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GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

No. 127. 21 January 1994

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

No. 210 of 1993: Lotteries and Gambling Board Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 127. 21 Januarie 1994

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 210 van 1993: Wet op die Raad op Loterye en Dobbelaar, 1993.

ACT

To provide for the establishment of a board with a view to the implementation of lottery, gambling and fund-raising activities; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 14 January 1994.)

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

ARRANGEMENT OF SECTIONS

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Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) “advisory panel” means an advisory panel appointed in terms of section 6; (iv)
 - (ii) “board” means the Lotteries and Gambling Board established under section 2; (iii)
 - (iii) “executive committee” means an executive committee appointed in terms of section 5(1); (v)
 - (iv) “member” means a member appointed in terms of section 3(1); (i)
 - (v) “Minister” means the Minister of Justice; (ii)
 - (vi) “prescribed” means prescribed by regulation. (vi)

CHAPTER 1

Lotteries and Gambling Board

Establishment of Lotteries and Gambling Board

2. There is hereby established a board to be known as the Lotteries and Gambling Board. 25

Composition of board

3. (1) The board shall consist of—
 - (a) a chairman, who, in the opinion of the Minister, shall be a person with applicable knowledge or experience with regard to matters connected with the objects of the board, and who shall not be in the full-time service of the State; 30
 - (b) an officer of the Department of Finance designated by the Minister of Finance;

WET

Om voorsiening te maak vir die instelling van 'n raad met die oog op die implementering van lotery-, dobbel- en fondsinsamelingsaktiwiteite; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 14 Januarie 1994.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

INDELING VAN ARTIKELS

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Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) "lid" 'n lid ingevolge artikel 3(1) aangestel; (iv)
 - 15 (ii) "Minister" die Minister van Justisie; (v)
 - (iii) "raad" die Raad op Loterye en Dobbeldary kragtens artikel 2 ingestel; (ii)
 - (iv) "raadgewende paneel" 'n raadgewende paneel ingevolge artikel 6 aangestel; (i)
 - 20 (v) "uitvoerende komitee" 'n uitvoerende komitee ingevolge artikel 5(1) aangestel; (iii)
 - (vi) "voorgeskryf" by regulasie voorgeskryf. (vi)

HOOFSUK 1

Raad op Loterye en Dobbeldary

25 Instelling van Raad op Loterye en Dobbeldary

2. Daar word hierby 'n raad ingestel wat die Raad op Loterye en Dobbeldary heet.

Samestelling van raad

3. (1) Die raad bestaan uit—
 - 30 (a) 'n voorsitter wat na die oordeel van die Minister 'n persoon is wat oor toepaslike kennis of ondervinding beskik met betrekking tot aangeleenthede wat met die oogmerke van die raad in verband staan, en wat nie in die heeltydse diens van die Staat is nie;
 - (b) 'n beampte van die Departement van Finansies deur die Minister van
 - 35 Finansies aangewys;

- (c) an officer of the Department of Justice designated by the Minister;
- (d) an officer of the Department of National Health and Population Development designated by the Minister for National Health and Welfare;
- (e) with due regard to regional interests, six members, at least three of whom shall not be in the full-time service of the State or a province, who, in the opinion of the Minister, shall have proven business acumen or applicable knowledge or experience in the field of welfare, disability, community development, sport and socio-economic development; and
- (f) if requested by the government of a province, not more than one representative of each province designated by the government of such province,

who shall be appointed by the Minister.

(2) The members of the board shall not be appointed unless the Minister, in respect of the members referred to in subsection (1)(a) and (e), has invited interested parties by notice in the *Gazette* to nominate candidates for consideration by the Minister within 14 days of the publication of such notice.

(3) A person shall not be appointed or remain a member if such person, whether personally or through his or her spouse, partner or associate, has a direct or indirect financial interest in any lottery, gambling or fund-raising activity.

(4) A member of the board shall hold office for such period, not exceeding two years, as the Minister may determine at the time of his appointment, and shall be eligible for reappointment at the termination of his term of office.

(5) The Minister may at any time terminate the term of office of any member if there are good reasons for doing so.

(6) The Minister shall, subject to subsection (2), fill a casual vacancy on the board, in the case of—

- (a) the chairman, by the appointment of another person as chairman; and
- (b) any other member appointed under subsection (1), by the appointment of another person as a member,

for such period, not exceeding two years, as the Minister may determine at the time of his appointment.

Meetings of board

4. (1) Meetings of the board shall be held on such dates and at such times and places as the chairman may determine.

