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Government Gazette Staatskoerant

Regulation Gazette

No. 6356

Regulasiekoerant

Vol. 401

PRETORIA, 20 NOVEMBER 1998

No. 19503

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE AND INDUSTRY DEPARTEMENT VAN HANDEL EN NYWERHEID

No. 1513

20 November 1998

LOTTERIES ACT, 1997 (ACT No. 57 OF 1997)

REGULATIONS RELATING TO REGISTRATION OF ILLEGAL LOTTERIES, 1998

The Minister of Trade and Industry has in concurrence with the National Lotteries Board, under section 60 of the Lotteries Act, 1997, (Act No. 57 of 1997), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning so assigned and, unless the context indicates otherwise—

“applicant” means a juristic person which applies for registration in terms of section 66(1) of the Act;

“the Act” means the Lotteries Act, 1997 (Act No. 57 of 1997).

Identification

2. An applicant shall in writing submit to the Minister or the board, as the case may be, all relevant information as to its identity, including —

(a) its registered name, company or close corporation registration number and reference number in respect of taxation;

- (b) the full names, identity numbers or other official identification issued by the Republic or any other state of its directors or members, as the case may be;
- (c) the address of its registered office;
- (d) the name of any lottery, game, mechanism or device utilised by the applicant in the generation of income;
- (e) the name of the applicant's auditor and his, her or its address; and
- (f) any other information relevant to the identity of the applicant, its directors or members, as the case may be, which the Minister or any person designated in writing by him or her for this purpose or the board, as the case may be, may require.

Proof of qualification

3. An applicant shall in writing provide the Minister or the board, as the case may be, with relevant and verifiable proof of the matters referred to in paragraphs (a), (b) and (c) of section 66(1) of the Act.

Financial and business report

4. (1) An applicant shall submit to the Minister or the board, as the case may be, a written report pertaining to the financial state of affairs and business of the applicant for a period of three years prior to the date of the submission of an application in terms of section 66(1) of the Act, or if the applicant has been in business for less than three years, for the entire period that it has been in business.

- (2) The report contemplated in subregulation (1) shall include -
 - (a) a balance sheet, an income statement and a cash-flow statement which is a true and correct reflection of the state of affairs of the applicant in respect of its three previous financial years, or if the applicant has been in business for less than three years, for the entire period that it has been in business;
 - (b) a report by the auditor of the applicant in accordance with the provisions of subregulation (3);
 - (c) a statement expressing the percentage of the applicant's total income

(d) particulars of any agreement entered into by the applicant in respect of the promotion, management or conducting of a lottery or lottery game; and

(e) any other statement or report which the Minister or any person designated in writing by him or her for this purpose or the board, as the case may be, may require.

(3) The auditor's report referred to in subregulation (2)(b) shall state separately in respect of each of the following matters whether in the auditor's opinion -

(a) the balance sheet, income statement and cash-flow statement, as well as any other furnished information, fairly represent the financial position and results obtained by the applicant in accordance with generally accepted accounting practice;

(b) the information furnished in terms of paragraph (a) is fair in all material respects;

(c) the transactions of the applicant that had come to the auditor's notice in the course of his or her examination were made in accordance with all relevant law; and

(d) there are adequate measures and procedures for the proper application of sound economic, efficient and effective management of the applicant.

Payments made by applicant

5. (1) An applicant shall in writing provide the Minister or the board, as the case may be, with all relevant information in respect of any payment of whatever nature exceeding an amount of R 10 000, made by the applicant to any person who is not a director, member or employee of the applicant, including -

(a) the identity of the person to whom such payment was made;

(b) the amount of that payment;

(c) the reason for that payment; and

(d) whether any other payment was made to the person referred to in paragraph (a).

Remuneration paid by applicant

6. An applicant shall in writing provide the Minister or the board, as the case may be, with all information in respect of any remuneration of whatsoever nature, including but not limited to fees, salaries, commissions, allowances, contributions, bonuses, expenses or reimbursements, irrespective of whether it was described as such or not, which have been paid to directors or members of the applicant, as the case may be, or any of the applicant's employees who are or were members of the applicant's management.

Additional information

7. The Minister or any person designated in writing by him or her for this purpose or the board, as the case may be, may at any time require the applicant to submit additional information which may be relevant to an application for registration in terms of section 66(1) of the Act.

