van bloedverwantskap, 'n vennoot of genoot, of enige persoon wat aangetroude familie van sodanige persoon is—
- 10 (i) 'n regstreekse of onregstreekse geldelike belang in enige dobbelarybesigheid of -aktiwiteit het of verkry, of
- (ii) enige belang het by enige besigheid of onderneming wat strydig is met of inbreuk maak op die behoorlike verrigting van sy of haar pligte as 'n lid of werknemer van die Raad, of by enige lisensie kragtens hierdie wet
- 15 uitgereik.

Ampsbekleding

6. 'n Lid van die Raad beklee sy of haar amp vir dié tydperk, wat hoogstens vier jaar is, wat die Uitvoerende Raad ten tyde van sy of haar aanstelling in die Raad bepaal, en 'n lid van die Raad is herkiesbaar by afloop van sy of haar ampstermyn.

20 Beëindiging van ampstermyn

7. (1) 'n Vakature in die amp van 'n lid van die Raad ontstaan onmiddellik wanneer—
- (a) sodanige lid sterf;
 - 25 (b) sodanige lid se skriftelike bedanking deur die Hoof Uitvoerende Beampte ontvang word;
 - (c) sodanige lid gediskwalifiseer word om 'n lid van die Raad te bly;
 - (d) sodanige lid sonder die voorafverkreë skriftelike verlof van die voorsitter of, waar toepaslik, die ondervoorsitter van twee opeenvolgende vergaderings van die Raad afwesig is;
 - 30 (e) sodanige lid se ampstermyn verstryk het, en
 - (f) sodanige lid se ampstermyn deur die Uitvoerende Raad beëindig word, mits die Uitvoerende Raad nie 'n lid se ampstermyn beëindig nie tensy die Uitvoerende Raad van mening is dat dit in die openbare belang of in die belang van die behoorlike administrasie van hierdie wet is.
 - 35 (2) In die geval van enige vakature beoog by paragrafe (a) tot (d) of (f) van subartikel (1) word die onverstreke gedeelte van die ampstermyn van die betrokke lid geag te verval het.

Vakatures

8. In die geval van 'n vakature beoog by artikel 7, stel die Uitvoerende Raad 'n nuwe lid in die Raad aan in ooreenstemming met artikels 3(1), 4, 5 en 6.

Personeel

9. (1) Behoudens artikel 4 word die Raad by die verrigting van sy funksies kragtens hierdie wet bygestaan deur—
- 45 (a) 'n persoon met toepaslike kwalifikasies en ondervinding, deur die Raad as Hoof Uitvoerende Beampte aangestel met die doel om die Raad by te staan by die uitvoering van alle finansiële, administratiewe en klerklike verantwoordelikhede met betrekking tot die funksies van die Raad, wat aan die Raad verantwoording moet doen daarvoor, en
 - 50 (b) dié ander personeel wat nodig is om die Raad in staat te stel om sy funksies te verrig.
 - (2) Die personeel van die Raad—
 - (a) word deur die Raad aangestel op die bedinge en voorwaardes wat die Raad bepaal en word deur die Raad besoldig, mits sodanige besoldiging by die eerste aanstelling van personeel kragtens hierdie wet deur die Raad vasgestel
 - 55 word in oorleg met die verantwoordelike Lid, wat met die instemming van die lid van die Uitvoerende Raad verantwoordelik vir finansies handel, en

- (b) perform their functions and duties subject to the directions and control of the Board.

(3) The Board may, in the performance of the functions contemplated in subsection (1), at its request and after consultation with the responsible Member be assisted by officers of the Provincial Administration: Western Cape seconded to the service of the Board in terms of any law regulating such secondment. 5

Co-opting of persons

10. (1) The Board may, subject to section 4, co-opt any person who, in the opinion of the Board, is able to assist the Board or a committee of the Board in the consideration of a particular matter. 10

(2) A person co-opted in terms of subsection (1) shall not be entitled to vote at any meeting of the Board or a committee of the Board.

Committees of Board

11. (1) The Board may from time to time and on such terms as it may determine appoint committees to exercise the powers and perform the functions delegated to them by the Board. 15

(2) A committee shall consist of—

- (a) such member or members of the Board as the Board may designate, or
- (b) such member or members of the Board as the Board may designate and such other persons as the Board may co-opt. 20

(3) The Board shall designate the chairperson of a committee.

(4) A committee shall exercise its powers and perform its functions subject to the provisions of this law and such directives of the Board as are not in conflict with such provisions.

Powers of Board

12. The powers and functions of the Board shall be—

- (1) to invite applications for licences in terms of this law or accept such applications without such invitation;
- (2) to consider and dispose of applications for licences in such manner and at such time and place as it may from time to time determine; 30
- (3) to grant, renew, amend, refuse, suspend or revoke licences under this law;
- (4) to impose conditions in respect of any licence at any time;
- (5) to revoke licences granted under the Horse Racing and Betting Ordinance, 1968;
- (6) to acquire, hold, hire, let and alienate intellectual, movable and immovable property; 35
- (7) to open and maintain bank accounts;
- (8) to appoint and dismiss staff and do all things incidental thereto;
- (9) to conclude and perform contracts;
- (10) to participate in or conduct quasi-judicial and administrative proceedings; 40
- (11) to make and enforce rules for the conduct of its proceedings and hearings;
- (12) to receive, expend and generally administer funds;
- (13) to collect and administer in accordance with the provisions of this law, taxes, levies, duties and licence fees imposed by or under this law;
- (14) to make rules governing the licensing, conduct and operation of any gambling or racing activity or business; 45
- (15) to conduct or cause to be conducted hearings, investigations and enquiries with regard to any matter falling within the scope of its functions;
- (16) to apply to court to place any gambling operation under supervisory management; 50

(b) verrig hul funksies en pligte onderworpe aan die opdragte en beheer van die Raad.

(3) Die Raad kan by die verrigting van die funksies beoog in subartikel (1), op sy versoek en na oorleg met die verantwoordelike Lid, bygestaan word deur beamptes van die Provinsiale Administrasie: Wes-Kaap wat aan die diens van die Raad gesekondeer word ingevolge enige wet wat sodanige sekondering reguleer.

Koöptering van persone

10. (1) Die Raad kan, onderworpe aan artikel 4, enige persoon koöpteer wat na die mening van die Raad in staat is om die Raad of 'n komitee van die Raad by die oorweging van 'n besondere saak by te staan.

(2) 'n Persoon ingevolge subartikel (1) gekoöpteer, is nie geregtig daarop om op enige vergadering van die Raad of 'n komitee van die Raad te stem nie.

Komitees van Raad

11. (1) Die Raad kan van tyd tot tyd en op die voorwaardes wat hy bepaal, komitees aanstel om die bevoegdhede uit te oefen en die funksies te verrig wat die Raad aan hulle deleger.

(2) 'n Komitee bestaan uit—

(a) die lid of lede van die Raad wat die Raad aanwys, of

(b) die lid of lede van die Raad wat die Raad aanwys en die ander persone wat die Raad koöpteer.

(3) Die Raad wys die voorsitter van 'n komitee aan.

(4) 'n Komitee oefen sy bevoegdhede uit en verrig sy funksies behoudens die bepalinge van hierdie wet en dié opdragte van die Raad wat nie strydig met sodanige bepalinge is nie.

25 Bevoegdhede van Raad

12. Die bevoegdhede en funksies van die Raad is—

(1) om aansoeke om lisensies ingevolge hierdie wet aan te vra of om sodanige aansoeke te aanvaar sonder om dit aan te vra;

(2) om aansoeke om lisensies te oorweeg en af te handel op die wyse, tyd en plek wat hy van tyd tot tyd bepaal;

(3) om lisensies kragtens hierdie wet toe te staan, te hernieu, te wysig, te weier, op te skort of in te trek;

(4) om te eniger tyd voorwaardes ten opsigte van enige lisensie op te lê;

(5) om lisensies toegestaan kragtens die Ordonnansie op Perdewedrenne en Weddery, 1968, in te trek;

(6) om intellektuele besit en roerende en onroerende goed aan te skaf, te besit, te huur, te verhuur en te vervreem;

(7) om bankrekeninge te open en te bedryf;

(8) om personeel aan te stel en te ontslaan en alles te doen wat daarmee in verband staan;

(9) om kontrakte aan te gaan en uit te voer;

(10) om aan kwasi-geregtelike stappe en administratiewe handelingte deel te neem of dit te doen of te verrig;

(11) om reëls vir die verloop van sy verrigtinge en ondersoekverhore te maak en toe te pas;

(12) om fondse te ontvang, te bestee en in die algemeen te administreer;

(13) om belastinge, heffings, belastingregte en lisensiegelde opgelê by of kragtens hierdie wet, in ooreenstemming met die bepalinge van hierdie wet in te vorder en te administreer;

(14) om reëls te maak wat die lisensiëring, beoefening en bedryf van enige dobbelary- of wedrenaktiwiteit of -besigheid beheer;

(15) om ondersoekverhore, ondersoeke en navrae in verband met enige saak wat binne die bestek van sy funksies hoort, uit te voer en te doen of te laat uitvoer en doen;

(16) om by die hof aansoek te doen om enige dobbelarybedrywigheid onder toesighoudende bestuur te plaas;

- (17) to enter into agreements with or obtain the assistance of any department or organ of state, including the South African Police Services, to conduct or assist it in conducting its investigations;
- (18) to obtain information from licence holders and other persons and agencies;
- (19) to conduct an ongoing study of and investigation into gambling and racing throughout the Province and elsewhere in order to ascertain whether there are any deficiencies in this law or in any regulation or rule made thereunder and to discover any abuses or violations of the procedures contained in this law or any regulation or rule made thereunder; 5
- (20) to determine minimum internal control systems for licence holders, including accounting and reporting procedures and any other procedures or systems, whether computerised or not; 10
- (21) to impose penalties for any breach of any of the rules or regulations made under this law, which may include fines or the suspension of or the imposition of conditions relating to any licence issued in terms of this law; 15
- (22) to determine fees and charges in respect of investigations, enquiries and any other function performed by the Board;
- (23) to collect and administer fees and penalties imposed by or under this law;
- (24) to undertake or cause to be undertaken tests on equipment and gambling devices used or to be used in gambling activities and to recover the costs thereof from any person at whose instance or in respect of whose gambling activities such tests are undertaken; 20
- (25) to issue summonses for the appearance of persons or the production of books, documents or things in connection with applications, hearings, investigations or enquiries under this law, including the rules or regulations made thereunder; 25
- (26) to establish field or branch offices;
- (27) to establish and administer funds for the proper administration of this law;
- (28) to authorise any employee of the Board in writing to exercise the special powers of entry, seizure and enquiry provided for by this law; 30
- (29) to consult with any person or employ consultants regarding any matter relevant to the performance of its functions on such terms and conditions as the Board may determine;
- (30) to delegate any of its powers in accordance with section 14. and
- (31) generally to exercise the powers and perform the functions and duties specified in this law and assigned to it by any other law. 35

Responsible Member may invite applications

13. (1) The responsible Member may, pending the appointment and the first meeting of the Board, invite applications for licences in terms of this law.

(2) All applications invited in terms of subsection (1) shall be dealt with in terms of this law. 40

Delegation

14. (1) Save for the powers stipulated in subsection (5), any function or power which the Board may exercise or perform in terms of this law may be delegated to any of its committees, officers or employees, whereupon such function or power may be exercised or performed by the delegate on behalf of the Board. 45

(2) Any such delegation may be made subject to such terms, conditions and restrictions as may be determined by the Board.

(3) The Board shall not be divested of any power delegated by it.

(4) Any person aggrieved by a decision taken in terms of a delegated power or function shall have a right of appeal to the Board against such decision in the manner and within the time prescribed. 50

- (17) om ooreenkomste aan te gaan met of die bystand te verkry van enige departement of orgaan of staat, insluitende die Suid-Afrikaanse Polisiedienste, om sy ondersoek uit te voer of hom by die uitvoering daarvan by te staan;
- 5 (18) om inligting van lisensiehouers en ander persone en agentskappe te verkry;
- (19) om dobbelary en wedrenne reg oor die Provinsie en elders deurlopend te bestudeer en te ondersoek ten einde vas te stel of daar enige tekortkominge in hierdie wet is of in enige regulasie of reël daarkragtens gemaak, en ten einde enige misbruike of oortredings van die prosedures vervat in hierdie wet
- 10 of in enige regulasie of reël daarkragtens gemaak, bloot te lê;
- (20) om minimum interne beheerstelsels vir lisensiehouers te bepaal, insluitende rekeningkundige en verslagprosedures en enige ander prosedures of stelsels, hetsy gerekenariseer of nie;
- (21) om strawwe op te lê vir die oortreding van enige van die reëls of regulasies
- 15 kragtens hierdie wet gemaak, wat boetes of die opskorting van of die oplegging van voorwaardes met betrekking tot enige lisensie uitgereik ingevolge hierdie wet, kan insluit;
- (22) om gelde en heffings ten opsigte van ondersoek, navrae en enige ander funksie deur die Raad verrig, te bepaal;
- 20 (23) om gelde en boetes opgelê by of kragtens hierdie wet, in te vorder en te administreer;
- (24) om toetse op toerusting en dobbeltoestelle wat vir dobbelaryaktiwiteite gebruik word of gebruik gaan word, te doen of te laat doen en die koste daarvan te verhaal op enige persoon op wie se aandrang of ten opsigte van
- 25 wie se dobbelaryaktiwiteite sodanige toetse gedoen word;
- (25) om dagvaardings uit te reik vir die verskyning van persone of die oorlegging van boeke, dokumente of goed in verband met aansoeke, ondersoekverhore, ondersoek of navrae kragtens hierdie wet, insluitende die reëls of regulasies daarkragtens gemaak;
- 30 (26) om veld- of takkantore te vestig;
- (27) om fondse te stig en te administreer vir die behoorlike administrasie van hierdie wet;
- (28) om enige werknemer van die Raad skriftelik daartoe te magtig om die spesiale betredings-, beslagleggings- en navraagbevoegdhede uit te oefen
- 35 waarvoor hierdie wet voorsiening maak;
- (29) om enige persoon te raadpleeg of konsultante aan te stel in verband met enige saak wat relevant is by die verrigting van sy funksies op die bedinge en voorwaardes wat die Raad bepaal;
- (30) om enige van sy bevoegdhede in ooreenstemming met artikel 14 te delegeer,
- 40 en
- (31) om in die algemeen die bevoegdhede uit te oefen en die funksies en pligte te verrig wat in hierdie wet gespesifiseer word en by enige ander wet aan hom opgedra word.

Verantwoordelike Lid kan aansoek aanvra

- 45 13. (1) Die verantwoordelike Lid kan, in afwagting van die aanstelling en die eerste vergadering van die Raad, aansoek om lisensies ingevolge hierdie wet aanvra.
- (2) Daar moet met alle aansoek wat ingevolge subartikel (1) aangevra is, ingevolge hierdie wet gehandel word.

Delegasie

- 50 14. (1) Afgesien van die bevoegdhede in subartikel (5) bepaal, kan enige bevoegdheid of funksie wat die Raad ingevolge hierdie wet kan uitoefen of verrig, gedelegeer word aan enige van sy komitees, beamptes of werknemers, en daarna kan die gedelegeerde sodanige bevoegdheid of funksie namens die Raad uitoefen of verrig.
- (2) Enige sodanige delegasie kan gedoen word onderworpe aan die bedinge,
- 55 voorwaardes en beperkings wat die Raad bepaal.
- (3) Die Raad word nie enige bevoegdheid ontnem wat deur hom gedelegeer is nie.
- (4) Enige persoon wat hom of haar veronreg voel deur 'n besluit wat ingevolge 'n gedelegeerde bevoegdheid of funksie geneem is, het die reg van appèl by die Raad teen sodanige besluit op die voorgeskrewe wyse en binne die voorgeskrewe tyd.

- (5) The Board shall not delegate the following powers:
- (a) the powers set out in section 12(2), (3), (4) and (17) in relation to any operator licence, and
 - (b) the powers set out in section 12(6).

Special powers of entering, seizure and enquiry

5

15. (1) In addition to any other powers provided for in this law, the Board shall have the special powers set out in this section.

(2) The powers conferred by this section shall be exercised—

- (a) by the Board;
- (b) by any person authorised thereto by the Board in terms of section 12(28) (hereafter referred to as an "authorised officer"), and
- (c) only for the purposes of this law.

(3) The Chief Executive Officer shall issue to every person authorised under subsection (2)(b) a certificate of authorisation, and in the exercise of his or her powers and the performance of his or her duties the authorised officer shall on demand produce such certificate.

(4) The powers conferred by this section shall be—

- (a) without prior notice, and at any reasonable time, to enter any premises or any part of any premises where gambling or racing activities take place or where such activities are reasonably believed to take place or which are reasonably believed to be so used, and—
 - (i) to inspect and search those premises, and there to make such enquiries as may be deemed necessary;
 - (ii) to examine any thing found in or on the premises which has a bearing or may have a bearing on gambling or racing and require from a licence holder, the owner or the person in charge of the premises or any person in whose possession or charge that thing is, information regarding that thing;
 - (iii) to obtain any information or data stored on computer by personally operating or instructing the computer or by requesting any competent person on the premises to operate or instruct the computer to produce a computer print-out of any such information or data;
 - (iv) to make copies of or take extracts from any book or document, including a computer print-out, found in or on the premises, which has a bearing or may have a bearing on gambling or racing and require an explanation of any entry therein from any person suspected of having the necessary information;
 - (v) to seize, against the issue of a receipt, anything in or on the premises, including computer hardware and software, which is or may be required for further examination or which may afford evidence of an offence or a contravention of this law, and
 - (vi) to question any person found on the premises;
- (b) (i) at any time and at any place, to require from any person who has or is believed to have possession or custody or control of any book, document or thing relating to any matter dealt with under this law or the rules, the production thereof then and there or at a time and place fixed by the Board or an authorised person, and
- (ii) to examine and make extracts from and copies of any such book or document, including a computer print-out, and require an explanation of any entry therein from any person and attach any such book, document or thing which could provide evidence of any matter dealt with in this law or the rules, and
- (c) to question any person who is reasonably believed to be or to have been employed on any premises in respect of which any provision of this law is applicable, or to have been in possession, custody or control of anything in respect of which any such provision is applicable, either alone or in the presence of any other person, as the authorised officer sees fit, with respect to any matter dealt with in this law or the rules.

(5) Die Raad mag nie die volgende bevoegdhede deleger nie:

- (a) die bevoegdhede in artikel 12(2), (3), (4) en (17) uiteengesit met betrekking tot enige operateurlisensie, en
- (b) die bevoegdhede in artikel 12(6) uiteengesit.

5 Spesiale betredings-, beslagleggings- en navraagbevoegdhede

15. (1) Benewens enige ander bevoegdhede waarvoor in hierdie wet voorsiening gemaak word, het die Raad die spesiale bevoegdhede in hierdie artikel uiteengesit.

(2) Die bevoegdhede by hierdie artikel verleen—

- (a) word uitgeoefen deur die Raad;
 - 10 (b) word uitgeoefen deur enige persoon ingevolge artikel 12(28) deur die Raad daartoe gemagtig (hierna 'n "gemagtigde beampte" genoem), en
 - (c) mag slegs vir die doeleindes van hierdie wet uitgeoefen word.
- (3) Die Hoof Uitvoerende Beampte reik aan elke persoon wat kragtens subartikel (2)(b) gemagtig is, 'n magtigingsertifikaat uit, en by die uitoefening van sy of haar
- 15 bevoegdhede en die verrigting van sy of haar pligte moet die gemagtigde beampte sodanige sertifikaat op aanvraag toon.

(4) Die bevoegdhede by hierdie artikel verleen, is—

- (a) om sonder voorafkennissgewing en op enige redelike tyd enige perseel of enige deel van enige perseel waar dobbelary- of wedrenaktiwiteite plaasvind
- 20 of ten opsigte waarvan daar op redelike gronde vermoed word dat sodanige aktiwiteite daar plaasvind of dat dit aldus gebruik word, te betree, en—
 - (i) dié perseel te inspekteer en te deursoek en daar die navrae te doen wat nodig geag word;
 - 25 (ii) enige ding in of op die perseel gevind, wat betrekking het of betrekking kan hê op dobbelary of wedrenne, te ondersoek en inligting in verband met dié ding te vereis van 'n lisensiehouer, die eienaar of die persoon in wie se sorg die perseel is of enige persoon in wie se besit of onder wie se toesig dié ding is;
 - 30 (iii) enige inligting of data wat op 'n rekenaar gebêre is, te verkry deur persoonlik die rekenaar te bedien of opdragte daaraan te gee of 'n bedrewe persoon op die perseel te versoek om die rekenaar te bedien of opdragte daaraan te gee sodat 'n rekenaardrukstuk van al sodanige inligting of data gelewer word;
 - 35 (iv) kopieë van of uittreksels uit enige boek of dokument, insluitende 'n rekenaardrukstuk, wat in of op die perseel gevind word en wat betrekking het of betrekking kan hê op dobbelary of wedrenne, te maak en 'n verduideliking van enige inskrywing daarin te vereis van enige persoon wat vermoedelik die nodige inligting het;
 - 40 (v) teen uitreiking van 'n kwitansie, beslag te lê op enigiets in of op die perseel, insluitende rekenaarhardeware en -sagteware, wat nodig is of nodig kan wees vir verdere ondersoek of wat as bewys kan dien van 'n misdryf of 'n oortreding van hierdie wet, en
 - (vi) enige persoon wat op die perseel gevind word, te ondervra;
 - 45 (b) (i) om te eniger tyd en op enige plek te vereis dat enige persoon wat enige boek, dokument of ding met betrekking tot enige saak waaroor hierdie wet of die reëls handel, in sy of haar besit, by hom of haar in bewaring of onder sy of haar beheer het of vermoedelik het, dit daar en dan, of op 'n tyd en plek wat deur die Raad of 'n gemagtigde beampte vasgestel word, moet oorlê, en
 - 50 (ii) om enige sodanige boek of dokument, insluitende 'n rekenaardrukstuk, te ondersoek en uittreksels daaruit en kopieë daarvan te maak en te vereis dat enige persoon enige inskrywing daarin moet verduidelik en beslag te lê op enige sodanige boek, dokument of ding wat as bewys kan dien van enige saak waaroor hierdie wet of die reëls handel, en
 - 55 (c) om enige persoon van wie redelikerwys vermoed word dat hy of sy in diens is of in diens was op enige perseel ten opsigte waarvan enige bepaling van hierdie wet van toepassing is, of dat enigiets ten opsigte waarvan enige sodanige bepaling van toepassing is, in sy of haar besit, by hom of haar in bewaring of onder sy of haar beheer was, óf alleen óf in die teenwoordigheid
 - 60 van enige ander persoon, na gelang die gemagtigde beampte goed dink, te ondervra oor enige saak waaroor hierdie wet of die reëls handel.

(5) No evidence regarding any questions and answers contemplated in subsection (4) shall be admissible in any subsequent criminal proceedings against a person from whom information in terms of that subsection is acquired if the answer will incriminate him or her, except in criminal proceedings where the person concerned stands trial on a charge contemplated in subsection (14).

(6) Subject to subsection (12), the premises referred to in subsection (4) shall only be entered, and acts referred to in subsection (4) shall only be performed, by virtue of a warrant issued by a magistrate, regional magistrate or judge in chambers.

(7) A warrant contemplated in subsection (6) shall only be issued if it appears to the magistrate, regional magistrate or judge from information on oath or affirmation, stating the need for a search and seizure in terms of this section, that there are reasonable grounds for believing that the activities referred to in subsection (4) take place in or on such premises or that the premises are so used.

(8) A warrant issued in terms of this section may be issued on any day and shall be of force until—

- (a) it has been executed;
- (b) it is cancelled by the person who issued it or, if such person is not available, by any person with like authority, or
- (c) the expiry of three months from the day of its issue, whichever may occur first.

- (9) (a) Any authorised officer may use such force as may be reasonably necessary—
- (i) to overcome any resistance against the entry and search of the premises or any part thereof, including the breaking of any door or window, and
 - (ii) to gain access to any safe, chest, box, package or other container in or on such premises;

provided that such authorised officer shall first audibly demand admission to the premises or request access to such container and state the purpose for which he or she seeks to enter such premises or have access to such container.

(b) The proviso to paragraph (a) shall not apply where the authorised officer concerned is on reasonable grounds of the opinion that any book, document or thing which is the subject of the search may be destroyed, tampered with or disposed of if the provisions of the said proviso are first complied with.

(10) A warrant issued in terms of this section shall be executed by day or by night at times which shall be reasonable in the circumstances.

(11) Any authorised officer executing a warrant in terms of this section shall, immediately before commencing with the execution, identify himself or herself to the person in control of the premises, if such person is present, and hand to such person a copy of the warrant or, if such person is not present, affix such copy in a prominent place on the premises.

(12) Any authorised officer may without a warrant enter upon any premises and perform the acts referred to in subsection (4)—

- (a) if a person who is competent to do so consents to such entry, search, seizure and removal, or
- (b) if he or she upon reasonable grounds believes that—
 - (i) the required warrant would be issued to him or her in terms of subsection (6) if he or she were to apply for such warrant, and
 - (ii) the delay caused in obtaining such warrant would defeat the object of the entry, search, seizure and removal.

(13) If, during the execution of a warrant or the conducting of a search in terms of this section, a person claims that any thing found in or on the premises concerned contains privileged information and refuses the inspection or removal of such thing, the authorised officer executing the warrant or conducting the search shall, if he or she is of the opinion that the thing contains information which is relevant and necessary for the purposes of this law, request the Registrar of the Supreme Court or his or her delegate to seize and remove that thing for safe custody until a court of law has made a ruling on the question whether or not the information concerned is privileged.

- (5) Geen getuienis ten opsigte van enige vrae en antwoorde beoog in subartikel (4) is in enige latere strafregtelike verrigtinge teen enige persoon van wie inligting ingevolge dié subartikel verkry word, toelaatbaar nie indien die antwoord hom of haar sal inkrimineer, behalwe in strafregtelike verrigtinge waar die betrokke persoon teregstaan op 'n aanklag in subartikel (14) beoog.
- (6) Behoudens subartikel (12) mag die perseel genoem in subartikel (4) net betree word en die handellinge genoem in subartikel (4) net verrig word uit hoofde van 'n lasbrief uitgereik deur 'n landdros, streeklanddros of regter op kamerhof.
- (7) 'n Lasbrief beoog in subartikel (6) mag slegs uitgereik word as die landdros, streeklanddros of regter van mening is, op grond van inligting wat onder eed of bevestiging verstrek is en wat die behoefte aan 'n deursoeking ingevolge hierdie artikel uiteensit, dat daar redelike gronde is om te vermoed dat die aktiwiteite genoem in subartikel (4) plaasvind in of op sodanige perseel of dat die perseel aldus gebruik word.
- (8) 'n Lasbrief uitgereik ingevolge hierdie artikel kan op enige dag uitgereik word en is van krag totdat—
- (a) dit uitgevoer is;
 - (b) dit ingetrek word deur die persoon wat dit uitgereik het of, as sodanige persoon nie beskikbaar is nie, deur enige persoon met dergelike gesag, of
 - (c) drie maande van die dag van uitreiking verstryk het,
- watter ook al eerste plaasvind.
- (9) (a) Enige gemagtigde beampte kan die geweld gebruik wat redelikerwys nodig is—
- (i) om enige verset teen die betreding en deursoeking van die perseel of enige deel daarvan te bowe te kom, insluitende die oopbreek van 'n deur of venster, en
 - (ii) om toegang te verkry tot enige kluis, kis, doos, pakket of ander houer in of op sodanige perseel;
- met dien verstande dat sodanige gemagtigde beampte eers hoorbaar toegang tot sodanige perseel of houer moet eis en die doel waarvoor hy of sy sodanige perseel wil betree of toegang tot sodanige houer wil hê, moet bekend maak.
- (b) Die voorbehoudsbepaling van paragraaf (a) is nie van toepassing nie waar die betrokke gemagtigde beampte op redelike gronde van mening is dat enige boek, dokument of ding ten opsigte waarvan die deursoeking gedoen word, vernietig, daarmee gepeuter of daarmee weggedoen kan word indien daar eers aan die bepaling van genoemde voorbehoudsbepaling voldoen word.
- (10) 'n Lasbrief uitgereik ingevolge hierdie artikel word uitgevoer in die dag of in die nag op tye wat in die omstandighede redelik is.
- (11) Enige gemagtigde beampte wat 'n lasbrief ingevolge hierdie artikel uitvoer, moet onmiddellik, voordat hy of sy begin om dit uit te voer, hom of haar identifiseer vir die persoon in beheer van die perseel, as sodanige persoon teenwoordig is, en aan sodanige persoon 'n kopie van die lasbrief oorhandig of, as sodanige persoon nie teenwoordig is nie, sodanige kopie op 'n opvallende plek op die perseel aanbring.
- (12) Enige gemagtigde beampte kan sonder 'n lasbrief 'n perseel betree en die handellinge genoem in subartikel (4) verrig—
- (a) indien 'n persoon wat daartoe bevoeg is, toestemming verleen tot sodanige betreding, deursoeking, beslaglegging en verwydering, of
 - (b) as hy of sy op redelike gronde vermoed dat—
- (i) die vereiste lasbrief ingevolge subartikel (6) aan hom of haar uitgereik sal word indien hy of sy om sodanige lasbrief aansoek doen, en
 - (ii) die vertraging wat veroorsaak sal word deur die verkryging van sodanige lasbrief die doel van die betreding, deursoeking, beslaglegging en verwydering sal verydel.
- (13) Indien 'n persoon tydens die uitvoering van 'n lasbrief of 'n deursoeking ingevolge hierdie artikel daarop aanspraak maak dat enige ding wat in of op die betrokke perseel gevind word, geprivilegieerde inligting bevat en weier dat sodanige ding geïnspekteer of verwyder word, moet die gemagtigde beampte wat die lasbrief of die deursoeking uitvoer, indien hy of sy van mening is dat die ding inligting bevat wat betrekking het op en nodig is vir die oogmerke van hierdie wet, die Griffier van die Hooggeregshof of sy of haar gedelegeerde versoek om op dié ding beslag te lê en dit vir veilige bewaring te verwyder totdat 'n geregshof 'n beslissing gegee het oor die vraag of die betrokke inligting geprivilegieerd is of nie.