(2) The proceedings at a meeting of the board shall, subject to the provisions of this section, be determined by the chairman.

(3) The quorum for a meeting of the board shall be the majority of the members of the board.

(4) 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 chairman shall have a casting vote in addition to his deliberative vote.

(5) Subject to subsections (6) and (7), any meeting of the board shall be accessible to the public.

(6) The chairman may in his discretion direct that any person whose presence is in his opinion not desirable at the meeting concerned, may not attend the meeting or shall leave the meeting.

(7) The deliberations with a view to making decisions and to voting thereon in respect of any matter at a meeting shall take place behind closed doors.

Executive committees of board

5. (1) The board shall, subject to the provisions of this Act, from time to time appoint an executive committee to perform the functions and exercise the powers—

- (c) 'n beampte van die Departement van Justisie deur die Minister aangewys;
- (d) 'n beampte van die Departement van Nasionale Gesondheid en Bevolkingsontwikkeling deur die Minister vir Nasionale Gesondheid en Welsyn aangewys;
- (e) met inagneming van streeksbelange, ses lede van wie minstens drie lede nie in die heeltydse diens van die Staat of 'n provinsie is nie en wat na die oordeel van die Minister oor bewese besigheidsvaardigheid of toepaslike kennis of ondervinding op die gebied van welsyn, gestremdheid, gemeenskapsontwikkeling, sport en sosio-ekonomiese ontwikkeling beskik; en
- (f) indien versoek deur die owerheid van 'n provinsie, hoogstens een verteenwoordiger van elke provinsie, deur die owerheid van sodanige provinsie aangewys,
- 15 wat deur die Minister aangestel word.
- (2) Die lede van die raad word nie aangestel nie tensy die Minister, ten opsigte van die lede bedoel in subartikel (1)(a) en (e), belanghebbendes by kennisgewing in die *Staatskoerant* uitgenooi het om, binne 14 dae na die publikasie van sodanige kennisgewing, kandidate te nomineer vir oorweging deur die
- 20 Minister.
- (3) 'n Persoon word nie aangestel of bly nie aan as 'n lid nie indien sodanige persoon, hetsy persoonlik of deur sy of haar gade, vennoot of medewerker, 'n regstreekse of onregstreekse finansiële belang het in enige lotery-, dobbel- of fondsinsamelingsaktiwiteit.
- 25 (4) 'n Lid van die raad beklee sy amp vir die tydperk, maar hoogstens twee jaar, wat die Minister ten tyde van sy aanstelling bepaal, maar kan by die verstryking van sy ampstermyn weer aangestel word.
- (5) Die Minister kan te eniger tyd die ampstermyn van 'n lid beëindig indien daar gegronde redes daarvoor bestaan.
- 30 (6) Die Minister vul, behoudens subartikel (2), 'n toevallige vakature in die raad deur, in die geval van—
- (a) die voorsitter, iemand anders as voorsitter; en
- (b) 'n ander lid wat kragtens subartikel (1) aangestel is, 'n ander persoon as lid,
- 35 aan te stel vir die tydperk, maar hoogstens twee jaar, wat die Minister ten tyde van sy aanstelling bepaal.

Vergaderings van raad

4. (1) Vergaderings van die raad word gehou op die datums, tye en plekke wat die voorsitter bepaal.
- 40 (2) Die prosedure by 'n vergadering van die raad word, behoudens die bepalings van hierdie artikel, deur die voorsitter bepaal.
- (3) Die kworum vir 'n vergadering van die raad is die meerderheid van die lede van die raad.
- (4) 'n Besluit van die raad word geneem by meerderheid van stemme van die
- 45 lede wat op 'n vergadering van die raad aanwesig is, en in die geval van 'n staking van stemme oor enige aangeleentheid, het die voorsitter 'n beslissende stem benewens sy beraadslagende stem.
- (5) Behoudens subartikels (6) en (7) is enige vergadering van die raad toeganklik vir die publiek.
- 50 (6) Die voorsitter kan na goeë dunnke gelas dat enigiemand wie se teenwoordigheid by die betrokke vergadering na sy oordeel nie wenslik is nie, nie die vergadering mag bywoon nie of die vergadering moet verlaat.
- (7) Die beraadslagings met die oog op die neem van besluite en stemming daaroor ten opsigte van enige aangeleentheid by 'n vergadering geskied agter
- 55 geslote deure.