Signatures of directors or members

8. An application for registration in terms of section 66(1) of the Act shall be signed by all directors or members of the applicant, as the case may be.

Copies of application

9. An applicant shall submit three original copies of an application for registration in terms of section 66(1) of the Act to the Minister or the board, as the case may be.

False or misleading statements

10. Any person who makes or concurs in making any statement, report or financial statement in relation to an application in terms of section 66(1) of the Act which is false or misleading in any material respect or which contains an omission which makes the application as submitted misleading, shall be guilty of an offence and liable on conviction to the penalties applicable in respect of the crime of perjury.

No. 1514**20 November 1998****LOTTERIES ACT, 1997****(ACT NO. 57 OF 1997)****REGULATIONS RELATING TO THE
CONTROL OF THE NATIONAL LOTTERY, 1998**

The Minister of Trade and Industry has in concurrence with the National Lotteries Board, under section 60 of the Lotteries Act, 1997, (Act No. 57 of 1997), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning so assigned and, unless the context indicates otherwise—

“the Act” means the Lotteries Act, 1997 (Act No. 57 of 1997).

Minimum age of participants

2. (1) No person under the age of 18 years may buy, sell or in any other way obtain or dispose of tickets, chances or any other method or mechanism for taking part in the National Lottery.

(2) No person may sell, buy or in any other way obtain or dispose of tickets, chances or any other method or mechanism for taking part in the National Lottery to or from or in respect of a person under the age of 18 years.

Disqualification to participate in National Lottery

3.(1) No person who –

- (a) is disqualified by virtue of section 14(2)(i)(iii) of the Act;
- (b) is an unrehabilitated insolvent;
- (c) is a juristic person;
- (d) is a voluntary association;
- (e) is under legal disability;
- (f) has been removed from an office of trust on account of misconduct; or
- (g) has at any time been convicted of an offence under the National Gambling Act, 1996 (Act No. 33 of 1996) or under the Act;

may in any way participate in the National Lottery.

(2) Any participation in contravention of subregulation (1) shall render any ticket, chance or any other method or mechanism utilised for participation in the National Lottery void.

Prescribed fees

4. The fees payable for purposes of section 14(3) of the Act are as prescribed in the Annexure.

Offences

5. Any person contravening the provisions of regulation 2 or 3(1) shall be guilty of an offence and on conviction, be liable to a fine or to imprisonment or to both a fine and imprisonment.

to both a fine and imprisonment.

Commencement

6. These regulations shall come into operation on date of publication.

ANNEXURE

Column 1	Column 2
Document in terms of section 13(2)(a) of the Act	R 25 000.00
Application for the licence in terms of section 13(1) of the Act	R 1 500 000.00
Granting of a licence under section 13 of the Act	R 1 500 000.00
Any other document contemplated in section 14(3) of the Act	R 500.00

No. 1513

20 November 1998

WET OP LOTERYE, 1997 (WET NO.57 VAN 1997)**REGULASIES BETREFFENDE DIE
REGISTRASIE VAN ONWETTIGE LOTERYE, 1998**

Die Minister van Handel en Nywerheid het met instemming van die Raad op Nasionale Loterye kragtens artikel 60 van die Wet op Loterye, 1997 (Wet No. 57 van 1997), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywings**

1. In hierdie regulasies het enige woord of uitdrukking waaraan 'in die Wet n betekenis geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken –

"aansoeker" die regspersoon wat vir registrasie kragtens artikel 66(1) van die Wet aansoek doen; en

"die Wet" die Wet op Loterye, 1997 (Wet No. 57 van 1997).

Identifikasie

2. 'n Aansoeker moet alle toepaslike inligting ten opsigte van sy identiteit skriftelik aan die Minister of die raad, na gelang van die geval, voorlê, insluitende –
- (a) sy geregistreerde naam, maatskappy- of beslote korporasieregistrasienommer en verwysingsnommer ten opsigte van belasting;
 - (b) die volle name, identiteitsnummers of ander amptelike identifikasie deur die Republiek uitgereik of enige ander staat van sy direkteure of lede, na gelang van die geval;
 - (c) die adres van sy geregistreerde kantoor;
 - (d) die naam van enige lotery, spel, meganisme of toestel wat deur die aansoeker in die voortbrenging van inkomste gebruik is;
 - (e) die naam van die aansoeker se ouditeur en sy of haar adres; en
 - (f) enige ander inligting wat relevant is tot die identiteit van die aansoeker, sy direkteure of lede, na gelang van die geval, wat die Minister of enige persoon wat skriftelik deur hom of haar vir hierdie doel aangewys is, of die raad, na gelang van die geval, mag vereis.