(14) Any person who—

- (a) obstructs or hinders a person referred to in subsection (2) in the performance of his or her functions in terms of this section, or
- (b) when asked in terms of subsection (4) for information or an explanation relating to a matter within his or her knowledge, refuses or fails to give that information or explanation or gives information or an explanation which is false or misleading, knowing it to be false or misleading,

shall be guilty of an offence and liable upon conviction to a fine not exceeding fifty thousand rand or imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(15) When performing any function in terms of subsection (4) an authorised officer may be accompanied and assisted by an interpreter and any police officer.

Conflict of interests and public trust

16. (1) A member or an employee of the Board shall not directly or indirectly receive from any person anything of value that may conflict or interfere with the proper performance of his or her duties.

(2) A member of the Board shall not solicit or accept employment from a licence holder or an applicant for a licence in terms of this law within two years after the termination of his or her term of office.

Remuneration and allowances

17. Members of the Board and any person co-opted in terms of section 10 shall be paid such remuneration and allowances as may be determined by the responsible Member in concurrence with the member of the Executive Council responsible for finance.

Confidentiality

18. (1) No member or employee of the Board, including any consultant employed by the Board, shall disclose any information that has come to that person's knowledge by reason of his or her appointment to or employment by the Board and that relates to the business or affairs of an applicant for a licence or a licence holder, save as set out in this section and section 35(2)(a)(iii).

(2) The foregoing prohibition against disclosure shall not apply in respect of—

- (a) disclosures to a judge in relation to pending legal proceedings;
- (b) disclosures in accordance with an order of a competent court;
- (c) disclosures regarding gambling in general which do not refer to the business or affairs of any particular applicant for a licence or licence holder;
- (d) disclosure of information to the Commissioners for Inland Revenue or Customs and Excise;
- (e) disclosure to the responsible Member, and
- (f) disclosure to any person who requires it for the performance of his or her functions under this law.

Meetings of Board

19. (1) (a) The Board shall meet at least four times in every year in the manner and on such dates and at such times and places as the chairperson may determine.

(b) The chairperson of the Board may at any time convene a special meeting of the Board to be held at a time and place determined by him or her and shall, upon a written request signed by not fewer than three members of the Board, convene a special meeting of the Board to be held within two weeks after the date of receipt of such request, at a time and place determined by him or her.

(2) The procedure at a meeting of the Board shall, in so far as it has not been prescribed, be determined by the chairperson.

(3) The quorum for a meeting of the Board shall be five members.

(4) Any meeting may be adjourned for such time to such venue and for such reasons as the chairperson may deem necessary.

(14) Enige persoon wat—

- (a) 'n persoon genoem in subartikel (2) belemmer of hinder by die verrigting van sy of haar funksies ingevolge hierdie artikel, of
- 5 (b) wanneer hy of sy ingevolge subartikel (4) gevra word vir inligting of 'n verduideliking met betrekking tot 'n saak waarvan hy of sy kennis dra, weier of versuim om dié inligting of verduideliking te verstrek of inligting of 'n verduideliking verstrek wat vals of misleidend is, wetende dat dit vals of misleidend is,
- 10 is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftigduisend rand of gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met beide sodanige boete en sodanige gevangenisstraf.
- (15) Wanneer 'n gemagtigde beampte enige funksie ingevolge subartikel (4) verrig, kan hy of sy vergesel en bygestaan word deur 'n tolk en enige polisiebeampte.

Strydigheid van belange en openbare vertroue

- 15 16. (1) 'n Lid of werknemer van die Raad mag nie regstreeks of onregstreeks enigiets van waarde wat strydig is met of inbreuk maak op of verband hou met die verrigting van sy of haar pligte, van enige persoon ontvang nie.
- (2) 'n Lid van die Raad mag nie binne twee jaar na afloop van sy of haar ampstermyn werk bekom of aanvaar van 'n lisensiehouer of 'n aansoeker om 'n lisensie ingevolge
- 20 hierdie wet nie.

Besoldiging en toelaes

17. Lede van die Raad en enige persoon gekoöpteer ingevolge artikel 10 word die besoldiging en toelaes betaal wat die verantwoordelike Lid met die instemming van die lid van die Uitvoerende Raad verantwoordelik vir finansies bepaal.

25 Vertroulikheid

18. (1) Geen lid of werknemer van die Raad, insluitende enige konsultant wat deur die Raad aangestel is, mag enige inligting met betrekking tot die besigheid of sake van 'n aansoeker om 'n lisensie of 'n lisensiehouer waarvan hy of sy te wete gekom het omrede van sy of haar aanstelling in of indiensneming deur die Raad, openbaar maak
- 30 nie, behalwe soos in hierdie artikel en artikel 35(2)(a)(iii) uiteengesit.
- (2) Voorgenoemde verbod op openbaarmaking is nie van toepassing nie op—
- (a) openbaarmakings aan 'n regter in verband met 'n regsgeding wat hangende is;
- (b) openbaarmakings in ooreenstemming met 'n bevel van 'n bevoegde hof;
- 35 (c) openbaarmakings in verband met dobbelary in die algemeen wat nie betrekking het op die besigheid of sake van enige besondere aansoeker om 'n lisensie of lisensiehouer nie;
- (d) openbaarmaking van inligting aan die Kommissaris vir Binnelandse Inkomste of Doeane en Aksyns;
- 40 (e) openbaarmaking aan die verantwoordelike Lid, en
- (f) openbaarmaking aan enige persoon wat dit vir die verrigting van sy of haar funksies kragtens hierdie wet nodig het.

Vergaderings van Raad

19. (1) (a) Die Raad vergader minstens vier keer in elke jaar op die wyse, datums,
- 45 tye en plekke wat die voorsitter bepaal.
- (b) Die voorsitter van die Raad kan te eniger tyd 'n spesiale vergadering van die Raad belê wat gehou moet word op 'n tyd en plek deur hom of haar bepaal en moet, op 'n skriftelike versoek wat onderteken is deur nie minder nie as drie lede van die Raad, 'n spesiale vergadering van die Raad belê wat binne twee weke na die datum van ontvangs
- 50 van sodanige versoek gehou moet word op 'n tyd en plek deur hom of haar bepaal.
- (2) Die prosedure op 'n vergadering van die Raad word, vir sover dit nie voorgeskryf is nie, deur die voorsitter bepaal.
- (3) Die kworum vir 'n vergadering van die Raad is vyf lede.
- (4) Enige vergadering kan verdaag word vir die tyd en tot die plek en om die redes
- 55 wat die voorsitter nodig ag.

(5) A decision of the Board shall be taken by a majority of the votes of the members present at a meeting of the Board, and in the event of an equality of votes on any matter, the chairperson shall have a casting vote in addition to a deliberative vote.

(6) No decision of the Board shall be invalid merely by reason of a vacancy on the Board or the fact that any person who is not entitled to sit as a member of the Board sat as such a member when the decision was taken; provided that the decision was taken by the required majority of the members of the Board then present and entitled to sit as members of the Board. 5

(7) Save as provided in subsection (8), all meetings of the Board shall be open to the public; provided that the chairperson may direct that any person whose presence in his or her opinion is not desirable at the meeting concerned may be excluded therefrom. 10

(8) The Board may hold meetings which are not open to the public in connection with any of the following matters:

- (a) investigations into or matters concerning private information in respect of any applicant for a licence; 15
- (b) possible or alleged criminal violations, regardless of whether such meetings are held with gambling officials of other provinces, states or countries, the Attorney-General or members of the South African Police Services, other police organisations or services or any law enforcement agency, and
- (c) when considering any application or deliberating on any hearing or enquiry. 20

Minutes

20. (1) The proceedings of the Board shall be recorded in such manner as the chairperson may determine.

(2) Minutes shall be kept of meetings of the Board held in public and shall be retained at the offices of the Board. 25

(3) Any person may obtain copies of the minutes contemplated in subsection (2) against such payment as the Board may from time to time determine.

(4) Separate minutes of meetings which are not open to the public shall be kept and retained in like manner.

(5) The minutes of any meeting which was not open to the public and any document in which any advice, report, comment or recommendation by or to the Board in connection with anything done at such a meeting is contained shall not be disclosed save to the persons and in the circumstances provided for in section 18(2). 30

Funds of Board

21. (1) The funds of the Board shall consist of— 35

- (a) money appropriated by the Provincial Legislature for that purpose;
- (b) any amounts payable to the Board in terms of this law, and
- (c) other money lawfully paid to and for the benefit of the Board.

(2) The Board shall, by a date to be determined by the responsible Member, in each year submit a budget for the following year to the responsible Member for approval by the responsible Member in concurrence with the member of the Executive Council responsible for finance. 40

(3) The Board may in any financial year make requests for additional funds to the responsible Member for submission to the Provincial Legislature with a view to inclusion in the adjustments estimates as contemplated in the definition thereof in section 1 of the Western Cape Exchequer Law, 1994 (Law 4 of 1994). 45

(4) Any revenue of the Board which exceeds the Board's total budget for a particular financial year by more than ten per cent shall be paid into the Provincial Revenue Fund; provided that all surplus revenue received by the Board in terms of subsection (1)(a) shall, within four months of the end of the financial year concerned, be deposited into the Provincial Revenue Fund. 50

Accounting

22. (1) The Board shall in accordance with the provisions of this law report to the Provincial Legislature on its activities and financial affairs.

(5) 'n Besluit van die Raad word geneem deur 'n meerderheid van die stemme van die lede aanwesig op 'n vergadering van die Raad, en in geval van 'n staking van stemme oor enige saak het die voorsitter 'n beslissende stem benewens 'n beraadslagende stem.

5 (6) Geen besluit van die Raad is ongeldig nie bloot omrede van 'n vakature in die Raad of die feit dat enige persoon wat nie geregtig is om as lid van die Raad te sit nie, as sodanige lid gesit het toe die besluit geneem is; met dien verstande dat die besluit geneem is deur die vereiste meerderheid van die lede van die Raad wat aanwesig was en geregtig was om as lede van die Raad te sit.

10 (7) Behalwe soos in subartikel (8) bepaal, is alle vergaderings van die Raad oop vir die publiek; met dien verstande dat die voorsitter kan gelas dat enige persoon wie se aanwesigheid op die betrokke vergadering na sy of haar mening nie wenslik is nie, daarvan uitgesluit kan word.

(8) Die Raad kan vergaderings agter geslote deure hou in verband met enige van die 15 volgende sake:

- (a) ondersoeke na of sake in verband met privaat inligting oor enige aansoeker om 'n lisensie;
- (b) moontlike of beweerde kriminele oortredings, ongeag of sodanige vergaderings gehou word met dobbelarybeamptes van ander provinsies, state of 20 lande, die Prokureur-generaal of lede van die Suid-Afrikaanse Polisiedienste, ander polisie-organisasies of -dienste of enige wetstoepassingsagentskap, en
- (c) wanneer hy enige aansoek oorweeg of oor enige ondersoekverhoor of navraag beraadslaag.

25 Notules

20. (1) Die verrigtinge van die Raad word opgeteken op die wyse wat die voorsitter bepaal.

(2) Notules word gehou van vergaderings van die Raad wat in die openbaar gehou word en word in die kantoor van die Raad bewaar.

30 (3) Enige persoon kan kopieë van die notules beoog in subartikel (2) verkry teen dié betaling wat die Raad van tyd tot tyd bepaal.

(4) Afsonderlike notules van vergaderings wat agter geslote deure gehou word, word op dieselfde wyse gehou en bewaar.

35 (5) Die notule van enige vergadering wat agter geslote deure gehou is, en enige dokument waarin enige advies, verslag, kommentaar of aanbeveling deur of aan die Raad vervat is in verband met enigiets op sodanige vergadering gedoen, mag nie openbaar gemaak word nie behalwe aan die persone en in die omstandighede waarvoor in artikel 18(2) voorsiening gemaak word.

Fondse van Raad

40 21. (1) Die fondse van die Raad bestaan uit—

- (a) geld deur die Provinsiale Wetgewer vir dié doel bewillig;
- (b) enige bedrae ingevolge hierdie wet aan die Raad betaalbaar, en
- (c) ander geld wat regtens aan en ten bate van die Raad betaal word.

45 (2) Die Raad moet, teen 'n datum wat die verantwoordelike Lid bepaal, in elke jaar 'n begroting vir die daaropvolgende jaar aan die verantwoordelike Lid voorlê vir goedkeuring deur die verantwoordelike Lid met die instemming van die lid van die Uitvoerende Raad verantwoordelik vir finansies.

50 (3) Die Raad kan in enige boekjaar versoeke om bykomende fondse tot die verantwoordelike Lid rig vir voorlegging aan die Provinsiale Wetgewer, met die oog op sluiting by die aansuiweringsbegroting soos beoog in die omskrywing daarvan in artikel 1 van die Wes-Kaapse Skatkiswet, 1994 (Wet 4 van 1994).

55 (4) Enige inkomste van die Raad wat die Raad se totale begroting vir 'n bepaalde boekjaar met meer as tien persent oorskry, moet in die Provinsiale Inkomstefonds inbetaal word; met dien verstande dat alle surplusinkomste ingevolge subartikel (1)(a) deur die Raad ontvang, binne vier maande vanaf die einde van die betrokke boekjaar in die Provinsiale Inkomstefonds gestort moet word.

Verantwoording

22. (1) Die Raad moet in ooreenstemming met die bepalings van hierdie wet verslag doen aan die Provinsiale Wetgewer oor sy aktiwiteite en finansiële sake.

(2) The Chief Executive Officer shall cause such accounting and related records to be kept as are necessary to fairly present the state of affairs and activities of the Board and to explain its transactions and financial position.

(3) The financial year of the Board shall be the period extending from 1 April in any year to 31 March in the next succeeding year.

(4) The Board shall, in respect of every financial year, cause annual financial statements to be prepared and shall, after such statements have been audited in terms of this law, submit copies of such statements to the responsible Member within four months after the end of its financial year.

(5) The annual financial statements referred to in subsection (4) shall consist of— 10

(a) a balance sheet dealing with the state of affairs of the Board;

(b) an income statement;

(c) a cash-flow statement;

(d) notes to the financial statements, and

(e) a report by the members of the Board contemplated in subsection (10). 15

(6) The annual financial statements of the Board shall be accompanied by a report of the auditors.

(7) The annual financial statements referred to in subsection (4) shall, in conformity with generally accepted accounting practice, fairly present the state of affairs of the Board and its activities and its financial position at the end of the financial year concerned, and shall for that purpose be in accordance with and include at least the matters prescribed by Schedule 4 of the Companies Act, 1973, in so far as they are applicable. 20

(8) The annual financial statements of the Board shall by means of figures and a descriptive report explain any other matters and information material to the affairs of the Board. 25

(9) The responsible Member shall lay the annual financial statements of the Board submitted to him or her in terms of subsection (4) before the Provincial Legislature within fourteen days after receipt thereof, if the Provincial Legislature is then in session or, if it is not then in session, within fourteen days after the commencement of its next ensuing session. 30

(10) The members of the Board shall, as part of the Board's annual financial statements, submit to the responsible Member a report with regard to the state of affairs, the activities and the financial position of the Board and the degree to which its objects have been attained and shall also— 35

(a) set out the functions and objectives of the Board as determined by law or otherwise;

(b) include relevant information regarding the activities of the Board with regard to new gambling developments, changes in the policies of the Board, the state of the gambling industry in the Province, significant hearings and disciplinary actions by the Board and any other matters of significance which the members of the Board consider relevant to an appreciation of the functions and activities of the Board; 40

(c) indicate the amount of money, if any, received from the Province, and

(d) furnish details of any significant event which has occurred between the end of the financial year and the date of their report. 45

(11) The accounts of the Board shall be audited by the Auditor-General.

Supervisory management and appointment of curator

23. (1) If, as a result of the revocation, suspension or abandonment of any licence referred to in section 28(a), (b), (d) and (i) or as a result of any investigation or enquiry performed in terms of this law, the Board is of the opinion that it is for any reason desirable to do so, it may without notice to the licence holder concerned apply to the Cape Provincial Division of the Supreme Court for the appointment of a curator to take control of and to manage the whole or any part of the business of the licence holder. 50

(2) Upon an application in terms of subsection (1) the court may— 55

(a) provisionally appoint a curator to take control of and to manage the whole or any part of the business of that licence holder upon such conditions and for such period as it may deem fit, and

(b) simultaneously grant a provisional rule calling upon the licence holder to show cause upon a day mentioned in the rule why the appointment of the curator should not be confirmed. 60

(2) Die Hoof Uitvoerende Beampte laat die rekeningkundige en verwante rekords hou wat nodig is om die stand van sake en aktiwiteite van die Raad getrou weer te gee en sy transaksies en finansiële posisie te verduidelik.

(3) Die boekjaar van die Raad is die tydperk wat van 1 April van enige jaar tot 5 31 Maart van die daaropvolgende jaar strek.

(4) Die Raad laat finansiële jaarstate ten opsigte van elke boekjaar opstel en moet, nadat sodanige state ingevolge hierdie wet geouditeer is, kopieë van sodanige state aan die verantwoordelike Lid voorlê binne vier maande na die einde van sy boekjaar.

(5) Die finansiële jaarstate genoem in subartikel (4) moet bestaan uit—

- 10 (a) 'n balansstaat wat handel oor die stand van sake van die Raad;
- (b) 'n inkomstestaat;
- (c) 'n kontantvloeiastaat;
- (d) aantekeninge by die finansiële state, en
- (e) 'n verslag deur die lede van die Raad in subartikel (10) beoog.

15 (6) Die finansiële jaarstate van die Raad moet vergesel gaan van 'n verslag van die ouditeurs.

(7) Die finansiële jaarstate genoem in subartikel (4) moet, in ooreenstemming met algemeen aanvaarde rekeningkundige praktyk, die stand van sake van die Raad en sy aktiwiteite en sy finansiële posisie aan die einde van die betrokke boekjaar getrou 20 weergee, en moet vir dié doel in ooreenstemming wees met Bylae 4 van die Wet op Maatskappye, 1973, en minstens die aangeleenthede by Bylae 4 daarvan voorgeskryf, sover dit toepaslik is, insluit.

(8) Die finansiële jaarstate van die Raad moet by wyse van syfers en 'n beskrywende verslag enige ander aangeleenthede en inligting wat vir die sake van die Raad belangrik 25 is, verduidelik.

(9) Die verantwoordelike Lid moet die finansiële jaarstate van die Raad wat ingevolge subartikel (4) aan hom of haar voorgelê word, by die Provinsiale Wetgewer indien binne veertien dae na ontvangs daarvan, indien die Provinsiale Wetgewer dan in sitting is, of, indien dit nie dan in sitting is nie, binne veertien dae na die aanvang van 30 sy volgende sitting.

(10) Die lede van die Raad moet, as deel van die Raad se finansiële jaarstate, 'n verslag in verband met die stand van sake, die aktiwiteite en die finansiële posisie van die Raad en die mate waarin sy oogmerke bereik is, aan die verantwoordelike Lid voorlê en moet ook—

- 35 (a) die funksies en oogmerke van die Raad soos by wet of andersins bepaal, uiteensit;
- (b) relevante inligting oor die aktiwiteite van die Raad met betrekking tot nuwe dobbelaryontwikkelinge, veranderinge in die beleide van die Raad, die stand van die dobbelarybedryf in die Provinsie, belangrike ondersoekverhore en 40 tugstappe deur die Raad en enige ander belangrike aangeleenthede wat die lede van die Raad as relevant beskou vir 'n begrip van die funksies en aktiwiteite van die Raad, insluit;
- (c) die bedrag geld, indien daar is, wat hy van die Provinsie ontvang het, aandui, en
- 45 (d) besonderhede van enige belangrike gebeurtenis wat tussen die einde van die boekjaar en die datum van hul verslag plaasgevind het, verstrek.

(11) Die rekeninge van die Raad word deur die Ouditeur-generaal geouditeer.

Toesighoudende bestuur en aanstelling van kurator

23. (1) Indien die Raad as gevolg van die intrekking, opskorting of prysgee van enige 50 lisensie in artikel 28(a), (b), (d) en (i) genoem, of as gevolg van enige ondersoek of navraag ingevolge hierdie wet uitgevoer of gedoen, meen dat dit om enige rede wenslik is om dit te doen, kan hy, sonder kennisgewing aan die betrokke lisensiehouer, by die Kaapse Provinsiale Afdeling van die Hooggeregshof aansoek doen om die aanstelling van 'n kurator om beheer oor die hele of enige deel van die besigheid van die 55 lisensiehouer oor te neem en dit te bestuur.

(2) Op 'n aansoek ingevolge subartikel (1) kan die hof—

- (a) 'n kurator voorlopig aanstel om beheer oor die hele of enige deel van die besigheid van die lisensiehouer oor te neem of dit te bestuur op die voorwaardes en vir die tydperk wat hy goed dink, en
- 60 (b) tegelykertyd 'n voorlopige bevel toestaan wat die lisensiehouer oproep om op 'n dag in die bevel genoem, gronde aan te voer waarom die aanstelling van die kurator nie bekragtig moet word nie.

(3) Upon the application of the licence holder, the court may anticipate the return day if not less than forty-eight hours notice of such application has been given to the Board.

(4) If, at the hearing pursuant to the provisional rule, the court is satisfied that it is desirable to do so, it may confirm the appointment of the curator.

(5) The curator shall act under the control of the court and he or she may apply to the court for instructions in regard to any matter arising out of or in connection with the control and management of the business of the licence holder. 5

(6) The curator shall furnish the Board with such information concerning the affairs of the licence holder as it may from time to time require and shall give the Board notice of any application which he or she intends to make to the court in terms of subsection (5). 10

(7) The licence holder is entitled to be heard personally or by a representative at any application by the curator in terms of subsection (5) and he or she may himself or herself make an application to the court with reference to the control and management of the business. 15

(8) The curator is entitled to receive such remuneration out of the funds of the licence holder concerned as the court may direct.

(9) The court may at any time cancel the appointment of the curator on good cause shown.

CHAPTER III—HEARINGS, INVESTIGATIONS AND ENQUIRIES 20

Powers and procedure

24. (1) The Board may conduct or cause to be conducted—

- (a) hearings, investigations or enquiries in respect of—
 - (i) an application for a licence under this law, and
 - (ii) the revocation or suspension of a licence issued under this law; 25

- (b) investigations and enquiries pertaining to the integrity, character, reputation, prior conduct, habits, associations, financial standing and ability, criminal record, competence, experience and suitability of—
 - (i) any applicant for a licence;
 - (ii) any person having a financial interest in a licence issued under this law or in any gambling activity or business, and 30
 - (iii) any licence holder,

if it is of the opinion that this is necessary for the protection of public health, safety, morals or good order or for the achievement of the objectives of this law. 35

(2) The Board shall, in the prescribed manner, conduct a hearing in respect of an application for a licence referred to in section 28(a), (b) and (d), or where any licence is to be revoked or, subject to section 43(3)(b), when a licence is to be suspended.

(3) The procedure to be followed in the conduct of any hearing, investigation or enquiry in terms of subsection (1)(a) and any investigation or enquiry in terms of subsection (1)(b) shall be prescribed. 40

(4) The person presiding at a hearing or conducting an investigation shall keep or cause to be kept a record of the proceedings at the hearing or investigation and of the evidence given thereat.

(5) At any hearing in respect of an application for a licence under this law, the person applying for such a licence and any person objecting to the granting of such a licence shall be entitled to appear before the Board and to call witnesses in support of the application or objection and to cross-examine any other witness. 45

Enforcement enquiries

25. (1) The Board may, for the purpose of achieving the objects of this law, cause to be carried out an enquiry— 50

(3) Op aansoek van die lisensiehouer kan die hof die keurdatum vooruitloop as minstens agt-en-veertig uur kennis van sodanige aansoek aan die Raad gegee is.

(4) Indien die hof by die ondersoekverhoor ooreenkomstig die voorlopige bevel oortuig is van die wenslikheid daarvan, kan hy die aanstelling van die kurator 5 bekragtig.

(5) Die kurator tree onder beheer van die hof op en hy of sy kan by die hof aansoek doen om instruksies met betrekking tot enige saak voortspruitend uit of in verband met die beheer en bestuur van die lisensiehouer se besigheid.

(6) Die kurator moet aan die Raad dié inligting in verband met die sake van die 10 lisensiehouer verskaf wat die Raad van tyd tot tyd verlang en moet die Raad kennis gee van enige aansoek by die hof wat hy of sy ingevolge subartikel (5) voornemens is om te doen.

(7) Die lisensiehouer is geregtig daarop om persoonlik of deur 'n verteenwoordiger aangehoor te word by enige aansoek deur die kurator ingevolge subartikel (5) en hy of 15 sy kan self 'n aansoek by die hof doen ten opsigte van die beheer en bestuur van die besigheid.

(8) Die kurator is geregtig daarop om dié besoldiging uit die fondse van die lisensiehouer te ontvang wat die hof gelas.

(9) Die hof kan te eniger tyd by aanvoering van goeie gronde die aanstelling van die 20 kurator intrek.

HOOFSTUK III: ONDERSOEKVERHORE, ONDERSOEKE EN NAVRAE

Bevoegdheids- en prosedure

24. (1) Die Raad kan—

(a) ondersoekverhore, ondersoeke of navrae uitvoer of doen of laat uitvoer of 25 doen ten opsigte van—

(i) 'n aansoek om 'n lisensie kragtens hierdie wet, en

(ii) die intrekking of opskorting van 'n lisensie kragtens hierdie wet uitgereik;

(b) ondersoeke en navrae uitvoer en doen of laat uitvoer en doen met betrekking 30 tot die integriteit, karakter, reputasie, vorige gedrag, gewoontes, verbintenisse, kredietwaardigheid en vermoë, vorige veroordelings, bedrewenheid, ondervinding en geskiktheid van—

(i) enige aansoeker om 'n lisensie;

(ii) enige persoon wat 'n geldelike belang het in 'n lisensie kragtens hierdie 35 wet uitgereik of in enige dobbelaktiwiteit of -besigheid, en

(iii) enige lisensiehouer,

as hy meen dat dit nodig is ter beskerming van die openbare gesondheid, veiligheid, sedes of goeie orde of ter bereiking van die oogmerke van hierdie wet.

(2) Die Raad hou 'n verhoorondersoek op die voorgeskrewe wyse ten opsigte van 'n 40 aansoek om 'n lisensie genoem in artikel 28(a), (b) en (d), of waar enige lisensie ingetrek moet word of, behoudens artikel 43(3)(b), wanneer 'n lisensie opgeskort moet word.

(3) Die prosedure wat gevolg moet word by die uitvoering of doen van enige 45 ondersoekverhoor, ondersoek of navraag ingevolge subartikel (1)(a) en enige ondersoek of navraag ingevolge subartikel (1)(b) moet voorgeskryf word.

(4) Die persoon wat voorsit by 'n ondersoekverhoor of wat 'n ondersoek lei, moet 'n rekord hou of laat hou van die verrigtinge by die ondersoekverhoor of ondersoek en van die getuienis wat daar aangevoer word.

(5) By enige ondersoekverhoor met betrekking tot 'n aansoek om 'n lisensie kragtens 50 hierdie wet is die persoon wat om sodanige lisensie aansoek doen en enige persoon wat beswaar maak teen die toestaan van sodanige lisensie, geregtig daarop om voor die Raad te verskyn en getuies op te roep ter ondersteuning van die aansoek of beswaar en om ander getuies te kruisvra.

55 Toepassingsnavrae

25. (1) Die Raad kan, ter bereiking van die oogmerke van hierdie wet, 'n navraag laat doen—

- (a) into a contravention or alleged contravention of, or failure or alleged failure to comply with, any of the provisions of this law or a condition of a licence;
- (b) in order to determine if any provision of this law applies to any person, and
- (c) into the affairs or conduct of any licence holder.

(2) The Board shall appoint an authorised officer referred to in section 15(2)(b) to carry out any enquiry contemplated by subsection (1). 5

(3) (a) An authorised officer who carries out an enquiry in terms of this section shall compile and submit to the Chief Executive Officer a full report of the enquiry.

(b) The Chief Executive Officer shall refer the report together with his or her recommendations to the Board. 10

(4) The Board may, after consideration of the report filed in terms of subsection (3)(b) and the recommendations of the Chief Executive Officer, conduct a hearing in terms of section 24(1) and may, notwithstanding the provisions of section 43(3)(b), without prior notice suspend the licence in question pending the outcome of the hearing.

(5) The provisions of this section shall be without prejudice to the power of any authority to institute any investigation into or to prosecute any alleged contravention of or failure to comply with any provision of this law. 15

Witnesses and evidence

26. (1) For the purposes of any hearing or investigation the Board may in writing summon any person who is or may be able to furnish information in relation to a particular matter to appear before it— 20

- (a) to give evidence, or
- (b) to produce any book, document or thing which is in his or her possession or under his or her control and which relates or may relate to a matter to be considered at such hearing or investigation. 25

(2) Compliance with the obligation to produce a book, document or thing in terms of the preceding subsection shall not deprive the holder of any lien claimed with regard to such book, document or thing of any rights as lienholder.

(3) A person who has received a summons in terms of subsection (1) shall personally appear before the Board on the date and at the time and place set out in the summons; provided that if such a person is not competent or able so to appear, any person who by law is competent to act on his or her behalf or any person authorised thereto by the Board may so appear on his or her behalf. 30

(4) Every person summoned in terms of subsection (1) shall be bound to obey the summons, and any person who, having been duly summoned to attend a hearing or an investigation of the Board, without sufficient cause fails to attend personally or by representative as set out in the proviso to subsection (3) at the time and place specified in the summons or to remain in attendance until excused by the chairperson from further attendance, shall be guilty of an offence. (11). 35

(5) The provisions of subsections (2) and (3) shall apply with the necessary changes to any corporate body, organisation or institution. 40

(6) The Board may call and examine any person present at the hearing or investigation, whether or not he or she has been summoned to attend, and may inspect and retain for a reasonable period any book, document or thing in the possession of such person, and the person affected shall be entitled to make copies of such book or document, if practicable, before it is so retained by the Board. 45

(7) The Board may require from any person testifying at a hearing or an investigation to give evidence on oath or affirmation, and the presiding member of the Board may administer the oath or accept an affirmation from any such person.