Uitvoerende komitees van raad

5. (1) Die raad stel, behoudens die bepalings van hierdie Wet, van tyd tot tyd 'n uitvoerende komitee aan om die werksaamhede te verrig en die bevoegdhede uit te oefen—

- (a) delegated to it by the board; and
- (b) conferred upon it in terms of this Act.
- (2) An executive committee shall consist of—
 - (a) such members of the board as the board may designate; or
 - (b) such members of the board as the board may designate and such other persons as the Minister may, with the concurrence of the board and subject to section 3(2) and (3), appoint. 5
- (3) The Minister may, with the concurrence of the board, at any time terminate the appointment of a person appointed by him to an executive committee in terms of subsection (2)(b). 10
- (4) The board shall designate the chairman of an executive committee.
- (5) (a) An executive committee shall perform its functions and exercise its powers subject to the provisions of this Act and such directives of the board as are not in conflict with such provisions.
- (b) Any delegated function so performed or delegated power so exercised shall be deemed to have been performed by the board. 15
- (6) The Minister may, with the concurrence of the board, at any time dissolve an executive committee.

Advisory panels and consultation

- 6. (1) The board shall, subject to the provisions of this Act, appoint one or more advisory panels consisting of persons who have applicable knowledge and who are not members of the board, to assist the board or an executive committee in the performance of its functions. 20
 - (2) The board may—
 - (a) consult any person, organization or institution; or
 - (b) by notice in the *Gazette* invite interested parties to submit written representations, 25
- with regard to any matter deemed necessary by the board to enable the board to achieve its objects.

Remuneration and allowances of members of board, executive committees and advisory panels 30

- 7. (1) Members of the board and executive committees who are not in the full-time service of the State, may, in respect of their services, be paid such remuneration and allowances as may be determined by the Minister with the concurrence of the Minister of State Expenditure. 35
- (2) The remuneration and allowances of the persons referred to in subsection (1) may differ according to the different offices held by them or the different functions performed by them.
- (3) Members of an advisory panel may, in respect of their expenses, be paid such allowances as may be determined by the Minister with the concurrence of the Minister of State Expenditure. 40

Performance of administrative work of board

- 8. The administrative work incidental to the performance of the functions of the board or an executive committee shall be performed by officers of the Department of Justice designated for that purpose by the Director-General: Justice. 45

CHAPTER 2

Existing lottery, gambling and fund-raising activities

Lottery and gambling activities in certain territories

- 9. (1) Any person lawfully conducting or operating any lottery, sports pool, casino or gambling game before or on 30 November 1993 in a state the territory of which formerly formed part of the Republic, shall, if and when such state is reincorporated into the Republic, within 14 days after reincorporation, or if 50

- (a) wat deur die raad aan hom gedelegeer word; en
- (b) wat ingevolge hierdie Wet aan hom opgedra word.
- (2) 'n Uitvoerende komitee bestaan uit—
 - (a) sodanige lede van die raad as wat die raad aanwys; of
 - 5 (b) sodanige lede van die raad as wat die raad aanwys en sodanige ander persone as wat die Minister, met die instemming van die raad en behoudens artikel 3(2) en (3), aanstel.
- (3) Die Minister kan, met die instemming van die raad, te eniger tyd die aanstelling van 'n persoon deur hom aangestel in 'n uitvoerende komitee
- 10 ingevolge subartikel (2)(b), beëindig.
- (4) Die raad wys die voorsitter van 'n uitvoerende komitee aan.
- (5) (a) 'n Uitvoerende komitee verrig sy werksaamhede en oefen sy bevoegd- hede uit onderworpe aan die bepalings van hierdie Wet en sodanige opdragte van die raad as wat nie strydig met sodanige bepalings is nie.
- 15 (b) Enige gedelegeerde werksaamheid aldus verrig, of gedelegeerde bevoegd- heid aldus uitgeoefen, word geag deur die raad verrig te gewees het.
- (6) Die Minister kan, met die instemming van die raad, te eniger tyd 'n uitvoerende komitee ontbind.

Raadgewende panele en oorlegpleging

- 20 6. (1) Die raad stel, behoudens die bepalings van hierdie Wet, een of meer raadgewende panele aan wat uit persone wat toepaslik kundig is, bestaan wat nie lede van die raad is nie, om die raad of 'n uitvoerende komitee met sy werksaamhede behulpsaam te wees.
- (2) Die raad kan—
 - 25 (a) met enige persoon, organisasie of liggaam oorleg pleeg; of
 - (b) by kennisgewing in die *Staatskoerant* belanghebbendes uitnooi om skriftelike voorleggings te doen, met betrekking tot enige aangeleentheid wat die raad nodig ag om die raad in staat te stel om sy oogmerke te bereik.

