



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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PRESIDENT'S OFFICE

1514. 14 November 1997

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

57 of 1997: Lotteries Act, 1997

KANTOOR VAN DIE PRESIDENT

No. 1514. 14 November 1997

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

No. 57 van 1997: Wet op Loterye, 1997.

GENERAL EXPLANATORY NOTE:

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

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

ACT

To regulate and prohibit lotteries and sports pools; to establish a National Lotteries Board; consequentially to amend the Post Office Act, 1958, the Gambling Act, 1965, and the Gambling Act, 1982 (Ciskei), and to repeal the State Lotteries Act, 1984 (Ciskei), and the Lotteries Decree, 1989 (Transkei); and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 6 November 1997.)

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

Definitions

1. In this Act, unless the context indicates otherwise—
 - (i) “board” means the National Lotteries Board established by section 2; (xxv) 5
 - (ii) “broadcasting service” means broadcasting service as defined in section 1 of the Broadcasting Act, 1976 (Act No. 73 of 1976); (xxix)
 - (iii) “charitable expenditure” means expenditure by any organisation or institution established for charitable, benevolent or philanthropic purposes, including friendly societies, welfare organisations and conduit organisations or trusts established in respect of any such organisation or institution; (xiv) 10
 - (iv) “chief executive officer” means the chief executive officer contemplated in section 7(1)(a); (xi)
 - (v) “Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996); (ix) 15
 - (vi) “date”, in relation to a lottery, means the date on which the winners of that lottery are determined; (ii)
 - (vii) “Department” means the Department of the national sphere of government for which the Minister is responsible; (iv)
 - (viii) “distribute”, in relation to documents or other objects, includes distribution to persons or places within or outside the Republic; (v) 20
 - (ix) “distributing agency” means a person appointed by the Minister to distribute money, but not any department in the national or a provincial sphere of government; (vi)
 - (x) “fund” means the National Lottery Distribution Trust Fund established by section 21; (vii) 25

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om loterye en sportpoele te reguleer en te verbied; om 'n Raad op Nasionale Loterye in te stel; om as gevolg daarvan die Poswet, 1958, die Wet op Dobbelaar, 1965, en die Gambling Act, 1982 (Ciskei), te wysig en die State Lotteries Act, 1984 (Ciskei), en die Lotteries Decree, 1989 (Transkei), te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 6 November 1997.)

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

Woordomskrappings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- 5 (i) “bydrae” die betaling of lewering van enige geld, goedere, artikel, saak of voorwerp, met inbegrip van enige kaartjie, koepon of inskrywingsvorm, vir die reg om aan 'n lotery deel te neem; (xxix)
- (ii) “datum” met betrekking tot 'n lotery, die datum waarop die weners van daardie lotery bepaal word; (vi)
- 10 (iii) “deelnemer”, met betrekking tot 'n lotery behalwe 'n reklamekompetisie beoog in artikel 54, 'n persoon wat in besit van 'n geldige kaartjie in daardie lotery is; (xvii)
- (iv) “Departement” die Departement in die nasionale sfeer van regering waarvoor die Minister verantwoordelik is; (vii)
- 15 (v) “distribueer”, met betrekking tot dokumente of ander voorwerpe, ook distribusie na persone of plekke binne of buite die Republiek; (viii)
- (vi) “distribusie-agent” 'n persoon deur die Minister aangestel om geld te distribueer, maar nie enige departement in die nasionale of provinsiale sfeer van regering nie; (ix)
- 20 (vii) “fonds” die Nasionale Lotery Distribusie Trustfonds ingestel by artikel 21; (x)
- (viii) “gemeenskapslotery” 'n lotery wat bedryf word deur 'n vereniging ooreenkomstig Hoofstuk 2 van Deel II; (xxv)
- (ix) “Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet
- 25 No. 108 van 1996); (v)
- (x) “hierdie Wet” ook regulasies uitgevaardig kragtens hierdie Wet; (xxx)

- (xi) "licensee" means the person to whom the licence for the National Lottery has been issued in terms of section 13(1); (xv)
- (xii) "lottery" includes any game, scheme, arrangement, system, plan, promotional competition or device for distributing prizes by lot or chance and any game, scheme, arrangement, system, plan, competition or device, which the Minister may by notice in the *Gazette* declare to be a lottery; (xvi) 5
- (xiii) "Minister" means the Minister to whom the administration of this Act has been assigned; (xvii)
- (xiv) "National Lottery" means the lottery contemplated in Part I of this Act and includes all the lotteries conducted under the licence for the National Lottery, taken as a whole; (xviii) 10
- (xv) "net proceeds of the National Lottery" means the sums that are payable to the fund or the board in terms of section 14(2)(e), but not the sums which are paid out for prizes of the National Lottery; (xix)
- (xvi) "newspaper" includes a journal, magazine or other periodical publication; (xiii) 15
- (xvii) "participant", in relation to a lottery other than a promotional competition contemplated in section 54, means a person who is in possession of a valid ticket in that lottery; (iii)
- (xviii) "place" means any place, whether or not it is a public place, and includes any premises, building, dwelling, flat, room, office, shop, structure, vehicle, vessel or aircraft; (xx) 20
- (xix) "political office-bearer" means a member of Parliament, a member of a provincial legislature, a diplomatic representative of the Republic who is not a member of the public service, a member of a house or council of traditional leaders, a member of the Volkstaat Council, a member of a municipal council and any official of a political party, alliance or movement; (xxi) 25
- (xx) "prescribe" means prescribe by regulation, and "prescribed" has a corresponding meaning; (xxxi)
- (xxi) "private lottery" means a lottery in the Republic which is conducted in accordance with section 37— 30
 - (a) for and by members of a social or sporting club which is not connected with any form of gambling;
 - (b) for and by persons all of whom work on the same premises;
 - (c) for and by persons all of whom reside on the same premises; 35
 - (d) by persons each of whom—
 - (i) is one of the persons for whom the lottery is conducted; and
 - (ii) in the case of a lottery conducted for the members of a social or sporting club, has been authorised in writing by the governing body of the social or sporting club to conduct the lottery; (xxii) 40
- (xxii) "prize" means the prize awarded to the winner of a lottery; (xxiv) 40
- (xxiii) "promotional competition" means a lottery conducted for the purpose of promoting the sale or use of any goods or services; (xxvi)
- (xxiv) "society" includes any club, institution, organisation or association of persons, and any separate branch or section of such a club, institution, organisation or association; (xxx) 45
- (xxv) "society lottery" means a lottery conducted by a society in accordance with Chapter 2 of Part II; (viii)
- (xxvi) "software" means a set of instructions fixed or stored in any manner and which, when used directly or indirectly in a computer, directs its operation to bring about a result; (xxiii) 50
- (xxvii) "sporting event" means any football, rugby, cricket, golf or tennis match, any boxing, wrestling, shooting or swimming contest, any foot, cycle, motor, boat or horse race, and any other lawful sporting contest, competition, tournament or game usually attended by the public; (xxvii) 55
- (xxviii) "sports pool" means any scheme, excluding any scheme or competition in respect of horse racing which is authorised by the board, or which is conducted in the same format and manner and under the same circumstances as a scheme or competition in respect of horse racing that existed prior to 18 June 1997, under which— 60

- (xi) "hoof- uitvoerende beampte" die hoof- uitvoerende beampte beoog in artikel 7(1)(a); (iv)
- (xii) "kaartjie", met betrekking tot 'n lotery of sportpoel, 'n kenteken, teken, bewys, koepon, volmag, kaartjie, gedrukte papier, dokument of lys of enige ander middel of uitvindsel wat die reg verleen of heet te verleen om aan 'n lotery of sportpoel deel te neem en wat deur of namens die eienaar van die betrokke lotery of sportpoel uitgereik is; (xxxi)
- (xiii) "koerant" ook 'n joernaal, tydskrif of ander periodieke publikasie; (xvi)
- (xiv) "liefdadigheidsuitgawes" uitgawes aangegaan deur enige organisasie of instelling wat vir doeleindes van liefdadigheid, welwillendheid of mensliewendheid ingestel is, en ook onderlinge hulpverenigings, welsynsorganisasies en geleibuisorganisasies of trusts ingestel met betrekking tot enige sodanige organisasie of instelling; (iii)
- (xv) "lisensiehouer" die persoon aan wie die lisensie vir die Nasionale Lotery uitgereik is ingevolge artikel 13(1); (xi)
- (xvi) "lotery" ook 'n spel, skema, reëling, stelsel, plan, reklamekompetisie of uitvindsel vir distribusie van pryse deur middel van loting of enige ander metode waarby geluk betrokke is, en ook 'n spel, enige skema, reëling, stelsel, plan, kompetisie of uitvindsel wat die Minister in die *Staatskoerant* tot 'n lotery verklaar; (xii)
- (xvii) "Minister" die Minister aan wie die toepassing van hierdie Wet opgedra is; (xiii)
- (xviii) "Nasionale Lotery" die lotery beoog in Deel I van hierdie Wet en sluit in al die loterye wat kragtens die lisensie vir die Nasionale Lotery bedryf word, as 'n geheel geneem; (xiv)
- (xix) "netto opbrengs van die Nasionale Lotery" die bedrae wat ingevolge artikel 14(2)(e) aan die fonds of die raad betaalbaar is, maar nie die bedrae wat vir pryse van die Nasionale Lotery uitbetaal word nie; (xv)
- (xx) "plek" enige plek, hetsy 'n openbare plek al dan nie, en ook enige perseel, gebou, woning, woonstel, kamer, kantoor, winkel, bouwerk, voertuig, vaartuig of vliegtuig; (xviii)
- (xxi) "politieke ampsbekleër" 'n lid van die Parlement, 'n lid van 'n provinsiale wetgewer, 'n diplomatieke verteenwoordiger van die Republiek wat nie 'n lid van die Staatsdiens is nie, 'n lid van 'n huis of raad van tradisionele leiers, 'n lid van die Volkstaatraad, 'n lid van 'n munisipale raad en enige amptenaar van 'n politieke party, alliansie of beweging; (xix)
- (xxii) "private lotery" 'n lotery in die Republiek wat bedryf word ingevolge artikel 37—
- (a) vir en deur lede van 'n sosiale of sportklub wat nie met enige vorm van dobbelary verband hou nie;
- (b) vir en deur persone wat almal op dieselfde perseel werk;
- (c) vir en deur persone wat almal op dieselfde perseel woon;
- (d) deur persone van wie elkeen—
- (i) een van die persone is vir wie die lotery bedryf word; en
- (ii) in die geval van 'n lotery wat bedryf word vir die lede van 'n sosiale of sportklub, skriftelik deur die gesagsliggaam van die sosiale of sportliggaam gemagtig is om die lotery te bedryf; (xxi)
- (xxiii) "programmatuur" 'n stel instruksies op enige wyse vasgelê of geberg, en wanneer dit regstreeks of onregstreeks in 'n rekenaar gebruik word, sy werking gelas om 'n resultaat tot gevolg te bring; (xxvi)
- (xxiv) "prys" die prys wat aan die wenner van 'n lotery toegeken word; (xxii)
- (xxv) "raad" die Raad op Nasionale Loterye ingestel by artikel 2; (i)
- (xxvi) "reklamekompetisie" 'n lotery wat bedryf word met die doel om die verkoop of gebruik van enige goedere of dienste te bevorder; (xxiii)
- (xxvii) "sportgeleentheid" 'n voetbal-, rugby-, krieket-, gholf- of tenniswedstryd, enige boks-, stoei-, skiet- of swemwedstryd, enige voet-, fiets-, motor-, boot- of perdewedren, en enige ander wettige sportwedstryd, -mededinging, -toernooi of -spel wat gewoonlik deur die publiek bygewoon word; (xxvii)
- (xxviii) "sportpoel" 'n skema, uitgesluit 'n skema of kompetisie met betrekking tot perdewedrenne wat op dieselfde formaat en wyse en onder dieselfde omstandighede bedryf word as 'n skema of kompetisie met betrekking tot perdewedrenne wat voor 18 Junie 1997 bestaan het, of wat deur die Raad gemagtig word, waarby—