(8) The law relating to privilege applicable to a person giving evidence or producing any book, document or thing before a court of law shall apply in relation to the examination of any such person or the production of any book, document or thing at a hearing or an investigation held which is open to the public. 50

- (a) na 'n oortreding of beweerde oortreding van, of versuim of beweerde versuim om te voldoen aan, enige van die bepalings van hierdie wet of 'n voorwaarde van 'n lisensie;
- (b) om te bepaal of enige bepaling van hierdie wet op enige persoon van toepassing is, en
- (c) na die sake of gedrag van enige lisensiehouer.
- (2) Die Raad stel 'n gemagtigde beampte genoem in artikel 15(2)(b) aan om enige navraag beoog by subartikel (1) te doen.
- (3) (a) 'n Gemagtigde beampte wat 'n navraag ingevolge hierdie artikel doen, moet 'n volledige verslag van die navraag opstel en aan die Hoof Uitvoerende Beampte voorlê.
- (b) Die Hoof Uitvoerende Beampte verwys die verslag tesame met sy of haar aanbevelings na die Raad.
- (4) Die Raad kan, na oorweging van die verslag ingevolge subartikel (3)(b) ingedien en die aanbevelings van die Hoof Uitvoerende Beampte, 'n ondersoekverhoor ingevolge artikel 24(1) hou en kan, ondanks die bepalings van artikel 43(3)(b), die betrokke lisensie sonder voorafkennigswing opskort hangende die uitslag van die ondersoekverhoor.
- (5) Die bepalings van hierdie artikel maak nie inbreuk op die bevoegdheid van enige owerheid om enige ondersoek na of vervolging weens enige beweerde oortreding van of versuim om te voldoen aan enige bepaling van hierdie wet, in te stel nie.

Getuies en getuienis

26. (1) Vir die doel van enige ondersoekverhoor of ondersoek kan die Raad enige persoon wat inligting oor 'n besondere saak kan verstrek of moontlik kan verstrek, skriftelik dagvaar om voor hom te verskyn—
- (a) om getuienis af te lê, of
- (b) om enige boek, dokument of ding oor te lê wat in sy of haar besit of onder sy of haar beheer is en wat betrekking het of betrekking kan hê op 'n saak wat by sodanige ondersoekverhoor of ondersoek oorweeg gaan word.
- (2) Nakoming van die verpligting om 'n boek, dokument of ding ingevolge die voorafgaande subartikel oor te lê, ontnem nie die houër van enige retensiereg waarop daar ten opsigte van sodanige boek, dokument of ding aanspraak gemaak word, enige regte as retensiehouer nie.
- (3) 'n Persoon wat 'n dagvaarding ingevolge subartikel (1) ontvang het, moet persoonlik voor die Raad verskyn op die datum en tyd en plek in die dagvaarding uiteengesit; met dien verstande dat as sodanige persoon nie bevoeg of in staat is om aldus te verskyn nie, enige persoon wat regtens bevoeg is om namens hom of haar op te tree of enige persoon deur die Raad daartoe gemagtig, namens hom of haar aldus kan verskyn.
- (4) Elke persoon wat ingevolge subartikel (1) gedagvaar is, is verplig om die dagvaarding te gehoorsaam, en enige persoon wat behoorlik gedagvaar is om 'n ondersoekverhoor of ondersoek van die Raad by te woon en sonder voldoende rede versuim om dit persoonlik of deur 'n verteenwoordiger soos in die voorbehoudsbepaling van subartikel (3) uiteengesit, by te woon op die tyd en plek in die dagvaarding gespesifiseer of om dit te bly bywoon totdat hy of sy deur die voorsitter verskoon word van verdere bywoning, is skuldig aan 'n misdryf.
- (5) Die bepalings van subartikels (2) en (3) is met die nodige veranderings van toepassing op enige regspersoon, organisasie of instelling.
- (6) Die Raad kan enige persoon wat aanwesig is by die ondersoekverhoor of ondersoek, ongeag of hy of sy gedagvaar is om dit by te woon, oproep en ondervra en kan enige boek, dokument of ding in die besit van sodanige persoon ondersoek en vir 'n redelike tydperk terughou, en die persoon wat daardeur geraak word, is geregtig daarop om, indien uitvoerbaar, kopieë van sodanige boek of dokument te maak voordat dit aldus deur die Raad teruggehou word.
- (7) Die Raad kan enige persoon wat by 'n ondersoekverhoor of ondersoek getuig, verplig om getuienis onder eed of bevestiging af te lê, en die voorsittende lid van die Raad kan die eed afneem of 'n bevestiging van enige sodanige persoon aanvaar.
- (8) Die reg met betrekking tot privilegie wat van toepassing is op 'n persoon wat getuienis aflê of 'n boek, dokument of ding aan 'n geregshof oorlê, is van toepassing op die ondervraging van enige sodanige persoon of die oorlegging van enige boek,

(9) Any person may be required to answer any question put to him or her at a hearing or an investigation which is not open to the public, notwithstanding that the answer might tend to incriminate him or her, but the answer may not thereafter be used in evidence against such person in a court of law, save on a charge of which giving false evidence is an element. 5

(10) Any person who appears before the Board at a hearing or an investigation, whether as a party or a witness, shall be entitled to be represented by his or her legal representative.

(11) (a) Any person who has been summoned in terms of this section or who has given evidence at a hearing or an investigation shall be entitled to the same witness fees as if he or she had been summoned to attend or had given evidence at a civil trial in a magistrate's court held at the place where the investigation is held. 10

(b) Any fees which may be payable in terms of paragraph (a) shall be paid from the funds of the Board.

CHAPTER IV—LICENSING AND APPROVAL 15

Right to conduct gambling

27. (1) The grant of any licence under this law is subject to the provisions of section 2(2).

(2) The rights and duties pertaining to any licence shall be as set out in this law and the regulations. 20

Kinds of licences

28. The licences under this law shall be—

- (a) casino operator licences;
- (b) limited gambling machine operator licences;
- (c) limited gambling machine premises licences; 25
- (d) bingo licences;
- (e) junket agent licences;
- (f) manufacturer licences;
- (g) distributor licences;
- (h) race course licences; 30
- (i) totalisator operator licences;
- (j) totalisator premises licences;
- (k) bookmaker licences;
- (l) key employee licences, and
- (m) gambling employee licences. 35

Qualification for licences

29. In order to qualify for a licence—

- (a) a person, other than a company or other body corporate, shall—
 - (i) be a fit and proper person whose character, integrity, prior conduct, reputation, habits and associations do not pose a threat to the health, safety, morals, good order and general welfare of the inhabitants of the Province and to the provisions and policy of this law; 40
 - (ii) be of good financial standing and have adequate means to undertake and sustain the activity for which the licence is required;
 - (iii) have attained the age of twenty-one years on the date on which the application for a licence is considered by the Board, and 45
 - (iv) not be disqualified under this law;
- (b) a company shall—
 - (i) be registered under the relevant laws of the Republic and have a registered office or place of business within the Province, and 50
 - (ii) with the necessary changes, comply with paragraph (a)(ii) and (iv), and

dokument of ding by 'n ondersoekverhoor of 'n verhoor wat nie agter geslote deure gehou word nie.

(9) Enige persoon kan verplig word om enige vraag wat aan hom of haar gestel word tydens 'n ondersoekverhoor of ondersoek wat agter geslote deure gehou word, te beantwoord ondanks die feit dat die antwoord 'n inkriminerende strekking het, maar daarna kan die antwoord nie in 'n geregshof as getuienis teen sodanige persoon gebruik word nie, behalwe op 'n aanklag waarvan die aflegging van valse getuienis 'n element is.

(10) Enige persoon wat tydens 'n ondersoekverhoor of ondersoek voor die Raad veskyn, hetsy as 'n party of 'n getuie, is geregtig daarop om deur sy of haar regsverteenwoordiger verteenwoordig te word.

(11) (a) Enige persoon wat ingevolge hierdie artikel gedagvaar is of wat getuienis by 'n ondersoekverhoor of ondersoek afgelê het, is geregtig op dieselfde getuiegeld asof hy of sy gedagvaar is om dit by te woon of getuienis afgelê het by 'n siviele verhoor gehou in 'n landdroshof op die plek waar die ondersoekverhoor of ondersoek gehou word.

(b) Enige gelde wat ingevolge paragraaf (a) betaalbaar is, word uit die fondse van die Raad betaal.

HOOFTUK IV: LISENSIËRING EN GOEDKEURING

20 Reg om dobbelary te beoefen

27. (1) Die toestaan van enige lisensie kragtens hierdie wet is onderworpe aan die bepalings van artikel 2(2).

(2) Die regte en pligte met betrekking tot enige lisensie is soos in hierdie wet en die regulasies uiteengesit.

25 Soorte lisensies

28. Die lisensies kragtens hierdie wet is—

- (a) casino-operateurlisensies;
- (b) beperktedobbelmasjiën-operateurlisensies;
- (c) beperktedobbelmasjiën-perseellisensies;
- 30 (d) bingolisensies;
- (e) plesiertog-agentlisensies;
- (f) vervaardigerlisensies;
- (g) verspreiderlisensies;
- (h) renbaanlisensies;
- 35 (i) totalisator-operateurlisensies;
- (j) totalisator-perseellisensies;
- (k) boekmakerlisensies;
- (l) sleutelwerknemerlisensies, en
- (m) dobbelarywerknemerlisensies.

40 Kwalifisering vir lisensies

29. Ten einde te kwalifiseer vir 'n lisensie—

- (a) moet 'n persoon, uitgesonderd 'n maatskappy of ander regspersoon—
 - (i) 'n geskikte en gepaste persoon wees wie se karakter, integriteit, vorige gedrag, reputasie, gewoontes en verbintenisse nie gevaar inhou vir die 45 gesondheid, veiligheid, sedes, goeie orde en algemene welsyn van die inwoners van die Provinsie en vir die bepalings en beleid van hierdie wet nie;
 - (ii) goeie kredietwaardigheid en voldoende middele hê om die aktiwiteit waarvoor die lisensie vereis word, te onderneem en te onderhou;
 - 50 (iii) die ouderdom van een-en-twintig jaar bereik het op die datum waarop die aansoek om 'n lisensie deur die Raad oorweeg word, en
 - (iv) nie gediskwalifiseer wees kragtens hierdie wet nie;
- (b) moet 'n maatskappy—
 - (i) kragtens die toepaslike wette van die Republiek geregistreer wees en 'n 55 geregistreeerde kantoor of besigheidsplek binne die Provinsie hê, en
 - (ii) met die nodige veranderinge voldoen aan paragraaf (a)(ii) en (iv), en

- (c) a body corporate, other than a company, shall, with the necessary changes, comply with paragraph (a)(ii) and (iv).

Disqualification in respect of licences

30. The following persons or entities shall be disqualified from retaining, holding, obtaining or being granted a licence: 5

- (a) an unrehabilitated insolvent or any body corporate that is subject to winding-up or judicial management;
- (b) political office bearers;
- (c) anyone who is not a fit and proper person;
- (d) anyone related to the responsible Member or a member of the Board within the second degree of affinity or the third degree of consanguinity; 10
- (e) any legal or natural person who has been convicted in the Republic or elsewhere of any offence of which dishonesty is an element, unless the Board decides that the offence was of such a nature that it does not imply that such a person is unsuitable to hold the licence in question; 15
- (f) the spouse of a person contemplated in the preceding paragraphs, and
- (g) any legal entity in respect of which the State, any other state, province or provincial government, a parastatal organisation or any organisation in which the State or any other state, province or provincial government is concerned has any financial interest; provided that the provisions of this paragraph shall, for such time as may be provided in any National Act dealing with gambling, not apply in respect of any financial interest held by the State, any other state, province or provincial government or a parastatal organisation at the commencement of such Act. 20

Persons having certain indirect interests disqualified 25

31. If a person who is disqualified under section 30—

- (a) has a direct or an indirect financial interest of ten per cent or more in a company, close corporation or other body corporate or has, in the opinion of the Board, the power to exercise a significant influence over the gambling business of such company, close corporation or other body corporate; 30
 - (b) is a director or an officer of a company;
 - (c) is a member of a close corporation, or
 - (d) is a partner in a partnership or a trustee of a trust,
- such company, close corporation, body corporate, partnership or trust shall also be disqualified from retaining, holding, obtaining or being granted a licence; provided that the Board may in its discretion grant an application for a casino operator licence or allow the holder of a casino operator licence to hold or retain such licence notwithstanding the provisions of this section. 35

Applicants

32. Any person qualified in terms of this law may apply for a licence under this law; provided that— 40

- (a) any person—
 - (i) whose application has been refused because of the applicant's being disqualified, or
 - (ii) whose licence has been revoked under this law, shall not apply for a licence within twelve months from the date of such refusal or revocation, and 45
- (b) any person—
 - (i) whose application has been refused more than once because of the applicant's being disqualified, or 50
 - (ii) whose licence has been revoked more than once under this law, shall not reapply for a licence within three years from the date of the latest refusal or revocation.

- (c) moet 'n regspersoon, uitgesonderd 'n maatskappy, met die nodige veranderinge voldoen aan paragraaf (a)(ii) en (iv).

Diskwalifisering ten opsigte van lisensies

30. Die volgende persone of entiteite is gediskwalifiseer om 'n lisensie te behou, te hou, te verkry of toegestaan te word:

- (a) 'n insolvente persoon wat nie gerehabiliteer is nie of enige regspersoon wat onderworpe is aan likwidasië of geregtelike bestuur;
- (b) politieke ampsdraers;
- (c) enigeen wat nie 'n geskikte en gepaste persoon is nie;
- 10 (d) enigeen wat binne die tweede graad van aanverwantskap of die derde graad van bloedverwantskap verwant is aan die verantwoordelike Lid of 'n lid van die Raad;
- (e) enige regspersoon of natuurlike persoon wat in die Republiek of elders skuldig bevind is aan enige misdryf waarvan oneerlikheid 'n element is, tensy die Raad besluit dat die misdryf van so 'n aard was dat dit nie impliseer dat so 'n persoon ongeskik is om die betrokke lisensie te hou nie;
- 15 (f) die gade van 'n persoon in die voorafgaande paragrafe beoog, en
- (g) 'n regsentiteit ten opsigte waarvan die Staat, enige ander staat, provinsie of provinsiale regering, 'n semistaatsorganisasie of enige organisasie waarby die Staat of enige ander staat, provinsie of provinsiale regering betrokke is, enige geldelike belang het; met dien verstande dat die bepalinge van hierdie paragraaf, vir die tydperk wat bepaal word in enige Nasionale Wet wat oor dobbelary handel, nie van toepassing is ten opsigte van enige geldelike belang wat by die inwerkingtreding van sodanige Wet deur die Staat, enige
- 20 ander staat, provinsie of provinsiale regering of 'n semistaatsorganisasie gehou word nie.

Persone met sekere onregstreekse belange gediskwalifiseer

31. Indien 'n persoon wat kragtens artikel (30) gediskwalifiseer is—

- 30 (a) 'n regstreekse of onregstreekse geldelike belang van tien persent of meer in 'n maatskappy, beslote korporasie of ander regspersoon het of na die mening van die Raad die bevoegdheid het om 'n betekenisvolle invloed op die dobbelarybesigheid van sodanige maatskappy, beslote korporasie of ander regspersoon uit te oefen;
 - (b) 'n direkteur of beampte van 'n maatskappy is;
 - 35 (c) 'n lid van 'n beslote korporasie is, of
 - (d) 'n vennoot in 'n vennootskap of 'n trustee van 'n trust is,
- is sodanige maatskappy, beslote korporasie, regspersoon, vennootskap of trust ook gediskwalifiseer om 'n lisensie te behou, te hou, te verkry of toegestaan te word; met dien verstande dat die Raad na goëddunke 'n aansoek om 'n casino-operateurlisensie
- 40 kan toestaan of die houer van 'n casino-operateurlisensie kan toelaat om sodanige lisensie te hou of te behou ondanks die bepalinge van hierdie artikel.

Aansoekers

32. Enige persoon wat ingevolge hierdie wet kwalifiseer, kan aansoek doen om 'n lisensie kragtens hierdie wet; met dien verstande dat—

- 45 (a) enige persoon—
 - (i) wie se aansoek geweier is omrede die aansoeker gediskwalifiseer is, of
 - (ii) wie se lisensie kragtens hierdie wet ingetrek is, nie binne twaalf maande van die datum van sodanige weiering of intrekking aansoek mag doen om 'n lisensie nie, en
- 50 (b) enige persoon—
 - (i) wie se aansoek meer as een keer geweier is omrede die aansoeker gediskwalifiseer is, of
 - (ii) wie se lisensie meer as een keer kragtens hierdie wet ingetrek is, nie binne drie jaar van die datum van die jongste weiering of intrekking weer
- 55 aansoek mag doen om 'n lisensie nie.

Licence applications

33. (1) Any application for the grant or renewal of a licence shall—
- (a) be lodged with the Chief Executive Officer in the prescribed manner and form;
 - (b) be accompanied by the prescribed documents and information and by the application fee or annual licence fee specified in paragraph 1 or 2 of Schedule II, which shall not be refundable, and
 - (c) be invalid in the event of non-compliance with the foregoing in any respect.
- (2) Upon receipt of any valid application for the grant or renewal of a licence other than a key employee licence or a gambling employee licence, the Chief Executive Officer shall in the prescribed form—
- (a) cause a notice to be published in the *Provincial Gazette* and a newspaper circulating in the area in which the establishment to which the application relates is or is to be situated, and
 - (b) transmit a copy of the application to the local government in whose area of jurisdiction the establishment to which the application relates, is or is to be situated.
- (3) The applicant shall be liable for and pay to the Chief Executive Officer any costs incurred in connection with the publication and transmission of any notice contemplated by subsection (1).

Objections

34. (1) Any body which or person who wishes to object to any application made for a licence under this law may do so by giving written notice thereof to the Board and setting out the grounds of the objection in the prescribed manner.
- (2) The Board may—
- (a) at any time on good cause condone non-compliance with the requirements of subsection (1), and
 - (b) of its own motion take cognisance of any matter or thing which in its opinion could render the grant of a licence undesirable.

Liability for costs of investigations or enquiries

35. (1) Any person who submits an application under this law, and any licence holder who or which is the subject of an investigation or enquiry under this law shall be liable for and pay to the Board all costs incurred by or on behalf of the Board in conducting any investigations or enquiries provided for in this law.
- (2) By submitting an application for a licence the applicant consents—
- (a) that the Board or any member or authorised officer thereof may—
 - (i) conduct in the manner prescribed any investigation or enquiry pertaining to the integrity, character, reputation, prior conduct, habits, associations, financial standing and ability, criminal record, competence, experience and suitability—
 - (aa) of the applicant or, if the licence has been granted, the licence holder;
 - (bb) of any director, officer, shareholder or partner, where the applicant is a company, body corporate or partnership, and
 - (cc) of any person directly or indirectly involved in the affairs of any applicant or, if the licence has been granted, the licence holder;
 - (ii) disclose any document or information submitted as part of or together with an application to any person in connection with such investigation or enquiry, and
 - (iii) obtain from and disclose to any law enforcement or regulatory agency or body anywhere in the world information of and concerning the applicant for purposes of any investigation or enquiry, and
 - (b) to be liable for all costs incurred by or on behalf of the Board in connection with any investigation or enquiry.

Aansoeke om lisensies

33. (1) Enige aansoek om die toestaan of hernuwing van 'n lisensie—
- (a) moet op die voorgeskrewe wyse en in die voorgeskrewe vorm by die Hoof Uitvoerende Beamppte ingedien word;
 - 5 (b) moet vergesel gaan van die voorgeskrewe dokumente en inligting en van die aansoekgeld of jaarlikse lisensiegeld in paragraaf 1 of 2 van Bylae II gespesifiseer, wat nie terugbetaalbaar is nie, en
 - (c) is ongeldig in geval van die nie-nakoming van die voorgaande in enige opsig.
- (2) By ontvangs van enige geldige aansoek om die toestaan of hernuwing van 'n
- 10 lisensie, uitgesonderd 'n sleutelwerknemerlisensie of 'n dobbelarywerknemerlisensie, moet die Hoof Uitvoerende Beamppte—
- (a) in die voorgeskrewe vorm 'n kennisgewing laat publiseer in die *Provinsiale Koerant* en 'n koerant wat versprei word in die gebied waarin die onderne-
 - 15 (b) 'n kopie van die aansoek stuur aan die plaaslike regering in wie se regsgebied die onderneming waarop die aansoek betrekking het, geleë is of geleë gaan wees.
- (3) Die aansoeker is aanspreeklik vir en betaal aan die Hoof Uitvoerende Beamppte enige koste aangegaan in verband met die publikasie en stuur van enige kennisgewing
- 20 by subartikel (1) beoog.

Besware

34. (1) Enige liggaam of persoon wat beswaar wil maak teen enige aansoek om 'n lisensie kragtens hierdie wet gedoen, kan dit doen deur die Raad skriftelike kennis daarvan te gee en die gronde vir die beswaar op die voorgeskrewe wyse uiteen te sit.
- 25 (2) Die Raad kan—
- (a) te eniger tyd op goeie gronde die nie-nakoming van die vereistes van subartikel (1) kondoneer, en
 - (b) uit eie beweging kennis neem van enige aangeleentheid of ding wat na sy mening die toestaan van 'n lisensie onwenslik sou kon maak.

30 Aanspreeklikheid vir koste van ondersoeke of navrae

35. (1) Enige persoon wat 'n aansoek kragtens hierdie wet indien en enige lisensiehouer ten opsigte van wie 'n ondersoek of navraag kragtens hierdie wet uitgevoer of gedoen word, is aanspreeklik vir en betaal aan die Raad alle koste wat deur of namens die Raad aangegaan word by die uitvoering van enige ondersoeke of die
- 35 doen van enige navrae waarvoor hierdie wet voorsiening maak.
- (2) Deur 'n aansoek om 'n lisensie in te dien, stem die aansoeker daartoe in—
- (a) dat die Raad of enige lid of gemagtigde beamppte daarvan—
 - (i) op die voorgeskrewe wyse enige ondersoek kan uitvoer of enige navraag kan doen met betrekking tot die integriteit, karakter, reputasie, vorige gedrag, gewoontes, verbintenisse, kredietwaardigheid en vermoë, vorige veroordelings, bedrewenheid, ondervinding en geskiktheid—
 - 40 (aa) van die aansoeker of, as die aansoek toegestaan word, die lisensiehouer;
 - 45 (bb) van enige direkteur, beamppte, aandeelhouer of vennoot, waar die aansoeker 'n maatskappy, regspersoon of vennootskap is, en
 - (cc) van enige persoon wat regstreeks of onregstreeks by die sake van enige aansoeker of, as die lisensie reeds toegestaan is, die lisensiehouer betrokke is;
 - 50 (ii) enige dokument of inligting wat as deel van of saam met 'n aansoek ingedien is, aan enige persoon in verband met sodanige ondersoek of navraag openbaar kan maak, en
 - 55 (iii) vir die doeleindes van enige ondersoek of navraag inligting oor en in verband met die aansoeker kan verkry van en openbaar kan maak aan enige wetstoepassings- of regulerende agentskap of liggaam enige plek ter wêreld, en
 - (b) dat hy of sy aanspreeklik is vir alle koste deur of namens die Raad in verband met enige ondersoek of navraag aangegaan.

Consideration of licence applications

36. (1) All applications for licences shall be considered and disposed of in the prescribed manner and according to the prescribed procedures.

(2) The Board may undertake or cause to be undertaken any investigation or enquiry authorised by this law in relation to an application. 5

(3) The Board shall not approve an application for any licence referred to in section 28(a), (b), (d) or (i)—

(a) unless it is satisfied that—

(i) the funding of the business for which the licence is required is provided by a reputable person, body or institution; 10

(ii) the premises in question are or will on completion be suitable for the purpose for which they will be used under the licence;

(iii) if the premises in question are situated in the vicinity of a place of worship or school or in a residential area, the business will be conducted in a manner that will not disturb the proceedings in that place of worship or school or prejudice the residents of that residential area; 15

(iv) the applicant has made full and frank disclosure of all matters prescribed, and

(v) the grant of the licence is in the public interest and in accordance with the policy and objectives of this law, and 20

(b) if in the Board's opinion the possibility exists that the grant of the application may cause a harmful monopolistic situation to arise or be aggravated.

(4) After consideration of an application and, if applicable, any objections thereto or any investigation or enquiry in connection therewith, the Board may—

(a) refuse an application; 25

(b) grant an application, or

(c) postpone the consideration of an application, subject to any terms and conditions it may see fit.

Temporary licences

37. (1) The Board may, subject to the provisions of this law, the payment of the prescribed fees and such conditions as it may impose, issue temporary licences. 30

(2) A temporary licence shall be valid for such period as the Board may determine.

Conditions applicable to licences

38. (1) The Board may impose conditions in respect of any licence issued under this law, including conditions— 35

(a) relating to the games that may be played or the forms of betting that may be allowed;

(b) relating to the method of playing any game or the conduct of betting or racing;

(c) relating to the rules of any game, betting or racing;

(d) for the purpose of ensuring decency, dignity, good taste and honesty in the playing of any game or the conduct of betting or racing; 40

(e) requiring the keeping of books, accounts, records and other information relating to any business or activity provided for in this law;

(f) relating to the premises in or on which gambling is to take place;

(g) requiring submission to the Board of reports and returns relating to gambling; 45

(h) requiring submission to the Board for its approval of any contract for services, goods or property entered into or to be entered into between a licence holder and any other person;

(i) relating to the days on which and hours during which gambling or racing may be carried on; 50

(j) requiring the payment or delivery to the Board of guarantees;

(k) relating to any equipment or device used or to be used in connection with gambling or racing, and

(l) relating to the duration of a licence.

Oorweging van aansoeke om lisensies

36. (1) Alle aansoeke om lisensies word oorweeg en oor beskik op die voorgeskrewe wyse en volgens die voorgeskrewe prosedures.

(2) Die Raad kan enige ondersoek of navraag gemagtig by hierdie wet, onderneem of laat onderneem met betrekking tot 'n aansoek.

(3) Die Raad keur nie 'n aansoek om enige lisensie genoem in artikel 28(a), (b), (d) of (i) goed nie—

(a) tensy hy tevrede is dat—

(i) die befondsing van die besigheid waarvoor die lisensie vereis word, deur 'n persoon, liggaam of instelling van goeie naam verskaf word;

(ii) die betrokke perseel geskik is of by voltooiing geskik sal wees vir die doel waarvoor dit kragtens die lisensie gebruik sal word;

(iii) as die betrokke perseel geleë is in die omgewing van 'n bedehuis of 'n skool of in 'n woongebied, die besigheid op so 'n wyse bedryf sal word dat dit nie die verrigtinge in dié bedehuis of skool sal versteur of die inwoners van dié woongebied sal benadeel nie;

(iv) die aansoeker alle voorgeskrewe sake ten volle en openlik bekend gemaak het, en

(v) die toestaan van die lisensie in die openbare belang en ooreenkomstig die beleid en oogmerke van hierdie wet is, en

(b) indien, na die mening van die Raad, die moontlikheid bestaan dat die toestaan van die aansoek 'n skadelike monopolistiese toestand kan laat ontstaan of kan vererger.

(4) Na oorweging van 'n aansoek en, indien toepaslik, enige besware daarteen of enige ondersoek of navraag in verband daarmee kan die Raad—

(a) 'n aansoek weier;

(b) 'n aansoek toestaan, of

(c) die oorweging van 'n aansoek uitstel,

onderworpe aan enige bedinge en voorwaardes wat hy goed dink.

30 Tydelike lisensies

37. (1) Die Raad kan, behoudens die bepalings van hierdie wet, die betaling van die voorgeskrewe gelde en die voorwaardes wat hy oplê, tydelike lisensies uitreik.

(2) 'n Tydelike lisensie is geldig vir die tydperk wat die Raad bepaal.

Voorwaardes van toepassing op lisensies

38. (1) Die Raad kan voorwaardes ten opsigte van enige lisensie uitgereik kragtens hierdie wet, oplê, insluitende voorwaardes—

(a) met betrekking tot die spelle wat gespeel of die vorms van weddery wat toegelaat kan word;

(b) met betrekking tot die metode waarvolgens enige spel gespeel of weddery of wedrenne beoefen word;

(c) met betrekking tot die reëls van enige spel, weddery of wedrenne;

(d) met die doel om ordentlikheid, waardigheid, goeie smaak en eerlikheid by die spel van enige spel of die beoefening van weddery of wedrenne te verseker;

(e) wat die byhou of hou van boeke, rekeninge, rekords en ander inligting met betrekking tot enige besigheid of aktiwiteit waarvoor hierdie wet voorsiening maak, vereis;

(f) met betrekking tot die persele waarin of waarop dobbelary gaan plaasvind;

(g) wat die voorlegging van verslae en opgawes met betrekking tot dobbelary aan die Raad vereis;

(h) wat vereis dat enige kontrak vir dienste, goedere of eiendom wat tussen 'n lisensiehouer en 'n ander persoon aangegaan word of aangegaan gaan word, aan die Raad voorgelê moet word vir sy goedkeuring;

(i) met betrekking tot die dae waarop en ure waartydens dobbelary beoefen kan word of wedrenne kan plaasvind;

(j) wat die betaling of lewering van waarborge aan die Raad vereis;

(k) met betrekking tot enige toerusting of toestel wat in verband met dobbelary of wedrenne gebruik word of gebruik moet word, en

(l) wat op die geldigheidsduur van 'n lisensie betrekking het.

(2) The Board may at any time suspend, withdraw or amend any condition imposed in terms of subsection (1) by a notice delivered or tendered to the holder of a licence.

Electronic monitoring systems

39. (1) The Board may—

- (a) in respect of any licence referred to in section 28(a), (b), (c), (d), (i) or (k) 5
require the licence holder to install, maintain and operate a surveillance system prescribed by the Board, and
- (b) in respect of any licence referred to in section 28(a), (b), (d), (i) and (k) require 10
any such licence holder to link any gambling device, associated system or accounting system to a central electronic monitoring system approved by the Board, including a system for continuous on-line real-time recording, monitoring and control of such significant gambling transaction as may be prescribed or determined by the Board.

(2) The Board may require any licence holder referred to in subsection (1)(b) or, on application, approve any other person, on behalf of any such licence holder, to operate 15
such electronic monitoring system subject to the requirements determined and conditions imposed by the Board.

(3) For the purposes of this section “electronic monitoring system” means an electronic or computer or communications system or device that is so designed that it may be used or adapted to send or receive data concerned with gambling. 20

Security

40. (1) The Board may require any applicant for a licence referred to in section 28(a), (b), (d), (i) or (k), before commencing or, in the case of a holder of such a licence, continuing to carry on the business authorised under that licence, to give security for the payment of all taxes, fees and gambling obligations due, or which may become due, 25
under this law in such amount and form as the Board may determine.

(2) If any security given in terms of subsection (1) becomes inadequate or invalid or does not comply with the determination by the Board, the licence concerned shall, notwithstanding the provisions of section 43(3)(a), be deemed to have been suspended in terms of section 43(1) and the licence holder shall not continue to carry on the 30
business authorised under that licence until such security has been validated or new security has been given.