Bewys van kwalifikasie

3. 'n Aansoeker moet die Minister of die raad, na gelang van die geval, skriftelik van toepaslike en kontroleerbare bewys voorsien ten opsigte van die aangeleenthede in paragrawe (a), (b) en (c) van artikel 66(1) van die Wet bedoel.

Finansiële en besigheidsverslag

4. (1) 'n Aansoeker moet aan die Minister of die raad, na gelang van die geval, 'n skriftelike verslag voorlê ten opsigte van die finansiële stand van sake

en besigheid van die aansoeker vir 'n tydperk van drie jaar voor die datum van voorlegging van 'n aansoek kragtens artikel 66(1) van die Wet, of indien die aansoeker vir minder as drie jaar besigheid gedoen het, vir die hele tydperk wat hy besigheid gedoen het.

- (2) Die verslag bedoel in subregulasie (1) moet die volgende insluit –
- (a) 'n balansstaat, 'n inkomste-staat en 'n kontantvloeistaat wat 'n ware en korrekte weergawe van die stand van sake van die aansoeker ten opsigte van die drie voorafgaande finansiële jare is, of indien die aansoeker vir minder as drie jaar besigheid gedoen het, vir die hele tydperk wat hy besigheid gedoen het;
 - (b) 'n verslag deur die ouditeur van die aansoeker in ooreenkomsstig met die bepalings van subregulasie (3);
 - (c) 'n verklaring wat die persentasie bevat van die aansoeker se hele inkomste wat aan geregistreerde welsynsorganisasies betaal is;
 - (d) besonderhede van enige ooreenkoms wat die aansoeker aangegaan het ten opsigte van die bevordering, bestuur of voer van 'n lottery of loteryspel; en
 - (e) enige ander staat of verslag wat die Minister of enige persoon wat deur hom of haar vir hierdie doel aangewys is, of die raad, na gelang van die geval, mag vereis.
- (3) Die ouditeur se verslag bedoel in subregulasie (2)(b) moet afsonderlik ten opsigte van elk van die volgende aangeleenthede vermeld of, na mening van die ouditeur –
- (a) die balansstaat, 'n inkomste-staat en 'n kontantvloeistaat, sowel as enige ander inligting wat verskaf is, 'n redelike weergawe van die finansiële posisie en resultate bereik van die aansoeker is ooreenkomsstig algeleen-aanvaarde rekenkundige praktyk;
 - (b) die inligting wat kragtens paragraaf (a) verskaf is, in alle wesenlike opsigte redelik is;

- (c) die transaksies van die aansoeker wat onder die ouditeur se aandag gekom het tydens sy of haar ondersoek ooreenkomsdig alle toepaslike reg plaasgevind het; en
- (d) daar genoegsame maatreëls en procedures vir die behoorlike toepassing van gesonde finansiële, bekwame en effektiewe en bestuur van die aansoeker bestaan.

Betalings deur aansoeker gemaak

5. (1) 'n Aansoeker moet die Minister of die raad, na gelang van die geval, skriftelik van alle toepaslike inligting voorsien ten opsigte van enige betaling van welke aard ookal van 'n bedrag hoër as R 10 000 wat deur die aansoeker gemaak is, aan enige persoon wat nie 'n direkteur, lid of werknemer van die applikant is nie, insluitende –

- (a) die identiteit van die persoon aan wie sodanige betaling gemaak is;
- (b) die bedrag van die betaling;
- (c) die rede vir die betaling; en
- (d) of enige ander betaling aan die persoon in paragraaf (a) vermeld, gemaak is.

Vergoeding deur aansoeker betaal

6. 'n Aansoeker moet die Minister of die raad, na gelang van die geval, skriftelik van alle inligting ten opsigte van die vergoeding van welke aard ookal voorsien, insluitende maar nie beperk nie tot fooie, salaris, kommissies, toelaes, bydraes, bonusse, uitgawes en terugbetalings, hetsy dit as sodanig beskryf is of nie, wat aan direkteure of lede van die aansoeker, na gelang van die geval, of enige van die aansoeker se werknemers wat lede van die bestuur van die aansoeker is of was.