- (a) any person is invited or undertakes to forecast the result of any series or combination of sporting events in competition with other participants; and
- (b) a prize is to be awarded to the competitor who forecasts the said result correctly or whose forecast is more nearly correct than the forecasts of other competitors, or a number of prizes are to be awarded on the basis aforesaid, 5
- and for the purposes of this definition the forecast of a result includes not only the forecast of the person, animal, thing or team that will be victorious or otherwise, but also any forecast relating to the system of scoring employed in the sporting event in question, or to the person who will be responsible for the score; (xxviii) 10
- (xxix) "subscription" means the payment, or delivery of any money, goods, article, matter or thing, including any ticket, coupon or entry form, for the right to compete in a lottery; (i) 15
- (xxx) "this Act" includes regulations made under this Act; (x)
- (xxxi) "ticket", in relation to a lottery or sports pool, means any symbol, sign, token, coupon, warrant, card, printed paper, document or list or any other means or device which confers or purports to confer the right to take part in a lottery or sports pool and which is issued by or on behalf of the lottery or sports pool in question. (xii) 20

PART I

THE NATIONAL LOTTERY

CHAPTER 1

National Lotteries Board 25

Establishment of National Lotteries Board

2. There is hereby established a board to be known as the National Lotteries Board, which shall be a juristic person.

Composition of board

3. (1) Subject to subsection (3), the Minister shall appoint the members of the board, which shall consist of— 30

- (a) a chairperson, who shall be a person with applicable knowledge or experience with regard to matters connected with the functions of the board;
- (b) one member designated by the Minister; and
- (c) not more than five members who have proven business acumen or applicable knowledge or experience with regard to matters connected with the functions of the board, and of whom at least one should be a legal practitioner admitted to practise in the Republic and at least one a chartered accountant in the Republic. 35

(2) At least four members of the board shall be persons who are not in the service of any sphere of government. 40

(3) The member contemplated in paragraph (a) of subsection (1) shall be appointed only after the Minister has by notice in the *Gazette* and in not less than two newspapers circulating in every province invited interested parties to nominate persons suitable for appointment as chairperson and the relevant committee of the National Assembly has made recommendations to the Minister in relation thereto after a transparent and open process of considering persons so nominated, having due regard to the functions of the board. 45

(4) A member of the board shall hold office for such period, not exceeding five years, as the Minister may determine at the time of his or her appointment, and shall be eligible for reappointment at the end of his or her first term of office. 50

- (a) 'n persoon gevra word of onderneem om die uitslag van 'n sportgeleentheid of 'n reeks of kombinasie van sportgeleenthede in mededinging met ander deelnemers te voorspel; en
- 5 (b) 'n prys toegeken staan te word aan die mededinger wat die uitslag juis voorspel of wie se voorspelling nader aan juis is as die voorspellings van ander mededingers, of 'n aantal pryse op voormelde grondslag toegeken staan te word,
- en by die toepassing van hierdie omskrywing beteken die voorspelling van 'n uitslag ook nie slegs die voorspelling van die persoon, dier, ding of span wat
- 10 gaan seëvier of nie, maar ook 'n voorspelling met betrekking tot die stelsel waarvolgens punte by die betrokke sportgeleentheid aangeteken word, of met betrekking tot die persoon wat vir die punte verantwoordelik gaan wees; (xxviii)
- (xxix) "uitsaaidiens" uitsaaidiens soos omskryf in artikel 1 van die Uitsaaiwet, 15 1976 (Wet No. 73 van 1976); (ii)
- (xxx) "vereniging" ook enige klub, instelling, organisasie of vereniging van persone, en enige afsonderlike tak of afdeling van sodanige klub, instelling, organisasie of vereniging; (xxiv)
- (xxxi) "voorskryf" voorskryf by regulasie, en het "voorgeskryf" 'n ooreenstem-
20 mende betekenis. (xx)

DEEL I

DIE NASIONALE LOTERY

HOOFSTUK 1

Raad op Nasionale Loterye

25 Instelling van Raad op Nasionale Loterye

2. Daar word hierby 'n raad ingestel wat die Raad op Nasionale Loterye heet en met regs persoonlikheid beklee is.

Samestelling van raad

3. (1) Behoudens subartikel (3) stel die Minister die lede van die raad aan, wat
30 bestaan uit—

- (a) 'n voorsitter, wat 'n persoon is wat oor toepaslike kennis of ondervinding beskik met betrekking tot aangeleenthede wat met die werksaamhede van die raad in verband staan;
- (b) een lid deur die Minister aangewys; en
- 35 (c) hoogstens vyf lede wat oor bewese besigheidsvaardigheid of toepaslike kennis of ondervinding beskik met betrekking tot aangeleenthede wat met die werksaamhede van die raad in verband staan, en van wie ten minste een 'n regspraktisyn is wat toegelaat is om in die Republiek te praktiseer en minstens een 'n geoktrooieerde rekenmeester in die Republiek is.

40 (2) Ten minste vier lede van die raad is persone wat nie in diens van enige sfeer van regering is nie.

(3) Die lid in paragraaf (a) van subartikel (1) beoog, word slegs aangestel nadat die Minister belanghebbendes by kennisgewing in die *Staatskoerant* en in ten minste twee koerante wat in elke provinsie sirkuleer, uitgenooi het om persone wat vir aanstelling
45 as voorsitter geskik is, te benoem en die toepaslike komitee van die Nasionale Vergadering aanbevelings aan die Minister ten opsigte daarvan gedoen het na 'n deursigtige en ope proses om die persone aldus benoem te oorweeg, met behoorlike inagneming van die werksaamhede van die raad.

(4) 'n Lid van die raad beklee sy of haar amp vir die tydperk wat die Minister ten
50 tyde van sy of haar aanstelling bepaal, maar hoogstens vyf jaar, en kan by die verstryking van sy of haar eerste ampstermyn weer aangestel word.

- (5) Subject to section 33 of the Constitution, the Minister—
- (a) may, as soon as he or she gains knowledge of any possible disqualification, terminate the membership of any member of the board on the grounds of serious misconduct or prolonged inability to perform the functions of a member of the board; 5
 - (b) shall suspend the membership of any member of the board in the event of the State instituting criminal proceedings in a court of law on a charge of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Corruption Act, 1992 (Act No. 94 of 1992), or any offence involving dishonesty; 10
 - (c) shall terminate the membership of any member of the board in the event of that member—
 - (i) being found guilty in a court of law of contravening this Act or of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Corruption Act, 1992, or any offence involving dishonesty; or 15
 - (ii) materially failing to comply with subsection (7).
- (6) The Minister shall, subject to subsection (3), fill a casual vacancy on the board by the appointment of another person for the remainder of the period for which the person in respect of whom the vacancy arose, had been appointed.
- (7) (a) A person shall not be appointed or remain a member of the board— 20
- (i) unless he or she is a fit and proper person for such membership;
 - (ii) if such person, whether personally or through his or her spouse or life partner, immediate family member, business partner or associate—
 - (aa) has or obtains a direct or indirect financial interest in any lottery or gambling or associated activity, or if that person has had any such interest during the period of three years immediately prior to the envisaged date of appointment as member of the board; or 25
 - (bb) has or obtains any interest in any business or enterprise that may conflict or interfere with the proper performance of his or her functions as a member of the board or in any shareholder of the licensee or prospective licensee; or 30
 - (iii) if such person—
 - (aa) is or becomes a political office-bearer;
 - (bb) is or becomes an unrehabilitated insolvent or commits an act of insolvency; 35
 - (cc) has at any time been, or is, removed from an office of trust on account of misconduct; or
 - (dd) has at any time been, or is, convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Corruption Act, 1992, or any offence involving dishonesty. 40
- (b) A person who has been nominated for appointment to the board and who has accepted that nomination, whether tacitly or explicitly, shall, prior to his or her appointment as a member, submit to the Minister a written statement in which he or she declares whether or not he or she has any interest contemplated in paragraph (a)(ii). 45
- (c) If any member during his or her term of office acquires or contemplates acquiring an interest which could possibly be an interest contemplated in paragraph (a)(ii), he or she shall forthwith in writing declare that fact to both the Minister and the board, which at its following meeting shall consider whether such an interest constitutes or may constitute a contravention of paragraph (a)(ii), and if it is considered not to be a contravention, whether such acquisition or contemplated acquisition is likely to compromise the impartiality of the board. 50
- (d) The board shall forthwith in writing inform the Minister of the board's decision or recommendation contemplated in paragraph (c) if the Minister is not present at the meeting when the matter is considered in accordance with that paragraph. 55
- (e) The Minister shall, after consideration of the board's decision or recommendation, inform the member concerned if the acquisition or contemplated acquisition constitutes an interest contemplated in paragraph (a)(ii) or is likely to compromise the impartiality

- (5) Behoudens artikel 33 van die Grondwet—
- (a) kan die Minister, sodra hy of sy van enige moontlike diskwalifikasie kennis kry, die lidmaatskap van 'n lid van die raad op grond van ernstige wangedrag of langdurige onbevoegdheid om die werksaamhede van 'n lid van die raad te verrig, beëindig;
- (b) moet die Minister die lidmaatskap van enige lid van die raad opskort in die geval waar die Staat strafregtelike verrigtinge in 'n geregshof instel op 'n aanklag van diefstal, bedrog, vervalsing of uitgifte van 'n vervalste stuk, meened, 'n oortreding ingevolge die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of enige misdryf waarby oneerlikheid betrokke is;
- (c) moet die Minister die lidmaatskap van enige lid van die raad beëindig in die geval waar daardie lid—
- (i) in 'n geregshof skuldig bevind word aan 'n oortreding van hierdie Wet of aan diefstal, bedrog, vervalsing of uitgifte van 'n vervalste stuk, meened, 'n oortreding ingevolge die Wet op Korruptsie, 1992, of enige misdryf waarby oneerlikheid betrokke is; of
- (ii) wesenlik versuim om aan subartikel (7) te voldoen.
- (6) Die Minister vul, behoudens subartikel (3), 'n toevallige vakature in die raad aan deur 'n ander persoon aan te stel vir die oorblywende gedeelte van die tydperk waarvoor die persoon ten opsigte van wie die vakature ontstaan het, aangestel was.
- (7) (a) 'n Persoon word nie aangestel of bly nie aan as 'n lid van die raad nie—
- (i) tensy hy of sy 'n geskikte en gepaste persoon vir sodanige lidmaatskap is;
- (ii) indien sodanige persoon, hetsy persoonlik of deur sy of haar gade of lewensmaat, onmiddellike gesinslid, besigheidsvennoot of medewerker—
- (aa) 'n regstreekse of onregstreekse finansiële belang het of verkry by enige lotery of dobbelary of verwante aktiwiteit, of indien daardie persoon enige sodanige belang gedurende die tydperk van drie jaar onmiddellik voor die beoogde datum van aanstelling as lid van die raad gehad het; of
- (bb) enige belang by enige besigheid of onderneming het of verkry wat mag bots of inmeng met die behoorlike uitvoering van sy of haar werksaamhede as 'n lid van die raad, of in enige aandeelhouer van die lisensiehouer of voorgenome lisensiehouer; of
- (iii) indien sodanige persoon—
- (aa) 'n politieke ampsbekleër is of word;
- (bb) 'n ongerehabiliteerde insolvent is of word of 'n daad van insolvensie pleeg;
- (cc) in enige stadium uit 'n vertrouensamp weens wangedrag ontslaan is of word; of
- (dd) in enige stadium skuldig bevind is of word, hetsy in die Republiek of elders, aan diefstal, bedrog, vervalsing of uitgifte van 'n vervalste dokument, meened, 'n oortreding ingevolge die Wet op Korruptsie, 1992, of enige misdryf waarby oneerlikheid betrokke is.
- (b) 'n Persoon wat vir aanstelling in die raad benoem is en wat daardie benoeming aanvaar het, hetsy stilswyend of uitdruklik, moet voor sy of haar aanstelling as 'n lid 'n skriftelike verklaring by die Minister indien waarin hy of sy verklaar of hy of sy enige belang beoog in paragraaf (a)(ii) het of nie.
- (c) Indien enige lid gedurende sy of haar ampstermyn 'n belang verkry of beoog om 'n belang te verkry wat moontlik 'n belang beoog in paragraaf (a)(ii) kan wees, moet hy of sy onverwyld en skriftelik daardie feit aan die Minister verklaar, sowel as aan die raad, wat tydens sy volgende vergadering moet oorweeg of sodanige belang 'n oortreding van paragraaf (a)(ii) daarstel of kan daarstel, en indien dit nie as 'n oortreding beskou word nie, of sodanige verkryging of beoogde verkryging waarskynlik die onpartydigheid van die raad onder verdenking sal bring.
- (d) Die raad moet die Minister onverwyld skriftelik van die raad se besluit of aanbeveling beoog in paragraaf (c) inlig indien die Minister nie by die vergadering teenwoordig is nie wanneer die aangeleentheid ooreenkomstig daardie paragraaf oorweeg word.
- (e) Die Minister moet na oorweging van die raad se besluit of aanbeveling die betrokke lid inlig indien die verkryging of die beoogde verkryging 'n belang beoog in paragraaf (a)(ii) daarstel of waarskynlik die onpartydigheid van die raad onder

of the board, whereupon that member shall forthwith divest himself or herself of that interest, failing which the Minister shall take action in terms of subsection (5).