30 Vergoeding en toelaes van lede van raad, uitvoerende komitees en raadgewende panele

- 7. (1) Lede van die raad en uitvoerende komitees wat nie in die heeltidse diens van die Staat is nie, kan ten opsigte van hul dienste die vergoeding en toelaes betaal word wat die Minister met die instemming van die Minister van
- 35 Staatsbesteding bepaal.
- (2) Die vergoeding en toelaes van die persone bedoel in subartikel (1) kan verskil na gelang van die verskillende ampte wat hulle beklee of die verskillende werksaamhede wat hulle verrig.
- (3) Lede van 'n raadgewende paneel kan ten opsigte van hulle uitgawes die
- 40 toelaes betaal word wat die Minister met die instemming van die Minister van Staatsbesteding bepaal.

Verrigting van administratiewe werk van raad

- 8. Die administratiewe werk verbonde aan die verrigting van die werksaam- hede van die raad of 'n uitvoerende komitee word verrig deur beamptes van die
- 45 Departement van Justisie wat vir dié doel deur die Direkteur-generaal: Justisie aangewys is.

HOOFTUK 2

Bestaande lotery-, dobbel- en fondsinsamelingsaktiwiteite

Lotery- en dobbelaktiwiteite in sekere gebiede

- 50 9. (1) 'n Persoon wat voor of op 30 November 1993 wettig enige lotery, sportpoel, casino of dobbelspel hou of bedryf in 'n staat waarvan die grondge- bied voorheen deel van die Republiek uitgemaak het, moet, indien en wanneer sodanige staat by die Republiek heringelyf word, binne 14 dae na herinlywing,

such state has already been reincorporated at the commencement of this Act, within 14 days after such commencement, register in the prescribed manner such lottery, sports pool, casino or gambling game with the board.

(2) The conducting or operating of, and participation in, a lottery, sports pool, casino or gambling game registered as contemplated in subsection (1) shall, 5
subject to the provisions of this Act, be deemed not to be in contravention of the provisions of the Gambling Act, 1965 (Act No. 51 of 1965).

Certain fund-raising activities in Republic

10. (1) Any person or organization authorized before or on 30 November 1993 to collect contributions from the public in terms of the provisions of the Fund-raising Act, 1978 (Act No. 107 of 1978), and who collects such contributions by means of any activity prohibited in terms of the Gambling Act, 1965 (Act No. 51 of 1965), shall within the period prescribed by the Minister by notice in the *Gazette*, apply in the prescribed manner for the registration of such activity with the board. 10 15

(2) The State President may, on the recommendation of the board, by notice in the *Gazette* grant to any person who or organization which is registered in terms of subsection (1) temporary immunity, either unconditionally or on such conditions as he may deem fit, from the institution of criminal proceedings for the contravention of any provision of the Gambling Act, 1965. 20

Operation of certain existing lottery, gambling and fund-raising activities

11. (1) Any person registered in terms of section 9(1) and any person or organization granted temporary immunity in terms of section 10 shall conduct or operate a lottery, sports pool, casino, gambling game or fund-raising activity subject to the control of an executive committee contemplated in subsection (2) 25
and subject to the regulations made in terms of section 12.

(2) The board shall—

- (a) appoint an executive committee for the control of casinos and gambling games referred to in section 9; and
- (b) appoint an executive committee for the control of lotteries and sports 30
pools referred to in section 9 and the fund-raising activities referred to in section 10,

to exercise the relevant powers and perform the relevant functions conferred upon the board by the regulations made in terms of section 12.

Regulations regarding certain existing lottery, gambling and fund-raising activities 35

12. (1) The Minister may, with the concurrence of the board, make regulations regarding—

- (a) the powers and functions of the board in respect of the control of the activities referred to in sections 9 and 10, including—
 - (i) the manner and form in which an application for registration or a 40
registration shall take place;
 - (ii) the rules for and nature and manner of the conduct or operation of any such activity;
 - (iii) the documents and records which shall be kept and submitted to the 45
board;
 - (iv) the registration fees, levies and taxes payable;
 - (v) in respect of a lottery and sports pool, the manner in and the purposes for which the proceeds of such lottery and sports pool may be allocated;
- (b) the conditions of appointment and powers of any inspector, auditor, 50
technician or knowledgeable person necessary to ensure compliance with the regulations made in terms of paragraph (a); and
- (c) in general, any other matter which the Minister may consider it necessary or expedient to prescribe in order to achieve or promote the 55
objects of the provisions of this Chapter.

of indien sodanige staat by die inwerkingtreding van hierdie Wet reeds heringelyf is, binne 14 dae na sodanige inwerkingtreding, op die voorgeskrewe wyse sodanige lotery, sportpoel, casino of dobbelspel by die raad registreer.