(3) The Board may from time to time order that the amount or value of the security referred to in subsection (1) be increased or decreased, whereupon the licence holder concerned shall, within seven days of the receipt by him or her of a notification that the Board has so ordered, ensure that the security is increased or decreased in accordance 35
with such order.

(4) Any licence holder who contravenes or fails to comply with the provisions of this section shall be guilty of an offence.

(5) If any licence holder fails to pay any taxes, fees or other obligations due and payable by him or her under this law, the Chief Executive Officer shall realise the security referred to in subsection (1) and apply any money derived from the realisation thereof for the payment of such taxes, fees or obligations as may be due and payable. 40

(6) Whenever a licence issued in terms of this law expires or is revoked or suspended as provided for in this law, the Chief Executive Officer shall, after a period of ninety days after the date of such expiration, revocation or suspension and after compliance with the provisions of subsection (5), if such provisions are applicable, release the security or the balance of the security. 45

Duration and renewal of licences

41. A licence shall, subject to the provisions of this law and the conditions under which it was granted, be issued for a period of twelve months and shall, subject to the approval of an application for renewal contemplated by section 33, be renewed annually by the Board on production of the licence for the preceding year and on payment of the licence and investigation fees set out in paragraph 2 of Schedule II. 50

(2) Die Raad kan te eniger tyd enige voorwaarde opgelê ingevolge subartikel (1), opskort, terugtrek of wysig by wyse van 'n kennisgewing wat aan die houer van 'n lisensie gelewer of aangebied word.

Elektroniese moniteerstelsels

- 5 39. (1) Die Raad kan—
- (a) die lisensiehouer verplig om ten opsigte van enige lisensie genoem in artikel 28(a), (b), (c), (d), (i) of (k) 'n waakstelsel voorgeskryf deur die Raad te installeer, in stand te hou en te dryf, en
 - 10 (b) ten opsigte van 'n lisensie genoem in artikel 28(a), (b), (d), (i) en (k), sodanige lisensiehouer verplig om enige dobbeltoestel, stelsel wat daarmee in verband staan of rekeningkundige stelsel te koppel met 'n sentrale elektroniese moniteerstelsel deur die Raad goedgekeur, insluitende 'n stelsel vir die ononderbroke intydse gekoppelde optekening, monitering en beheer van enige belangrike dobbeltransaksie deur die Raad voorgeskryf of bepaal.
- 15 (2) Die Raad kan enige lisensiehouer genoem in subartikel (1)(b) verplig, of kan op aansoek enige ander persoon goedkeur om namens enige sodanige lisensiehouer sodanige elektroniese moniteerstelsel te dryf, onderworpe aan die vereistes wat bepaal is en die voorwaardes wat opgelê is deur die Raad.
- 20 (3) Vir die toepassing van hierdie artikel beteken "elektroniese moniteerstelsel" 'n elektroniese of rekenaar- of kommunikasiestelsel of -toestel wat so ontwerp is dat dit gebruik of aangepas kan word om data met betrekking tot dobbelary te stuur of te ontvang.

Sekuriteit

- 25 40. (1) Die Raad kan enige aansoeker om 'n lisensie genoem in artikel 28(a), (b), (d), (i) of (k) verplig om, voordat hy of sy die besigheid wat kragtens dié lisensie gemagtig is, begin bedryf of, in die geval van 'n houer van 'n lisensie, daarmee voortgaan, sekuriteit bestaande uit die bedrag en in die vorm wat die Raad bepaal, te verskaf vir die betaling van alle belastinge, gelde en dobbelaryverpligtinge wat kragtens hierdie wet verskuldig is of verskuldig word.
- 30 (2) As enige sekuriteit verskaf ingevolge subartikel (1), ontoereikend of ongeldig word of nie aan die bepaling van die Raad voldoen nie, word die betrokke lisensie, ondanks die bepalinge van artikel 43(3)(a), geag ingevolge artikel 43(1) opgeskort te gewees het, en mag die lisensiehouer nie voortgaan om die besigheid gemagtig kragtens dié lisensie te dryf nie totdat sodanige sekuriteit geldig gemaak of nuwe sekuriteit verskaf is.
- 35 (3) Die Raad kan van tyd tot tyd gelas dat die bedrag of waarde van die sekuriteit genoem in subartikel (1), vermeerder of verminder word, en daarna moet die betrokke lisensiehouer binne sewe dae vandat hy of sy 'n kennisgewing ontvang het dat die Raad aldus gelas het, toesien dat die sekuriteit in ooreenstemming met sodanige lasgewing
- 40 vermeerder of verminder word.
- (4) Enige lisensiehouer wat die bepalinge van hierdie artikel oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf.
- (5) As 'n lisensiehouer versuim om enige belastinge, gelde of ander verpligtinge te betaal wat kragtens hierdie wet deur hom of haar verskuldig en betaalbaar is, moet die
- 45 Hoof Uitvoerende Beampste die sekuriteit genoem in subartikel (1) realiseer en enige geld verkry uit die realisasie daarvan, aanwend ter betaling van die belastinge, gelde of verpligtinge wat verskuldig en betaalbaar is.
- (6) Wanneer ook al 'n lisensie uitgereik ingevolge hierdie wet, verstryk of ingetrek of opgeskort word soos in hierdie wet bepaal, moet die Hoof Uitvoerende Beampste na
- 50 'n tydperk van negentig dae na die datum van sodanige verstryking, intrekking of opskorting en nadat daar aan die bepalinge van subartikel (5) voldoen is, indien sodanige bepalinge van toepassing is, die sekuriteit of die saldo van die sekuriteit vrystel.

Geldigheidsduur en hernuwing van lisensies

- 55 41. Behoudens die bepalinge van hierdie wet en die voorwaardes waarop 'n lisensie toegestaan is, word 'n lisensie vir 'n tydperk van twaalf maande uitgereik en word dit, onderworpe aan die goedkeuring van 'n aansoek om hernuwing beoog by artikel 33, jaarliks deur die Raad hernieu by voorlegging van die lisensie vir die vorige jaar en teen betaling van die lisensie- en ondersoekgelde in paragraaf 2 van Bylae II uiteengesit.

(2) The Board may at any time suspend, withdraw or amend any condition imposed in terms of subsection (1) by a notice delivered or tendered to the holder of a licence.

Electronic monitoring systems

39. (1) The Board may—

- (a) in respect of any licence referred to in section 28(a), (b), (c), (d), (i) or (k) require the licence holder to install, maintain and operate a surveillance system prescribed by the Board, and 5
- (b) in respect of any licence referred to in section 28(a), (b), (d), (i) and (k) require any such licence holder to link any gambling device, associated system or accounting system to a central electronic monitoring system approved by the Board, including a system for continuous on-line real-time recording, monitoring and control of such significant gambling transaction as may be prescribed or determined by the Board. 10

(2) The Board may require any licence holder referred to in subsection (1)(b) or, on application, approve any other person, on behalf of any such licence holder, to operate such electronic monitoring system subject to the requirements determined and conditions imposed by the Board. 15

(3) For the purposes of this section “electronic monitoring system” means an electronic or computer or communications system or device that is so designed that it may be used or adapted to send or receive data concerned with gambling. 20

Security

40. (1) The Board may require any applicant for a licence referred to in section 28(a), (b), (d), (i) or (k), before commencing or, in the case of a holder of such a licence, continuing to carry on the business authorised under that licence, to give security for the payment of all taxes, fees and gambling obligations due, or which may become due, under this law in such amount and form as the Board may determine. 25

(2) If any security given in terms of subsection (1) becomes inadequate or invalid or does not comply with the determination by the Board, the licence concerned shall, notwithstanding the provisions of section 43(3)(a), be deemed to have been suspended in terms of section 43(1) and the licence holder shall not continue to carry on the business authorised under that licence until such security has been validated or new security has been given. 30

(3) The Board may from time to time order that the amount or value of the security referred to in subsection (1) be increased or decreased, whereupon the licence holder concerned shall, within seven days of the receipt by him or her of a notification that the Board has so ordered, ensure that the security is increased or decreased in accordance with such order. 35

(4) Any licence holder who contravenes or fails to comply with the provisions of this section shall be guilty of an offence.

(5) If any licence holder fails to pay any taxes, fees or other obligations due and payable by him or her under this law, the Chief Executive Officer shall realise the security referred to in subsection (1) and apply any money derived from the realisation thereof for the payment of such taxes, fees or obligations as may be due and payable. 40

(6) Whenever a licence issued in terms of this law expires or is revoked or suspended as provided for in this law, the Chief Executive Officer shall, after a period of ninety days after the date of such expiration, revocation or suspension and after compliance with the provisions of subsection (5), if such provisions are applicable, release the security or the balance of the security. 45

Duration and renewal of licences

41. A licence shall, subject to the provisions of this law and the conditions under which it was granted, be issued for a period of twelve months and shall, subject to the approval of an application for renewal contemplated by section 33, be renewed annually by the Board on production of the licence for the preceding year and on payment of the licence and investigation fees set out in paragraph 2 of Schedule II. 50

(2) Die Raad kan te eniger tyd enige voorwaarde opgelê ingevolge subartikel (1), opskort, terugtrek of wysig by wyse van 'n kennisgewing wat aan die houer van 'n lisensie gelewer of aangebied word.

Elektroniese moniteerstelsels

5 39. (1) Die Raad kan—

- (a) die lisensiehouer verplig om ten opsigte van enige lisensie genoem in artikel 28(a), (b), (c), (d), (i) of (k) 'n waakstelsel voorgeskryf deur die Raad te installeer, in stand te hou en te dryf, en
- 10 (b) ten opsigte van 'n lisensie genoem in artikel 28(a), (b), (d), (i) en (k), sodanige lisensiehouer verplig om enige dobbeltoestel, stelsel wat daarmee in verband staan of rekeningkundige stelsel te koppel met 'n sentrale elektroniese moniteerstelsel deur die Raad goedgekeur, insluitende 'n stelsel vir die ononderbroke intydse gekoppelde optekening, monitering en beheer van enige belangrike dobbeltransaksie deur die Raad voorgeskryf of bepaal.

15 (2) Die Raad kan enige lisensiehouer genoem in subartikel (1)(b) verplig, of kan op aansoek enige ander persoon goedkeur om namens enige sodanige lisensiehouer sodanige elektroniese moniteerstelsel te dryf, onderworpe aan die vereistes wat bepaal is en die voorwaardes wat opgelê is deur die Raad.

20 (3) Vir die toepassing van hierdie artikel beteken "elektroniese moniteerstelsel" 'n elektroniese of rekenaar- of kommunikasiestelsel of -toestel wat so ontwerp is dat dit gebruik of aangepas kan word om data met betrekking tot dobbelary te stuur of te ontvang.

Sekuriteit

25 40. (1) Die Raad kan enige aansoeker om 'n lisensie genoem in artikel 28(a), (b), (d), (i) of (k) verplig om, voordat hy of sy die besigheid wat kragtens dié lisensie gemagtig is, begin bedryf of, in die geval van 'n houer van 'n lisensie, daarmee voortgaan, sekuriteit bestaande uit die bedrag en in die vorm wat die Raad bepaal, te verskaf vir die betaling van alle belastinge, gelde en dobbelaryverpligtinge wat kragtens hierdie wet verskuldig is of verskuldig word.

30 (2) As enige sekuriteit verskaf ingevolge subartikel (1), ontoereikend of ongeldig word of nie aan die bepaling van die Raad voldoen nie, word die betrokke lisensie, ondanks die betalings van artikel 43(3)(a), geag ingevolge artikel 43(1) opgeskort te gewees het, en mag die lisensiehouer nie voortgaan om die besigheid gemagtig kragtens dié lisensie te dryf nie totdat sodanige sekuriteit geldig gemaak of nuwe

35 sekuriteit verskaf is.
(3) Die Raad kan van tyd tot tyd gelas dat die bedrag of waarde van die sekuriteit genoem in subartikel (1), vermeerder of verminder word, en daarna moet die betrokke lisensiehouer binne sewe dae vandat hy of sy 'n kennisgewing ontvang het dat die Raad aldus gelas het, toesien dat die sekuriteit in ooreenstemming met sodanige lasgewing

40 vermeerder of verminder word.
(4) Enige lisensiehouer wat die betalings van hierdie artikel oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf.

(5) As 'n lisensiehouer versuim om enige belastinge, gelde of ander verpligtinge te betaal wat kragtens hierdie wet deur hom of haar verskuldig en betaalbaar is, moet die

45 Hoof Uitvoerende Beampte die sekuriteit genoem in subartikel (1) realiseer en enige geld verkry uit die realisasie daarvan, aanwend ter betaling van die belastinge, gelde of verpligtinge wat verskuldig en betaalbaar is.
(6) Wanneer ook al 'n lisensie uitgereik ingevolge hierdie wet, verstryk of ingetrek of opgeskort word soos in hierdie wet bepaal, moet die Hoof Uitvoerende Beampte na

50 'n tydperk van negentig dae na die datum van sodanige verstryking, intrekking of opskorting en nadat daar aan die betalings van subartikel (5) voldoen is, indien sodanige betalings van toepassing is, die sekuriteit of die saldo van die sekuriteit vrystel.

Geldigheidsduur en hernuwing van lisensies

55 41. Behoudens die betalings van hierdie wet en die voorwaardes waarop 'n lisensie toegestaan is, word 'n lisensie vir 'n tydperk van twaalf maande uitgereik en word dit, onderworpe aan die goedkeuring van 'n aansoek om hernuwing beoog by artikel 33, jaarliks deur die Raad hernieu by voorlegging van die lisensie vir die vorige jaar en teen betaling van die lisensie- en ondersoekgelde in paragraaf 2 van Bylae II uiteengesit.

Non-transferability of licences

42. (1) No licence granted under this law shall be transferable by the holder thereof to another person, or from any premises to which it may relate, to other premises.

(2) If there is a change in the circumstances in which or place at which the holder of a licence wishes to exercise the authority conferred thereby which would require the conditions of the licence to be amended, the holder thereof may apply in the prescribed manner and upon payment of the prescribed fee for an amendment of the licence. 5

Suspension or revocation of licences

43. (1) The Board may at any time suspend for such period as the Board may determine or revoke in whole or in part any licence from such date as the Board may determine, if— 10

- (a) any information furnished by the applicant for the grant, renewal or amendment of the licence, at the time when the information was furnished, was false in any material respect or was subject to any material omission;
- (b) the licence holder is or becomes disqualified from holding a licence under this law; 15
- (c) the licence holder, an employee of the licence holder or any other person acting on his or her behalf has failed to comply with any condition of the licence and has not complied with such condition within such period as the Board may allow after delivery of a written notice by the Board to the licence holder requiring such failure to be remedied within a specified period; 20
- (d) the licence holder, an employee of the licence holder or any other person acting on his or her behalf has failed to comply with any provision of this law;
- (e) the licence holder has, without the prior written consent of the Board, failed to carry on gambling or betting for a period of thirty consecutive days; 25
- (f) the licence holder fails to pay any amount prescribed by or under this law within the prescribed period;
- (g) the licence holder fails to pay out forthwith or on demand any prize won in a game or any winning bet;
- (h) the licence holder is no longer a fit and proper person to be the holder of the licence in question, and 30
- (i) the licence holder, in the opinion of the Board, conducts gambling or allows gambling to be conducted in a manner which is detrimental to the public health, safety, morals, good order or general welfare of the inhabitants of the Province. 35

(2) The Board may at any time reinstate any licence suspended or revoked under subsection (1), but shall not do so unless the reason for the suspension or revocation has ceased to exist.

(3) (a) The Board shall, save as provided in paragraph (b), prior to the suspension or revocation of a licence, by written notice inform the licence holder of the reasons for the proposed suspension or revocation and invite the licence holder to submit to the Board, within the prescribed time, written reasons why the licence should not be suspended or revoked, whereupon the Board shall deal with the matter as prescribed. 40

(b) Where in the opinion of the Board it is in the public interest to suspend any licence with immediate effect, written notice of the suspension and the reasons therefore shall be given to the licence holder forthwith, and the licence holder shall be entitled to submit to the Board, within the prescribed time, written reasons why the licence in question should be reinstated, whereupon the Board shall deal with the matter as prescribed. 45

(4) While a licence is suspended, the holder thereof shall not, to the extent of the suspension, for the period of suspension be authorised to permit, undertake, participate or engage in the activities specified therein. 50

(5) Notwithstanding the suspension or revocation of a licence, no fees, levies, duties or other monies paid in respect thereof or the application therefor shall be refunded.

Nie-oordraagbaarheid van lisensies

42. (1) Geen lisensie wat kragtens hierdie wet toegestaan is, mag deur die houer daarvan aan 'n ander persoon of van 'n perseel waarop dit betrekking het, na 'n ander perseel oorgedra word nie.

- 5 (2) As daar 'n verandering is in die omstandighede waarin of plek waar die houer van 'n lisensie die bevoegdheid daarkragtens verleen, wil uitoefen, wat sou vereis dat die voorwaardes van die lisensie gewysig moet word, kan die houer daarvan op die voorgeskrewe wyse en teen betaling van die voorgeskrewe bedrag aansoek doen om die wysiging van die lisensie.

10 Opskorting of intrekking van lisensies

43. (1) Die Raad kan te eniger tyd vir die tydperk wat die Raad bepaal, 'n lisensie opskort of geheel en al of gedeeltelik intrek van die datum wat die Raad bepaal, indien—

- 15 (a) enige inligting wat die aansoeker vir die toestaan, hernuwing of wysiging van die lisensie verstrek het, wesenlik vals was of daar wesenlike leemtes ten opsigte daarvan was toe dit verstrek is;
- (b) die lisensiehouer gediskwalifiseer is of gediskwalifiseer word om 'n lisensie kragtens hierdie wet te hou;
- 20 (c) die lisensiehouer, 'n werknemer van die lisensiehouer of enige ander persoon wat namens hom of haar optree, versuim het om 'n voorwaarde van die lisensie na te kom en sodanige voorwaarde nie nagekom het nie binne die tydperk wat die Raad toelaat nadat die Raad 'n skriftelike kennisgewing aan die lisensiehouer besorg het waarin vereis word dat sodanige versuim binne 'n gespesifiseerde tydperk reggestel moet word;
- 25 (d) die lisensiehouer, 'n werknemer van die lisensiehouer of enige ander persoon wat namens hom of haar optree, versuim het om aan enige bepaling van hierdie wet te voldoen;
- (e) die lisensiehouer sonder die voorafverkreë skriftelike toestemming van die Raad versuim het om dobbelary of weddery vir 'n tydperk van dertig opeenvolgende dae te beoefen;
- 30 (f) die lisensiehouer versuim om enige bedrag by of kragtens hierdie wet voorgeskryf, binne die voorgeskrewe tydperk te betaal;
- (g) die lisensiehouer versuim om 'n prys wat in 'n spel gewen is of 'n wenweddenskap onmiddellik of op aanvraag uit te betaal;
- 35 (h) die lisensiehouer nie meer 'n geskikte en gepaste persoon is om die houer van die betrokke lisensie te wees nie, en
- (i) die lisensiehouer na die mening van die Raad dobbelary beoefen of laat beoefen op 'n wyse wat nadelig is vir die openbare gesondheid, veiligheid, sedes, goeie orde of algemene welsyn van die inwoners van die Provinsie.

- 40 (2) Die Raad kan te eniger tyd enige lisensie herstel wat kragtens subartikel (1) opgeskort of ingetrek is, maar mag dit nie doen nie tensy die rede vir die opskorting of intrekking opgehou het om te bestaan.

- (3) (a) Die Raad moet, behoudens die bepalings van paragraaf (b), vóór die opskorting of intrekking van 'n lisensie, die lisensiehouer by skriftelike kennisgewing inlig oor die redes vir die voorgestelde opskorting of intrekking en die lisensiehouer versoek om binne die voorgeskrewe tyd skriftelike redes aan die Raad voor te lê waarom die lisensie nie opgeskort of ingetrek behoort te word nie, en die Raad moet daarna met die saak handel soos voorgeskryf.

- 50 (b) Waar dit na die mening van die Raad in die openbare belang is om enige lisensie dadelik ingaande op te skort, moet skriftelike kennis van die opskorting en die redes daarvoor onmiddellik aan die lisensiehouer gegee word en is die lisensiehouer geregtig daarop om binne die voorgeskrewe tyd skriftelike redes aan die Raad voor te lê waarom die betrokke lisensie herstel moet word, en daarna moet die Raad met die saak handel soos voorgeskryf.

- 55 (4) Terwyl 'n lisensie opgeskort is, is die houer daarvan, in die mate waarin dit opgeskort is, vir die tydperk van opskorting nie gemagtig om die aktiwiteite daarin gespesifiseer, toe te laat, te onderneem, daaraan deel te neem of daarby betrokke te wees nie.

- (5) Ondanks die opskorting of intrekking van 'n lisensie, word geen gelde, heffings,

(6) The holder of any licence which has been suspended or revoked shall, on receipt of a notification thereof by or on behalf of the Board, within seven days deliver such licence to the offices of the Board.

(7) Any person who fails to comply with the provisions of subsection (6) shall be guilty of an offence.

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Duty to produce licences

44. (1) A licence holder, an employee of the licence holder or a person acting on behalf of the licence holder shall, on demand by an authorised officer or a police officer, produce the licence concerned.

(2) Any licence holder, employee or person acting on behalf of the licence holder who fails to comply with the provisions of subsection (1) shall be guilty of an offence.

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Licence fees

45. (1) (a) The licence and investigation fees set out in paragraph 2 of Schedule II shall be paid by every successful applicant for a licence before such licence is issued and thereafter annually.

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(b) The licence fees referred to in paragraph (a) shall be paid into the Provincial Revenue Fund and the investigation fees shall be paid to the Board.

(c) No fee contemplated by this section shall be refundable.

(2) Any licence holder who fails to pay a licence fee on or before the date on which it is due shall, in addition to such licence fee, be liable for the penalties contemplated by paragraph 3 of Schedule II, which shall be paid on or before the dates specified.

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(3) Failure to pay a licence fee or penalty by the date it falls due shall constitute sufficient grounds for the revocation or suspension of the licence concerned or the imposition of conditions thereon, in addition to any other penalty such failure may attract.

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Casino operator licence

46. (1) A casino operator licence shall only be issued to a company, registered in terms of the Companies Act, 1973.

(2) A casino operator licence is required by every company which permits or conducts gambling in or on any premises in the Province which are not limited gambling machine premises or premises where only bingo is played.

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(3) For the purposes of subsection (2), gambling includes the playing of bingo but does not include betting.

(4) A casino operator licence shall attach to the premises specified in the licence.

(5) A casino operator licence shall authorise, subject to any conditions which the Board may impose, the playing in or on the premises or such parts of such premises as are specified in the licence of any gambling game (but not betting) specified in the licence.

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Limited gambling machine operator licence

47. (1) A limited gambling machine operator licence shall only be issued to a company registered in terms of the Companies Act, 1973.

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(2) A limited gambling machine operator licence is required by every company which permits or engages in the business of placing limited gambling machines in or on one or more premises in the Province.

(3) A limited gambling machine operator licence shall authorise, subject to any conditions which the Board may impose, the operation of limited gambling machines specified in the licence in or on premises or such parts of such premises as are specified in the licence.

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belastingregte of ander gelde ten opsigte daarvan of ten opsigte van die aansoek daarom terugbetaal nie.

- (6) Die houer van enige lisensie wat opgeskort of ingetrek is, moet by ontvangs van 'n mededeling daarvan deur of namens die Raad, binne sewe dae sodanige lisensie by 5 die kantoor van die Raad besorg.

(7) Enige persoon wat versuim om aan die bepalings van subartikel (6) te voldoen, is skuldig aan 'n misdryf.

Plig om lisensies te toon

44. (1) 'n Lisensiehouer, 'n werknemer van die lisensiehouer of 'n persoon wat 10 namens die lisensiehouer optree, moet op aanvraag deur 'n gemagtigde beampte of 'n polisiebeampte die betrokke lisensie toon.

(2) Enige lisensiehouer, werknemer of persoon wat optree namens die lisensiehouer en wat versuim om aan die bepalings van subartikel (1) te voldoen, is skuldig aan 'n misdryf.

15 Lisensiegelde

45. (1) (a) Die lisensie- en ondersoekgelde uiteengesit in paragraaf 2 van Bylae II moet deur elke suksesvolle aansoeker om 'n lisensie betaal word voordat sodanige lisensie uitgereik word, en daarna jaarliks.

- (b) Die lisensiegelde genoem in paragraaf (a) word in die Provinsiale Inkomstefonds 20 inbetaal en die ondersoekgeld word aan die Raad betaal.

(c) Geen gelde beoog by hierdie artikel is terugbetaalbaar nie.

- (2) Enige lisensiehouer wat versuim om 'n lisensiegeld te betaal voor of op die datum waarop dit verskuldig is, is benewens sodanige lisensiegeld aanspreeklik vir die boetes beoog by paragraaf 3 van Bylae II, wat voor of op die gespesifiseerde datums 25 betaal moet word.

(3) Versuim om 'n lisensiegeld of boete te betaal teen die datum waarop dit verskuldig raak, is voldoende gronde vir die intrekking of opskorting van die betrokke lisensie of die oplegging van voorwaardes ten opsigte daarvan, benewens enige ander boete wat sodanige versuim aantrek.

30 Casino-operateurlisensie

46. (1) 'n Casino-operateurlisensie word slegs uitgereik aan 'n maatskappy wat ingevolge die Wet op Maatskappye, 1973, geregistreer is.

- (2) 'n Casino-operateurlisensie is 'n vereiste vir elke maatskappy wat dobbelary toelaat of beoefen in of op enige perseel in die Provinsie wat nie 'n 35 beperktedobbelmasjien-perseel of 'n perseel waar slegs bingo gespeel word, is nie.

(3) Vir die toepassing van subartikel (2) omvat dobbelary die speel van bingo, maar omvat dit nie weddery nie.

(4) 'n Casino-operateurlisensie is gekoppel aan die perseel in die lisensie gespesifiseer.

- 40 (5) 'n Casino-operateurlisensie magtig, behoudens enige voorwaardes wat die Raad oplaê, die speel van enige dobbelspel (maar nie enige weddery nie) in die lisensie gespesifiseer, in of op die perseel of die deel van sodanige perseel wat in die lisensie gespesifiseer word.

Beperktedobbelmasjien-operateurlisensie

- 45 47. (1) 'n Beperktedobbelmasjien-operateurlisensie word slegs uitgereik aan 'n maatskappy wat ingevolge die Wet op Maatskappye, 1973, geregistreer is.

(2) 'n Beperktedobbelmasjien-operateurlisensie is 'n vereiste vir elke maatskappy wat die besigheid van die aanbring van beperkte dobbelmasjiene in of op een of meer persele in die Provinsie toelaat of daarby betrokke is.

- 50 (3) 'n Beperktedobbelmasjien-operateurlisensie magtig, onderworpe aan enige voorwaardes wat die Raad oplaê, die gebruik van beperkte dobbelmasjiene in die lisensie gespesifiseer in of op persele of die dele van sodanige persele wat in die lisensie gespesifiseer word.

Limited gambling machine premises licence

48. (1) A limited gambling machine premises licence is required for any premises in the Province in or on which limited gambling machines are placed by the holder of a limited gambling machine operator licence.

(2) A limited gambling machine premises licence shall authorise, subject to any conditions which the Board may impose, the keeping and exposing for play in or on the licensed premises or such part of such premises as is specified in the licence of any limited gambling machines specified in the licence. 5

Bingo licence

49. (1) A bingo licence shall only be issued to a company registered in terms of the Companies Act, 1973. 10

(2) A bingo licence is required by every person who permits or conducts the playing of bingo in or on any premises in the Province other than the premises of a casino.

(3) A bingo licence shall attach to the premises specified in the licence.

(4) A bingo licence shall authorise, subject to any conditions which the Board may impose, the playing of bingo in or on the premises or such part of such premises as is specified in the licence. 15

(5) The provisions of this law relating to casino operator licences and casinos shall apply with the necessary changes to bingo licences and premises where bingo is played.

Junket agent licence

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50. (1) A junket agent licence is required by every person who is directly or indirectly involved in the planning, organisation or operation of a junket for or on behalf of the holder of a casino operator licence issued under this law.

(2) A junket agent licence shall authorise, subject to any conditions which the Board may impose, the holder of the licence— 25

(a) to enter into agreements with the holder of a casino operator licence to provide services to the casino, in or outside the Province, consisting of arranging complimentary transport, food, lodging or similar benefits for one or more persons or groups of persons visiting the casino, and

(b) to receive commission on, or a share in, gambling profits raised by a junket in the Province as consideration for such services. 30

Manufacturer licence

51. (1) A manufacturer licence is required by every person who, in the Province, manufactures, assembles, maintains, repairs or alters slot machines or any other gambling device or any component thereof, but not playing cards or dice. 35

(2) The provisions of subsection (1) shall not apply to the holder of a key employee licence or a gambling employee licence.

(3) A manufacturer licence shall authorise the manufacture, assembly, maintenance, repair or alteration of the types and models of gambling devices set out in the licence.

Distributor licence

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52. (1) A distributor licence is required by every person who, in the Province, directly or indirectly imports, distributes, markets, leases or sells slot machines or any other gambling device or related system, but not playing cards or dice.

(2) A distributor licence shall authorise the importation, distribution, marketing, leasing or selling of types and models of gambling devices approved by the Board or prescribed. 45

Race course licence

53. (1) A race course licence is required by every person who permits or conducts racing on any land in the Province.

Beperktedobbelmasjien-perseellisensie

48. (1) 'n Beperktedobbelmasjien-perseellisensie is 'n vereiste vir enige perseel in die Provinsie waarin of waarop beperkte dobbelmasjiene aangebring word deur die houer van 'n beperktedobbelmasjien-operateurlisensie.

- 5 (2) 'n Beperktedobbelmasjien-perseellisensie magtig, onderworpe aan enige voorwaardes wat die Raad oplê, die aanhou en vertoon, vir speel, van enige beperkte dobbelmasjiene in die lisensie gespesifiseer, in of op die gelisensieerde perseel of die deel van sodanige perseel wat in die lisensie gespesifiseer word.

Bingolisensie

- 10 49. (1) 'n Bingolisensie word slegs uitgereik aan 'n maatskappy wat ingevolge die Wet op Maatskappye, 1973, geregistreer is.

(2) 'n Bingolisensie is 'n vereiste vir elke persoon wat die speel van bingo toelaat of beoefen in of op enige perseel in die Provinsie, uitgesonderd die perseel van 'n casino.