(8) A member of the board or his or her spouse, life partner, immediate family member, business partner or associate may not for a period of 12 months after the termination of membership of the board take up employment or in any way receive any benefit from any person who is applying or has applied— 5

(a) in terms of section 13, for the licence to conduct the National Lottery;

(b) in terms of section 55, for a licence to conduct a national sports pool;

(c) in terms of this Act, for any other authorisation, registration, certification or other benefit or advantage; or 10

(d) in terms of any legislation pertaining to gambling, for a gambling licence, unless the terms of such employment or the nature and extent of such benefits have been disclosed to the Minister and he or she has authorised that employment or those benefits or advantages.

(9) The provisions of subsection (8) do not prevent any criminal or civil proceedings in a court of law. 15

(10) Any agreement in contravention of subsection (8) is null and void *ab initio*.

Meetings of board

4. (1) The first meeting of the board shall be held on such a date and at such a time and place as the Minister may determine, and all subsequent meetings shall be held on such dates and at such times as the chairperson may determine after consultation with the board. 20

(2) The proceedings at a meeting of the board shall, subject to this section, be determined by the chairperson in consultation with the board, and any decision in this regard shall be taken after due consideration of the principles of openness and transparency. 25

(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, and in the event of an equality of votes on any matter, the chairperson shall have a casting vote in addition to his or her deliberative vote. 30

(5) The Minister and the chief executive officer of the board may attend any meeting of the board or its executive committee, and they shall each have the right to speak at any such meeting, but they do not have a right to vote.

(6) The Chairperson shall timeously notify the Minister of any meeting of the board or its executive committee. 35

Executive committee of board

5. (1) The board may from time to time appoint an executive committee to perform the functions and exercise the powers delegated to it by the board.

(2) An executive committee shall consist of such members of the board as the board may designate. 40

(3) The board shall designate the chairperson of an executive committee.

(4) (a) An executive committee shall perform its functions in accordance with the provisions of this Act and such directives of the board as are not in conflict with such provisions. 45

(b) Any delegated function so performed shall be deemed to have been performed by the board.

Remuneration and allowances of members of board

6. (1) Members of the board who are not in the service of the State may, in respect of their services, be paid such remuneration and allowances as may be determined by the Minister in consultation with the Minister of Finance. 50

verdenking sal bring, waarop daardie lid onverwyld van daardie belang afstand moet doen, by gebrek waaraan die Minister die nodige stappe ingevolge subartikel (5) moet doen.

- (8) Enige lid van die raad of sy of haar gade, of lewensmaat, onmiddellike familielid, 5 besigheidsvennoot of besigheidsgenoot, mag nie vir 'n tydperk van 12 maande na die beëindiging van lidmaatskap van die raad 'n betrekking aanvaar of op enige wyse enige voordeel ontvang nie van enige persoon wat aansoek doen of aansoek gedoen het—
- (a) ingevolge artikel 13, om die lisensie om die Nasionale Lotery te bedryf;
 - (b) ingevolge artikel 55, om 'n lisensie om 'n nasionale sportpoel te bedryf;
 - 10 (c) ingevolge hierdie Wet, om enige ander magtiging, registrasie, sertifisering of enige ander voordeel of gewin; of
 - (d) ingevolge enige wetgewing wat op dubbel betrekking het, om 'n dubbel-lisensie,
- tensy die voorwaardes van sodanige betrekking of die aard en omvang van sodanige 15 voordele aan die Minister openbaar is en hy of sy daardie betrekking of daardie voordele of gewin goedgekeur het.
- (9) Die bepalinge van subartikel (8) verhoed nie enige strafregtelike of siviele verrigtinge in 'n gereghof nie.
- (10) Enige ooreenkoms in stryd met subartikel (8) is van die begin af nietig en 20 ongeldig.

Vergaderings van raad

4. (1) Die eerste vergadering van die raad word gehou op die datum, tyd en plek deur die Minister bepaal, en alle opvolgende vergaderings moet gehou word op die datums en tye wat die voorsitter na oorleg met die raad bepaal.
- 25 (2) Die prosedure by 'n vergadering van die raad word, behoudens hierdie artikel, deur die voorsitter in oorleg met die raad bepaal, en enige besluit in hierdie verband moet geneem word met behoorlike inagneming van die beginsels van openheid en deursigtigheid.
- (3) Die kworum vir 'n vergadering van die raad is die meerderheid van die lede van 30 die raad.
- (4) 'n Besluit van die raad word geneem deur 'n meerderheid van stemme van die aanwesige lede, en in die geval van 'n staking van stemme oor enige aangeleentheid, het die voorsitter 'n beslissende stem benewens sy of haar beraadslagende stem.
- (5) Die Minister en die hoof- uitvoerende beampte van die raad mag enige 35 vergadering van die raad of sy uitvoerende komitee bywoon, en hulle het elkeen die reg om tydens enige sodanige vergadering te praat, maar hulle het nie stemreg nie.
- (6) Die voorsitter moet die Minister tydig van enige vergadering van die raad of sy uitvoerende komitee inlig.

Uitvoerende komitee van raad

- 40 5. (1) Die raad stel van tyd tot tyd 'n uitvoerende komitee aan om die werksaamhede te verrig en die bevoegdhede uit te oefen wat deur die raad aan sodanige komitee gedelegeer word.
- (2) 'n Uitvoerende komitee bestaan uit die lede van die raad wat die raad aanwys.
- (3) Die raad wys die voorsitter van 'n uitvoerende komitee aan.
- 45 (4) (a) 'n Uitvoerende komitee verrig sy werksaamhede in ooreenstemming met die bepalinge van hierdie Wet en die opdragte van die raad wat nie strydig met sodanige bepalinge is nie.
- (b) Enige gedelegeerde werksaamheid aldus verrig, word geag deur die raad verrig te gewees het.

50 Vergoeding en toelaes van lede van raad

6. (1) Lede van die raad wat nie in diens van die Staat is nie, kan ten opsigte van hul dienste die vergoeding en toelaes betaal word wat die Minister, in oorleg met die Minister van Finansies, bepaal.

(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.

Staff of board

7. (1) The board shall in the performance of its functions under this Act, be assisted 5
by—

- (a) a suitably qualified and experienced person as chief executive officer, appointed by the board or seconded in terms of subsection (3) and solely accountable to the board for the performance of all financial, administrative and clerical functions of the board and any duties which may be delegated to him or her by the board in terms of subsection (4); 10
- (b) such other persons, appointed by the board or seconded in terms of subsection (3), as may be necessary to enable the board to perform its functions.

(2) The persons appointed by the board in terms of subsection (1), other than seconded persons, shall receive such remuneration, allowances and other employment 15
benefits and shall be appointed on such terms and conditions and for such periods as the board may determine in consultation with the Minister and the Minister of Finance.

(3) The board may, in the performance of the functions contemplated in subsection (1)(a) and (b), at its request and after consultation with the Minister and the Public Service Commission, be assisted by officers in the public service seconded to the service 20
of the board in terms of any law regulating such secondment.

(4) Any function of the board in terms of this Act may be delegated to the chief executive officer, and any such delegation shall be in writing.

(5) Any person who is an employee of the Department and whose duties include any matter relating to any lottery or any other person who at any time serves or has served 25
in any capacity as a member of staff of the board, or his or her spouse, life partner, immediate family member or business partner or associate, may not during the time of his or her service to the board or for a period of 12 months after the termination of such service take up employment or in any way receive any benefit from any person who is applying or has applied— 30

- (a) in terms of section 13, for the licence to conduct the National Lottery;
- (b) for a licence to conduct a national sports pool in terms of section 55;
- (c) in terms of this Act, for any other authorisation, registration, certification or other benefit or advantage; or
- (d) in terms of any legislation pertaining to gambling, for a gambling licence, 35

unless the terms of such employment or the nature and extent of such benefits have been disclosed to the board and the board has authorised that employment or those benefits or advantages.

(6) The provisions of subsection (5) do not prevent any criminal or civil proceedings in a court of law. 40

(7) Any agreement in contravention of subsection (5) is null and void *ab initio*.

Funds of board

8. (1) The funds of the board shall consist of—

- (a) the payments to the board in terms of section 34;
- (b) application and licensing fees paid to the board in terms of section 14(3); 45
- (c) other money lawfully paid to the board, excluding any prize money paid by the licensee to the board; and
- (d) money appropriated by Parliament.

(2) The board may, up to an amount approved from time to time by the Minister in consultation with the Minister of Finance, raise short-term loans at any time, by way of overdrawing its account with a bank or otherwise, to meet any casual deficits that may arise. 50

(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.

Personeel van raad

5 7. (1) By die uitoefening van die raad se werksaamhede kragtens hierdie Wet word hy bygestaan deur—

- (a) 'n behoorlik gekwalifiseerde en ervare persoon as hoof- uitvoerende beampte, deur die raad aangestel of afgestaan ingevolge subartikel (3) en uitsluitlik aan die raad verantwoordelik vir die verrigting van alle finansiële, administratiewe en klerklike werksaamhede van die raad;
- 10 (b) die ander persone, deur die raad aangestel of afgestaan ingevolge subartikel (3), wat noodsaaklik is om die raad in staat te stel om sy werksaamhede te verrig.

(2) Die persone aangestel deur die raad ingevolge subartikel (1), wat nie afgestaande 15 persone is nie, ontvang die vergoeding, toelaes en ander diensvoordele en word aangestel op die bedinge en voorwaardes en vir die tydperke wat die raad in oorleg met die Minister en die Minister van Finansies bepaal.

(3) Die raad kan, in die verrigting van die werksaamhede beoog in subartikel (1)(a) en (b), op die raad se versoek en na oorleg met die Minister en die Staatsdienskommissie, bygestaan word deur beamptes in die Staatsdiens wat aan die diens van die raad 20 afgestaan word ingevolge enige wet wat die afstaan van beamptes in die Staatsdiens reël.

(4) Enige werksaamheid van die raad ingevolge hierdie Wet kan gedelegeer word aan die hoof- uitvoerende beampte en enige sodanige delegasie moet skriftelik wees.