- (2) Die hou of bedryf van, en deelname aan, 'n lotery, sportpoel, casino of dobbelspel wat geregistreer is soos beoog in subartikel (1), word, behoudens die 5 bepalinge van hierdie Wet, geag nie in stryd met die bepalinge van die Wet op Dobbeldary, 1965 (Wet No. 51 van 1965), te wees nie.

Sekere fondsinsamelingsaktiwiteite in Republiek

- 10 10. (1) 'n Persoon of organisasie wat voor of op 30 November 1993 ingevolge die bepalinge van die Wet op Fondsinsameling, 1978 (Wet No. 107 van 1978), gemagtig is om bydraes van die publiek in te samel, en wat sodanige bydraes insamel by wyse van 'n aktiwiteit wat ingevolge die Wet op Dobbeldary, 1965 (Wet No. 51 van 1965), verbied word, moet binne die tydperk deur die Minister by kennisgewing in die *Staatskoerant* voorgeskryf, by die raad op die voor- 15 geskrewe wyse om die registrasie van sodanige aktiwiteit aansoek doen.

- (2) Die Staatspresident kan, op aanbeveling van die raad, by kennisgewing in die *Staatskoerant*, aan 'n persoon of organisasie wat ingevolge subartikel (1) geregistreer word tydelike vrystelling verleen, hetsy onvoorwaardelik of op die 20 voorwaardes wat hy goedvind, van die instelling van strafregtelike verrigtinge vir die oortreding van enige bepaling van die Wet op Dobbeldary, 1965.

Bedryf van sekere bestaande lotery-, dobbel- en fondsinsamelingsaktiwiteite

11. (1) 'n Persoon wat ingevolge artikel 9(1) geregistreer is en 'n persoon of organisasie aan wie tydelike vrystelling ingevolge artikel 10 verleen is, hou of 25 bedryf 'n lotery, sportpoel, casino, dobbelspel of fondsinsamelingsaktiwiteit onderworpe aan die beheer van 'n uitvoerende komitee beoog in subartikel (2) en onderworpe aan die regulasies ingevolge artikel 12 uitgevaardig.

(2) Die raad stel—

- (a) 'n uitvoerende komitee vir die beheer van casino's en dobbelspele 30 bedoel in artikel 9 aan; en
(b) 'n uitvoerende komitee vir die beheer van loterye en sportpoele bedoel in artikel 9 en die fondsinsamelingsaktiwiteite bedoel in artikel 10 aan, om die betrokke werksaamhede te verrig en die betrokke bevoegdhede uit te oefen wat aan die raad opgedra word by die regulasies ingevolge artikel 12 uitgevaardig.

35 Regulasies in verband met sekere bestaande lotery-, dobbel- en fondsinsamelings-aktiwiteite

12. (1) Die Minister kan, met die instemming van die raad, regulasies uitvaardig betreffende—

- (a) die bevoegdhede en werksaamhede van die raad ten opsigte van die 40 beheer van die aktiwiteite bedoel in artikels 9 en 10, met inbegrip van—
(i) die wyse waarop en vorm waarin aansoek om registrasie of registrasie plaasvind;
(ii) die reëls vir en aard en wyse van die hou of bedryf van enige 45 sodanige aktiwiteit;
(iii) die stukke en aantekeninge wat gehou moet word en by die raad ingedien moet word;
(iv) die registrasiegelde, heffings en belastinge betaalbaar;
(v) ten opsigte van 'n lotery en sportpoel, die wyse waarop en die 50 doeleindes waarvoor die opbrengs van sodanige lotery en sportpoel toegeken word;
(b) die aanstellingsvoorwaardes en bevoegdhede van enige inspekteur, ouditeur, tegnikus of kundige persoon wat nodig is om die nakoming van die regulasies ingevolge paragraaf (a) uitgevaardig, te verseker; en
(c) in die algemeen, enige ander aangeleentheid wat die Minister nodig of 55 dienstig ag om voor te skryf ten einde die oogmerke van hierdie Hoofstuk te bereik of te bevorder.

(2) Any regulation made in terms of subsection (1) regarding taxes or which results in expenditure from the State Revenue Fund, shall be made with the concurrence of the Minister of Finance and the Minister of State Expenditure, respectively.