(3) 'n Bingolisensie is gekoppel aan die perseel in die lisensie gespesifiseer.

- 15 (4) 'n Bingolisensie magtig, onderworpe aan enige voorwaardes wat die Raad oplê, die speel van bingo in of op die perseel of die deel van sodanige perseel wat in die lisensie gespesifiseer word.

- (5) Die bepalings van hierdie wet met betrekking tot casino-operateurlisensies en casino's is met die nodige veranderinge van toepassing op bingolisensies en perseel waar bingo gespeel word.

Plesiertog-agentlisensie

50. (1) 'n Plesiertog-agentlisensie is 'n vereiste vir elke persoon wat regstreeks of onregstreeks betrokke is by die beplanning, organisering of bedryf van 'n plesiertog vir of namens die houer van 'n casino-operateurlisensie kragtens hierdie wet uitgereik.

- 25 (2) 'n Plesiertog-agentlisensie magtig, onderworpe aan enige voorwaardes wat die Raad oplê, die houer van die lisensie—

- (a) om ooreenkomste met die houer van 'n casino-operateurlisensie aan te gaan om dienste binne of buite die Provinsie aan die casino te lewer, bestaande uit die reëling van komplimentêre vervoer, kos, huisvesting of dergelike voordele vir een of meer persone of groepe persone wat die casino besoek, en
30 (b) om, as teenprestasie vir sodanige dienste, kommissie op, of 'n aandeel in, dobbelwins wat verkry word deur 'n plesiertog in hierdie Provinsie, te ontvang.

Vervaardigerlisensie

- 35 51. (1) 'n Vervaardigerlisensie is 'n vereiste vir elke persoon wat muntoutomate of enige ander dobbeltoestel of enige komponent daarvan, maar nie speelkaarte of dobbelstene nie, in die Provinsie vervaardig, monteer, in stand hou, herstel of verander.

(2) Die bepalings van subartikel (1) is nie op die houer van 'n sleutelwerknemerlisensie of 'n dobbelarywerknemerlisensie van toepassing nie.

- 40 (3) 'n Vervaardigerlisensie magtig die vervaardiging, montering, instandhouding, herstel of verandering van die tipes en modelle dobbeltoestelle in die lisensie uiteengesit.

Verspreiderlisensie

- 45 52. (1) 'n Verspreiderlisensie is 'n vereiste vir elke persoon wat in die Provinsie muntoutomate of enige ander dobbeltoestel of stelsel wat daarmee in verband staan, maar nie speelkaarte of dobbelstene nie, regstreeks of onregstreeks invoer, versprei, bemark, verhuur of verkoop.

(2) 'n Verspreiderlisensie magtig die invoer, verspreiding, bemarking, verhuur of verkoop van tipes en modelle dobbeltoestelle deur die Raad goedgekeur of voorgeskryf.

50 Renbaanlisensie

53. (1) 'n Renbaanlisensie is 'n vereiste vir elke persoon wat wedrenne op enige grond in die Provinsie toelaat of beoefen.

- (2) A race course licence shall attach to the land specified in the licence.
- (3) A race course licence shall authorise, subject to any conditions which the Board may impose, the holding of race meetings on the land specified in the licence.

Totalisator operator licence

54. (1) A totalisator operator licence is required by every person who operates or permits the operation of a totalisator. 5
- (2) A totalisator operator licence shall attach to the premises specified in the licence.
- (3) A totalisator operator licence shall authorise, subject to any conditions which the Board may impose, the operation of a totalisator in respect of any event or contingency and the acceptance of stakes in respect of such totalisator in or on the premises or such part of such premises as is specified in the licence. 10

Totalisator premises licence

55. (1) A totalisator premises licence is required for any premises in the Province where the holder of a totalisator operator licence or his or her agent accepts stakes in respect of a totalisator. 15
- (2) A totalisator premises licence shall authorise, subject to any conditions which the Board may impose, the acceptance of stakes in respect of a totalisator in or on the premises specified in the licence.

Bookmaker licence

56. (1) A bookmaker licence is required by every person who, in the Province, engages in the business of directly or indirectly laying bets with members of the public or other bookmakers. 20
- (2) A bookmaker licence shall attach to the premises specified in the licence.
- (3) A bookmaker licence shall authorise, subject to any conditions which the Board may impose, the conducting of the business of a bookmaker in or on the premises by laying fixed odds and open bets, but not totalisator-type bets. 25

Key employee licence

57. (1) A key employee licence is required by every executive, employee, agent or other person in the employ of the holder of an operator licence issued under this law and any licence referred to in section 86(4) who may exercise control over gambling operations or who may accept bets at a totalisator or at totalisator premises in or on any premises where gambling or betting is conducted in the Province. 30
- (2) Persons employed in any of the following or substantially similar positions shall be regarded as key employees for the purposes of this section: 35
- (a) managers;
 - (b) supervisors;
 - (c) pit bosses;
 - (d) inspectors, and
 - (e) any other position considered by the Board to be that of a key employee generally or in relation to any gambling business in particular. 40
- (3) If the Board considers that an employee of any licence holder is a key employee, it shall serve written notice to that effect upon the licence holder by whom such employee is employed.
- (4) The holder of the licence shall within thirty days of receipt of such written notice present to the Board an application in the prescribed form for the licensing of such employee as a key employee or provide adequate proof that such employee is no longer employed by him or her. 45
- (5) An employee who is subject to application for licensing as a key employee in terms of the foregoing may make written representations to the Board to reconsider his or her status within the business concerned, and if the Board thereupon determines that the employee is not a key employee, such employee shall be allowed to withdraw his or her application. 50

(2) 'n Renbaanlisensie is gekoppel aan die grond in die lisensie gespesifiseer.

(3) 'n Renbaanlisensie magtig, onderworpe aan enige voorwaardes wat die Raad oëlê, die hou van wedrenbyeenkomste op die grond in die lisensie gespesifiseer.

Totalisator-operateurlisensie

5 54. (1) 'n Totalisator-operateurlisensie is 'n vereiste vir elke persoon wat 'n totalisator gebruik of die gebruik daarvan toelaat.

(2) 'n Totalisator-operateurlisensie is gekoppel aan die perseel in die lisensie gespesifiseer.

10 (3) 'n Totalisator-operateurlisensie magtig, onderworpe aan enige voorwaardes wat die Raad oëlê, die gebruik van 'n totalisator ten opsigte van enige gebeurtenis of gebeurlikheid en die aanvaarding van inleggeld ten opsigte van sodanige totalisator in of op die perseel of die deel van sodanige perseel wat in die lisensie gespesifiseer word.

Totalisator-perseellisensie

15 55. (1) 'n Totalisator-perseellisensie is 'n vereiste vir enige perseel in die Provinsie waar die houer van 'n totalisator-operateurlisensie of sy of haar agent inleggeld ten opsigte van 'n totalisator aanvaar.

(2) 'n Totalisator-perseellisensie magtig, onderworpe aan enige voorwaardes wat die Raad oëlê, die aanvaarding van inleggeld ten opsigte van 'n totalisator in of op die perseel wat in die lisensie gespesifiseer word.

20 Boekmakerlisensie

56. (1) 'n Boekmakerlisensie is 'n vereiste vir elke persoon wat in die Provinsie betrokke is by die besigheid van regstreekse of onregstreekse aanvaarding van weddenskappe met lede van die publiek of ander boekmakers.

(2) 'n Boekmakerlisensie is gekoppel aan die perseel in die lisensie gespesifiseer.

25 (3) 'n Boekmakerlisensie magtig, onderworpe aan enige voorwaardes wat die Raad oëlê, die bedryf van die besigheid van 'n boekmaker in of op die perseel deur vasgestelde en ope weddenskappe, maar nie totalisator-tipe weddenskappe nie, te aanvaar.

Sleutelwerknemerlisensie

30 57. (1) 'n Sleutelwerknemerlisensie is 'n vereiste vir elke uitvoerende beampte, werknemer, agent of ander persoon wat in die diens is van die houer van 'n operateurlisensie kragtens hierdie wet uitgereik en enige lisensie in artikel 86(4) genoem en wat beheer oor dobbelbedrywighede kan uitoefen of weddenskappe kan aanvaar by 'n totalisator of 'n totalisatorperseel in of op enige perseel waar dobbelary
35 of weddery in die Provinsie beoefen word.

(2) Persone wat in diens is in enige van die volgende poste of in poste wat wesenlik soortgelyk is, word vir die toepassing van hierdie artikel as sleutelwerknemers beskou:

- (a) bestuurders;
- (b) toesighouers;
- 40 (c) kuilbase;
- (d) inspekteurs, en
- (e) enige ander pos wat die Raad beskou as die pos van 'n sleutelwerknemer in die algemeen of met betrekking tot enige dobbelbesigheid in die besonder.

(3) Indien die Raad 'n werknemer van enige lisensiehouer as 'n sleutelwerknemer
45 beskou, beteken die Raad 'n skriftelike kennisgewing te dien effekte aan die lisensiehouer in wie se diens sodanige werknemer is.

(4) Die houer van die lisensie moet binne dertig dae van ontvangs van sodanige skriftelike kennisgewing 'n aansoek in die voorgeskrewe vorm aan die Raad besorg vir die lisenasiering van sodanige werknemer as 'n sleutelwerknemer of voldoende bewys
50 verskaf dat sodanige werknemer nie meer in sy of haar diens is nie.

(5) 'n Werknemer wat onderworpe is aan lisenasiering as 'n sleutelwerknemer ingevolge voorgaande, kan skriftelike vertoë tot die Raad rig om sy of haar status binne die betrokke besigheid te heroorweeg, en indien die Raad daarna bepaal dat die werknemer nie 'n sleutelwerknemer is nie, word sodanige werknemer toegelaat om sy
55 of haar aansoek terug te trek.

(6) In determining whether or not an employee is a key employee, the Board shall not be restricted by the job title or designation of such employee, but may consider the functions and responsibilities of such employee in making its decision.

(7) Failure on the part of the holder of a licence to comply with this section shall be an offence.

5

Gambling employee licence

58. (1) A gambling employee licence is required by every person who, in the Province, is employed—

- (a) at or by a gambling business, or
 - (b) by the holder of a manufacturer or distributor licence,
- and who is directly involved in the operation of a gambling business or the activities performed under a manufacturer licence or a distributor licence.

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(2) Persons employed in any of the following or substantially similar positions shall be regarded as gambling employees for the purposes of this section:

- (a) cashiers and ticket-sellers;
- (b) counting room personnel;
- (c) dealers;
- (d) machine mechanics, and
- (e) bookmaker clerks.

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(3) If the Board is of the opinion that an employee of any licence holder is a gambling employee, it shall serve written notice to that effect upon the licence holder by whom such employee is employed, whereupon the provisions of section 57(4), (5), (6) and (7) shall apply with the necessary changes.

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(4) No person required to hold a gambling employee licence shall be employed by or assist any licence holder before he or she has obtained a valid gambling employee licence.

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(5) Persons licensed as key employees shall not be required to obtain gambling employee licences.

Financial interest

59. (1) The holder of a licence, other than a public company, shall not permit any other person to procure any direct or indirect financial interest of ten per cent or more in any business to which the licence relates unless the Board has, on application by the holder, approved that such a person may procure such interest in that business.

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(2) The Board shall not grant approval under subsection (1) where the person who is the subject of the application is disqualified in terms of this law to hold a licence.

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(3) The Board may require any person—

- (a) who has a direct or an indirect financial interest of ten per cent or more in any gambling business of a public company;
- (b) who has or wishes to procure a direct or an indirect financial interest of less than ten per cent in any business to which a licence relates, and
- (c) who, in the opinion of the Board, by virtue of any involvement with or interest in a licence holder, has the power to exercise significant influence over the gambling business of a licence holder,

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to be found suitable, in accordance with the procedure prescribed, to have such interest.

(4) A contract in terms of which a financial interest is procured in conflict with subsection (1) shall be void.

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Approval of certain contracts

60. No licence holder shall, without the prior written approval of the Board, enter into any contract with another person for the furnishing of any service, goods or property in respect of which such other person will receive payment, commission or any other consideration based directly or indirectly on earnings or profits from any gambling.

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(6) Wanneer die Raad bepaal of 'n werknemer 'n sleutelwerknemer is of nie, word die Raad nie beperk deur die werktitel of -benaming van sodanige werknemer nie, maar kan hy die funksies en verantwoordelikhede van sodanige werknemer in ag neem wanneer hy sy besluit neem.

- 5 (7) Versuim van die kant van die houer van 'n lisensie om aan hierdie artikel te voldoen is 'n misdryf.

Dobbelarywerknemerlisensie

58. (1) 'n Dobbelarywerknemerlisensie is 'n vereiste vir elke persoon wat in die Provinsie—

- 10 (a) in diens is by of in die diens is van 'n dobbelarybesigheid, of
(b) in die diens is van die houer van 'n vervaardiger- of 'n verspreiderlisensie, en wat regstreeks betrokke is by die dryf van 'n dobbelarybesigheid of wat die aktiwiteite kragtens 'n vervaardigerlisensie of 'n verspreiderlisensie verrig.

- (2) Persone wat in diens is in enige van die volgende poste of in poste wat wesenlik
15 soortgelyk is, word vir die toepassing van hierdie artikel as dobbelarywerknemers beskou:

- (a) kassiere en kaartjieverkopers;
(b) telkamerpersoneel;
(c) kaartgewers;
20 (d) masjienwerktuigkundiges, en
(e) boekmakersklerke.

- (3) Indien die Raad van mening is dat 'n werknemer van enige lisensiehouer 'n dobbelarywerknemer is, beteken hy 'n skriftelike kennisgewing te dien effekte aan die lisensiehouer by wie sodanige werknemer in diens is, en daarna is die bepalings van
25 artikel 57(4), (5), (6) en (7) met die nodige veranderinge van toepassing.

(4) Geen persoon wat verplig is om 'n dobbelarywerknemerlisensie te hou, mag in die diens wees van of bystand verleen aan enige lisensiehouer voordat hy of sy 'n geldige dobbelarywerknemerlisensie gekry het nie.

- (5) Persone wat as sleutelwerknemers gelisensieer is, word nie verplig om dob-
30 belarywerknemerlisensies te kry nie.

Geldelike belang

59. (1) Die houer van 'n lisensie, uitgesonderd 'n openbare maatskappy, mag nie enige ander persoon toelaat om enige regstreekse of onregstreekse geldelike belang van tien persent of meer te verkry in enige besigheid waarop die lisensie betrekking het nie,
35 tensy die Raad op aansoek deur die houer goedkeuring verleen het dat so 'n persoon sodanige belang in die besigheid kan verkry.

(2) Die Raad verleen nie goedkeuring kragtens subartikel (1) nie waar die persoon ten opsigte van wie die aansoek gedoen word, ingevolge hierdie wet gediskwalifiseer is om 'n lisensie te hou.

- 40 (3) Die Raad kan vereis dat enige persoon—

- (a) wat 'n regstreekse of onregstreekse geldelike belang van tien persent of meer in enige dobbelarybesigheid of 'n openbare maatskappy het;
(b) wat 'n regstreekse of onregstreekse geldelike belang van minder as tien persent het of wil verkry in enige besigheid waarop 'n lisensie betrekking het,
45 en
(c) wat na die mening van die Raad uit hoofde van enige betrokkenheid of belang by 'n lisensiehouer oor die vermoë beskik om 'n betekenisvolle invloed op die dobbelarybesigheid van 'n lisensiehouer uit te oefen, in ooreenstemming met die voorgeskrewe prosedure geskik bevind moet word om
50 sodanige belang te hê.

(4) 'n Kontrak ingevolge waarvan 'n geldelike belang in stryd met subartikel (1) verkry word, is nietig.

Goedkeuring van sekere kontrakte

60. Geen lisensiehouer mag sonder die voorafverkreë skriftelike goedkeuring van die
55 Raad enige kontrak met 'n ander persoon aangaan vir die verskaffing van enige diens, goedere of eiendom ten opsigte waarvan sodanige ander persoon betaling, kommissie of enige ander teenprestasie wat regstreeks of onregstreeks op verdienste of wins uit dobbelary gebaseer is, ontvang nie.

Gambling devices

61. (1) No person shall use or allow any gambling game to be played on or by means of a gambling device other than a gambling device which has been approved by the Board and supplied by the holder of a licence issued under this law and which meets the prescribed requirements. 5

(2) The holder of an operator licence shall keep such records and information as may be prescribed in respect of each gambling device.

(3) The holder of an operator licence shall not sell a gambling device, other than playing cards or dice, to any person other than the holder of a licence issued under this law. 10

Books, accounts and records

62. The holder of a licence shall keep such books, accounts and records as may be prescribed.

Control of entry to certain premises

63. (1) The holder of any operator licence or any employee of such a licence holder may— 15

(a) refuse to admit any person, other than an authorised officer or a police officer, to the licensed premises;

(b) request any person who is in any part of the licensed premises to leave that part, and 20

(c) request any police officer to remove or assist in removing from the licensed premises any person contemplated in paragraphs (a) and (b).

Rules of gambling games

64. (1) No gambling game shall be played otherwise than in accordance with prescribed procedures and the rules approved therefor. 25

(2) The holder of any licence shall, in respect of any game authorised by such licence for which no rules have been approved by the Board, make rules relating to the playing of such game and submit such rules to the Board for approval.

(3) The rules of each gambling game shall be displayed as prescribed, and a licence holder shall at the request of any player make available for examination a copy of the approved rules of any gambling game. 30

CHAPTER V—TAXATION AND FINANCIAL ARRANGEMENTS

Imposition of gambling and betting taxes

65. (1) There shall be paid from time to time and in the manner prescribed into the Provincial Revenue Fund gambling and betting taxes on the bases, at the rates and at the times, in the amounts (if applicable) and by the holders of licences provided for in Schedules III and IV. 35

(2) The recovery of the taxes contemplated by subsection (1), the penalties and interest payable on such taxes, the calculation of such interest, the offences in regard to the evasion of such taxes, the schemes for obtaining undue tax benefits and the powers of the responsible Member to conclude tax agreements shall be as is provided for in Part C of Schedule IV. 40

(3) The provisions of Schedules III and IV shall be administered by the Chief Executive Officer on behalf of the Board, and all the powers of the Board under this law shall be applicable thereto. 45

Tax payable upon conviction

66. Notwithstanding any other provision of this law, a court convicting a person of a contravention of section 68(1) shall, where applicable, in addition to any penalties it may impose in terms of this law, order such person to pay the relevant duty or tax which would be due in terms of this law if such person were the holder of a licence. 50

Dobbeltoestelle

61. (1) Geen persoon mag 'n dobbeltoestel gebruik of toelaat dat 'n dobbelspel op of deur middel van 'n dobbeltoestel gespeel word nie, uitgesonderd 'n dobbeltoestel wat goedgekeur is deur die Raad en verskaf is deur die houer van 'n lisensie kragtens hierdie wet uitgereik en wat voldoen aan die voorgeskrewe vereistes.
- (2) Die houer van 'n operateurlisensie hou die rekords en inligting wat voorgeskryf is, ten opsigte van elke dobbeltoestel.
- (3) Die houer van 'n operateurlisensie mag nie 'n dobbeltoestel, uitgesonderd speelkaarte of dobbelstene, verkoop aan enige ander persoon as die houer van 'n lisensie kragtens hierdie wet uitgereik nie.

Boeke, rekeninge en rekords

62. Die houer van 'n lisensie moet die boekhouding, rekeninge en rekords byhou wat voorgeskryf word.

Beheer oor toegang tot sekere persele

63. Die houer van enige operateurlisensie of enige werknemer van sodanige lisensiehouer kan—
- (a) weier om enige persoon, uitgesonderd 'n gemagtigde beampte of 'n polisie-beampte, tot die gelisensieerde perseel toe te laat;
 - (b) enige persoon wat in enige deel van die gelisensieerde perseel is, versoek om dié deel te verlaat, en
 - (c) 'n polisiebeampte versoek om enige persoon beoog in paragrawe (a) en (b) van die gelisensieerde perseel te verwyder of te help verwyder.

Reëls van dobbelspelle

64. (1) Geen dobbelspel mag op 'n ander wyse gespeel word as ooreenkomstig voorgeskrewe prosedures en die reëls wat daarvoor goedgekeur is nie.
- (2) Die houer van enige lisensie moet ten opsigte van enige spel deur sodanige lisensie gemagtig, waarvoor geen reëls deur die Raad goedgekeur is nie, reëls met betrekking tot die spel van sodanige spel maak en sodanige reëls aan die Raad voorlê vir goedkeuring.
- (3) Die reëls van elke dobbelspel moet vertoon word soos voorgeskryf, en 'n lisensiehouer moet op versoek van enige kliënt 'n kopie van die goedgekeurde reëls van enige dobbelspel beskikbaar stel vir bestudering.

HOOFSTUK V: BELASTING EN FINANSIËLE REËLINGS

Heffing van dobbelary- en wedderybelastinge

65. (1) Daar word van tyd tot tyd en op die voorgeskrewe wyse dobbelary- en wedderybelastinge in die Provinsiale Inkomstefonds inbetaal op die grondslae, teen die tariewe, op die tye, bestaande uit die bedrae (indien toepaslik) en deur die houders van lisensies waarvoor in Bylaes III en IV voorsiening gemaak word.
- (2) Die invordering van die belastinge beoog by subartikel (1), die boetes en rente betaalbaar op sodanige belastinge, die berekening van sodanige rente, die misdrywe met betrekking tot die ontduiking van sodanige belastinge, die skemas ter verkryging van onverskuldigde belastingvoordele en die bevoegdhede van die verantwoordelike Lid om belastingooreenkomste aan te gaan is dié waarvoor in Deel C van Bylae IV voorsiening gemaak word.
- (3) Die bepalinge van Bylaes III en IV word deur die Hoof Uitvoerende Beampte namens die Raad geadministreer, en al die bevoegdhede van die Raad kragtens hierdie wet is daarop van toepassing.

Belasting betaalbaar by skuldigbevinding

66. Ondanks enige ander bepaling van hierdie wet, beveel 'n hof wat 'n persoon aan 'n oortreding van artikel 68(1) skuldig bevind, sodanige persoon om, waar toepaslik, benewens enige ander strawwe wat hy ingevolge hierdie wet oplê, die toepaslike

CHAPTER VI—GENERAL PROVISIONS

Prohibition in respect of unauthorised race meetings

67. (1) No person shall—

- (a) hold, organise, arrange, attend or in any manner take part in or assist at a race meeting, or
- (b) print, publish, possess, sell or offer for sale or in any manner circulate or distribute a race card,

unless the relevant race meeting takes place at a licensed race course.

(2) Any person who contravenes subsection (1) or any of the conditions of a race course licence shall be guilty of an offence.

(3) In any prosecution for an offence referred to in subsection (2), any person who without lawful reason was present on a race course shall be deemed to have attended such race meeting.

Prohibition in respect of gambling and presumptions relating thereto

68. (1) No person shall without a licence—

- (a) conduct or permit the playing of any gambling game or conduct or permit any betting or racing in or on any premises under his or her control or in his or her charge, or

(b) be directly involved—

- (i) in the operation of any gambling business;
- (ii) in the manufacture, assembly, maintenance, repair or alteration of any slot machine or gambling device (other than playing cards or dice) or any component thereof, and

- (iii) in the importation, distribution, marketing, leasing or selling of any gambling device (other than playing cards or dice) or any component thereof.

(2) (a) No person shall without the approval of the Board have any direct or indirect financial interest of ten per cent or more in any gambling business or establishment within the Province.

(b) The prohibition in paragraph (a) shall not apply to a person whose interest in a gambling business or establishment within the Province arises from a financial interest of not more than ten per cent in a public company, the shares of which are traded on a stock exchange and which permits, undertakes, participates or engages in any gambling activity within the Province.

(3) No person shall, without the appropriate licence or without the prior approval of the Board, in any manner share directly or indirectly in the profits of any gambling.

(4) No person other than a member or an authorised officer of the Board shall play any gambling game or take part in any betting in or on, or visit, with the object of playing any gambling game or taking part in any betting, any premises which are not licensed under this law.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred thousand rand or imprisonment for a period of not more than five years or to both such fine and such imprisonment.

(6) When any balls, counters, tables, equipment, gambling devices or other instruments, which are used or capable of being used for playing any gambling game are found in or on any premises other than licensed premises, or on the person of anyone found in or on such premises, it shall, subject to proof to the contrary, be evidence in any prosecution for a contravention of subsection (1) that the person in control or in charge of such premises permitted the playing of such game in or on such premises and that any person found in or on such premises was playing such game in or on such premises and was visiting such premises with the object of playing such game.

belastingreg of belasting te betaal wat ingevolge hierdie wet verskuldig sou wees indien sodanige persoon die houer van 'n lisensie was.

HOOFTUK VI: ALGEMENE BEPALINGS

Verbod ten opsigte van ongemagtigde wedrenbyeenkomste

- 5 67. (1) Geen persoon mag—
- (a) 'n wedrenbyeenkoms hou, organiseer, reël of bywoon of op enige wyse daaraan deelneem of daarby behulpsaam wees nie, of
 - (b) 'n wedrenkaart druk, publiseer, besit, verkoop of te koop aanbied of op enige wyse in omloop bring of versprei nie,
- 10 tensy die betrokke wedrenbyeenkoms by 'n gelisensieerde renbaan plaasvind.
- (2) Enige persoon wat subartikel (1) of enige van die voorwaardes van 'n renbaanlisensie oortree, is skuldig aan 'n misdryf.
- (3) In enige vervolging vir 'n misdryf genoem in subartikel (2), word enige persoon wat sonder wettige rede op 'n renbaan teenwoordig was, geag sodanige wedrenbyeen-
- 15 koms by te gewoon het.

Verbod ten opsigte van dobbelary en vermoedens met betrekking daartoe

68. (1) Geen persoon mag sonder 'n lisensie—
- (a) die speel van enige dobbelspel beoefen of toelaat of enige weddery of wedrenne beoefen of toelaat in of op enige perseel onder sy of haar beheer of in sy of haar sorg nie, of
 - (b) regstreeks betrokke wees—
 - (i) by die bedryf van enige dobbelarybesigheid nie;
 - (ii) by die vervaardiging, montering, instandhouding, herstel of verandering van enige muntoutomaat of dobbeltoestel (uitgesonderd speelkaarte of dobbelstene) of enige komponent daarvan nie, en
 - (iii) by die invoer, verspreiding, bemaking, verhuur of verkoop van enige dobbeltoestel (uitgesonderd speelkaarte of dobbelstene) of enige komponent daarvan nie.
- 20
- (2) (a) Geen persoon mag sonder die goedkeuring van die Raad enige regstreekse of onregstreekse geldelike belang van tien persent of meer in enige dobbelarybesigheid of -onderneming binne die Provinsie hê nie.
- (b) Die verbod in paragraaf (a) is nie van toepassing nie op 'n persoon wie se belang by 'n dobbelarybesigheid of -onderneming binne die Provinsie voortspruit uit 'n geldelike belang van hoogstens tien persent in 'n openbare maatskappy waarvan die aandeel op 'n effektebeurs verhandel word en wat enige dobbelaryaktiwiteit binne die Provinsie toelaat, onderneem, daaraan deelneem of daarby betrokke is.
- 25
- (3) Geen persoon mag sonder die toepaslike lisensie of sonder die voorafverkreë goedkeuring van die Raad op enige wyse regstreeks of onregstreeks in die wins van enige dobbelary deel nie.
- 40
- (4) Geen persoon, uitgesonderd 'n lid of 'n gemagtigde beampte van die Raad, mag enige dobbelspel speel of aan enige weddery deelneem in of op, of met die doel om enige dobbelspel te speel of aan enige weddery deel te neem, besoek bring aan, enige perseel wat nie kragtens hierdie wet gelisensieer is nie.
- (5) Enige persoon wat die bepalinge van hierdie artikel oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderdduisend rand of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met beide sodanige boete en sodanige gevangenisstraf.
- 45
- (6) Wanneer enige balle, tekenmunte, tafels, toerusting, dobbeltoestelle of ander instrumente wat gebruik word of gebruik kan word vir die speel van enige dobbelspel, gevind word in of op enige perseel behalwe 'n gelisensieerde perseel of op die persoon van engeen wat in of op sodanige perseel gevind word, dien dit in enige vervolging vir 'n oortreding van subartikel (1), tot die teendeel bewys word, dat die persoon onder wie se beheer of in wie se sorg sodanige perseel is, die speel van sodanige spel in of op sodanige perseel toegelaat het en dat enige persoon wat in of op sodanige perseel gevind is, sodanige spel in of op sodanige perseel gespeel het en sodanige perseel
- 55
- besoek het met die doel om sodanige spel te speel.