Addisionele inligting

7. Die Minister of enige persoon wat deur hom of haar vir hierdie doel aangewys is, of die raad, na gelang van die geval, kan te enige tyd van die aansoeker vereis om addisionele inligting voor te lê wat relevant tot 'n aansoek kragtens artikel 66(1) van die Wet mag wees.

Handtekeninge van direkteure of lede

8. 'n Aansoek vir registrasie kragtens artikel 66(1) van die Wet moet deur alle direkteure of lede van die aansoeker, na gelang van die geval, onderteken word.

Afskrifte van aansoek

9. 'n Aansoeker moet drie oorspronklike kopieë van die aansoek vir registrasie kragtens artikel 66(1) van die Wet aan die Minister of die raad, na gelang van die geval, voorsien.

False of misleidende verklarings

10. Enige persoon wat enige verklaring, verslag of finansiële staat ten opsigte van die aansoek kragtens artikel 66(1) van die Wet maak of tot die maak daarvan instem wat vals of misleidend in enige wesenlike oopsig is of wat 'n weglatting bevat wat die aansoek soos voorgelê misleidend maak, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met die strawwe wat toepaslik is ten opsigte van meineed .

Inwerkingtreding

11. Hierdie regulasies tree op datum van publikasie in werking.

No. 1514**20 November 1998****WET OP LOTERYE, 1997 (WET NO.57 VAN 1997)****REGULASIES BETREFFENDE
DIE BEHEER OOR DIE NASIONALE LOTERY, 1998**

Die Minister van Handel en Nywerheid het met instemming van die Raad op Nasionale Loterye kragtens artikel 60 van die Wet op Loterye, 1997 (Wet No. 57 van 1997) die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywings

1. In hierdie regulasies het enige woord of uitdrukking waaraan in die Wet 'n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken -

"die Wet" die Wet op Loterye, 1997 (Wet No. 57 van 1997).

Minimum ouderdom van deelnemers

2. (1) Geen persoon onder die ouderdom van 18 jaar mag enige kaartjies, kansse of enige ander metode of meganisme om aan die Nasionale Lotery deel te neem, koop, verkoop of op enige ander wyse bekom of daarvan afstand doen nie.

(2) Geen persoon mag enige kaartjies, kansse of enige ander metode of meganisme om aan die Nasionale Lotery deel te neem, aan , van of ten opsigte van 'n persoon onder die ouderdom van 18 jaar koop, verkoop of op enige ander wyse bekom of daarvan afstand doen nie.

Diskwalifikasie van deelname aan Nasionale Lotery

3.(1) Geen persoon wat –

- (a) kragtens artikel 14(2)(i)(iii) van die Wet gediskwalifiseer is;
- (b) 'n ongerehabiliteerde insolvente persoon is;
- (c) 'n regspersoon is;
- (d) 'n vrywillige vereniging is;
- (e) 'n regsonbevoegde persoon is;
- (f) weens wangedrag uit 'n vertrouensamp ontslaan is; of
- (g) te enige tyd skuldig bevind is aan 'n misdryf kragtens die Nasionale Dobbelwet, 1996 (Wet No. 33 van 1996) of kragtens die Wet,

mag op enige wyse aan die Nasionale Lotery deelneem nie.

(2) Enige deelname strydig met subregulasie (1) sal die kaartjie, kans of enige ander metode of meganisme wat vir deelname aan die Nasionale Lotery gebruik word, nietig maak.

Voorgeskrewe gelde

4. Die gelde betaalbaar vir doeleindes van artikel 14(3) van die Wet word in die Aanhangsel voorgeskryf.

Misdrywe

5. Enige persoon wat die bepalings van regulasie 2 of 3(1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of met beide 'n boete sowel as gevangenisstraf.