25 (5) Enige persoon wat 'n werknemer van die Departement is en wie se pligte enige aangeleentheid met betrekking tot enige lotery insluit, of enige ander persoon wat te eniger tyd in enige hoedanigheid as 'n lid van die personeel van die raad dien of gedien het, of sy of haar gade, lewensmaat, onmiddellike familielid, besigheidsvennoot of besigheidsgenoot, mag nie gedurende die tydperk van sy of haar diens by die raad of 30 vir 'n tydperk van 12 maande na die beëindiging van sodanige diens, 'n betrekking aanvaar of op enige wyse enige voordele van enige persoon ontvang wat aansoek doen of aansoek gedoen het—

- (a) ingevolge artikel 13, om die lisensie om die Nasionale Lotery te bedryf;
- (b) om 'n lisensie om 'n nasionale sportpoel ingevolge artikel 55 te bedryf;
- 35 (c) ingevolge hierdie Wet, om enige ander magtiging, registrasie, sertifisering of enige ander voordeel of gewin; of
- (d) ingevolge enige wetgewing wat betrekking het op dobbel, om 'n dobbel-lisensie,

40 tensy die voorwaardes van sodanige betrekking of die aard en omvang van sodanige voordele aan die raad openbaar is en die raad daardie betrekking of daardie voordele of gewin goedgekeur het.

(6) Die bepalings van subartikel (5) verhoed nie enige strafregtelike of siviele verrigtinge in 'n geregshof nie.

(7) Enige ooreenkoms in stryd met subartikel (5) is van die begin af nietig en 45 ongeldig.

Fondse van raad

8. (1) Die fondse van die raad bestaan uit—

- (a) die betalings aan die raad ingevolge artikel 34;
- (b) aansoek- en lisensiegelde aan die raad ingevolge artikel 14(3) betaal; en
- 50 (c) ander gelde wettig aan die raad betaal, uitgesluit enige prysgeld deur die lisensiehouer aan die raad van die Nasionale Lotery betaal; en
- (d) geld deur die Parlement bewillig.

(2) Die raad kan tot by die bedrag van tyd tot tyd deur die Minister in oorleg met die Minister van Finansies bepaal, te eniger tyd korttermynlenings aangaan deur die raad 55 se rekening by 'n bank of andersins te oortrek, ten einde enige toevallige tekort wat mag ontstaan, te bestry.

Finances

9. There shall be paid out of payments made to the board in terms of section 34 such sums as are necessary to defray any expenses incurred by the board, including the remuneration, allowances and other employment benefits of the chief executive officer and members of the staff of the board.

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Functions of board

10. The board shall, applying the principles of openness and transparency and in addition to its other functions in terms of this Act—

- (a) advise the Minister on the issuing of the licence to conduct the National Lottery as contemplated in section 13(1) and on any matter contemplated in section 14(2)(g); 10
- (b) ensure that—
 - (i) the National Lottery and sports pools are conducted with all due propriety and strictly in accordance with the Constitution, this Act, all other applicable law and the licence for the National Lottery together with any agreement pertaining to that licence; 15
 - (ii) the interests of every participant in the National Lottery are adequately protected; and
 - (iii) subject to subparagraphs (i) and (ii), the net proceeds of the National Lottery are as large as possible; 20
- (c) administer the fund and hold it in trust;
- (d) monitor, regulate and police lotteries incidental to exempt entertainment, private lotteries, society lotteries and any competition contemplated in section 54;
- (e) advise the Minister on percentages of money to be allocated in terms of section 26(3); 25
- (f) advise the Minister on the efficacy of legislation pertaining to lotteries and ancillary matters;
- (g) advise the Minister on establishing and implementing a social responsibility programme in respect of lotteries; 30
- (h) administer and invest the money paid to the board in accordance with this Act and the licence for the National Lottery;
- (i) perform such additional duties in respect of lotteries as the Minister may assign to the board;
- (j) make such arrangements as may be specified in the licence for the protection of prize monies and sums for distribution; and 35
- (k) advise the Minister on any matter relating to the National Lottery and other lotteries or any other matter on which the Minister requires the advice of the board.

Consultation by board

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11. The board may consult any person, organisation or institution with regard to any matter deemed necessary by the board to enable the board to perform its functions effectively.

Audit and annual report

12. (1) The board shall—

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- (a) keep proper books and records in relation to receipts and payments;
- (b) prepare a report of all the activities of the board, including financial statements, in respect of each financial year and the board's regulatory functions in respect of all lotteries and all matters in respect of which the board rendered advice or made recommendations to the Minister in accordance with paragraphs (e), (f) and (g) of section 10; and 50

Finansies

9. Die fondse wat nodig is om enige uitgawes deur die Raad aangegaan te bestry, insluitende die vergoeding, toelaes en ander diensvoordele van die hoof- uitvoerende beampte en lede van die raad se personeel, word bestry uit betalings gemaak aan die raad ingevolge artikel 34.

Werksaamhede van raad

10. Die raad moet, met die toepassing van die beginsels van openheid en deursigtigheid en buiten sy ander werksaamhede ingevolge hierdie Wet—

- (a) die Minister van advies bedien ten aansien van die uitreiking van die lisensie om die Nasionale Lotery te bedryf soos beoog in artikel 13(1) en oor enige aangeleentheid beoog in artikel 14(2)(g);
- (b) verseker dat—
 - (i) die Nasionale Lotery en sportpoele met al die nodige behoorlikheid en streng in ooreenstemming met die Grondwet, hierdie Wet, alle ander toepaslike reg en die lisensie vir die Nasionale Lotery tesame met enige ooreenkoms wat op daardie lisensie betrekking het, bedryf word;
 - (ii) die belange van elke deelnemer in die Nasionale Lotery na behore beskerm word; en
 - (iii) behoudens subparagrafe (i) en (ii), die netto opbrengs van die Nasionale Lotery so groot as moontlik is;
- (c) die fonds administreer en in trust hou;
- (d) loterye bykomstig tot vrygestelde vermaaklikheid, private loterye, gemeenskapsloterye en enige kompetisie beoog in artikel 54 moniteer, reguleer en polisieer;
- (e) die Minister van advies bedien aangaande die persentasies geld wat ingevolge artikel 26(3) toegeken moet word;
- (f) die Minister van advies bedien aangaande die werkbaarheid van wetgewing wat op loterye en bykomstige aangeleenthede betrekking het;
- (g) die Minister van advies bedien aangaande die instelling en toepassing van 'n sosiale verantwoordelikeheidsprogram met betrekking tot loterye;
- (h) die geld ooreenkomstig hierdie Wet en die lisensie vir die Nasionale Lotery wat aan die raad betaal word, administreer en belê;
- (i) die addisionele pligte met betrekking tot loterye wat die Minister aan die raad mag opdra, uitvoer;
- (j) die reëlins tref wat voorgeskryf word in die lisensie vir die beskerming van prysgeld en somme geld vir distribusie; en
- (k) die Minister adviseer oor enige aangeleentheid wat met die Nasionale Lotery en ander loterye verband hou en enige ander aangeleentheid waaroor die Minister die advies van die raad vereis.

Oorlegpleging deur raad

11. Die raad kan met enige persoon, organisasie of liggaam oorleg pleeg met betrekking tot enige aangeleentheid wat die raad nodig ag om die raad in staat te stel om die raad se werksaamhede doeltreffend te verrig.

Oudit en jaarverslag

12. (1) Die raad moet—
- (a) behoorlik boek en rekord ten opsigte van ontvangste en uitbetalings hou;
 - (b) ten opsigte van elke boekjaar, 'n verslag van al die raad se aktiwiteite, met inbegrip van finansiële state, en die raad se regulatoriese werksaamhede met betrekking tot alle loterye en alle aangeleenthede ten opsigte waarvan die raad die Minister van advies bedien het of aanbevelings aan hom of haar gedoen het, ooreenkomstig paragrafe (e), (f) en (g) van artikel 10, opstel; en

- (c) annually within three months after the end of each financial year, submit the report and financial statements referred to in paragraph (b) to Parliament, and if Parliament is not then in session, on the first day of the next session.
- (2) In subsection (1) "financial year" means—
 - (a) the period from the date on which the board is appointed for the first time to the last day of March in the following year; and
 - (b) each period of 12 months thereafter ending on the last day of March.
- (3) The financial statements shall comply with generally accepted accounting principles and any other directions that may be given by the Minister or the Minister of Finance, or may be provided for in statutory measures applicable to the board, as to the information to be contained in such statements, the manner in which such information is to be presented or the methods and principles according to which such statements are to be prepared.
- (4) The financial statements of the board shall be audited by the Auditor-General.
- (5) The report referred to in subsection (1) shall be laid upon the Table in Parliament forthwith after it is submitted to the Minister, if Parliament is then in session, or, if Parliament is not then in session, on the first day of the commencement of the next ensuing session of Parliament.
- (6) The report referred to in subsection (1) shall include the recommendations of the board with regard to—
 - (a) the percentages prescribed in terms of section 26(3); and
 - (b) any amendments to this Act or regulations issued under this Act in order to improve the execution of the functions of the board.

CHAPTER 2

Licensing of National Lottery

Licence to conduct National Lottery

- 13. (1) The Minister may, after consultation with the board, issue one licence at one time authorising a person to conduct the National Lottery, which for purposes of section 57 will constitute a lottery, in accordance with the provisions of this Act.
- (2) Before a licence is granted under this section—
 - (a) the Minister shall by notice in the *Gazette* and in not less than two newspapers circulating in every province invite interested parties to apply in writing for a copy of a request for proposal or any other document which may be made public, and the board shall require payment for any such documents;
 - (b) the Minister shall be satisfied that—
 - (i) the applicant for the licence contemplated in subsection (1) has sufficient appropriate knowledge or experience to conduct the National Lottery, or has unconstrained and continuous access thereto, and will be able to conduct the National Lottery strictly in accordance with this Act, the licence of the National Lottery and any agreement pertaining to the licence;
 - (ii) the applicant has the necessary financial and other resources to conduct the National Lottery;
 - (iii) the applicant will for the duration of the licence show a clear and continuous commitment to the social responsibility programme contemplated in section 10(g) and to the advancement, upliftment and economic empowerment of persons or groups or categories of persons disadvantaged by unfair discrimination; and
 - (iv) no political party in the Republic or political office-bearer has any direct financial interest in the applicant or a shareholder of the applicant.
- (3) In considering whether to grant the licence, the Minister shall take into account—
 - (a) whether any person who appears to the Minister to be likely to manage the business or any part of the business of the National Lottery under the licence, is a fit and proper person to do so;

- (c) jaarliks binne drie maande na afloop van elke boekjaar die verslag en finansiële state in paragraaf (b) vermeld aan die Parlement voorlê, en indien die Parlement dan nie in sitting is nie, op die eerste dag van die daaropvolgende sitting.
- 5 (2) In subartikel (1) beteken “boekjaar”—
- (a) die tydperk vanaf die datum waarop die raad vir die eerste maal aangestel is tot die laaste dag van Maart in die daaropvolgende jaar; en
- (b) elke tydperk van 12 maande daarna wat met die laaste dag van Maart eindig.
- 10 (3) Die finansiële state moet voldoen aan algemeen aanvaarde beginsels van rekeningkunde en enige ander voorskrifte wat deur die Minister of die Minister van Finansies bepaal word of waarvoor daar in statutêre maatreëls van toepassing op die raad voorsiening gemaak word, ten opsigte van die inligting wat in sodanige state opgeneem moet word, die wyse waarop sodanige inligting aangebied moet word of die
- 15 metodes en beginsels waaroor ooreenkomstig sodanige state voorberei moet word.
- (4) Die finansiële state van die raad word geouditeer deur die Ouditeur-generaal.
- (5) Die verslag in subartikel (1) vermeld, word in die Parlement ter Tafel gelê onverwyld nadat dit aan die Minister voorgelê is, indien die Parlement in sitting is, of, indien die Parlement nie in sitting is nie, onverwyld na die aanvang van die
- 20 daaropvolgende sitting van die Parlement.
- (6) Die verslag in subartikel (1) vermeld, moet die aanbevelings van die raad insluit aangaande—
- (a) die persentasies voorgeskryf ingevolge artikel 26(3); en
- (b) enige wysigings van hierdie Wet of die regulasies kragtens hierdie Wet
- 25 uitgevaardig ten einde die uitvoering van die werksaamhede van die raad te verbeter.