(7) If any police officer or any authorised officer authorised in terms of this law to enter any premises, is wilfully prevented from or obstructed or delayed in entering any premises which are not licensed premises, the person in control or in charge of such premises shall, on being charged with permitting the playing of any gambling game or betting, be presumed, until the contrary is proved, to have permitted the playing of such gambling game or such betting in or on such premises. 5

(8) At the trial of any person charged with a contravention of subsection (1), it shall be presumed, until the contrary is proved, that any game that was played or intended to be played, was played for money, property, cheques, credit or something of value, or that money or a thing of value was staked on an event or a contingency. 10

(9) Any person supervising or directing or assisting at or acting as a banker, dealer, croupier or in any like capacity at the playing of any gambling game in or on any premises, other than licensed premises, and any person acting as porter, doorkeeper or servant or holding any other office in or on any such premises where any gambling game is played shall be deemed to be in control or in charge of such premises. 15

(10) Any person found in or on any premises, other than licensed premises, where any gambling game is played or where any betting takes place, shall be deemed, until the contrary is proved, to be playing such game or to be taking part in such betting in or on such premises and to be visiting such premises with the object of playing such game or of taking part in such betting. 20

Prohibition in respect of junkets

69. (1) No person shall, for commission, a share in gambling profits or any other consideration, on behalf of the holder of a casino operator licence directly or indirectly plan or organise visits to a casino in the Province by one or more persons who receive complimentary services such as transport, food and lodging, without being in possession of the appropriate licence. 25

(2) The holder of a casino operator licence shall not enter into any agreement with a junket agent unless such agent is licensed in terms of this law.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence. 30

Prohibition in respect of manufacture, assembly, sale, distribution, importation, marketing, alteration and modification of gambling devices

70. (1) No person shall, without being in possession of the appropriate licence—

(a) manufacture, assemble, sell, distribute, import, market, rent or lease any gambling device other than playing cards or dice, or 35

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

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

(ii) alters or affects the normal criteria of random selection which determines the outcome of a gambling game. 40

(2) No person shall alter or modify any software or hardware used in any gambling device or in the operation of any gambling business in the Province without being in possession of the appropriate licence and without the prior approval of the Board, and all software and hardware developed for the gambling industry shall, before being so used, first be screened and tested as prescribed. 45

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

Cheating and cheating devices

71. (1) No person shall—

(a) knowingly allow anyone to conduct or carry on cheating or to operate any cheating device or provide any person with information or with a device to cheat in any gambling game or betting; 50

- (7) As enige polisiebeampte, of enige gemagtigde beampte wat ingevolge hierdie wet gemagtig is om enige perseel te betree, opsetlik verhinder word om 'n perseel wat nie 'n gelisensieerde perseel is nie, te betree of by sodanige betreding belemmer of vertraag word, word daar van die persoon onder wie se beheer of in wie se sorg sodanige perseel is, wanneer hy of sy daarvan aangekla word dat hy of sy die speel van enige dobbelspel of enige weddery toegelaat het, vermoed, totdat die teendeel bewys word, dat hy of sy die speel van sodanige dobbelspel of sodanige weddery in of op dié perseel toegelaat het.
- (8) By die verhoor van enige persoon wat aangekla is van 'n oortreding van subartikel (1), word daar vermoed, totdat die teendeel bewys word, dat enige spel wat gespeel is of bedoel was om gespeel te word, gespeel is vir geld, eiendom, tjeks, krediet of iets van waarde of dat geld of 'n ding van waarde ingelê is op 'n gebeurtenis of gebeurlikheid.
- (9) Enige persoon wat toesig hou oor of leiding gee of bystand verleen of optree as 'n bankier, kaartgewer, croupier of in enige dergelike hoedanigheid by die speel van enige dobbelspel in of op enige perseel behalwe 'n gelisensieerde perseel en enige persoon wat optree as 'n portier, deurwagter of bediende of wat enige ander pos beklee in of op sodanige perseel waar 'n dobbelspel gespeel word, word geag sodanige perseel onder sy of haar beheer of in sy of haar sorg te hê.
- (10) Enige persoon wat gevind word in of op enige perseel, uitgesonderd 'n gelisensieerde perseel, waar enige dobbelspel gespeel word of waar enige weddery plaasvind, word geag, totdat die teendeel bewys word, sodanige spel te speel of aan sodanige weddery deel te neem in of op sodanige perseel en sodanige perseel te besoek met die doel om sodanige spel te speel of aan sodanige weddery deel te neem.

25 Verbod ten opsigte van plesiertogte

69. (1) Geen persoon mag teen kommissie of vir 'n aandeel in dobbelwins of enige ander teenprestasie besoeke aan 'n casino in die Provinsie deur een of meer persone wat komplimentêre dienste soos vervoer, kos en huisvesting ontvang, regstreeks of onregstreeks namens die houer van 'n casino-operateurlisensie beplan of organiseer sonder om in besit te wees van die toepaslike lisensie nie.
- (2) Die houer van 'n casino-operateurlisensie mag nie 'n ooreenkoms met 'n plesiertog-agent aangaan nie tensy sodanige agent ingevolge hierdie wet gelisensieer is.
- (3) Enige persoon wat enige van die bepalings van hierdie artikel oortree, is skuldig aan 'n misdryf.

35 Verbod ten opsigte van vervaardiging, montering, verkoop, verspreiding, invoer, bemarking, verandering en wysiging van dobbeltoestelle

70. (1) Geen persoon mag, sonder om in besit te wees van die toepaslike lisensie—
- (a) enige dobbeltoestel, uitgesonderd speelkaarte of dobbelstene, vervaardig, monteer, verkoop, versprei, invoer, bemark, huur of verhuur nie, of
- (b) enige dobbeltoestel of enige toerusting wat daarmee verband hou, op so 'n wyse verander of andersins wysig dat—
- (i) dit die uitslag beïnvloed deur 'n wen of 'n verloor te bepaal nie, of
- (ii) dit die normale kriteria van lukraak seleksie wat die uitslag van 'n dobbelspel bepaal, verander of raak nie.
- (2) Geen persoon mag enige sagteware of hardeware wat gebruik word in enige dobbeltoestel of in die bedryf van enige dobbelarybesigheid in die Provinsie, verander of wysig sonder om in besit te wees van die toepaslike lisensie en sonder die voorafverkreë goedkeuring van die Raad nie, en alle sagteware en hardeware wat vir die dobbelarybedryf ontwikkel word, moet, voordat dit aldus gebruik word, eers gekeur en getoets word soos voorgeskryf.
- (3) Enige persoon wat enige van die bepalings van hierdie artikel oortree, is skuldig aan 'n misdryf.

Kullery en kultoestelle

71. (1) Geen persoon mag—
- (a) wetens enigeen toelaat om kullery te beoefen of uit te voer of om enige kultoestel te gebruik of om aan enige persoon inligting of 'n toestel te verskaf om in enige dobbelspel of weddery te kul nie;

- (b) knowingly conduct, allow or expose for play any gambling game played with cards or with any gambling device which have or has been marked, tampered with, placed in a condition or operated in a manner that tends to deceive players or the public, or to alter the normal random chance of the game, or to determine or alter the result of the game, and 5
- (c) knowingly make use of any counterfeit chip or token or contravene the rules of any game or interfere in any way with any gambling device or any other device used for gambling with the intention of obtaining any direct or indirect pecuniary advantage, whether for himself or herself or any other person. 10
- (2) For the purposes of this section "cheating" also means— 10
 - (a) the alteration of the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game, and
 - (b) the use of any scheme, arrangement, system or plan which the responsible Member may from time to time by notice in the *Provincial Gazette* declare to be cheating, 15
 and "cheat" has a corresponding meaning.

Prohibition of gambling by certain persons

72. (1) No person who is in any way concerned with the management, supervision, control or administration of a casino or any game played at that casino shall participate in such game or in gambling at that casino or at any other casino operated by the same licence holder in the Province, save in so far as he or she may be required to do so by the nature of his or her employment in the operation of such game so as to enable other persons to participate in the game. 20
- (2) No person under the age of eighteen years shall— 25
- (a) enter any area where gambling takes place;
 - (b) take part in any gambling or betting or handle or operate a gambling machine, or
 - (c) be entitled to enforce any gambling debt, notwithstanding the provisions of section 81. 30
- (3) No licence holder or employee of a licence holder shall permit any person who is under the age of eighteen years, and no parent or guardian of a person under the age of eighteen years shall permit such person to enter or remain in any area where gambling takes place or to take part in any gambling or betting or to handle or operate a gambling machine. 35
- (4) Where the court which has convicted a person of any offence is of the opinion that, by reason of the nature of the offence or the circumstances under which it was committed, it is desirable in the interest of public order, public morals or fair play that such person should not be permitted to enter any or specific premises licensed under this law, the court may issue a written order prohibiting him or her from entering any such premises specified in the order for a period to be stated in the order. 40
- (5) Where a court makes an order under subsection (4), the Clerk of the Court shall submit a copy thereof to the Chief Executive Officer who shall cause a copy thereof to be delivered to the licence holder or licence holders named in the order.

Prohibition of activities in relation to gambling games and betting 45

73. No person shall be exempt from liability under any provision of this law in respect of any act or thing done by him or her or authorised or permitted by him or her to be done in the Province in connection with any gambling game merely by reason of the fact that the management or conducting thereof is in whole or in part carried on at some place outside the Province. 50

Restrictions on gambling credit

74. (1) Save as provided for by regulation, a licence holder shall not extend any credit to a player in respect of any gambling game.

- (b) wetens enige dobbelspel beoefen, toelaat of vir speel vertoon nie wat gespeel word met kaarte of met 'n dobbeltoestel wat op enige wyse gemerk is of mee gepeuter is of in so 'n toestand gestel is of op so 'n wyse bedien word dat dit neig om spelers of die publiek te mislei, of om die normale lukraak kans van die spel te verander, of om die uitslag van die spel te bepaal of te verander, en
- (c) wetens gebruik maak van 'n vals dobbelskyfie of tekenmunt of die reëls van 'n spel oortree of op enige wyse peuter met 'n dobbeltoestel of enige ander toestel wat vir dobbelary gebruik word, met die voorneme om enige regstreekse of onregstreekse geldelike voordeel, hetsy vir homself of haarself of 'n ander persoon, te verkry nie.
- (2) Vir die toepassing van hierdie artikel beteken "kullery" ook—
- (a) die verandering van die seleksie van kriteria wat die uitslag van 'n dobbelspel of die bedrag of frekwensie van betaling in 'n dobbelspel bepaal, en
- (b) die gebruik van enige skema, reëling, stelsel of plan ten opsigte waarvan die verantwoordelike Lid van tyd tot tyd by kennisgewing in die *Provinsiale Koerant* verklaar dat dit kullery is, en het "kul" 'n ooreenstemmende betekenis.

Verbod op dobbelary deur sekere persone

72. (1) Geen persoon wat op enige wyse gemoeid is met die bestuur, toesig, beheer of administrasie van 'n casino of enige spel wat by dié casino gespeel word, mag deelneem aan sodanige spel of aan dobbelary by dié casino of by enige ander casino wat deur dieselfde lisensiehouer in die Provinsie bedryf word nie, behalwe vir sover die aard van sy of haar werk by die bedryf van sodanige spel vereis dat hy of sy dit doen ten einde ander persone in staat te stel om aan die spel deel te neem.
- (2) Geen persoon onder die ouderdom van agtien jaar—
- (a) mag enige gebied waar dobbelary plaasvind, betree nie;
- (b) mag aan enige dobbelary of weddery deelneem of 'n dobbelmasjien hanteer of gebruik nie, of
- (c) is daarop geregtig om enige dobbelaryskuld af te dwing nie, ondanks die bepalinge van artikel 81.
- (3) Geen lisensiehouer of werknemer van 'n lisensiehouer mag enige persoon wat onder die ouderdom van agtien jaar is, en geen ouer of voog van 'n persoon onder die ouderdom van agtien jaar mag sodanige persoon toelaat om enige gebied waar dobbelary plaasvind, te betree of daar te bly of om aan enige dobbelary of weddery deel te neem of om 'n dobbelmasjien te hanteer of te gebruik nie.
- (4) Waar die hof wat 'n persoon skuldig bevind het aan 'n misdryf, van mening is dat dit vanweë die aard van die misdryf of die omstandighede waarin dit gepleeg is, in belang van die openbare orde, openbare sedes of skoon spel wenslik is dat sodanige persoon nie toegelaat behoort te word om enige of 'n spesifieke perseel gelisensieer kragtens hierdie wet, te betree nie, kan die hof 'n skriftelike bevel uitreik wat hom of haar verbied om enige sodanige perseel gespesifiseer in die bevel, te betree vir 'n tydperk wat in die bevel genoem moet word.
- (5) Waar 'n hof 'n bevel gee kragtens subartikel (4), lê die Klerk van die Hof 'n kopie daarvan aan die Hoof Uitvoerende Beampte voor, wat 'n kopie daarvan laat besorg aan die lisensiehouer of lisensiehouers in die bevel genoem.

Verbod op aktiwiteite met betrekking tot dobbelspele en weddery

73. Geen persoon is onthef van aanspreeklikheid kragtens enige bepaling van hierdie wet ten opsigte van enige handeling of ding in verband met enige dobbelspel in die Provinsie deur hom of haar verrig of gedoen of deur hom of haar gemagtig of toegelaat om verrig of gedoen te word nie bloot omrede die bestuur of beoefening daarvan geheel en al of gedeeltelik op 'n plek buite die Provinsie uitgevoer word.

Beperkings op dobbelarykrediet

74. (1) Behoudens die bepalinge van enige regulasie mag 'n lisensiehouer nie enige krediet ten opsigte van 'n dobbelspel aan 'n speler verleen nie.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

Advertising

75. (1) No person shall display any advertisement with regard to gambling or betting save as is prescribed. 5

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

Improper use of word "casino"

76. No person shall conduct business under a name or title of which the word "casino" forms a part, unless he or she is the holder of a casino operator licence. 10

Offences and penalties

77. Any person who—

- (1) makes any false statement in any application or return under this law;
 - (2) contravenes any condition of a licence;
 - (3) in or on any licensed premises conducts any game or keeps any gambling device which is not approved under this law or conducts any game otherwise than in accordance with the approved rules of such game; 15
 - (4) hinders or obstructs any police officer whilst taking steps for the prevention or investigation of an offence under this law;
 - (5) fails to comply with an order made under section 72(4) or knowingly permits such person to enter the premises or part thereof; 20
 - (6) having been summoned to give evidence at a hearing or an investigation under section 24, without sufficient cause fails to attend such hearing or investigation at the time and place specified in the summons, or to remain in attendance until the conclusion of the hearing or investigation or until excused by the Board from further attendance, or to produce any book, document or thing in his or her possession or custody or under his or her control, which he or she has been summoned to produce; 25
 - (7) having been summoned under section 24—
 - (i) without sufficient cause refuses to take the oath or to make an affirmation as a witness after he or she has been directed by the member of the Board presiding at the enquiry to do so, or refuses to testify or, subject to the law relating to privilege applicable to a person giving evidence or producing any book, document or thing before a court of law, refuses or fails to answer fully and satisfactorily to the best of his or her knowledge and belief any question lawfully put to him or her, or 30
 - (ii) after having taken the oath or having made an affirmation, gives false evidence before the Board at any enquiry on any matter, knowing such evidence to be false or not knowing or not believing it to be true; 35
 - (8) is in possession of any gambling device, other than playing cards or dice, which is not used under a licence or in accordance with the provisions of this law, and 40
 - (9) contravenes any other provisions of this law,
- shall be guilty of an offence and on conviction (unless otherwise expressly provided elsewhere in this law) be liable to a fine not exceeding one hundred thousand rand or to imprisonment for a period not exceeding ten years. 45

Competency to impose penalties

78. Notwithstanding any law to the contrary, a magistrate shall have jurisdiction to impose any penalty provided for by or under this law.

(2) Enige persoon wat die bepalings van hierdie artikel oortree, is skuldig aan 'n misdryf.

Advertering

75. (1) Behalwe soos voorgeskryf, mag geen persoon enige advertensie met betrekking tot dobbelary of weddery vertoon nie.

(2) Enige persoon wat die bepalings van hierdie artikel oortree, is skuldig aan 'n misdryf.

Onbehoorlike gebruik van woord "casino"

76. Geen persoon mag sake doen onder 'n naam of titel waarvan die woord "casino" deel uitmaak nie, tensy hy of sy die houer van 'n casino-operateurlisensie is.

Misdrywe en strafbepaling

77. Enige persoon wat—

- (1) enige valse verklaring doen in enige aansoek of opgawe kragtens hierdie wet;
- (2) afwyk van enige voorwaarde van 'n lisensie;
- 15 (3) in of op 'n gelisensieerde perseel 'n spel beoefen of 'n dobbeltoestel aanhou wat nie kragtens hierdie wet goedgekeur is nie of 'n spel beoefen op enige ander wyse as ooreenkomstig die goedgekeurde reëls van sodanige spel;
- (4) enige polisiebeampte belemmer of hinder terwyl hy of sy stappe doen om 'n misdryf kragtens hierdie wet te voorkom of te ondersoek;
- 20 (5) versuim om te voldoen aan 'n bevel kragtens artikel 72(4) gegee of wetens toelaat dat sodanige persoon die perseel of 'n deel daarvan betree;
- (6) nadat hy of sy gedagvaar is om getuienis af te lê by 'n ondersoekverhoor of 'n ondersoek kragtens artikel 24, sonder voldoende rede versuim om sodanige ondersoekverhoor of ondersoek by te woon op die tyd en plek in die dagvaarding gespesifiseer, of om dit te bly bywoon tot die einde van die ondersoekverhoor of ondersoek of totdat die Raad hom of haar van verdere bywoning verskoon, of om 'n boek, dokument of ding oor te lê wat in sy of haar besit of by hom of haar in bewaring of onder sy of haar beheer is en wat hy of sy gedagvaar is om oor te lê;
- 30 (7) nadat hy of sy kragtens artikel 24 gedagvaar is—
 - (i) sonder voldoende rede weier om as getuie die eed af te lê of 'n verklaring te doen nadat hy of sy deur die lid van die Raad wat by die ondersoek voorsit, daartoe gelas is, of weier om getuienis af te lê of, behoudens die wet insake privilegie van toepassing op 'n persoon wat
 - 35 getuienis aflê of 'n boek, dokument of ding oorlê voor 'n geregshof, weier of versuim om ten volle en bevredigend na sy of haar beste wete en oortuiging enige vraag wat wettig aan hom of haar gestel word, te beantwoord, of
 - (ii) nadat hy of sy die eed afgelê het of 'n verklaring gedoen het, valse getuienis voor die Raad aflê by enige navraag oor enige saak, wetende dat sodanige getuienis vals is of terwyl hy of sy nie weet of nie glo dat dit waar is nie;
- (8) in besit is van enige dobbeltoestel, uitgesonderd speelkaarte of dobbelstene, wat nie kragtens 'n lisensie of ooreenkomstig die bepalings van hierdie wet gebruik word
- 45 nie, en
- (9) enige ander bepalings van hierdie wet oortree, is skuldig aan 'n misdryf en by skuldigbevinding (tensy elders in hierdie wet anders bepaal word) strafbaar met 'n boete van eenhonderdduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar.

50 Bevoegdheid om strawwe op te lê

78. Ondanks enige andersluidende wet, het 'n landdros jurisdiksie om enige straf waarvoor by of kragtens hierdie wet voorsiening gemaak word, op te lê.

Forfeiture

79. (1) A court may, upon conviction of a person for any offence in terms of section 68 or 70, declare to be forfeited to the Province—

- (a) all monies, coins, cheques, bills or promissory notes or other documentation securing or evidencing an undertaking for the payment of money found in or on any unlicensed premises or on any person who was in or on such premises; 5
- (b) all books, lists, cards, documents or other papers, or any instrument, machine or thing relating to or used or capable of being used in connection with gambling found in or on such premises or on any person who was in or on such premises, or 10
- (c) any vehicle, vessel or aircraft used in connection with the offence, whereupon the provisions of section 35 of the Criminal Procedure Act, 1977 (Act 51 of 1977), shall apply, with the necessary changes, to any thing forfeited in terms of this section.

(2) The proceeds of the sale of anything declared forfeited under subsection (1) shall be paid into the Provincial Revenue Fund. 15

Patron disputes

80. If a licence holder refuses payment of alleged winnings to a player and the licence holder and the player are unable to resolve the dispute to the satisfaction of the player, the dispute shall be resolved in accordance with the prescribed procedure. 20

Gambling debts enforceable

81. (1) Any debt lawfully incurred by a person after the commencement of this law in the course of gambling or the taking of any bet shall, notwithstanding the provisions of any other law or the common law, be enforceable in a court of law.

(2) Any gambling or betting debt lawfully incurred by the holder of a licence referred to in section 28 after the commencement of this law shall, notwithstanding the provisions of any other law or the common law, be enforceable in a court of law. 25

Reward for informers

82. The Board may, notwithstanding anything to the contrary in any other law contained, from its funds pay to any person who has furnished information leading to the conviction of any other person for a contravention of any provisions of this law, a reward in such amount as the Board may decide or is prescribed. 30

Regulations

83. (1) The responsible Member may make regulations regarding—

- (a) any matter pertaining to the Board; 35
- (b) any matter pertaining to an application for a licence;
- (c) the management and control of licensed premises;
- (d) the management and control of gambling, betting and racing;
- (e) any matter which in terms of this law is required to or may be prescribed, and
- (f) in general, any matter in respect of which it is necessary or expedient to make regulations in order to achieve the objects of this law; 40

provided that any regulation with financial implications shall be made with the concurrence of the member of the Executive Council responsible for finance.

(2) Notwithstanding anything to the contrary contained in the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the responsible Member shall make regulations on all aspects of land use planning and development with regard to any land contemplated to be used by an applicant for a casino operator licence referred to in section 28 and, without prejudice to the generality of the foregoing, may in such regulations provide for— 45

- (a) the powers of the Board to consider, deal with and finalise zoning applications and applications for subdivision; 50
- (b) the fees applicable to applications referred to in paragraph (a);

Verbeurdverklaring

79. (1) 'n Hof kan by skuldigbevinding van 'n persoon vir 'n misdryf ingevolge artikel 68 of 70—

- 5 (a) alle geld, munte, tjeks, wissels of promesses of ander dokumentasie wat sekuriteit stel vir of as bewys dien van 'n onderneming ter betaling van geld wat gevind is in of op enige ongelisensieerde perseel of op enige persoon wat in of op sodanige perseel was;
- 10 (b) alle boeke, lyste, kaarte, dokumente of ander stukke, of enige instrument, masjien of ander ding wat betrekking het op of gebruik word of gebruik kan word in verband met dobbelary en wat gevind is in of op sodanige perseel of op enige persoon wat in of op sodanige perseel was, of
- (c) enige voertuig, vaartuig of vliegtuig in verband met die misdryf gebruik, aan die Provinsie verbeurd verklaar, en daarna is die bepalings van artikel 35 van die Strafproseswet, 1977 (Wet 51 van 1977), met die nodige veranderinge van toepassing op enigiets ingevolge hierdie artikel verbeurd verklaar.
- 15 (2) Die opbrengs uit die verkoop van enigiets wat kragtens subartikel (1) verbeurd verklaar is, word in die Provinsiale Inkomstefonds inbetaal.

Kliëntdispute

- 20 80. As 'n lisensiehouer betaling van beweerde prysgeld aan 'n speler weier en die lisensiehouer en die speler die dispuut nie tot genoeë van die speler kan bylê nie, moet die dispuut in ooreenstemming met die voorgeskrewe prosedure bygelê word.

Dobbelaryskulde afdwingbaar

- 25 81. (1) Enige skuld wat na die inwerkingtreding van hierdie wet deur 'n persoon in die loop van dobbelary of die neem van 'n weddenskap wettig aangegaan word, is, ondanks die bepalings van enige ander wet of die gemenereg, afdwingbaar in 'n geregshof.
- (2) Enige dobbelary- of wedderyskuld wat na die inwerkingtreding van hierdie wet deur die houer van 'n lisensie genoem in artikel 28 wettig aangegaan word, is, ondanks die bepalings van enige ander wet of die gemenereg, afdwingbaar in 'n geregshof.

30 Beloning aan informante

82. Die Raad kan, ondanks enige andersluidende bepaling van enige ander wet, 'n beloning uit sy fondse, bestaande uit die bedrag waarop hy besluit of wat voorgeskryf is, betaal aan enige persoon wat inligting verskaf het wat lei tot die skuldigbevinding van enige ander persoon vir 'n oortreding van enige bepalings van hierdie wet.

35 Regulasies

83. (1) Die verantwoordelike Lid kan regulasies maak in verband met—
 - (a) enige saak met betrekking tot die Raad;
 - (b) enige saak met betrekking tot 'n aansoek om 'n lisensie;
 - (c) die bestuur en beheer van gelisensieerde persele;
 - 40 (d) die bestuur en beheer van dobbelary, weddery en wedrenne;
 - (e) enige saak wat ingevolge hierdie wet voorgeskryf moet of kan word, en
 - (f) in die algemeen, enige saak ten opsigte waarvan dit nodig of doenlik is om regulasies te maak ten einde die oogmerke van hierdie wet te bereik;
 met dien verstande dat enige regulasie wat geldelike implikasies het, gemaak moet word met die instemming van die lid van die Uitvoerende Raad verantwoordelik vir finansies.
- (2) Ondanks enige andersluidende bepalings van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985), moet die verantwoordelike Lid regulasies maak oor alle aspekte van grondgebruikbeplanning en -ontwikkeling met
 - 50 betrekking tot enige grond wat 'n aansoeker om 'n casino-operateurlisensie genoem in artikel 28 beoog om te gebruik en, sonder om inbreuk te maak op die algemeenheid van die voorgaande, kan hy of sy in sodanige regulasies voorsiening maak vir—
 - (a) die bevoegdheid van die Raad om soneringsaansoeke en aansoeke om onderverdeling te oorweeg, daarmee te handel en dit te finaliseer;
 - 55 (b) die gelde van toepassing op aansoeke in paragraaf (a) genoem;

- (c) the advertising of applications referred to in paragraph (a) and the persons or groups to whom notice of such applications is to be given;
- (d) the lodging of objections to applications referred to in paragraph (a), and
- (e) the exclusion of any land from the provisions of any law pertaining to land use planning and development which falls within the legislative competence of the Provincial Legislature; provided that any regulation in terms of this paragraph shall only be made after consultation with the member of the Executive Council responsible for the administration of the law concerned. 5

(3) A regulation made under this section may, for a contravention thereof or failure to comply therewith, prescribe a fine not exceeding twenty thousand rand or imprisonment for a period not exceeding twelve months, or both such fine and such imprisonment. 10

(4) Different regulations may be made under this section in respect of different kinds of licences, licences of the same kind which differ in respect of their characteristics, different categories of persons or different areas.

Rules

15

84. (1) The Board may by notice in the *Provincial Gazette* make rules not inconsistent with the provisions of this law relating to the exercise of its powers and the performance of its functions, including—

- (a) any matter pertaining to an application for a licence;
- (b) the management and control of licensed premises and gambling operations, 20
and
- (c) rules for the playing of any gambling game.

(2) Any rule made under subsection (1) may, for a contravention thereof or failure to comply therewith, prescribe a fine not exceeding three thousand rand or three months imprisonment. 25

Application of law

85. Save for the provisions of a National Gambling Act as contemplated in section 126(3) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), or as may otherwise be provided in this law, nothing contained in any other law relating to gambling or racing shall apply in respect of any gambling or racing conducted in the Province. 30

Transitional provisions

86. (1) The Board for the Development of the Horse Racing Industry for the province of Western Cape established in terms of section 11B of the Horse Racing and Betting Ordinance, 1968 (Ordinance 34 of 1968), shall, notwithstanding the repeal of that Ordinance, continue to exist until the date on which the payment of an equitable portion contemplated by paragraph 2 of Part 2 of the Schedule to the President's Proclamation No R25 of 7 April 1995 has been effected. 35

(2) The Horse Racing Industry Development Fund established in terms of section 11A of the Horse Racing and Betting Ordinance, 1968, shall, notwithstanding the repeal of that Ordinance, continue to exist until the date of the payment referred to in subsection (1); provided that all monies remaining in that fund after such payment has been effected shall on that date vest in the Western Province Racing Club. 40

(3) Any Regional Tattersall Committee established in terms of section 10A of the Horse Racing and Betting Ordinance, 1968, shall, notwithstanding the repeal of that Ordinance, continue to exist and function until the first meeting of the Board as if that Ordinance had not been repealed. 45

(4) All licences issued in terms of the Horse Racing and Betting Ordinance, 1968, shall, after the commencement of this law, remain valid until they expire or are revoked in terms of this law, whereafter applications for new licences shall be made in terms of this law; provided that a totalisator licence and a bookmaker's licence shall, for the purposes of Schedule IV, be deemed to be a totalisator operator licence and bookmaker licence, respectively. 50

- (c) die advertering van aansoeke in paragraaf (a) genoem en die persone of groepe aan wie kennis gegee moet word van sodanige aansoeke;
- (d) die indien van besware teen aansoeke in paragraaf (a) genoem, en
- (e) die uitsluiting van enige grond van die bepalings van enige wet met betrekking tot grondgebruikbeplanning en -ontwikkeling wat binne die wetgewende bevoegdheid van die Provinsiale Wetgewer is; met dien verstande dat enige regulasie ingevolge hierdie paragraaf slegs gemaak mag word na oorleg met die lid van die Uitvoerende Raad verantwoordelik vir die administrasie van die betrokke wet.
- 10 (3) 'n Regulasie gemaak kragtens hierdie artikel kan vir 'n oortreding daarvan versuim om daaraan te voldoen, 'n boete van hoogstens twintigduisend rand of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of beide sodanige boete en sodanige gevangenisstraf voorskryf.
- 15 (4) Verskillende regulasies kan kragtens hierdie artikel gemaak word ten opsigte van verskillende soorte lisensies, lisensies van dieselfde soort wat verskil ten opsigte van hul kenmerke, verskillende kategorieë van persone of verskillende gebiede.

Reëls

84. (1) Die Raad kan, by kennisgewing in die *Provinsiale Koerant*, reëls maak, wat nie strydig is met die bepalings van hierdie wet nie, met betrekking tot die uitoefening
- 20 van sy bevoegdhede en die verrigting van sy funksies, insluitende —
- (a) enige saak met betrekking tot 'n aansoek om 'n lisensie;
- (b) die bestuur en beheer van gelisensieerde persele en dobbelaryaktiwiteite, en
- (c) reëls vir die speel van enige dobbelspel.
- (2) Enige reël gemaak kragtens subartikel (1) kan, vir 'n oortreding daarvan of
- 25 versuim om daaraan te voldoen, 'n boete van hoogstens drieduisend rand of drie maande gevangenisstraf voorskryf.

Toepassing van wet

85. Behoudens die bepalings van 'n Nasionale Wet op Dobbeldary soos beoog in artikel 126(3) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet 200
- 30 van 1993), of soos andersins in hierdie wet bepaal, is geen bepaling van enige ander wet insake dobbelary of wedrenne van toepassing ten opsigte van enige dobbelary of wedrenne wat in die Provinsie beoefen word nie.

Oorgangsbepalings

86. (1) Die Raad vir die Ontwikkeling van die Perdewedrenbedryf vir die provinsie
- 35 Wes-Kaap, ingestel ingevolge artikel 11B van die Ordonnansie op Perdewedrenne en Weddery, 1968 (Ordonnansie 34 van 1968), bly voortbestaan ondanks die herroeping van dié Ordonnansie, tot die datum waarop die betaling van 'n geregverdigde gedeelte beoog by paragraaf 2 van Deel 2 van die Bylae van die Presidentsproklamasie No. R25 van 7 April 1995 bewerkstellig is.
- 40 (2) Die Perdewedrenbedryfontwikkelingsfonds gestig ingevolge artikel 11A van die Ordonnansie op Perdewedrenne en Weddery, 1968, bly ondanks die herroeping van dié Ordonnansie voortbestaan tot die datum waarop die betaling genoem in subartikel (1) bewerkstellig is; met dien verstande dat alle geld wat in die fonds oorbly nadat sodanige betaling bewerkstellig is, op dié datum op die Westelike Provinsie Wedren-
- 45 klub oorgaan.
- (3) Enige Streek-Tattersalkomitee ingestel ingevolge artikel 10A van die Ordonnansie op Perdewedrenne en Weddery, 1968, bly ondanks die herroeping van dié Ordonnansie voortbestaan en funksioneer tot die eerste vergadering van die Raad asof dié Ordonnansie nie herroep is nie.
- 50 (4) Alle lisensies uitgereik ingevolge die Ordonnansie op Perdewedrenne en Weddery, 1968, bly ná die inwerkingtreding van hierdie wet geldig totdat dit verstryk of ingevolge hierdie wet ingetrek word, waarna aansoeke om nuwe lisensies ingevolge hierdie wet gedoen word; met dien verstande dat 'n totalisatorlisensie en 'n boekmakerslisensie vir die toepassing van Bylae IV geag word onderskeidelik 'n totalisator-
- 55 operateurlisensie en 'n boekmakerlisensie te wees.