Termination of certain lottery, gambling and fund-raising activities

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13. The State President may, on the recommendation of the board after proper investigation, at any time terminate the registration contemplated in section 9 or 10 or the immunity contemplated in section 10(2) by notice in the *Gazette* as from a date determined in such notice: Provided that such notice shall precede the date of termination by not less than six months.

10

CHAPTER 3

Permanent measures

Objects of board regarding permanent measures

14. (1) The objects of the board, having due regard to the constitutional development in the Republic, with specific reference to the powers of the provinces, and the regional, economic, financial, social and moral interests of the Republic, shall be to make recommendations to the Minister regarding—

15

- (a) the implementation of a state-regulated national lottery, sports pools and other lotteries, and the establishment of a body to manage such national lottery, sports pools and lotteries; 20
- (b) the establishment of a body to control casinos and to regulate the game known as bingo or any similar game;
- (c) the determination of a national policy on betting on sporting events;
- (d) the determination of a national policy with regard to the administration and management of any matter referred to in paragraphs (a) and (b). 25

(2) The Minister may, after receipt of any recommendation of the board contemplated in subsection (1), request the board to advise him on the administrative and legislative measures necessary for the practical implementation of any such recommendation.

Functions of board regarding permanent measures

30

15. In order to achieve its objects referred to in section 14, the board shall advise the Minister regarding—

- (a) the measures necessary for the implementation of a state-regulated national lottery and sports pools with a view to the promotion of social upliftment, welfare activities and sport; 35
- (b) the institutions that should be considered as agents for a state-regulated lottery;
- (c) mechanisms for the manner of and control over the allocation of funds obtained from the proceeds of a state-regulated national lottery and sports pools; 40
- (d) the measures necessary for the implementation of other lotteries and the limitations and control to which such lotteries should be subject;
- (e) the establishment of a body to manage a state-regulated national lottery, sports pools and other lotteries, and the composition, powers and duties of such a body; 45
- (f) the legalization of casinos, the granting of casino licences and the criteria to be complied with before a licence is granted;
- (g) the restriction and control of the game of bingo or any similar game;
- (h) the establishment of a body to control casinos and the game of bingo or any similar game, and the composition, powers and duties of such a body; 50

(2) Enige regulasie uitgevaardig ingevolge subartikel (1) betreffende belastingen of wat uitgawe uit die Staatsinkomstefonds tot gevolg het, word onderskeidelik met die instemming van die Minister van Finansies en die Minister van Staatsbesteding uitgevaardig.

5 Beëindiging van sekere lotery-, dobbel- en fondsinsamelingsaktiwiteite

13. Die Staatspresident kan, op aanbeveling van die raad na behoorlike ondersoek, te eniger tyd die registrasie beoog in artikel 9 of 10 of die vrystelling beoog in artikel 10(2) beëindig by kennisgewing in die *Staatskoerant* vanaf 'n datum bepaal in sodanige kennisgewing: Met dien verstande dat sodanige kennisgewing die datum van beëindiging met nie minder nie as ses maande moet voorafgaan.

HOOFTUK 3

Permanente maatreëls

Oogmerke van raad betreffende permanente maatreëls

- 15 14. (1) Die oogmerke van die raad, met inagneming van die grondwetlike ontwikkeling in die Republiek, met besondere verwysing na die bevoegdhede van die provinsies, en die streeks-, ekonomiese, finansiële, maatskaplike en morele belange van die Republiek, is om aanbevelings aan die Minister te doen betreffende—
- 20 (a) die implementering van 'n staatsgereguleerde nasionale lotery, sportpoele en ander loterye, en die instelling van 'n liggaam om sodanige nasionale lotery, sportpoele en loterye te bestuur;
- (b) die instelling van 'n liggaam om casino's te beheer en die spel bekend as bingo of enige soortgelyke spel te reguleer;
- 25 (c) die bepaling van 'n nasionale beleid oor weddenskappe op sportgebeure;
- (d) die bepaling van 'n nasionale beleid met betrekking tot die administrasie en bestuur van enige aangeleentheid bedoel in paragrawe (a) en (b).
- (2) Die Minister kan, na ontvangs van 'n aanbeveling van die raad beoog in subartikel (1), die raad versoek om hom van advies te dien oor die administratiewe en wetgewende maatreëls wat nodig is vir die praktiese implementering
- 30 van enige sodanige aanbeveling.