HOOFTUK 2

Lisensiëring van Nasionale Lotery

Lisensie om Nasionale Lotery te bedryf

- 30 **13.** (1) Die Minister kan, na oorleg met die raad, een lisensie op 'n slag uitreik wat 'n persoon magtig om die Nasionale Lotery te bedryf, wat vir doeleindes van artikel 57 'n lotery daarstel, ooreenkomstig die bepalings van hierdie Wet.
- (2) Voordat 'n lisensie kragtens hierdie artikel uitgereik word—
- (a) moet die Minister belanghebbendes by kennisgewing in die *Staatskoerant* en
- 35 in ten minste twee koerante wat in elke provinsie sirkuleer, uitnooi om skriftelik aansoek te doen om 'n afskrif van 'n versoek om 'n voorstel of enige ander dokument wat bekend gemaak word, en die raad moet betaling vir enige sodanige dokumente vereis;
- (b) moet die Minister oortuig wees dat—
- 40 (i) die aansoeker om die lisensie beoog in subartikel (1) genoegsame toepaslike kennis of ervaring het, of onbepaalde en deurlopende toegang daartoe het, om die Nasionale Lotery te bedryf, en in staat sal wees om die Nasionale Lotery streng ooreenkomstig hierdie Wet, die lisensie van die Nasionale Lotery en enige ooreenkoms wat op die lisensie betrek-
- 45 king het, te bedryf;
- (ii) die aansoeker oor die nodige finansiële en ander hulpbronne beskik om die Nasionale Lotery te bedryf;
- (iii) die aansoeker vir die duur van die lisensie 'n duidelike en deurlopende verbintenis toon tot die sosiale verantwoordelikhedsprogram beoog in
- 50 artikel 10(g) en tot die bevordering, opheffing en ekonomiese bemagtiging van persone, groepe of kategorieë persone wat deur onbillike diskriminasie benadeel is; en
- (iv) geen politieke party in die Republiek of politieke ampsbekleër enige direkte finansiële belang by die aansoeker of 'n aandeelhouer van die
- 55 aansoeker het nie.
- (3) By oorweging van die toekenning van die lisensie moet die Minister in ag neem—
- (a) of enige persoon wat na die oordeel van die Minister waarskynlik die besigheid of enige deel van die besigheid van die Nasionale Lotery kragtens
- 60 die lisensie gaan behartig, 'n geskikte en gepaste persoon is om dit te doen;

- (b) whether any person for whose benefit that business is likely to be conducted, is a fit and proper person to benefit from it; and
- (c) whether any person who is likely to manage the business or any part of the business of the National Lottery under the licence or a sports pool, will do so—
 - (i) with all due propriety and strictly in accordance with the Constitution, this Act, all other applicable law and the licence for the National Lottery together with any agreement pertaining to the licence;
 - (ii) so that the interests of every participant in the National Lottery and sports pools are adequately protected; and
 - (iii) subject to subparagraphs (i) and (ii), so that the net proceeds of the National Lottery and sports pools are as large as possible.
- (4) A licence granted under this section shall include the conditions contemplated in section 14.
- (5) The licence contemplated in subsection (1) may allow the licensee to appoint another person to conduct certain lotteries of the National Lottery on behalf of the licensee only with the written approval of the Minister.
- (6) In considering whether to grant the licence contemplated in subsection (1), the Minister and the board shall not favour an applicant solely because the applicant or a shareholder or partner of that applicant is an organ of the State.

Requirements and conditions of licence

14. (1) A licence granted in terms of section 13 shall be in writing, shall specify the conditions attached to it and shall be granted for a minimum period of five years or a maximum period of eight years: Provided that the Minister may, after consultation with the board, in a case where the licence has been granted for less than eight years, and at least one year before the expiry of that licence, extend that licence for such further period as would, together with the initial period for which that licence was granted, not exceed eight years: Provided further that the licensee shall have no rights or legitimate expectations in respect of an extension of the period of validity of the licence other than the rights afforded by this subsection.
- (2) The conditions contemplated in subsection (1) shall include such conditions as the Minister shall determine, after consultation with the board, and shall in particular include conditions requiring the licensee—
- (a) to obtain the consent of the board before doing anything specified in the licence;
 - (b) to refer specified matters to the Minister or to the board, as the case may be, for approval;
 - (c) to ensure that such requirements as the Minister or the board may from time to time determine or approve in terms of the licence are complied with, including the imposition of penalties in the event of the licensee not complying with any provision of this Act or the licence;
 - (d) to provide the Minister and the board at times specified by the Minister or the board with such information as the Minister or the board may require;
 - (e) to make such arrangements as may be specified in the licence for the payment of such sums out of the proceeds of the National Lottery as may be so specified to the fund or to the board, as the case may be, at such times as may be so specified;
 - (f) to do such things in terms of the licence, including the transfer of property or any rights, excluding intellectual property rights or proprietary software, as the board may require, upon the expiration of the licence;
 - (g) to obtain the approval of the Minister for any lottery and the rules thereof before that lottery is conducted under the licence for the National Lottery;
 - (h) to allow the board or anyone designated by it to enter any premises or facility belonging to or under the control of the licensee or a member of the management of the licensee, or premises to which the licensee has a right of access, at any reasonable time, if such entry is necessary for the protection of the integrity of the National Lottery, and to—

- (b) of enige persoon vir wie se voordeel sodanige besigheid waarskynlik verrig staan te word, 'n geskikte en gepaste persoon is om voordeel daaruit te verkry; en
- (c) of enige persoon wat waarskynlik die besigheid of enige gedeelte van die besigheid van die Nasionale Lotery of 'n sportpoel kragtens die lisensie sal bedryf, dit sal doen—
- (i) met al die nodige behoorlikheid en streng in ooreenstemming met die Grondwet, hierdie Wet, alle ander toepaslike reg en die lisensie vir die Nasionale Lotery tesame met enige ooreenkoms wat op die lisensie betrekking het;
- (ii) sodat die belange van elke deelnemer aan die Nasionale Lotery en sportpoele genoegsaam beskerm word; en
- (iii) behoudens subparagrafe (i) en (ii), sodat die netto opbrengste van die Nasionale Lotery en sportpoele so groot as moontlik is.
- (4) 'n Lisensie kragtens hierdie artikel uitgereik, moet die voorwaardes beoog in artikel 14 insluit.
- (5) Die lisensie beoog in subartikel (1) kan die lisensiehouer toelaat om 'n ander persoon aan te stel om sekere loterye van die Nasionale Lotery namens die lisensiehouer slegs met die skriftelike goedkeuring van die Minister te bedryf.
- (6) By oorweging of die lisensie beoog in subartikel (1) toegestaan behoort te word, mag die Minister en die raad nie 'n aansoeker bevoordeel uitsluitlik omdat die aansoeker of 'n aandeelhouer of vennoot van daardie aansoeker 'n orgaan van die Staat is nie.

Vereistes en voorwaardes van lisensie

14. (1) 'n Lisensie toegestaan ingevolge artikel 13 moet op skrif wees, moet die voorwaardes daaraan verbonde spesifiseer en moet toegestaan word vir 'n minimum tydperk van vyf jaar of 'n maksimum tydperk van agt jaar: Met dien verstande dat die Minister, in die geval waar die lisensie vir minder as agt jaar toegestaan is, en ten minste een jaar voordat daardie lisensie verval, na oorleg met die raad daardie lisensie vir die verdere tydperk kan verleng wat tesame met die oorspronklike tydperk ten opsigte waarvan daardie lisensie toegestaan is, nie agt jaar oorskry nie: Met dien verstande voorts dat die lisensiehouer geen regte of regmatige verwagtinge ten opsigte van 'n verlenging van die tydperk van die geldigheid van die lisensie anders as die regte verleen by hierdie subartikel het nie.
- (2) Die voorwaardes beoog in subartikel (1) sluit die voorwaardes in wat die Minister bepaal na oorleg met die raad, en sluit die besondere voorwaardes in wat van die lisensiehouer vereis—
- (a) om die raad se toestemming te verkry voordat enigiets vermeld in die lisensie gedoen word;
- (b) om bepaalde aangeleenthede na die Minister of na die raad, na gelang van die geval, te verwys vir goedkeuring;
- (c) om te verseker dat die vereistes wat die Minister of die raad van tyd tot tyd bepaal of goedkeur ingevolge die lisensie, nagekom word, met inbegrip van die oplegging van boetes in die geval waar die lisensiehouer nie aan enige bepaling van hierdie Wet of die lisensie voldoen nie;
- (d) om die Minister en die raad van die inligting wat die Minister en die raad vereis, op die tye deur die Minister en die raad gespesifiseer, te voorsien;
- (e) om die reëlins te tref wat in die lisensie gespesifiseer word vir die betaling van die bedrae uit die opbrengs van die Nasionale Lotery wat aldus gespesifiseer word, aan die fonds of aan die raad, na gelang van die geval, op die tye wat aldus gespesifiseer word;
- (f) om die handelinge kragtens die lisensie te verrig, met inbegrip van die oordrag van eiendom of enige reg, uitgesluit intellektuele eiendomsreg of patentregtelike programmatuur, wat die raad vereis wanneer die lisensie ophou om van krag te wees;
- (g) om die goedkeuring van die Minister vir enige lotery en die reëls daarvan te verkry voordat daardie lotery kragtens die lisensie vir die Nasionale Lotery bedryf word;
- (h) om die raad of enigiemand deur die raad aangewys, toe te laat om enige perseel of fasiliteit wat aan die lisensiehouer behoort of onder sy of haar beheer is, of perseel waartoe die lisensiehouer 'n reg van toegang het, te eniger redelike tyd te betree as sodanige toegang nodig is om die integriteit van die Nasionale Lotery te beskerm, en om—

- (i) examine or inspect any thing, machine, document or data captured in any form, excluding proprietary software, found on or in the premises or facility, and make copies of or make extracts from that thing, machine, document or data;
- (ii) seize, for the purpose of further examination or securing information, any thing, machine, document or data, excluding proprietary software, on or in such premises or facility which has a bearing on the conduct of the National Lottery; 5
- (iii) seal or otherwise secure any such premises, facility, thing or machine on or in which any document or data which has a bearing on the conduct of the National Lottery is stored or captured; and 10
- (iv) take such steps as may be reasonably necessary to protect the integrity and conduct of the National Lottery; and
- (i) to secure a valid and enforceable undertaking in writing from—
 - (i) the person controlling the licensee in any way whatsoever not to change that control of the licensee for the duration of the licence without the consent of the Minister; 15
 - (ii) the person controlling the licensee in any way whatsoever not to transfer, cede or in any other way encumber the licence to another person; and
 - (iii) the licensee not to permit, require or compel any of its employees or agents knowingly to sell a ticket, or to award or to pay any prize to— 20
 - (aa) a director of the licensee or a director of a holding or shareholder company of the licensee, an employee, agent or consultant of the licensee or a member, employee or agent of the board;
 - (bb) a person who prints or in any other way manufactures a ticket for the National Lottery, or any of his, her or its directors or employees; 25
 - (cc) a person who supplies, operates, maintains or repairs any computers or any other electronic device or system of any kind, or parts thereof, or software for those computers or devices, in respect of the National Lottery, or any of his, her or its directors or employees; or 30
 - (dd) a person who is responsible for the marketing and advertising in respect of the National Lottery, or any of his, her or its directors or employees, as the case may be.
- (3) On—
 - (a) requesting a copy of any document in terms of section 13(2)(a); 35
 - (b) applying for the licence to be issued in terms of section 13(1); or
 - (c) the granting of a licence under section 13,
 the person requesting a copy of a document, the applicant or the licensee, as the case may be, shall pay to the board the prescribed fee.