Inwerkingtreding

6. Hierdie regulasies tree op datum van publikasie in werking.

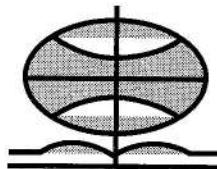
AANHANGSEL

Kolom 1	Kolom2
Dokument ingevolge artikel 13(2)(a) van die Wet	R 25 000.00
Aansoek om uitreiking van lisensie ingevolge artikel 13(1) van die Wet	R 1 500 000.00
Toestaan van 'n lisensie ingevolge artikel 13 van die Wet	R 1 500 000.00
Enige ander dokument beoog in artikel 14(3) van die Wet	R 500.00

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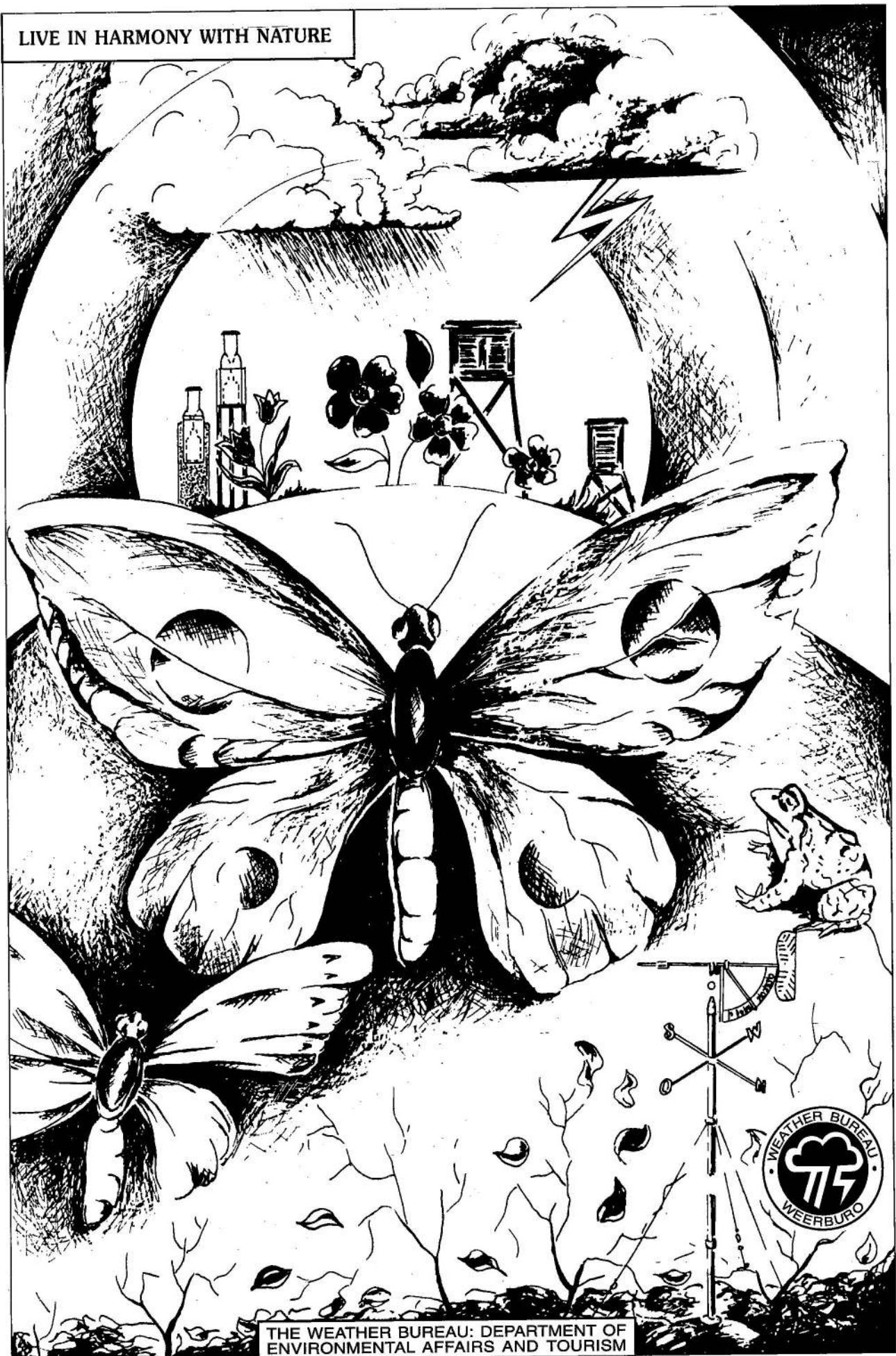