Werkzaamhede van raad betreffende permanente maatreëls

15. Die raad moet, ter bereiking van sy oogmerke bedoel in artikel 14, die Minister van advies dien betreffende—
- 35 (a) die maatreëls wat nodig is vir die implementering van 'n staatsgereguleerde nasionale lotery en sportpoele met die oog op die bevordering van maatskaplike opheffing, welsynsaktiwiteite en sport;
- (b) die instansies wat as agente vir 'n staatsgereguleerde lotery oorweeg behoort te word;
- 40 (c) meganismes vir die wyse van en beheer oor die toekenning van fondse verkry uit die opbrengs van 'n staatsgereguleerde nasionale lotery en sportpoele;
- (d) die maatreëls wat nodig is vir die implementering van ander loterye en die beperkings en beheer waaraan sodanige loterye onderworpe behoort te wees;
- 45 (e) die instelling van 'n liggaam om 'n staatsgereguleerde nasionale lotery, sportpoele en ander loterye te bestuur, en die samestelling, bevoegdhede en pligte van sodanige liggaam;
- (f) die wettiging van casino's, die toestaan van casinolisensies en die maatstawwe waaraan voldoen moet word voordat 'n lisensie uitgereik word;
- 50 (g) die beperking en beheer van die spel bingo of enige soortgelyke spel;
- (h) die instelling van 'n liggaam om casino's en die spel bingo of enige soortgelyke spel te beheer, en die samestelling, bevoegdhede en pligte van sodanige liggaam;

- (i) the determination of a national policy on betting on sporting events;
- (j) the time at which any matter referred to in section 14(1)(a), (b) and (c) should be implemented;
- (k) the fiscal implications of the implementation of any matter referred to in section 14;
- (l) any other matter on which the Minister requires the advice of the board.

Appointment of executive committees and advisory panels regarding permanent measures

16. In order to assist the board to achieve its objects referred to in section 14 and to perform its functions referred to in section 15, the board shall—
- (a) appoint at least one executive committee in respect of each of the objects referred to in section 14(1)(a), (b) and (c); and
 - (b) appoint at least one advisory panel in respect of each of the objects referred to in section 14(1)(a), (b) and (c).

CHAPTER 4

Interim measures

Functions and powers of board regarding interim measures

17. (1) The Minister may, having due regard to the constitutional development in the Republic, with specific reference to the powers of the provinces, and the regional, economic, financial, social and moral interests of the Republic, authorize the board to perform such functions and exercise such powers as he may prescribe in order to enable the board—

- (a) to manage sports pools and a lottery other than a state-regulated national lottery;
- (b) to control casinos;
- (c) to regulate the game known as bingo or any similar game;
- (d) to determine a national policy on betting on sporting events,

until such time as the administrative and legislative measures contemplated in section 14(2) have been adopted.

(2) The Minister may, after consultation with the board, in like manner, at any time, repeal, amend or supplement any function or power contemplated in subsection (1).

Regulations regarding interim measures

18. (1) The Minister may, with the concurrence of the board, make regulations regarding the powers and functions contemplated in section 17(1), including—

- (a) the granting, issuing, suspension, withdrawal and amendment of temporary licences and the criteria subject to which temporary licences shall be granted;
- (b) the manner in which and purposes for which the proceeds of any lottery or sports pools shall be allocated;
- (c) the determination of a national policy on betting on any sporting event;
- (d) the rules for and nature and manner of conduct of any licensed activity and the criteria which any person shall comply with in order to qualify as an agent of a licensee;
- (e) the documents and records which shall be kept and submitted to the board;
- (f) the licence fees, levies and taxes which shall be payable;
- (g) the conditions of appointment and powers of any inspector, auditor, technician or knowledgeable person necessary to ensure compliance with the regulations made in terms of this section; and
- (h) in general, any other matter which the Minister may consider necessary or expedient to prescribe in order to achieve or promote the objects of the provisions of this Chapter.

- (i) die bepaling van 'n nasionale beleid oor weddenskappe op sportgebeure;
- (j) die tydstip waarop enige aangeleentheid bedoel in artikel 14(1)(a), (b) en (c) geïmplementeer behoort te word;
- 5 (k) die fiskale implikasies van die implementering van enige aangeleentheid bedoel in artikel 14;
- (l) enige ander aangeleentheid waaroor die Minister die advies van die raad vereis.

10 **Aanstelling van uitvoerende komitees en raadgewende panele betreffende permanente maatreëls**

16. Ten einde die raad by te staan om sy oogmerke bedoel in artikel 14 te bereik en om sy werksaamhede bedoel in artikel 15 te verrig, stel die raad—

- (a) ten minste een uitvoerende komitee aan ten opsigte van elkeen van die oogmerke bedoel in artikel 14(1)(a), (b) en (c); en
- 15 (b) ten minste een raadgewende paneel aan ten opsigte van elkeen van die oogmerke bedoel in artikel 14(1)(a), (b) en (c).