Variation of conditions of licence

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15. (1) The Minister or the board may vary any condition in the licence granted under section 13—

- (a) to the extent provided for in the provisos to section 14(1); or
 - (b) other than a condition contemplated in paragraph (a),
- only if the licensee consents to that variation, or if the licensee does not consent to that variation, only if— 45
- (i) that variation is provided for in this Act or to the extent provided for in the licence; and
 - (ii) the licensee has been given a reasonable opportunity to make representations to the Minister or the board, as the case may be, 50
- in respect of the intended variation.
- (2) If the Minister or the board, after consideration of the licensee's representations, decides to vary a condition in the licence in accordance with that licence but without the consent of the licensee, the Minister or the board, as the case may be, shall cause a notice to be served on the licensee in which the licensee is informed of the variation and the date on which that variation shall take effect, which date shall not be less than 21 days 55

- (i) enige ding, masjien, dokument of data vasgevang in enige vorm, uitgesluit patentregtelike programmatuur, wat op of in die perseel of fasiliteit gevind word, te ondersoek of te inspekteer, en om afskrifte van of uittreksels vanuit daardie ding, masjien, dokument of data te maak;
- 5 (ii) beslag te lê, vir doeleindes van verdere ondersoek of beveiliging van inligting, op enige ding, masjien, dokument of data, uitgesluit patentregtelike programmatuur, op of in sodanige perseel of fasiliteit wat betrekking het op die bedryf van die Nasionale Lotery;
- 10 (iii) enige sodanige perseel, fasiliteit, ding of masjien waarop of waarin enige dokument of data wat betrekking het op die bedryf van die Nasionale Lotery geberg of vasgevang is, te seël of andersins te beveilig; en
- (iv) die stappe te doen wat redelikerwys nodig is om die integriteit en die bedryf van die Nasionale Lotery te beskerm; en
- 15 (i) 'n geldige en afdwingbare onderneming op skrif te verkry van—
- (i) die persoon wat die lisensie op enige wyse hoegenaamd beheer, om die beheer van die lisensie vir die duur van die lisensie nie sonder die Minister se instemming te verander nie;
- 20 (ii) die persoon wat die lisensie op enige wyse hoegenaamd beheer, om die lisensie op geen wyse teenoor 'n ander persoon oor te dra, te seëer of te beswaar nie;
- (iii) die lisensiehouer, om nie enige van sy of haar werknemers of agente toe te laat, van hulle te verwag of hulle te verplig om wetens 'n kaartjie te verkoop, of 'n beloning of prys te betaal, aan—
- 25 (aa) 'n direkteur van die lisensiehouer of 'n direkteur van 'n houer- of aandeelhouer-maatskappy van die lisensiehouer, 'n werknemer, agent of konsultant van die lisensiehouer of 'n lid, werknemer of agent van die raad;
- (bb) 'n persoon wat kaartjies vir die Nasionale Lotery druk of op enige ander wyse vervaardig, of enige van sy of haar direkteure of werknemers;
- 30 (cc) 'n persoon wat enige rekenaar of enige ander elektroniese toestel of stelsel van enige aard of gedeeltes daarvan, of programmatuur vir sodanige rekenaar of toestel met betrekking tot die Nasionale Lotery voorsien, daarmee werk, dit onderhou of herstel, of aan enige van sy of haar direkteure of werknemers; of
- 35 (dd) 'n persoon wat verantwoordelik is vir die bemerking en advertering ten opsigte van die Nasionale Lotery, of enige van sy of haar direkteure of werknemers.
- 40 (3) By—
- (a) 'n aansoek om 'n afskrif van enige dokument ingevolge artikel 13(2)(a);
- (b) 'n aansoek om uitreiking van die lisensie ingevolge artikel 13(1); of
- (c) die toestaan van 'n lisensie kragtens artikel 13,
- betaal die persoon wat 'n afskrif van 'n dokument versoek, die aansoeker of die
- 45 lisensiehouer, na gelang van die geval, die voorgeskrewe gelde aan die raad.

Wysiging van voorwaardes van lisensie

15. (1) Die Minister of die raad kan enige voorwaarde in die lisensie uitgereik kragtens artikel 13, wysig—

- (a) tot die mate waarvoor daar in die voorbehoudsbepalings by artikel 14(1) voorsiening gemaak word; of
- 50 (b) anders as 'n voorwaarde beoog in paragraaf (a), slegs indien die lisensiehouer tot daardie wysiging toestem, of indien die lisensiehouer nie tot daardie wysiging toestem nie, slegs indien—
- (i) daar vir daardie wysiging in hierdie Wet voorsiening gemaak word of tot die mate waarvoor daar in die lisensie voorsiening gemaak word; en
- 55 (ii) die lisensiehouer 'n redelike geleentheid gebied is om verhoë tot die Minister of die raad, na gelang van die geval, te rig oor die voorgename wysiging.
- (2) Indien die Minister of die raad, na oorweging van die lisensiehouer se verhoë, besluit om 'n voorwaarde in die lisensie te wysig in ooreenstemming met daardie
- 60 lisensie maar sonder die toestemming van die lisensiehouer, moet die Minister of die raad, na gelang van die geval, toesien dat 'n kennisgewing op die lisensiehouer beteken word waarin die lisensiehouer van die wysiging en die datum waarop die wysiging in

after the date of service of such notice, unless the licensee agrees to a shorter period in writing.

(3) The provisions of the licence to vary a condition in the licence under subsection (1) may allow the Minister or the board to add a condition to the licence or to omit a condition from the licence.

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Enforcement of conditions of licence

16. (1) If the Minister or the board has reason to believe—

- (a) that a person is likely to contravene a condition in the licence granted under section 13;
- (b) that a person has contravened such a condition and there is a reasonable likelihood that the contravention will continue or be repeated; or
- (c) that a person has contravened such a condition and that the contravention can be remedied,

the Minister or the board, as the case may be, may apply to a High Court for an order prohibiting the contravention or, as the case may be, requiring the licensee and any other person who appears to the court to have been party to the contravention, to take such steps as the court may direct.

(2) The liability of the licensee to pay any sum in terms of this Act or the licence or agreement pertaining thereto shall not be affected by the licence ceasing to be valid for any reason and such sum may not be set off by the licensee against any amount due and payable.

Grounds for revocation of licence

17. The licence granted under section 13 may be revoked by the Minister or the board on the following grounds:

- (a) If the licensee is no longer a fit and proper person to conduct the National Lottery, whether because of the commission of an act of insolvency, liquidation or for any other valid reason;
- (b) if a condition contained in the licence has been materially contravened;
- (c) if any information given by the licensee, any person who in any way controls the licensee or an agent or representative of the licensee to the board—
 - (i) in or in connection with the application for the licence;
 - (ii) in accordance with a condition in the licence; or
 - (iii) in making representations in terms of section 18(1), in respect of financial matters regarding the National Lottery or in respect of any aspect of the management of the National Lottery,
- (d) if any person who is managing the business or any part of the business of the licensee or who is a supplier of goods or services to the licensee is not a fit and proper person to do so, whether because of the commission of an act of insolvency, insolvency, liquidation, incarceration in a prison or other institution or for any other relevant reason, unless the licensee immediately takes steps to effectively dissociate himself, herself or itself from that person;
- (e) if any person for whose benefit the licence has been acquired or who is a holding company of the licensee or who in any other way controls the licensee, is not a fit and proper person to benefit from it, whether because of insolvency, liquidation, incarceration in a prison or other institution or for any other relevant reason;
- (f) if the licensee has failed to take adequate steps to prevent the commission of fraud by his, her or its employees, agents, representatives, suppliers or by participants in the National Lottery after having been alerted to or becoming aware of conditions conducive to the commission of fraud, or to instances of fraud or dishonesty;

werking sal tree, in kennis gestel word, welke datum nie minder nie as 21 dae na die datum van betekening van sodanige kennisgewing moet wees, tensy die lisensiehouer skriftelik tot 'n korter tydperk toestem.

- (3) Die bepalinge in die lisensie wat die wysiging van 'n voorwaarde van die lisensie 5 kragtens subartikel (1) toelaat, kan die Minister of die raad magtig om 'n voorwaarde tot die lisensie te voeg of om 'n voorwaarde van die lisensie weg te laat.

Afdwinging van voorwaardes van lisensie

16. (1) Indien die Minister of die raad van oordeel is—

- 10 (a) dat 'n persoon 'n voorwaarde in die lisensie uitgereik kragtens artikel 13 waarskynlik nie sal nakom nie;
- (b) dat 'n persoon so 'n voorwaarde nie nagekom het nie en daar 'n redelike waarskynlikheid is dat die nie-nakoming sal voortduur of herhaal sal word; of
- 15 (c) dat 'n persoon so 'n voorwaarde nie nagekom het nie en dat die nie-nakoming reggestel kan word,

kan die raad of die Minister, na gelang van die geval, by 'n Hoër Hof aansoek doen om 'n bevel om die nie-nakoming te verbied of, na gelang van die geval, wat van die lisensiehouer en enige ander persoon wat vir die hof voorkom 'n party tot die nie-nakoming te wees, vereis om die stappe te doen wat die hof beveel.

- 20 (2) Die aanspreeklikheid van die lisensiehouer om enige bedrag ingevolge hierdie Wet of die lisensie of 'n ooreenkoms wat daarop betrekking het te betaal, word nie beïnvloed deur die verval van die lisensie om die een of ander rede nie en sodanige bedrag mag nie deur die lisensiehouer verreken word teenoor enige bedrag wat verskuldig en betaalbaar is nie.

25 Gronde vir intrekking van lisensie

17. Die lisensie kragtens artikel 13 toegestaan, kan op die volgende gronde deur die Minister of die raad ingetrek word:

- 30 (a) Indien die lisensiehouer nie meer 'n geskikte en gepaste persoon is om die Nasionale Lotery te bedryf nie, hetsy weens die pleging van 'n daad van insolvensie, likwidasië of om enige ander geldige rede;
- (b) indien 'n voorwaarde in die lisensie wesenlik oortree is;
- (c) indien enige inligting verskaf deur die lisensiehouer, enige persoon wat op enige wyse die lisensiehouer beheer of 'n agent of verteenwoordiger van die lisensiehouer aan die raad—
- 35 (i) in of in verband met die aansoek om die lisensie;
- (ii) in ooreenstemming met 'n voorwaarde in die lisensie; of
- (iii) in die vermoë gerig ingevolge artikel 18(1), met betrekking tot finansiële aangeleenthede aangaande die Nasionale Lotery of met betrekking tot enige aspek van die bestuur van die Nasionale Lotery,
- 40 wesenlik vals is;
- (d) indien enige persoon wat die besigheid of enige deel van die besigheid van die lisensiehouer bestuur of wat 'n verskaffer van goedere of dienste aan die lisensiehouer is, nie 'n geskikte en gepaste persoon is om dit te doen nie, hetsy vanweë die pleging van 'n daad van insolvensie, insolvensie, likwidasië, gevangesetting in 'n gevangenis of 'n ander inrigting of vir enige ander toepaslike rede, tensy die lisensiehouer onmiddellik stappe doen om homself of haarself effektief van daardie persoon te distansieer;
- 45 (e) indien enige persoon tot wie se voordeel die lisensie bekom is of wat 'n houermaatskappy van die lisensiehouer is of op enige ander wyse die lisensiehouer beheer, nie 'n geskikte en gepaste persoon is om daaruit voordeel te verkry nie, hetsy vanweë insolvensie, likwidasië, gevangesetting in 'n gevangenis of 'n ander inrigting of vir enige ander toepaslike rede;
- 50 (f) indien die lisensiehouer versuim het om voldoende stappe te doen om die pleging van bedrog deur sy werknemers, agente, verteenwoordigers, verskaffers of deur die deelnemers in die Nasionale Lotery te voorkom nadat hy of sy bewus gemaak is of bewus geraak het van omstandighede wat bevorderlik is vir die pleging van bedrog, of van gevalle van bedrog of oneerlikheid;
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- (g) if the licensee, any of its employees, agents, representatives or suppliers prevent the board or any person designated by it from exercising its rights contemplated in section 14(2)(h);
- (h) if the licensee, any of its employees or agents repeatedly and knowingly sell tickets or award or pay prizes to any person in contravention of section 14(2)(i)(iii); or
- (i) if application has been made to a High Court for the sequestration or liquidation, as the case may be, of the licensee or a person who in any way controls the licensee.