(5) Any person who at the commencement of this law uses or permits to be used any premises in such manner that he or she is required in terms of this law to be in possession of a totalisator premises licence contemplated by section 55 for each such premises may, for a period of one hundred and eighty days after such commencement, continue to use or permit to be used such premises in such manner while not in possession of such licence or licences. 5

(6) Any person who at the commencement of this law is so employed that he or she is required to be in possession of a key employee licence or a gambling employee licence contemplated by sections 57 and 58 may, for a period of one hundred and eighty days after such commencement, continue to be so employed while not in possession of the relevant licence. 10

Repeal of laws

87. The laws mentioned in Schedule I are hereby repealed to the extent indicated in the third column thereof.

Short title and commencement

15

88. (1) This law shall be called the Western Cape Gambling and Racing Law, 1996, and shall come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

(2) Different dates may be so fixed in respect of different areas in the Province.

(3) Different dates may be so fixed in respect of different sections of this law. 20

(5) Enige persoon wat by die inwerkingtreding van hierdie wet enige perseel op so 'n wyse gebruik of toelaat dat dit op so 'n wyse gebruik word dat hy of sy ingevolge hierdie wet verplig is om vir elke sodanige perseel in besit te wees van 'n totalisator-perseellisensie beoog by artikel 55, kan vir 'n tydperk van eenhonderd-en-tagtig dae na sodanige inwerkingtreding voortgaan om sodanige perseel op so 'n wyse te gebruik of om toe te laat dat dit op so 'n wyse gebruik word al is hy of sy nie in besit van sodanige lisensie nie.

(6) Enige persoon wat by die inwerkingtreding van hierdie wet só in diens is dat hy of sy verplig is om in besit te wees van 'n sleutelwerknemerlisensie of 'n dobbelary-werknemerlisensie beoog by artikels 57 en 58, kan vir 'n tydperk van eenhonderd-en-tagtig dae na sodanige inwerkingtreding voortgaan om aldus in diens te wees al is hy of sy nie in besit van die betrokke lisensie nie.

Herroeping van wette

87. Die wette genoem in Bylae I word hierby herroep in die mate wat in die derde kolom daarvan aangetoon word.

Kort titel en inwerkingtreding

88. (1) Hierdie wet heet die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996, en tree in werking op 'n datum deur die Premier by proklamasie in die *Provinsiale Koerant* vasgestel.

(2) Verskillende datums kan aldus vasgestel word ten opsigte van verskillende gebiede in die Provinsie.

(3) Verskillende datums kan aldus vasgestel word ten opsigte van verskillende artikels van hierdie wet.

SCHEDULE I

A. Ordinances

Number and year	Short title	Extent of repeal
34 of 1968	Horse Racing and Betting Ordinance, 1968	The whole
16 of 1971	Horse Racing and Betting Amendment Ordinance, 1971	The whole
17 of 1972	Horse Racing and Betting Amendment Ordinance, 1972	The whole
14 of 1973	Horse Racing and Betting Amendment Ordinance, 1973	The whole
5 of 1975	Horse Racing and Betting Amendment Ordinance, 1975	The whole
3 of 1976	Horse Racing and Betting Amendment Ordinance, 1976	The whole
3 of 1980	Horse Racing and Betting Amendment Ordinance, 1980	The whole
19 of 1981	Horse Racing and Betting Amendment Ordinance, 1981	The whole
8 of 1982	Horse Racing and Betting Amendment Ordinance, 1982	The whole
8 of 1983	Horse Racing and Betting Amendment Ordinance, 1983	The whole
9 of 1984	Horse Racing and Betting Amendment Ordinance, 1984	The whole
7 of 1986	Horse Racing and Betting Amendment Ordinance, 1986	The whole

B. Administrator's Proclamations

Number and year	Number of <i>Provincial Gazette</i> and date	Extent of repeal
46/1988	4538 of 1 July 1988	The whole
109/1989	4620 of 20 December 1989	The whole
61/1990	4660 of 14 September 1990	The whole
67/1991	4716 of 30 September 1991	The whole
5/1994	4840 of 28 January 1994	The whole
29/1994	4850 of 31 March 1994	The whole

C. Acts of Parliament

Number and year	Short title	Extent of repeal
51 of 1965	Gambling Act, 1965	The whole to the extent that it applies in the Province

BYLAE I

A. Ordonnansies

Nommer en jaar	Kort titel	In hoeverre herroep
34 van 1968	Ordonnansie op Perdewedrenne en Weddery, 1968	Die geheel
16 van 1971	Wysigingsordonnansie op Perdewedrenne en Weddery, 1971	Die geheel
17 van 1972	Wysigingsordonnansie op Perdewedrenne en Weddery, 1972	Die geheel
14 van 1973	Wysigingsordonnansie op Perdewedrenne en Weddery, 1973	Die geheel
5 van 1975	Wysigingsordonnansie op Perdewedrenne en Weddery, 1975	Die geheel
3 van 1976	Wysigingsordonnansie op Perdewedrenne en Weddery, 1976	Die geheel
3 van 1980	Wysigingsordonnansie op Perdewedrenne en Weddery, 1980	Die geheel
19 van 1981	Wysigingsordonnansie op Perdewedrenne en Weddery, 1981	Die geheel
8 van 1982	Wysigingsordonnansie op Perdewedrenne en Weddery, 1982	Die geheel
8 van 1983	Wysigingsordonnansie op Perdewedrenne en Weddery, 1983	Die geheel
9 van 1984	Wysigingsordonnansie op Perdewedrenne en Weddery, 1984	Die geheel
7 van 1986	Wysigingsordonnansie op Perdewedrenne en Weddery, 1986	Die geheel

B. Administrateursproklamasies

Nommer en jaar	Nommer van <i>Provinsiale Koerant</i> en datum	In hoeverre herroep
46/1988	4538 van 1 Julie 1988	Die geheel
109/1989	4620 van 20 Desember 1989	Die geheel
61/1990	4660 van 14 September 1990	Die geheel
67/1991	4716 van 30 September 1991	Die geheel
5/1994	4840 van 28 Januarie 1994	Die geheel
29/1994	4850 van 31 Maart 1994	Die geheel

C. Wette van die Parlement

Nommer en jaar	Kort titel	In hoeverre herroep
51 van 1965	Wet op Dobbeldary, 1965	Die geheel in die mate waarin dit op die Provinsie van toepassing is.

SCHEDULE II

Application, licence and basic investigation fees and penalties payable by an applicant or a licence holder in respect of the kinds of licences referred to below

1. The fees payable in terms of section 33 are as follows:

Kinds of licences	New licence application fee R
Casino operator licence	
Phase 1	10 000,00
Phase 2	20 000,00
Phase 3 or any further phases	50 000,00
Limited gambling machine operator licence	
Phase 1	10 000,00
Phase 2	20 000,00
Phase 3 or any further phases	50 000,00
Limited gambling machine premises licence	1 000,00
Bingo licence	2 000,00
Junket agent licence	1 000,00
Manufacturer licence	1 000,00
Distributor licence	1 000,00
Race course licence	1 000,00
Totalisator operator licence	2 000,00
Totalisator premises licence	1 000,00
Bookmaker licence	1 000,00
Key employee licence	100,00
Gambling employee licence	50,00

2. The annual fees payable in terms of section 45 are as follows:

Kinds of licences	Annual licence fee R	Basic annual Board investigation fee R
Casino operator licence	100 000,00 plus 1 000,00 per gambling table and 600,00 per slot machine	10 000,00 plus 2 000,00 per gambling table and 1 200,00 per slot machine
Limited gambling machine operator licence	25 000,00 plus 300,00 per limited gambling machine	5 000,00 plus 600,00 per limited gambling machine
Limited gambling machine premises licence	5 000,00	1 000,00
Bingo licence	10 000,00	2 000,00
Junket agent licence	500,00	500,00
Manufacturer licence	10 000,00	2 000,00
Distributor licence	25 000,00	5 000,00
Race course licence	500,00	500,00
Totalisator operator licence	500,00	500,00
Totalisator premises licence	500,00	500,00
Bookmaker licence	500,00	500,00
Key employee licence	100,00	100,00
Gambling employee licence	50,00	50,00

3. The provisions of Part C of Schedule III shall, with the necessary changes, apply to the late payment of any fees referred to in this Schedule.

BYLAE II

Aansoek-, lisensie- en basiese ondersoekgelde en boetes betaalbaar deur 'n aansoeker of 'n lisensiehouer ten opsigte van die soorte lisensies hieronder genoem

1. Die gelde betaalbaar ingevolge artikel 33 is soos volg:

Soorte lisensies	Nuwe lisensie-aansoekgeld R
Casino-operateurlisensie	
Fase 1	10 000,00
Fase 2	20 000,00
Fase 3 of enige verdere fases	50 000,00
Beperktedobbelmasjien-operateurlisensie	
Fase 1	10 000,00
Fase 2	20 000,00
Fase 3 of enige verdere fases	50 000,00
Beperktedobbelmasjien-perseellisensie	1 000,00
Bingolisensie	2 000,00
Plesiertog-agentlisensie	1 000,00
Vervaardigerlisensie	1 000,00
Verspreiderlisensie	1 000,00
Renbaanlisensie	1 000,00
Totalisator-operateurlisensie	2 000,00
Totalisator-perseellisensie	1 000,00
Boekmakerlisensie	1 000,00
Sleutelwerknemerlisensie	100,00
Dobbelarywerknemerlisensie	50,00

2. Die gelde wat jaarliks ingevolge artikel 45 betaalbaar is, is soos volg:

Soorte lisensies	Jaarlikse lisensiegeld R	Raad se basiese jaarlikse ondersoekgeld R
Casino-operateurlisensie	100 000,00 plus 1 000,00 per dobbeltafel en 600,00 per muntoutomaat	10 000,00 plus 2 000,00 per dobbeltafel en 1 200,00 per muntoutomaat
Beperktedobbelmasjien-operateurlisensie	25 000,00 plus 300,00 per beperkte dobbelmasjien	5 000,00 plus 600,00 per beperkte dobbelmasjien
Beperktedobbelmasjien-perseellisensie	5 000,00	1 000,00
Bingolisensie	10 000,00	2 000,00
Plesiertog-agentlisensie	500,00	500,00
Vervaardigerlisensie	10 000,00	2 000,00
Verspreiderlisensie	25 000,00	5 000,00
Renbaanlisensie	500,00	500,00
Totalisator-operateurlisensie	500,00	500,00
Totalisator-perseellisensie	500,00	500,00
Boekmakerlisensie	500,00	500,00
Sleutelwerknemerlisensie	100,00	100,00
Dobbelarywerknemerlisensie	50,00	50,00

3. Die bepalinge van Deel C van Bylae III is met die nodige veranderings van toepassing op die laat betaling van enige gelde in hierdie Bylae genoem.

SCHEDULE III

Tax, penalties, etc.

PART A

Definitions

1. For the purposes of the various parts of this Schedule, unless the context indicates otherwise—

“adjusted gross revenue” means—

- (a) except in regard to any game contemplated in subparagraphs (b), (c), (d) and (e) below, the total amount of all bets accepted in the Province and received by or accruing to a licence holder, including the face value of any credit instrument accepted, and any payment received by or accruing to a betting operator as winnings in consequence of a take-back bet placed by such betting operator, less winnings paid out by a licence holder; provided that a bet shall be deemed to have been accepted by a licence holder at the licensed premises of such licence holder, if acceptance of the bet by the licence holder concludes the transaction;
- (b) in relation to any game in which the licence holder is not a party to a bet, all amounts received by or accruing to the licence holder as compensation for conducting such a game in the Province;
- (c) in relation to any table games, other than those contemplated in subparagraph (b) above, conducted by a licence holder in the Province, the closing bankroll plus credit slips for cash, chips or tokens returned to the casino cashier, plus drop, plus the face value of coupons, less the opening bankroll and fills to the table;
- (d) in relation to slot machines, other than those contemplated in subparagraph (e) below operated by a licence holder in the Province, the drop, less fills to the machine and winnings paid out; provided that the initial hopper load shall not constitute a fill and shall not affect the calculation of adjusted gross revenue, and
- (e) in relation to slot machines operated by a licence holder in the Province which are linked via a wide-area progressive system, the drop, less fills to the machine, less any contributions made by the licence holder which are payable in consequence of such wide-area progressive system in respect of such slot machines during the tax period, and less any winnings paid out which are not recoverable from the central fund in terms of the wide-area progressive system; provided that the initial hopper load shall not constitute a fill and shall not affect the calculation of adjusted gross revenue; provided further that where any surplus amount is distributed from the central fund to a licence holder or where any licence holder withdraws from a wide-area progressive system and in consequence of such distribution or withdrawal recovers or recoups during any tax period any contribution previously deducted under this subparagraph, such contribution so recovered or recouped shall be included in the licence holder's adjusted gross revenue in the tax period in which the contribution is recovered or recouped;

“admissible deductions” means—

- (a) the amount of any take-back bet proved to have been placed by a betting operator; provided that the said amount shall not exceed that betting operator's commitment in respect of the bet covered by such take-back bet;
- (b) the amount of any debts due to the licence holder which have during the tax period become bad in consequence of any form of insolvency referred to in the Insolvency Act, 1936 (Act 24 of 1936), as amended, on condition that such amount is included in the current tax period or was included in previous tax periods in the licence holder's adjusted gross revenue, and
- (c) the aggregate amount of any loss or losses sustained in a previous tax period or periods which has not previously been deducted under this subparagraph, to the extent that such amount does not exceed the taxable revenue in the current tax period; provided that a loss shall mean the amount by which the taxable revenue in any tax period is less than zero; provided further that no such loss

BYLAE III**Belasting, boetes, ens.****DEEL A****Woordbepaling**

1. Vir die toepassing van die verskillende dele van hierdie Bylae, tensy uit die sinsverband anders blyk, beteken—

“aangepaste bruto inkomste”—

- (a) behalwe met betrekking tot enige spel beoog in subparagrafe (b), (c), (d) en (e) hieronder, die totale bedrag van alle weddenskappe in die Provinsie aanvaar, wat ontvang word deur of toeval aan 'n lisensiehouer, insluitende die gesigwaarde van enige kredietinstrument aanvaar, en enige betaling wat ontvang word deur of toeval aan 'n wedderyoperator as prysgeld ten gevolge van 'n dekkingsweddenskap deur sodanige wedderyoperator geplaas, minus prysgeld deur 'n lisensiehouer uitbetaal; met dien verstande dat 'n weddenskap geag word deur 'n lisensiehouer aanvaar te gewees het by die gelisensieerde perseel van sodanige lisensiehouer, indien aanvaarding van die weddenskap deur die lisensiehouer die transaksie beklink;
- (b) met betrekking tot enige spel waarin die lisensiehouer nie 'n party by 'n weddenskap is nie, alle bedrae wat ontvang word deur of toeval aan die lisensiehouer as vergoeding vir die beoefening van sodanige spel in die Provinsie;
- (c) met betrekking tot enige tafelspele, uitgesonderd dié beoog in subparagraaf (b) hierbo, wat deur 'n lisensiehouer in die Provinsie beoefen word, die sluitingsbedrag plus kredietstroke vir kontant, dobbelskryfies of tekenmunte aan die casinokassier terugbesorg, plus tafelhoudergeld, plus die gesigwaarde van koepons, minus die openingsbedrag en tafelaanvulgeld;
- (d) met betrekking tot muntoutomate, uitgesonderd dié beoog in subparagraaf (e) hieronder, deur 'n lisensiehouer in die Provinsie gedryf, die outomaathoudergeld, minus outomaataanvulgeld en prysgeld uitbetaal; met dien verstande dat die aanvanklike losserlading nie geld as aanvulgeld nie en nie die berekening van aangepaste bruto inkomste raak nie, en
- (e) met betrekking tot muntoutomate wat deur 'n lisensiehouer in die Provinsie bedryf word en by wyse van 'n wyegebied progressiewe stelsel gekoppel is, die outomaathoudergeld, minus outomaataanvulgeld, minus enige bydraes deur die lisensiehouer betaal, wat ten gevolge van sodanige wyegebied progressiewe stelsel ten opsigte van sodanige muntoutomate tydens die belastingtydperk betaalbaar is, en minus enige prysgeld wat uitbetaal word en wat nie ingevolge die wyegebied progressiewe stelsel van die sentrale fonds verhaalbaar is nie; met dien verstande dat die aanvanklike losserlading nie geld as aanvulgeld nie en nie die berekening van aangepaste bruto inkomste raak nie; voorts met dien verstande dat waar enige surplusbedrag uit die sentrale fonds uitgekeer word aan 'n lisensiehouer of waar enige lisensiehouer hom of haar aan 'n wyegebied progressiewe stelsel onttrek en ten gevolge van sodanige uitkering of onttrekking enige bydrae voorheen afgetrek kragtens hierdie subparagraaf, tydens enige belastingtydperk verhaal of terugkry, sodanige bydrae aldus verhaal of teruggekry, ingesluit moet word by die lisensiehouer se aangepaste bruto inkomste in die belastingtydperk waarin die bydrae verhaal of teruggekry word;

“aanvulgeld”—

- (a) met betrekking tot tafelspele, die uitreiking van bykomende dobbelskryfies aan die tafel, en
- (b) met betrekking tot muntoutomate, die aanvulling van munte of tekenmunte in die losser;

“belasbare inkomste” aangepaste bruto inkomste minus toelaatbare aftrekkings soos kragtens hierdie wet bepaal;

“belasting” die dobbelarybelasting ingevolge artikel 65 opgelê;

may be deducted by any person against other taxable revenue derived by such person in consequence of any other licence held by such person;

"betting operator" means the holder of a bookmaker licence issued under this law;

"central fund" means a central, common fund established in terms of a wide-area progressive system to ensure that adequate financial provision is made to pay jackpot winnings;

"contribution" means a payment made by a licence holder by virtue of his or her participation in a wide-area progressive system to the central fund of such system for the purpose of making financial provision for the payment of jackpot winnings;

"credit instrument" means any bill of exchange, promissory note, bank draft, postal order, money order or other similar instrument;

"drop" means—

- (a) in relation to table games, other than those referred to in subparagraph (b) of the definition of "adjusted gross revenue", the total amount of money, chips and tokens contained in the drop boxes, and
- (b) in relation to slot machines, the total amount of money and tokens removed from the drop box, or for cash-less slot machines, the amount deducted from players' slot accounts as a result of slot machine play;

"drop box" means—

- (a) in relation to table games, a locked container permanently marked with the game, shift and number corresponding to a permanent number of the table, into which all currency exchanged for chips or tokens or credit instruments at the table and all other documents pertaining to transactions at the table must be placed, and
- (b) in relation to slot machines, a container in a locked portion of the machine or its cabinet used to collect the money and tokens which are retained by the machine and are not used to make automatic payouts from the machine, which container is permanently marked with the number of the machine;

"fills" means—

- (a) in relation to table games, the issue of additional chips to the table, and
- (b) in relation to slot machines, the replenishment of coins or tokens in the hopper;

"gambling operator" means the holder of a casino operator licence, a limited gambling machine operator licence or a bingo licence;

"hopper" means a receptacle within a slot machine which receives until full, coins or tokens inserted into the machine and from which winnings are paid out if there are sufficient coins to do so;

"licence holder" means any person who holds a casino operator licence, a limited gaming machine operator licence, a totalisator operator licence, a bingo licence or a bookmaker licence issued under this law, or who is required to be licensed as such in terms of this law;

"month" means any calendar month;

"prescribed rate", in relation to any interest payable in terms of this Schedule, means—

- (a) in the case of interest payable in terms of the provisions of paragraph 1(1)(a)(ii) of Part C, a rate of one comma two per cent for each month or part of a month contemplated in the said provision, or
 - (b) in the case of interest payable in terms of the provisions of paragraph 4(2) of Part C, a rate of sixteen per cent per annum,
- or, in either case, such other rate as the member of the Executive Council responsible for finance may from time to time fix by notice in the *Provincial Gazette*;

“belastingtydperk”, met betrekking tot ’n lisensiehouer, die belastingtydperk soos in ooreenstemming met die bepalings van paragraaf 2 van Deel B van hierdie Bylae bepaal;

“bydrae” ’n betaling deur ’n lisensiehouer uit hoofde van sy of haar deelname aan ’n wyegebied progressiewe stelsel aan die sentrale fonds van sodanige stelsel gemaak met die doel om geldelike voorsiening te maak vir die betaling van boerpotprysgeld;

“dobbeldaryoperateur” die houer van ’n casino-operateurlisensie, ’n beperktedobbelmasjien-operateurlisensie of ’n bingolisensie;

“geldhouer”—

- (a) met betrekking tot tafelspelle, ’n geslote houer permanent gemerk met die spel, skof en nommer wat ooreenstem met ’n permanente nommer op die tafel, waarin alle geldeenheide wat by die tafel geruil is vir dobbelskyfies of tekenmunte of kredietinstrumente en alle ander dokumente met betrekking tot transaksies by die tafel, geplaas moet word, en
- (b) met betrekking tot muntoutomate, ’n houer in ’n geslote deel van die outomaat of die outomaatkabinet, wat gebruik word vir die ontvangs van die geld en tekenmunte wat deur die outomaat behou word en nie vir outomatiese uitbetalings uit die masjien gebruik word nie, en sodanige houer is permanent gemerk met die nommer van die outomaat;

“houergeld”—

- (a) met betrekking tot tafelspelle, uitgesonderd dié genoem in subparagraaf (b) van die omskrywing van “aangepaste bruto inkomste”, die totale bedrag geld, dobbelskyfies en tekenmunte wat in die tafelgeldhouers is, en
- (b) met betrekking tot muntoutomate, die totale bedrag geld en tekenmunte wat uit die outomaatgeldhouer verwyder word, of vir kontantlose muntoutomate, die bedrag wat van spelers se outomaatrekeninge afgetrek word as gevolg van die speel van muntoutomate;

“kredietinstrument” enige wissel, promesse, bankwissel, posorder, poswissel of ander dergelyke instrument;

“lisensiehouer” enige persoon wat die houer is van ’n casino-operateurlisensie, ’n beperktedobbelmasjien-operateurlisensie, ’n totalisator-operateurlisensie, ’n bingo-lisensie of ’n boekmakerlisensie kragtens hierdie wet uitgereik of wat ingevolge hierdie wet as sodanig gelisensieer moet wees;

“losser” ’n houer in ’n muntoutomaat wat, totdat dit vol is, munte of tekenmunte ontvang wat in die outomaat geplaas word en waaruit prysgeld betaal word indien daar voldoende munte daarvoor is;

“maand” enige kalendermaand;

“progressiewe muntoutomaat” ’n muntoutomaat met uitbetalings wat outomaties met verloop van tyd groei of groei namate die muntoutomaat of ’n ander sodanige masjien gespeel word;

“prysgeld” die totale bedrag van—

- (a) enige kontant;
- (b) die geldwaarde aangedui op elke tekenmunt, dobbelskyfie, bewys of seël wat vir geld of waarde afgelos kan word, en
- (c) die koste vir die lisensiehouer van enige bate,

deur die lisensiehouer as prysgeld aan of ten bate van enige persoon betaal of toegestaan ten gevolge van enige weddenskap wat deur die lisensiehouer aanvaar is; met dien verstande dat waar enige prysgeld in die vorm van ’n annuïteit uitbetaal word, slegs die bedrag van sodanige annuïteitbetaling wat deur die lisensiehouer gemaak word of die koste van ’n annuïteit wat gekoop word, waar sodanige annuïteit deur die lisensiehouer gekoop word, uitgesluit kan word by die bepaling van aangepaste bruto inkomste;

“sentrale fonds” ’n sentrale, gemeenskaplike fonds ingevolge ’n wyegebied progressiewe stelsel gestig om te verseker dat voldoende geldelike voorsiening gemaak word vir die betaling van boerpotprysgeld;

"progressive slot machine" means a slot machine with a payout that increases automatically over time or as the slot machine or another such machine is played;

"table game" means any game played in a casino with playing cards, dice or any device other than a slot machine;

"tax" means the gambling tax imposed in terms of section 65;

"taxable revenue" means adjusted gross revenue less admissible deductions as determined under this law;

"tax period", in relation to a licence holder, means the tax period as determined in accordance with the provisions of paragraph 2 of Part B of this Schedule;

"wide-area progressive system" means any system approved by the Board whereby one or more designated progressive slot machines which are situated in more than one gambling establishment and which from time to time participate in the system are electronically linked and may be played in order to achieve a stated jackpot amount declared to be progressive; provided that each linked machine must have a substantially similar probability of awarding a progressive jackpot to the gambling patron, and

"winnings" means the total amount of—

- (a) any cash;
- (b) the monetary value stated on every token, chip, voucher or stamp redeemable for money or value, and
- (c) the cost to the licence holder of any asset,

paid or granted by the licence holder to or for the benefit of any person as winnings in consequence of any stake accepted by the licence holder; provided that where any winnings are paid out in the form of an annuity, only the amount of such annuity payment made by the licence holder or the cost of a purchased annuity, where such an annuity is purchased by the licence holder, may be excluded in the determination of adjusted gross revenue.

“tafelspel” enige spel wat met speelkaarte, dobbelstene of enige toestel, uitgesonderd ’n muntoutomaat, in ’n casino gespeel word;

“toelaatbare aftrekkings”—

- (a) die bedrag van enige dekkingsweddenskap ten opsigte waarvan bewys word dat dit deur ’n wedderyoperateur geplaas is; met dien verstande dat genoemde bedrag nie dié wedderyoperateur se verpligting ten opsigte van die weddenskap wat deur sodanige dekkingsweddenskap gedek word, oorskry nie;
- (b) die bedrag van skulde aan die lisensiehouer verskuldig, wat gedurende die belastingtydperk sleg geraak het ten gevolge van enige vorm van insolvensie genoem in die Insolvensiewet, 1936 (Wet 24 van 1936), soos gewysig, mits sodanige bedrag in die lopende belastingtydperk ingesluit word, of in vroeëre belastingtydperke ingesluit is, by die lisensiehouer se aangepaste bruto inkomste, en
- (c) die totale bedrag van enige verlies of verliese in ’n vroeëre belasting-tydperk of belastingtydperke gely, wat nie voorheen kragtens hierdie subparagraaf afgetrek is nie, in die mate waarin sodanige bedrag nie die belasbare inkomste in die lopende belastingtydperk oorskry nie; met dien verstande dat ’n verlies die bedrag beteken waarmee die belasbare inkomste in enige belastingtydperk minder as nul is; voorts met dien verstande dat geen sodanige verlies deur enige persoon afgetrek mag word van ander belasbare inkomste deur sodanige persoon verkry ten gevolge van enige ander lisensie wat deur sodanige persoon gehou word nie;

“voorgeskrewe koers”, met betrekking tot enige rente ingevolge hierdie Bylae betaalbaar—

- (a) in die geval van rente betaalbaar ingevolge die bepalings van paragraaf 1(1)(a)(ii) van Deel C, ’n koers van een komma twee persent vir elke maand of gedeelte van ’n maand in genoemde bepaling beoog, of
- (b) in die geval van rente betaalbaar ingevolge die bepalings van paragraaf 4(2) van Deel C, ’n koers van sestien persent per jaar,

of, in albei gevalle, dié ander koers wat die lid van die Uitvoerende Raad verantwoordelik vir finansies van tyd tot tyd by kennisgewing in die *Provinsiale Koerant* vasstel;

“wedderyoperateur” die houer van ’n boekmakerlisensie kragtens hierdie wet uitgereik, en

“wygebed progressiewe stelsel” enige stelsel deur die Raad goedgekeur waardeur een of meer aangewese progressiewe muntoutomate wat in meer as een dobbelaryonderneming geleë is en van tyd tot tyd aan die stelsel deelneem, elektronies gekoppel is en gespeel kan word ten einde ’n boerpotbedrag ten opsigte waarvan verklaar is dat dit progressief is, te verkry; met dien verstande dat die waarskynlikheid dat elke gekoppelde outomaat ’n progressiewe boerpot aan die dobbelkliënt sal laat toekom, wesenlik soortgelyk is.