HOOFTUK 4

Tussentydse maatreëls

Werksaamhede en bevoegdhede van raad betreffende tussentydse maatreëls

- 20 17. (1) Die Minister kan, met inagneming van die grondwetlike ontwikkeling in die Republiek, met besondere verwysing na die bevoegdhede van die provinsies, en die streeks-, ekonomiese, finansiële, maatskaplike en morele belange van die Republiek, die raad magtig om die werksaamhede te verrig en die bevoegdhede uit te oefen wat hy voorskryf ten einde die raad in staat te stel—
- 25 (a) om sportpoele en 'n lotery behalwe 'n staatsgereguleerde nasionale lotery te bestuur;
 - (b) om casino's te beheer;
 - (c) om die spel bekend as bingo of enige soortgelyke spel te reguleer;
 - (d) om 'n nasionale beleid oor weddenskappe op sportgebeure te bepaal,
 - 30 totdat die administratiewe en wetgewende maatreëls beoog in artikel 14(2) aangeneem word.
- (2) Die Minister kan, na oorlegpleging met die raad, te eniger tyd, op soortgelyke wyse, 'n werksaamheid of bevoegdheid beoog in subartikel (1) herroep, wysig of aanvul.

35 **Regulasies betreffende tussentydse maatreëls**

18. (1) Die Minister kan, met die instemming van die raad, regulasies uitvaardig betreffende die bevoegdhede en werksaamhede beoog in artikel 17(1), met inbegrip van—
- 40 (a) die toestaan, uitreiking, opskorting, intrekking en wysiging van tydelike lisensies en die maatstawwe onderworpe waaraan tydelike lisensies toegestaan word;
 - (b) die wyse waarop en doeleindes waarvoor die opbrengs van 'n lotery of sportpoele toegeken word;
 - (c) die bepaling van 'n nasionale beleid oor weddenskappe op sportgebeure;
 - 45 (d) die reëls vir en aard en wyse van die bedryf van enige gelisensieerde aktiwiteit en die maatstawwe waaraan 'n persoon moet voldoen ten einde as 'n agent van 'n gelisensieerde te kwalifiseer;
 - (e) die stukke en aantekeninge wat gehou moet word en by die raad ingedien moet word;
 - 50 (f) die lisensiegelde, heffings en belastings betaalbaar;
 - (g) die voorwaardes vir aanstelling en bevoegdhede van enige inspekteur, ouditeur, tegnikus of kundige persoon wat nodig is om die nakoming van die regulasies ingevolge hierdie artikel uitgevaardig, te verseker; en
 - 55 (h) in die algemeen, enige ander aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Hoofstuk te bereik of te bevorder.

(2) Any regulation made in terms of subsection (1) regarding taxes or which results in expenditure from the State Revenue Fund, shall be made with the concurrence of the Minister of Finance and the Minister of State Expenditure, respectively.

Saving

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19. Any activity conducted under licence in terms of this Chapter and the participation in such activity shall, subject to the provisions of this Act, be deemed not to be in contravention of the provisions of the Gambling Act, 1965 (Act No. 51 of 1965).

CHAPTER 5

10

General provisions

Offences and penalties

20. Any person who contravenes or fails to comply with any provision of this Act or any regulation made under section 12 or 18 shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period not exceeding five years.

15

Short title and commencement

21. This Act shall be called the Lotteries and Gambling Board Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

20

(2) Enige regulasie uitgevaardig ingevolge subartikel (1) betreffende belasting of wat uitgawe uit die Staatsinkomstefonds tot gevolg het, word onderskeidelik met die instemming van die Minister van Finansies en die Minister van Staatsbesteding uitgevaardig.

5 Voorbehoud

19. Enige aktiwiteit wat kragtens lisensie ingevolge hierdie Hoofstuk bedryf word en die deelname aan sodanige aktiwiteit word, behoudens die bepalinge van hierdie Wet, geag nie in stryd met die bepalinge van die Wet op Dobbelary, 1965 (Wet No. 51 van 1965), te wees nie.

10

HOOFSTUK 5

Algemene bepalinge

Misdrywe en strawwe

20. 'n Persoon wat 'n bepaling van hierdie Wet of 'n regulasie kragtens artikel 12 of 18 uitgevaardig, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

Kort titel en inwerkingtreding

21. Hierdie Wet heet die Wet op die Raad op Loterye en Dobbelary, 1993, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die 20 *Staatskoerant* bepaal.