Notice of proposed revocation

18. (1) If the Minister or the board is satisfied that grounds exist for the revocation of the licence granted in terms of section 13, he, she or the board, as the case may be, shall in writing notify the licensee of the existence of such grounds and call upon the licensee to furnish reasons, within 14 days of service of that notice at the registered physical address of the licensee, as to why the licence should not be revoked, failing which the licence will cease to be valid upon the expiration of the said period of 14 days.

(2) If the licence for the National Lottery ceases to be valid in terms of subsection (1), the Minister or the board, as the case may be, shall forthwith inform the licensee and Parliament in writing of that fact and of the date upon which the licence ceased to be valid, and if Parliament is not then in session, it shall be so informed on the first day of the next session.

Suspension of licence

19. (1) The Minister or the board may order a suspension of the licence in the notice contemplated in section 18(1) as from the date of service of that notice for a period of not longer than 30 days after the licensee has furnished those reasons: Provided that the Minister or the board, whoever acts in terms of this section, shall inform the other of his or her or its actions.

(2) If the Minister or the board decides to suspend the licence in terms of subsection (1), the Minister shall forthwith inform Parliament of that fact and of the grounds for the suspension, and if Parliament is not then in session, on the first day of the next session of Parliament.

(3) The licence shall immediately cease to be valid if it is suspended for a second time.

(4) The Minister shall forthwith inform Parliament if the licence has ceased to be valid in terms of subsection (3), and if Parliament is not then in session, on the first day of the next session of Parliament.

Revocation of licence

20. (1) If reasons are furnished by the licensee as contemplated in section 18(1), the Minister or the board, as the case may be, shall after considering such reasons—

- (a) decide whether or not to revoke the licence; or
- (b) call upon the licensee to appear before the board on a specified date to make oral representations in support of any written representations made by the licensee or to answer any questions which the Minister or the board, as the case may be, may have with regard to such written representations, whereafter the Minister or the board shall consider the matter and decide whether or not to revoke the licence.

(2) If the Minister or the board decides to revoke the licence, he or she or it shall by written notice served at the registered head office of the licensee notify the licensee of that fact, of the grounds for that revocation and of the date on which that revocation shall take effect.

(3) If the Minister or the board decides to revoke the licence in terms of subsection (1), the Minister or the board, as the case may be, shall inform the Minister of Finance and Parliament of that fact and of the grounds for that revocation forthwith, and if Parliament is not then in session, on the first day of the next session of Parliament.

- (g) indien die lisensiehouer of enige van sy werknemers, agente, verteenwoordigers of verskaffers verhoed dat die raad of enige persoon deur die raad daartoe gemagtig, sy regte beoog in artikel 14(2)(h) uitoefen;
- 5 (h) indien die lisensiehouer of enige van sy werknemers of agente, by herhaling en bewustelik kaartjies verkoop of pryse toeken aan enige persoon in stryd met artikel 14(2)(i)(iii); of
- (i) indien aansoek by 'n Hoër Hof gebring is vir die sekwestrasie of likwidasie, na gelang van die geval, van die lisensiehouer of van 'n persoon wat op enige wyse die lisensiehouer beheer.

10 Kennisgewing van voorgestelde intrekking

18. (1) Indien die Minister of die raad oortuig is dat gronde bestaan vir die intrekking van die lisensie wat ingevolge artikel 13 toegestaan is, moet hy of sy of die raad, na gelang van die geval, die lisensiehouer skriftelik in kennis stel van die bestaan van sodanige gronde en van die lisensiehouer vereis om binne 14 dae na betekening van daardie kennisgewing by die geregistreerde fisiese adres van die lisensiehouer redes te verstrek waarom die lisensie nie ingetrek behoort te word nie, by gebrek aan voldoening waaraan die lisensie by verstryking van genoemde tydperk van 14 dae nie meer geldig sal wees nie.

20 (2) Indien die lisensie vir die Nasionale Lotery ingevolge subartikel (1) nie meer geldig is nie, moet die Minister of die raad, na gelang van die geval, onverwyld die lisensiehouer en die Parlement skriftelik verwittig van daardie feit en die datum waarop die lisensie opgehou het om geldig te wees, en indien die Parlement nie dan in sitting is nie, word hy op die eerste dag van die daaropvolgende sitting aldus in kennis gestel.

Opskorting van lisensie

25 19. (1) Die Minister of die raad kan in die kennisgewing beoog in artikel 18(1) gelas dat die lisensie opgeskort word vanaf die datum van betekening van daardie kennisgewing vir 'n tydperk van hoogstens 30 dae nadat die lisensiehouer redes aangevoer het waarom die lisensie nie ingetrek behoort te wees nie: Met dien verstande dat die Minister of die raad, wie ook al ingevolge hierdie artikel optree, die ander moet 30 verwittig van sy of haar optrede.

(2) Indien die Minister of die raad besluit om die lisensie ingevolge subartikel (1) op te skort, moet die Minister die Parlement onverwyld van daardie feit en van die gronde vir opskorting verwittig, en indien die Parlement nie dan in sitting is nie, op die eerste dag van die daaropvolgende sitting van die Parlement.

35 (3) Die lisensie hou onmiddellik op om geldig te wees indien dit vir 'n tweede keer opgeskort word.

(4) Die Minister moet die Parlement onverwyld verwittig indien die lisensie ingevolge subartikel (3) ongeldig geword het, en indien die Parlement nie dan in sitting is nie, op die eerste dag van die daaropvolgende sitting van die Parlement.

40 Intrekking van lisensie

20. (1) Indien redes deur die lisensiehouer verstrek is soos in artikel 18(1) beoog, moet die Minister of die raad, na gelang van die geval, na oorweging van die redes—

- (a) besluit om die lisensie in te trek al dan nie; of
- 45 (b) die lisensiehouer oproep om voor die raad op 'n bepaalde datum te verskyn om mondelinge vertoë te rig ter aanvulling van enige skriftelike vertoë wat die lisensiehouer verstrek het of om die vrae wat die Minister of die raad, na gelang van die geval, met betrekking tot daardie skriftelike vertoë het, te beantwoord, waarna die Minister of die raad die geval moet oorweeg en besluit of die lisensie ingetrek moet word al dan nie.

50 (2) Indien die Minister of die raad besluit om die lisensie in te trek, moet hy of sy of die raad by skriftelike kennisgewing wat op die geregistreerde hoofkantoor van die lisensiehouer beteken is, die lisensiehouer verwittig van daardie feit, en van die gronde vir daardie intrekking en van die datum waarop daardie intrekking 'n aanvang neem.

55 (3) Indien die Minister of die raad besluit om die lisensie ingevolge subartikel (1) in te trek, moet die Minister of die raad, na gelang van die geval, die Minister van Finansies en die Parlement onverwyld van daardie feit en van die gronde vir daardie intrekking verwittig, en indien die Parlement nie dan in sitting is nie, op die eerste dag van die daaropvolgende sitting van die Parlement.

CHAPTER 3

Distribution of net proceeds of National Lottery

Establishment of National Lottery Distribution Trust Fund

- 21.** (1) There is hereby established a fund to be known as the National Lottery Distribution Trust Fund, to be managed by the board. 5
- (2) The board shall annually table a report in Parliament in respect of the fund, which may form part of the report contemplated in section 12(1)(b).

Fund to vest in and to be administered by board

- 22.** (1) The fund shall vest in and be administered by the board.
- (2) The fund shall be held in trust by the board for the purposes mentioned in this Chapter. 10

Revenue of fund

- 23.** The fund shall consist of—
- (a) the sums paid to the fund in terms of section 14(2)(e);
 - (b) interest and dividends derived from the investment of money standing to the credit of the fund; and
 - (c) other money lawfully paid into the fund. 15

Banking account

- 24.** (1) Money in the fund shall, pending the application thereof in terms of this Chapter, be paid into an account to be known as “The National Lottery Distribution Trust Fund” at a financial institution. 20
- (2) The financial institution where the account contemplated in subsection (1) is kept, shall not in respect of any liability of the board, not being a liability arising out of or in connection with any such account, have or obtain recourse or any right, whether by set-off, counter-claim, charge or otherwise, against money standing to the credit of such account. 25

Investment of money not immediately required

- 25.** (1) Any money of the fund or the board which is not required for immediate allocation, may be invested with the Public Investment Commissioners or with a financial institution approved by the Minister of Finance and may be withdrawn when required. 30
- (2) Any unexpended balance of the money of the fund at the end of any financial year shall be carried forward as a credit to the next succeeding financial year.

Allocation of money in fund

- 26.** (1) Every sum that is paid to the fund shall be appropriated for expenditure by the board in accordance with subsections (2) and (3). 35
- (2) So much of the sum referred to in subsection (1) as the Minister after consultation with the board deems appropriate, shall be allocated for making payments under section 34 and held in the fund for that purpose.
- (3) Of the balance in the fund after the deduction of the allocated sum referred to in subsection (2)— 40
- (a) not less than the prescribed percentage shall be allocated for expenditure on or connected with reconstruction and development projects and other programmes referred to in the Reconstruction and Development Programme Fund Act, 1994 (Act No. 7 of 1994); 45

HOOFSTUK 3

Distribusie van netto opbrengs van Nasionale Lotery

Instelling van Nasionale Lotery Distribusie Trustfonds

21. (1) Daar word hierby 'n fonds ingestel wat die Nasionale Lotery Distribusie Trustfonds heet, wat deur die raad bestuur moet word.

(2) Die raad lê jaarliks 'n verslag in die Parlement ter tafel ten opsigte van die fonds, wat deel kan vorm van die verslag beoog in artikel 12(1)(b).

Fonds berus by en word beheer deur raad

22. (1) Die fonds berus by en word beheer deur die raad.

(2) Die fonds word deur die raad in trust gehou vir die doeleindes in hierdie Hoofstuk vermeld.

Inkomste van fonds

23. Die fonds bestaan uit—

- (a) die bedrae aan die fonds ingevolge artikel 14(2)(e) betaal;
- (b) rente en dividende op die belegging van geld wat tot krediet van die Fonds staan; en
- (c) ander geld wat wettig by die fonds inbetaal word.

Bankrekening

24. (1) Geld in die fonds word, in afwagting van die aanwending daarvan ingevolge hierdie Hoofstuk, in 'n rekening met die naam "Die Nasionale Lotery Distribusie Trustfonds" by 'n finansiële instelling inbetaal.

(2) Die finansiële instelling waar die rekening beoog in subartikel (1) gehou word, mag nie met betrekking tot enige aanspreeklikheid van die raad wat nie 'n aanspreeklikheid is wat ontstaan uit of in verband is met enige sodanige rekening nie, regresreg toepas of neem of enige reg verkry, hetsy deur verrekening, teeneis, heffing of andersins, teenoor geld wat in krediet van sodanige rekening staan nie.

Belegging van geld nie onmiddellik benodig nie

25. (1) Enige geld in die fonds of die raad wat nie benodig word vir onmiddellike toekenning nie, kan belê word by die Openbare Beleggingskommissaris of by 'n finansiële instelling goedgekeur deur die Minister van Finansies en kan, indien benodig word, onttrek word.