PART B**Gambling tax**

1. The gambling tax payable in terms of section 65 by the holder of a casino operator licence, limited gambling machine operator licence and bingo licence shall be calculated as set out in the tables hereunder:

Casino operator licence

- (a) In respect of the taxable revenue in any tax period, an amount of tax calculated in accordance with the table below:

TAXABLE REVENUE	RATES OF TAX IN RESPECT OF CASINO OPERATOR LICENCE
Where the taxable revenue in the tax period—	
does not exceed R10 million	6% of each R1 of the taxable revenue
exceeds R10 million but does not exceed R20 million	R600 000 plus 8,5% of the amount by which the taxable revenue exceeds R10 million
exceeds R20 million but does not exceed R30 million	R1,45 million plus 11% of the amount by which the taxable revenue exceeds R20 million
exceeds R30 million but does not exceed R40 million	R2,55 million plus 13% of the amount by which the taxable revenue exceeds R30 million
exceeds R40 million but does not exceed R50 million	R3,85 million plus 15% of the amount by which the taxable revenue exceeds R40 million
exceeds R50 million	R5,35 million plus 17% of the amount by which the taxable revenue exceeds R50 million

Limited gambling machine operator licence

- (b) In respect of the taxable revenue in any tax period an amount of tax calculated in accordance with the table below:

TAXABLE REVENUE	RATES OF TAX IN RESPECT OF GAMBLING MACHINE OPERATOR LICENCE
Where the taxable revenue in the tax period—	
does not exceed R10 million	10% of each R1 of the taxable revenue
exceeds R10 million but does not exceed R20 million	R1,0 million plus 12,5% of the amount by which the taxable revenue exceeds R10 million
exceeds R20 million but does not exceed R30 million	R2,55 million plus 15% of the amount by which the taxable revenue exceeds R20 million
exceeds R30 million	R3,75 million plus 20% of the amount by which the taxable revenue exceeds R30 million

DEEL B**Dobbelarybelasting**

1. Die dobbelarybelasting ingevolge artikel 65 deur die houer van 'n casino-operateurlisensie, beperktedobbelmasjien-operateurlisensie en bingolisensie betaalbaar, word bereken soos in die tabelle hieronder uiteengesit:

Casino-operateurlisensie

- (a) Ten opsigte van die belasbare inkomste in enige belastingtydperk, 'n bedrag aan belasting bereken ooreenkomstig die tabel hieronder:

BELASBARE INKOMSTE	BELASTINGKOERSE TEN OPSIGTE VAN CASINO-OPERATEURLISENSIE
Waar die belasbare inkomste in die belastingtydperk— nie R10 miljoen oorskry nie	6% van elke R1 van die belasbare inkomste
R10 miljoen oorskry, maar nie R20 miljoen oorskry nie	R600,000 plus 8,5% van die bedrag waarmee die belasbare inkomste R10 miljoen oorskry
R20 miljoen oorskry, maar nie R30 miljoen oorskry nie	R1,45 miljoen plus 11% van die bedrag waarmee die belasbare inkomste R20 miljoen oorskry
R30 miljoen oorskry, maar nie R40 miljoen oorskry nie	R2,55 miljoen plus 13% van die bedrag waarmee die belasbare inkomste R30 miljoen oorskry
R40 miljoen oorskry, maar nie R50 miljoen oorskry nie	R3,85 miljoen plus 15% van die bedrag waarmee die belasbare inkomste R40 miljoen oorskry
R50 miljoen oorskry	R5,35 miljoen plus 17% van die bedrag waarmee die belasbare inkomste R50 miljoen oorskry

Beperktedobbelmasjien-operateurlisensie

- (b) Ten opsigte van die belasbare inkomste in enige belastingtydperk, 'n bedrag aan belasting bereken ooreenkomstig die tabel hieronder:

BELASBARE INKOMSTE	BELASTINGKOERSE TEN OPSIGTE VAN BEPERKTEDOBBLMASJIE-OPERATEURLISENSIE
Waar die belasbare inkomste in die belastingtydperk— nie R10 miljoen oorskry nie	10% van elke R1 van die belasbare inkomste
R10 miljoen oorskry, maar nie R20 miljoen oorskry nie	R1,0 miljoen plus 12,5% van die bedrag waarmee die belasbare inkomste R10 miljoen oorskry
R20 miljoen oorskry, maar nie R30 miljoen oorskry nie	R2,25 miljoen plus 15% van die bedrag waarmee die belasbare inkomste R20 miljoen oorskry
R30 miljoen oorskry	R3,75 miljoen plus 20% van die bedrag waarmee die belasbare inkomste R30 miljoen oorskry

Bingo licence

- (c) In respect of the taxable revenue in any tax period an amount of tax calculated in accordance with the table below:

TAXABLE REVENUE	RATES OF TAX IN RESPECT OF BINGO LICENCE
Where the taxable revenue in the tax period—	
does not exceed R2 million	10% of each R1 of the taxable revenue
exceeds R2 million	R200 000 plus 15% of the amount by which the taxable revenue exceeds R2 million

Tax period

2. The tax period shall be a period of one month ending on the last day of each of the twelve months of the calendar year; provided that any tax period may, subject to the prior written approval of the Director-General: Provincial Administration: Western Cape, end within ten days before or after such last day; provided further that the first tax period of any licence holder shall commence on the date on which such licence holder becomes licensed under this law or on the date on which he or she would have become licensed had he or she qualified for licensing.

PART C**Penalty and interest for failure to pay tax or fee when due**

1. (1) (a) If any licence holder who is liable for the payment of tax or a licence fee is required to make such payment in the prescribed manner but fails to pay any amount of such payment, the licence holder shall, in addition to such amount of tax or licence fee, pay—

- (i) a penalty equal to ten per cent of the said amount of tax or licence fee per month or part thereof that the amount remains outstanding; provided that the maximum penalty shall not exceed one hundred per cent of the said amount of tax or licence fee, and
- (ii) where payment of the said amount of tax or licence fee is made on or after the first day following the month during which the period allowed for payment of the tax or licence fee ended, interest on the said amount of tax or licence fee, calculated at the prescribed rate for each month or part of a month in the period reckoned from the said first day until the date on which payment is received by the Chief Executive Officer; provided that, if the said amount of tax or licence fee is not paid within forty-five days after the date on which it became payable, the Chief Executive Officer shall give the licence holder fourteen days written notice to effect payment of the said tax or licence fee, and if such tax or licence fee is not paid prior to the expiration of the said fourteen days, the Board may suspend or revoke the licence of the said licence holder.

(b) Where any amount of tax has, in relation to any tax period of any licence holder, been refunded to the licence holder in the prescribed manner or has in relation to that period been set off against unpaid tax as prescribed and such amount was in whole or in part not properly refundable to the licence holder, so much of such amount as was not properly so refundable shall for the purposes of subparagraph (a)(i) be deemed to be an amount of tax required to be paid by the licence holder within the said period, and for the

Bingolisensie

- (c) Ten opsigte van die belasbare inkomste in enige belastingtydperk, 'n bedrag aan belasting bereken ooreenkomstig die tabel hieronder:

BELASBARE INKOMSTE	BELASTINGKOERSE TEN OPSIGTE VAN BINGOLISENSIE
Waar die belasbare inkomste in die belastingtydperk—	
nie R2 miljoen oorskry nie	10% van elke R1 van die belasbare inkomste
R2 miljoen oorskry	R200 000 plus 15% van die bedrag waarmee die belasbare inkomste R2 miljoen oorskry

Belastingtydperk

2. Die belastingtydperk is 'n tydperk van een maand eindigende op die laaste dag van elk van die twaalf maande van die kalenderjaar; met dien verstande dat enige belastingtydperk, onderworpe aan die voorafverkreë skriftelike goedkeuring van die Direkteur-generaal: Provinsiale Administrasie: Wes-Kaap binne tien dae voor of na sodanige laaste dag kan eindig; voorts met dien verstande dat die eerste belastingtydperk van enige lisensiehouer op die datum begin waarop sodanige lisensiehouer kragtens hierdie wet gelisensieer word of op die datum waarop hy of sy gelisensieer sou geword het as hy of sy vir lisensiering sou gekwalifiseer het.

DEEL C**Boete en rente vir versuim om belasting of gelde te betaal wanneer verskuldig**

1. (1) (a) Indien enige lisensiehouer wat aanspreeklik is vir die betaling van belasting of lisensiegeld, verplig is om sodanige betaling op die voorgeskrewe wyse te maak, maar versuim om enige bedrag van sodanige betaling te betaal, betaal die lisensiehouer, benewens sodanige bedrag aan belasting of lisensiegeld—

- (i) 'n boete gelyk aan tien persent van genoemde bedrag aan belasting of lisensiegeld per maand of gedeelte daarvan wat die bedrag uitstaande bly; met dien verstande dat die maksimum boete nie eenhonderd persent van genoemde bedrag aan belasting of lisensiegeld oorskry nie, en
- (ii) waar betaling van genoemde bedrag aan belasting of lisensiegeld gemaak word op of na die eerste dag wat volg op die maand waarin die tydperk toegelaat vir die betaling van die belasting of lisensiegeld geëindig het, rente op genoemde bedrag aan belasting of lisensiegeld, bereken teen die voorgeskrewe koers vir elke maand of gedeelte van 'n maand in die tydperk gereken van genoemde eerste dag tot die datum waarop betaling deur die Hoof Uitvoerende Beampte ontvang word; met dien verstande dat indien genoemde bedrag aan belasting of lisensiegeld nie betaal word binne vyf-en-veertig dae na die datum waarop dit betaalbaar geword het nie, die Hoof Uitvoerende Beampte die lisensiehouer veertien dae skriftelike kennis moet gee om betaling van genoemde belasting of lisensiegeld te bewerkstellig, en indien sodanige belasting of lisensiegeld nie betaal word voor die verstryking van genoemde veertien dae nie, die Raad die lisensie van genoemde lisensiehouer kan opskort of intrek.

(b) Waar enige bedrag aan belasting met betrekking tot enige belastingtydperk van enige lisensiehouer op die voorgeskrewe wyse aan die lisensiehouer terugbetaal is, of met betrekking tot dié tydperk teen onbetaalde belasting verreken is soos voorgeskryf en sodanige bedrag geheel en al of gedeeltelik na behore nie aan die lisensiehouer terugbetaalbaar was nie, word soveel van sodanige bedrag wat na behore nie aldus terugbetaalbaar was nie, vir die toepassing van subparagraaf (a)(i) geag 'n bedrag aan belasting te wees wat binne genoemde tydperk deur die lisensiehouer betaal moet word.

purposes of subparagraph (a)(ii), an amount of tax required to be paid by the licence holder during the period in which the refund was made.

(2) Where the Chief Executive Officer is satisfied that the failure on the part of any licence holder to make payment of the tax or licence fee within the period for payment contemplated in the regulations was not due to an intent to avoid or postpone liability for payment of the tax, the Chief Executive Officer may remit in whole or in part any penalty or interest payable in terms of this paragraph.

Calculation of interest payable under this law

2. Where—

- (a) any interest is payable under the provisions of paragraph 1(1)(a);
- (b) the rate at which such interest is payable has with effect from any date been altered, and
- (c) such interest is payable in respect of any period or any number of months or any part of a month which commenced before the said date,

the interest to be determined in respect of that portion of such period which ended immediately before the said date or in respect of any such months or any part of a month which commenced before the said date shall be calculated as if the said rate had not been so altered.

Recovery of tax

3. (1) Any amount of tax, licence fee, penalty or interest payable in terms of this law shall, when it becomes due and payable, be a debt due to the Province and shall be recoverable for the benefit of the Provincial Revenue Fund by the Chief Executive Officer as hereinafter provided.

(2) (a) If any licence holder fails to pay any tax, licence fee, penalty or interest payable in terms of this law when it becomes due or is payable by him or her, the Chief Executive Officer may file with the clerk or registrar of any competent court a certified statement setting forth the amount due or payable by that licence holder, and such statement shall thereupon have all the effects of a civil judgment lawfully given in that court in favour of the Chief Executive Officer for a liquid debt of the amount specified in the statement.

(b) The Chief Executive Officer may by notice in writing addressed to the aforesaid clerk or registrar withdraw the statement referred to in subparagraph (a), and such statement shall thereupon cease to have any effect; provided that the Chief Executive Officer may institute proceedings afresh under that subparagraph in respect of any tax, licence fee, penalty or interest referred to in the withdrawn statement.

(c) The Chief Executive Officer may institute proceedings for the sequestration of the estate of any person and shall for the purposes of such proceedings be deemed to be the creditor in respect of any tax, licence fee, penalty or interest payable by such licence holder under the provisions of this law.

(3) Notwithstanding anything contained in the Magistrates' Courts Act, 1944 (Act 32 of 1944), a statement for any amount whatsoever may be filed in terms of subparagraph (2)(a) with the clerk of the magistrate's court having jurisdiction in respect of the licence holder by whom such amount is payable in accordance with the provisions of this law.

(4) Where, in addition to any amount of tax or licence fee which is due or payable by any licence holder in terms of this law, any amount of interest or penalty is payable by the licence holder in terms of paragraph 1(1), any payment made by that licence holder in respect of such tax, licence fee, interest or penalty which is less than the total amount due by him or her in respect of such tax, licence fee, interest and penalty shall, for the purposes of this law, be deemed to be made—

- (a) in respect of such penalty;
- (b) to the extent that such payment exceeds the amount of such penalty, in respect of such interest, and
- (c) to the extent that such payment exceeds the sum of the amounts of such penalty and interest, in respect of such tax or licence fee.

en vir die toepassing van subparagraaf (a)(ii), 'n bedrag aan belasting wat deur die lisensiehouer betaal moet word binne die tydperk waarin die terugbetaling gemaak is.

(2) Waar die Hoof Uitvoerende Beampte tevrede is dat die versuim van die kant van enige lisensiehouer om die belasting of lisensiegeld te betaal binne die tydperk vir betaling beoog in die regulasies, nie toe te skryf was aan enige opset om aanspreeklikheid vir die betaling van die belasting te vermy of uit te stel nie, kan die Hoof Uitvoerende Beampte enige boete of rente wat ingevolge hierdie paragraaf betaalbaar is, geheel en al of gedeeltelik kwytgeld.

Berekening van rente kragtens hierdie wet betaalbaar

2. Waar—

- (a) enige rente kragtens die bepalinge van paragraaf 1(1)(a) betaalbaar is;
- (b) die koers waarteen sodanige rente betaalbaar is, met ingang van enige datum verander is, en
- (c) sodanige rente betaalbaar is ten opsigte van enige tydperk of enige aantal maande of enige gedeelte van 'n maand wat voor genoemde datum begin het, word die rente wat ten opsigte van dié gedeelte van sodanige tydperk wat onmiddellik voor genoemde datum geëindig het of ten opsigte van enige sodanige maande of gedeelte van 'n maand wat voor genoemde datum begin het, bereken asof genoemde koers nie aldus verander is nie.

Invordering van belasting

3. (1) Enige bedrag aan belasting, lisensiegeld, boete of rente betaalbaar ingevolge hierdie wet is, wanneer dit verskuldig en betaalbaar word, 'n skuld wat aan die Provinsie verskuldig is en is dit ten bate van die Provinsiale Inkomstefonds deur die Hoof Uitvoerende Beampte verhaalbaar soos hierna bepaal.

(2) (a) Indien 'n lisensiehouer versuim om enige belasting, lisensiegeld, boete of rente wat ingevolge hierdie wet betaalbaar is, te betaal wanneer dit deur hom of haar verskuldig word of betaalbaar is, kan die Hoof Uitvoerende Beampte 'n gesertifiseerde verklaring by die klerk of griffier van enige bevoegde hof indien wat die bedrag wat deur dié lisensiehouer verskuldig of betaalbaar is, uiteensit, en sodanige verklaring het daarna al die regswerking van 'n siviele uitspraak, wettig in dié hof ten gunste van die Hoof Uitvoerende Beampte gegee, vir 'n likiede skuld bestaande uit die bedrag in die verklaring gespesifiseer.

(b) Die Hoof Uitvoerende Beampte kan by skriftelike kennisgewing gerig aan voornoemde klerk of griffier, die verklaring genoem in subparagraaf (a) terugtrek, en sodanige verklaring hou daarna op om enige regswerking te hê; met dien verstande dat die Hoof Uitvoerende Beampte opnuut geregtelike stappe kragtens dié subparagraaf kan doen ten opsigte van enige belasting, lisensiegeld, boete of rente genoem in die verklaring wat teruggetrek is.

(c) Die Hoof Uitvoerende Beampte kan geregtelike stappe vir die sekwestrasie van die boedel van enige persoon doen en word vir die doel van sodanige stappe geag die krediteur te wees ten opsigte van enige belasting, lisensiegeld, boete of rente wat kragtens die bepalinge van hierdie wet deur sodanige lisensiehouer betaalbaar is.

(3) Ondanks enige bepaling van die Wet op Landdroshoue, 1944 (Wet 32 van 1944), kan 'n verklaring ten opsigte van enige bedrag hoegenaamd by die klerk van die landdroshof wat jurisdiksie het ten opsigte van die lisensiehouer deur wie sodanige bedrag in ooreenstemming met die bepalinge van hierdie wet betaalbaar is, ingevolge subparagraaf (2)(a) ingedien word.

(4) Waar, benewens enige bedrag aan belasting of lisensiegeld wat ingevolge hierdie wet deur 'n lisensiehouer verskuldig of betaalbaar is, enige bedrag aan rente of boete ingevolge paragraaf 1(1) deur die lisensiehouer betaalbaar is, word enige betaling ten opsigte van sodanige belasting, lisensiegeld, rente of boete wat deur dié lisensiehouer gemaak word en wat minder is as die totale bedrag ten opsigte van sodanige belasting, lisensiegeld, rente en boete deur hom of haar verskuldig, vir die toepassing van hierdie wet geag gemaak te wees—

- (a) ten opsigte van sodanige boete;
- (b) in die mate waarin sodanige betaling die bedrag van sodanige boete oorskry, ten opsigte van sodanige rente, en
- (c) in die mate waarin sodanige betaling die som van die bedrae van sodanige boete en rente oorskry, ten opsigte van sodanige belasting of lisensiegeld.

(5) It shall not be competent for any licence holder in proceedings in connection with any statement filed in terms of subparagraph (2)(a) to question the correctness of any assessment upon which such statement is based, notwithstanding that an objection and appeal may have been lodged against such assessment.

Payment of tax or licence fee pending appeal

4. (1) The obligation to pay and the right to receive and recover any tax or licence fee chargeable under this law shall not, unless the Chief Executive Officer so directs, be suspended by any appeal or pending the decision of a court of law.

(2) If any assessment is altered on appeal or in conformity with any decision referred to in subparagraph (1) or a decision by the Chief Executive Officer to concede the appeal to the Board, a due adjustment shall be made, amounts paid in excess being refunded with interest at the prescribed rate, calculated from the date proved to the satisfaction of the Chief Executive Officer to be the date on which such excess was received, and amounts short-paid being recoverable with penalty and interest calculated as provided in paragraph 1(1).

Offences and penalties in regard to evasion of tax or fees

5. (1) Any person who with intent to evade payment of any tax or licence fee levied under this law, or to obtain a refund of any tax or licence fee to which such person is not entitled or with intent to assist any other person to evade the payment of any tax or licence fee payable by such other person or to obtain a refund of any tax under this law to which such other person is not entitled—

- (a) makes or causes or permits to be made any false statement or entry in any return rendered in terms of the regulations or signs any statement or return so rendered without reasonable grounds for believing such statement or return to be true;
- (b) gives any false answer, whether verbally or in writing, to any request for information made by the Chief Executive Officer or any person duly authorised by the Chief Executive Officer;
- (c) prepares or maintains or authorises the preparation or maintenance of any false books of account or other records or authorises the falsification of any books of account or other records;
- (d) makes any false statement for the purpose of obtaining a refund of any tax or licence fee, or
- (e) makes use of any fraud, art or contrivance whatsoever, or authorises the use of such fraud, art or contrivance,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred thousand rand or imprisonment for a period not exceeding thirty-six months or to both such fine and such imprisonment.

(2) Wherever, in any proceedings under this paragraph, it is proved that any false statement or entry has been made by or on behalf of any person in any books of account or other records of any person, that person shall be presumed, until the contrary is proved, to have made that false statement or entry or to have caused or permitted that false statement or entry to be made in any return rendered under the regulations with the intent to evade the payment of any tax or licence fee or to obtain a refund of any tax or licence fee to which the person is not entitled, as the case may be, and any other person who made any such false statement or entry shall be presumed, until the contrary is proved, to have made such false statement or entry with intent to assist the first-mentioned person to evade the payment of such tax or licence fee or to obtain a refund of such tax or licence fee to which he or she is not entitled.

(3) A conviction for an offence in terms of this paragraph shall not exempt the person convicted from the payment of any tax, licence fee, penalty or interest payable in accordance with the provisions of this law.

(5) Dit is geen lisensiehouer geoorloof om in geregtelike stappe in verband met enige verklaring ingevolge subparagraaf (2)(a) ingedien, die juistheid van enige aanslag waarop sodanige verklaring gebaseer is, in twyfel te trek nie, al is 'n beswaar en appèl teen sodanige aanslag ingedien.

Betaling van belasting of lisensiegeld hangende appèl

4. (1) Die verpligting om te betaal en die reg om enige belasting of lisensiegeld wat kragtens hierdie wet vorderbaar is, te ontvang en in te vorder, word nie deur enige appèl of hangende die beslissing van 'n geregshof opgeskort nie, tensy die Hoof Uitvoerende Beampte aldus gelas.

(2) Indien enige aanslag verander word op appèl of in ooreenstemming met enige beslissing in subparagraaf (1) genoem of 'n besluit deur die Hoof Uitvoerende Beampte om die appèl aan die Raad oor te gee, moet 'n behoorlike aansuiwering gedoen word deurdat bedrae te veel betaal, met rente terugbetaal moet word teen die voorgeskrewe koers, bereken van die datum ten opsigte waarvan ten genoeë van die Hoof Uitvoerende Beampte bewys is dat dit die datum is waarop sodanige te veelbetaling ontvang is, en bedrae te min betaal, verhaalbaar is met boete en rente, bereken soos in paragraaf 1(1) bepaal.

Misdrywe en boetes met betrekking tot ontduiking van belasting of gelde

5. (1) Enige persoon wat met die opset om betaling van enige belasting of lisensiegeld kragtens hierdie wet gehef, te ontduik, of om 'n terugbetaling van enige belasting of lisensiegeld waarop sodanige persoon nie geregtig is nie, te verkry, of wat met die opset om enige ander persoon te help om die betaling van enige belasting of lisensiegeld deur sodanige persoon betaalbaar, te ontduik, of om 'n terugbetaling van enige belasting kragtens hierdie wet waarop sodanige ander persoon nie geregtig is nie, te verkry—

- (a) enige valse verklaring of inskrywing in enige opgawe ingevolge die regulasies gelewer, doen of laat doen of toelaat dat dit gedoen word, of enige verklaring of opgawe aldus gelewer, teken sonder redelike gronde om te glo dat sodanige verklaring of inskrywing juis is;
- (b) enige valse antwoord, hetsy mondeling of skriftelik, verstrek op enige versoek om inligting gedoen deur die Hoof Uitvoerende Beampte of enige persoon behoorlik deur die Hoof Uitvoerende Beampte gemagtig;
- (c) enige valse boekhouding of ander rekords opstel of byhou of die opstel of byhou daarvan magtig of die vervalsing van enige boekhouding of ander rekords magtig;
- (d) enige valse verklaring doen met die doel om 'n terugbetaling van enige belasting of lisensiegeld te verkry, of
- (e) van enige bedrog, lis of streek hoegenaamd gebruik maak, of die gebruik van sodanige bedrog, lis of streek magtig.

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderdduisend rand of gevangenisstraf vir 'n tydperk van hoogstens ses-en-dertig maande of met beide sodanige boete en sodanige gevangenisstraf.

(2) Waar daar ook al in enige geregtelike stappe kragtens hierdie paragraaf bewys word dat 'n valse verklaring of inskrywing deur of namens enige persoon in enige boekhouding of ander rekords van enige persoon gedoen is, word daar vermoed, totdat die teendeel bewys word, dat dié persoon dié valse verklaring of inskrywing in enige opgawe kragtens die regulasies gelewer, gedoen het of laat doen het of toegelaat het dat dit gedoen word met die opset om die betaling van enige belasting of lisensiegeld te ontduik of om 'n terugbetaling van enige belasting of lisensiegeld waarop die persoon nie geregtig is nie, te verkry, na gelang van die geval, en word daar vermoed, totdat die teendeel bewys word, dat enige ander persoon wat enige sodanige valse verklaring of inskrywing gedoen het, sodanige valse verklaring of inskrywing gedoen het met die opset om eersgenoemde persoon te help om die betaling van sodanige belasting of lisensiegeld te ontduik of 'n terugbetaling van sodanige belasting of lisensiegeld waarop hy of sy nie geregtig is nie, te verkry.

(3) Skuldigbevinding aan 'n misdryf ingevolge hierdie paragraaf stel die persoon wat skuldig bevind is, nie vry van die betaling van enige belasting, lisensiegeld, boete of rente wat in ooreenstemming met die bepalinge van hierdie wet betaalbaar is nie.

Schemes for obtaining undue tax benefits

6. (1) Notwithstanding any provision of this law, whenever the Chief Executive Officer is satisfied that any scheme—

- (a) has been entered into or carried out which has the effect of granting a tax benefit to any person, and
- (b) having regard to the substance of the scheme—
 - (i) was entered into or carried out by any means or in a manner which would not normally be employed for genuine business purposes other than the obtaining of a tax benefit, or
 - (ii) has created rights or obligations which would not normally be created between persons dealing at arm's length, and
 - (iii) was entered into or carried out solely or mainly for the purpose of obtaining a tax benefit,

he or she shall determine the liability for any tax imposed under this law and the amount thereof as if the scheme had not been entered into or carried out, or in such manner as in the circumstances of the case he or she deems appropriate for the prevention or diminution of such tax benefit.

(2) For the purposes of this paragraph—

“scheme” includes any transaction, operation, scheme or understanding (whether enforceable or not), including all steps and transactions by which it is carried into effect, and

“tax benefit” includes—

- (a) any reduction in the liability of any person to pay any tax or licence fee imposed by this law;
- (b) any increase in the entitlement of any person to a refund of any tax or licence fee imposed by this law, or
- (c) any other avoidance or postponement of liability for the payment of any tax or licence fee imposed by this law.

(3) Any decision by the Chief Executive Officer under this paragraph shall be subject to objection and appeal, and whenever in proceedings relating thereto it is proved that the scheme concerned does or would result in a tax benefit, it shall be presumed, until the contrary is proved, that such scheme was entered into or carried out solely or mainly for the purpose of obtaining a tax benefit.

Tax agreements

7. (1) The responsible Member may enter into an agreement with the provincial government of any other province whereby arrangements are made with that government with a view to—

- (a) the prevention, mitigation or discontinuance of the levying of gambling tax or any similar tax under this law and the laws of such other province, if the gambling operations are subject to such tax in either the Province or such other province and such operations are also subject to such tax in the other province which is a party to the agreement;
- (b) the regulation or co-ordination of any matter with regard to the levying and collection under this law and the laws of such other province of gambling tax or any similar tax, or
- (c) the rendering of reciprocal assistance in the administration and collection of gambling tax or any similar tax under this law and the laws of such other province, or in respect of the execution of the arrangements provided for in any agreement entered into in terms of this paragraph.

(2) As soon as may be possible after the conclusion of any such agreement, the arrangement thereby made shall be notified by the responsible Member by notice in the *Provincial Gazette*, whereupon, until such notice is withdrawn by the responsible Member, the arrangements notified therein shall, in relation to gambling tax in the Province, have effect as if enacted by this law.

(3) The responsible Member may at any time withdraw any such notice by notice in the *Provincial Gazette*, and the arrangements notified in such earlier notice shall cease

Skemas ter verkryging van onverskuldigde belastingvoordele

6. (1) Ondanks enige bepaling van hierdie wet, moet die Hoof Uitvoerende Beampte, wanneer ook al hy of sy tevrede is dat enige skema—

- (a) wat aangegaan of uitgevoer is, tot gevolg het dat 'n belastingvoordeel aan enige persoon toegestaan word, en
- (b) met inagneming van die wesenlike van die skema—
 - (i) aangegaan of uitgevoer is volgens 'n metode of op 'n wyse wat normaalweg nie vir werklike sakedoeleindes, uitgesonderd die verkryging van 'n belastingvoordeel, gebruik sou word nie, of
 - (ii) regte of verpligtinge geskep het wat normaalweg nie geskep sou word tussen persone wat uiterste voorwaardes beding nie, en
 - (iii) aangegaan of uitgevoer is uitsluitlik of hoofsaaklik met die doel om 'n belastingvoordeel te verkry,

bepaal wat die aanspreeklikheid vir enige belasting kragtens hierdie wet opgelê en die bedrag daarvan is asof die skema nie aangegaan of uitgevoer is nie, of op dié wyse wat hy of sy volgens die omstandighede van die geval ag van pas te wees ter voorkoming of vermindering van sodanige belastingvoordeel.

(2) Vir die toepassing van hierdie paragraaf—

omvat “belastingvoordeel”—

- (a) enige vermindering in die aanspreeklikheid van enige persoon om belasting of lisensiegeld by hierdie wet opgelê, te betaal;
 - (b) enige toename in die geregtigheid van enige persoon op 'n terugbetaling van enige belasting of lisensiegeld by hierdie wet opgelê, of
 - (c) enige ander vermyding of uitstel van aanspreeklikheid vir die betaling van enige belasting of lisensiegeld by hierdie wet opgelê, en
- omvat “skema” enige transaksie, bedrywigheid, skema of verstandhouding (hetsy afdwingbaar of nie), insluitende alle stappe en transaksies by wyse waarvan dit ten uitvoer gebring word.

(3) Enige besluit deur die Hoof Uitvoerende Beampte kragtens hierdie paragraaf is onderworpe aan beswaar en appèl, en wanneer ook al in enige geregtelike stappe in verband daarmee bewys word dat die betrokke skema wel 'n belastingvoordeel meebring of dit sou meebring, word daar vermoed, totdat die teendeel bewys word, dat sodanige skema aangegaan of uitgevoer is uitsluitlik of hoofsaaklik met die doel om 'n belastingvoordeel te verkry.

Belastingooreenkomste

7. (1) Die verantwoordelike Lid kan 'n ooreenkoms met die provinsiale regering van enige ander provinsie aangaan waarby reëlins met dié regering getref word met die oog op—

- (a) die voorkoming, versagting of staking van die heffing van dobbelarybelasting of enige dergelike belasting kragtens hierdie wet en die wette van sodanige ander provinsie, indien die dobbelarybedrywighe onderworpe is aan sodanige belasting in óf die Provinsie óf sodanige ander provinsie en sodanige bedrywighe ook onderworpe is aan sodanige belasting in die ander provinsie wat 'n party by die ooreenkoms is;
- (b) die regulering of koördinering van enige aangeleentheid in verband met die heffing en invordering van dobbelarybelasting of enige dergelike belasting kragtens hierdie wet en die wette van sodanige ander provinsie, of
- (c) die verlening van wedersydse bystand by die administrasie en invordering van dobbelarybelasting of enige dergelike belasting kragtens hierdie wet en die wette van sodanige ander provinsie, of ten opsigte van die uitvoering van die reëlins waarvoor voorsiening gemaak word in enige ooreenkoms ingevolge hierdie paragraaf aangegaan.

(2) So gou as moontlik na die aangaan van sodanige ooreenkoms moet die verantwoordelike Lid die reëlins daarkragtens getref, by kennisgewing in die *Provinsiale Koerant* bekendmaak, en daarna is die reëlins daarin bekendgemaak, totdat sodanige kennisgewing deur die verantwoordelike Lid teruggetrek word, van krag met betrekking tot dobbelarybelasting in die Provinsie asof dit by hierdie wet verorden is.

(3) Die verantwoordelike Lid kan te eniger tyd enige sodanige kennisgewing by kennisgewing in die *Provinsiale Koerant* terugtrek, en die reëlins in sodanige vroeëre