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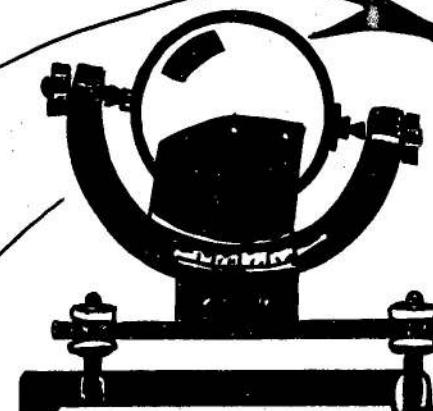
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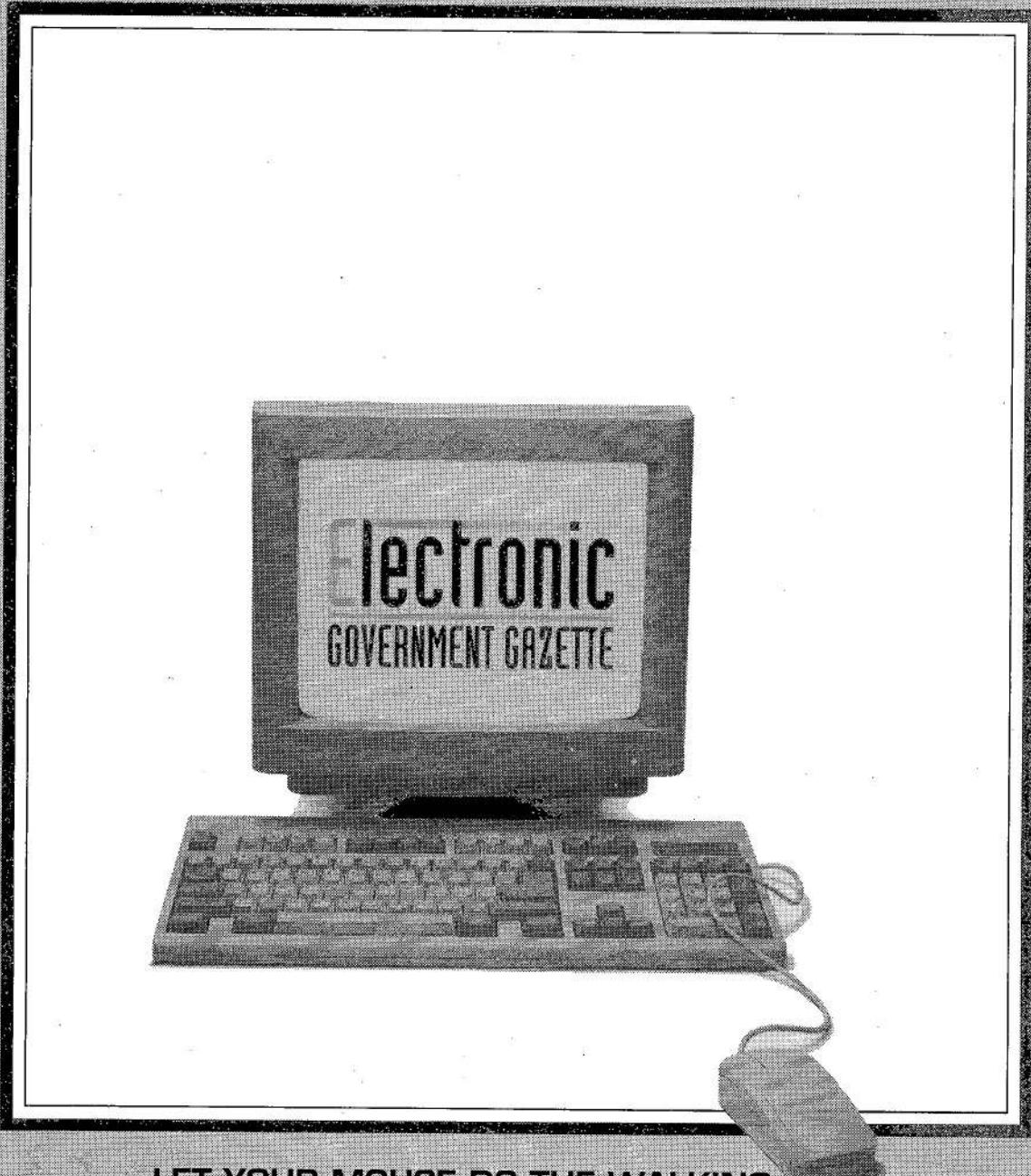




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