(2) Enige onbestede balans van die geld in die fonds aan die einde van enige boekjaar word oorgedra as 'n krediet van die fonds na die eersvolgende boekjaar.

Toekenning van geld in fonds

26. (1) Elke bedrag wat aan die fonds betaal word, word deur die raad vir besteding bewillig ooreenkomstig subartikels (2) en (3).

(2) Soveel van die bedrag vermeld in subartikel (1) wat die Minister na oorleg met die raad wenslik ag, word toegewys vir die maak van betalings kragtens artikel 34 en word vir daardie doel in die fonds gehou.

(3) Van die balans in die fonds na aftrekking van die toegewysde bedrag vermeld in subartikel (2) word—

- (a) nie minder nie as die voorgeskrewe persentasie toegeken vir onkoste vir of in verband met heropbou- en ontwikkelingsprojekte en ander programme vermeld in die Wet op die Heropbou- en Ontwikkelingsprogramfonds, 1994 (Wet No. 7 van 1994);

- (b) not less than the prescribed percentage shall be allocated for charitable expenditure;
- (c) not less than the prescribed percentage shall be allocated for expenditure on or connected with the development of sport and recreation;
- (d) not less than the prescribed percentage shall be allocated for expenditure on or connected with the arts, culture and the national historical, natural, cultural and architectural heritage; and 5
- (e) not more than the prescribed percentage shall, subject to section 31(1), be allocated for expenditure in respect of any other matter and approved by the Minister for that purpose. 10

Allocation to reconstruction and development programme

27. (1) The board shall pay so much of any sum paid to the fund as is allocated for expenditure referred to in section 26(3)(a) to the Reconstruction and Development Programme Fund established by section 2 of the Reconstruction and Development Programme Fund Act, 1994 (Act No. 7 of 1994), or any other fund designated by the Minister responsible for the administration of the Reconstruction and Development Programme Fund Act, 1994, for this purpose. 15

(2) Any sum paid to a fund in terms of subsection (1), shall be utilised by the Minister referred to in subsection (1) after consultation with the Premiers of the provinces.

Allocation to charities

28. (1) So much of any sum paid into the fund as is allocated for expenditure referred to in section 26(3)(b), shall be held in the fund for distribution by the distributing agency appointed by the Minister in consultation with the Minister responsible for welfare and population development in the national sphere of government which possesses the required skills and expertise to distribute the allocated sum fairly and equitably amongst all persons who meet the prescribed requirements. 25

(2) The distributing agency shall consider applications for grants and may, subject to section 33, pay such grants to appropriate recipients in accordance with this Act and subject to the conditions applying to its appointment and to any directions issued by the Minister after consultation with the Minister responsible for welfare and population development in the national sphere of government, or by the Minister of Finance, from the sum allocated for charitable purposes. 30

(3) Any appointment in terms of subsection (1) may at any time be revoked or the conditions applying to that appointment may be varied by the Minister, and no claim shall arise as a result of such revocation or variation. 35

(4) The Auditor-General or a person designated by him or her shall audit all financial statements reflecting expenditure from the sum allocated for charitable purposes.

(5) Any juristic person meeting the prescribed requirements may in the prescribed form apply to the distributing agency for a grant.

Allocation to sport and recreation

29. (1) So much of any sum paid into the fund as is allocated for expenditure referred to in section 26(3)(c), shall be held in the fund for distribution by the distributing agency appointed by the Minister in consultation with the Minister responsible for sport and recreation in the national sphere of government to distribute the allocated sum fairly and equitably amongst all persons who meet the prescribed requirements. 45

(2) The distributing agency shall consider applications for grants and may, subject to section 33, pay such grants to appropriate recipients in accordance with this Act and subject to the conditions applying to its appointment and to any directions issued by the Minister after consultation with the Minister of Sport and Recreation, or by the Minister of Finance, from the sum allocated for the development of sport and recreation. 50

- (b) nie minder nie as die voorgeskrewe persentasie toegeken vir liefdadigheids-
heidsonkoste;
- (c) nie minder nie as die voorgeskrewe persentasie toegeken vir onkoste van of
in verband met die ontwikkeling van sport en ontspanning;
- 5 (d) nie minder nie as die voorgeskrewe persentasie toegeken vir onkoste vir of
in verband met die kunste, kultuur en nasionale historiese, natuur-, kulturele
en argitektoniese erfenisse; en
- (e) nie meer nie as die voorgeskrewe persentasie, behoudens artikel 31(1),
toegeken vir onkoste met betrekking tot enige ander aangeleentheid deur die
10 Minister goedgekeur vir daardie doel.

Toekenning aan heropbou- en ontwikkelingsprogram

27. (1) Die raad betaal soveel van enige bedrag wat aan die fonds betaal is wat
toegeken is vir onkoste vermeld in artikel 26(3)(a), aan die Heropbou- en Ontwikke-
lingsprogramfonds ingestel by artikel 2 van die Wet op die Heropbou- en Ontwikke-
15 lingsprogramfonds, 1994 (Wet No. 7 van 1994), of enige fonds geadminestreer deur die
Minister verantwoordelik vir die administrasie van die Wet op die Heropbou- en
Ontwikkelingsprogramfonds, 1994, vir hierdie doel.

(2) Enige bedrag wat ingevolge subartikel (1) aan 'n fonds betaal is, word deur die
Minister bedoel in subartikel (1), na oorleg met die Premiers van die provinsies,
20 aangewend.

Toekennings aan liefdadigheid

28. (1) Soveel van enige bedrag wat aan die fonds betaal word wat toegeken is vir
die onkoste vermeld in artikel 26(3)(b), word in die fonds gehou vir toekenning deur
die distribusie-agent aangestel deur die Minister in oorleg met die Minister verant-
25 woordelik vir welsyn en bevolkingsontwikkeling in die nasionale sfeer van regering
wat oor die nodige kundigheid en vaardigheid beskik om die toegekende bedrag
regverdig en billik te versprei onder alle persone wat aan die voorgeskrewe vereistes
voldoen.

(2) Die distribusie-agent oorweeg aansoeke vir toekennings en kan, behoudens
30 artikel 33, sodanige toekennings betaal aan toepaslike ontvangers in ooreenstemming
met hierdie Wet en behoudens die voorwaardes wat op sy aanstelling van toepassing is
en die voorskrifte wat deur die Minister uitgereik is na oorleg met die Minister
verantwoordelik vir welsyn en bevolkingsontwikkeling in die nasionale sfeer van
regering, of deur die Minister van Finansies, vanuit die bedrag toegeken vir liefdadig-
35 heidsdoeleindes.

(3) Enige aanstelling ingevolge subartikel (1) kan te eniger tyd ingetrek word of die
voorwaardes van toepassing op daardie aanstelling kan deur die Minister gewysig
word, en geen eis ontstaan as gevolg van sodanige intrekking of wysiging nie.

(4) Die Ouditeur-generaal of 'n persoon deur hom of haar aangewys, moet alle
40 finansiële state oudit wat uitgawes vanuit die bedrag toegeken aan liefdadigheidsdoel-
eindes reflekteer.

(5) Enige regspersoon wat aan die voorgeskrewe vereistes voldoen, kan op die
voorgeskrewe wyse by die distribusie-agent om 'n toekenning aansoek doen.

Toekenning aan sport en ontspanning

29. (1) Soveel van enige bedrag wat aan die fonds betaal word wat toegeken is vir
die onkoste vermeld in artikel 26(3)(c), word in die fonds gehou vir toekenning deur
die distribusie-agent aangestel deur die Minister in oorleg met die Minister verant-
woordelik vir sport en ontspanning in die nasionale sfeer van regering om die
toegekende bedrag regverdig en billik te versprei onder alle persone wat aan die
50 voorgeskrewe vereistes voldoen.

(2) Die distribusie-agent oorweeg aansoeke vir toekennings en kan, behoudens
artikel 33, sodanige toekennings betaal aan toepaslike ontvangers in ooreenstemming
met hierdie Wet en behoudens die voorwaardes wat op sy aanstelling van toepassing is
en die voorskrifte wat deur die Minister uitgereik is na oorleg met die Minister van
55 Sport en Ontspanning, of deur die Minister van Finansies, vanuit die bedrag toegeken
vir die ontwikkeling van sport en ontspanning.

(3) Any appointment in terms of subsection (1) may at any time be revoked or the conditions applying to that appointment may be varied by the Minister, and no claim shall arise as a result of such revocation or variation.

(4) The Auditor-General or any person designated by him or her shall audit all financial statements reflecting expenditure from the sum allocated for the development of sport and recreation. 5

(5) Any juristic person meeting the prescribed requirements may in the prescribed form apply to the distributing agency for a grant.

Allocation to arts, culture and national heritage

30. (1) So much of any sum paid into the fund as is allocated for expenditure referred to in section 26(3)(d), shall be held in the fund for distribution by the distributing agency appointed by the Minister in consultation with the Ministers responsible for arts, culture, science and technology, and environmental affairs, in the national sphere of government to distribute the allocated sum fairly and equitably amongst all persons who meet the prescribed requirements. 10 15

(2) The distributing agency shall consider applications for grants and may, subject to section 33, pay such grants to appropriate recipients in accordance with this Act and subject to the conditions applying to its appointment and to any directions issued by the Minister after consultation with the Ministers responsible for arts, culture, science and technology, and environmental affairs, in the national sphere of government, or by the Minister of Finance, from the sum allocated for arts, culture and the national historical, natural, cultural and architectural heritage. 20

(3) Any appointment in terms of subsection (1) may at any time be revoked or the conditions applying to that appointment may be varied by the Minister, and no claim shall arise as a result of such revocation or variation. 25

(4) The Auditor-General or any person designated by him or her shall audit all financial statements reflecting expenditure from the sum allocated for arts, culture and the national historical, natural, cultural and architectural heritage.

(5) Any juristic person meeting the prescribed requirements may in the prescribed form apply to the distributing agency for a grant. 30

Allocation for miscellaneous purposes

31. (1) So much of any sum paid into the fund as has been allocated for expenditure referred to in section 26(3)(e), shall be held in the fund for appropriation for expenditure by the board.

(2) The Minister may in consultation with the Minister of Finance and after consultation with the board appoint such distributing agency or agencies as may be necessary to distribute the allocated sum fairly and equitably amongst all persons who meet the prescribed requirements. 35

(3) The distributing agency shall consider applications for grants and may, subject to section 33, pay such grants to appropriate recipients in accordance with this Act and subject to the conditions applying to its appointment and to any directions issued by the Minister, or by the Minister of Finance, from the sum allocated for the specific purpose identified by the Minister after consultation with the board. 40

(4) Any appointment in terms of subsection (2) may at any time be revoked or the conditions applying to that appointment may be varied by the Minister, and no claim shall arise as a result of such revocation or variation. 45

(5) The Auditor-General or any person designated by him or her shall audit all financial statements reflecting expenditure from the sum allocated for the specific purpose identified by the Minister after consultation with the board.

(6) Any juristic person meeting the prescribed requirements may in the prescribed form apply to the distributing agency for a grant. 50

(3) Enige aanstelling ingevolge subartikel (1) kan te eniger tyd ingetrek word of die voorwaardes van toepassing op daardie aanstelling kan deur die Minister gewysig word, en geen eis ontstaan as gevolg van sodanige intrekking of wysiging nie.

(4) Die Ouditeur-generaal of 'n persoon deur hom of haar aangewys, moet alle
5 finansiële state oudit wat uitgawes vanuit die bedrag toegeken vir sport en ontspanning reflekteer.

(5) Enige regspersoon wat aan die voorgeskrewe vereistes voldoen, mag op die voorgeskrewe wyse by die distribusie-agent om 'n toekenning aansoek doen.

Toekenning aan kunste, kultuur en nasionale erfenisse

10 **30.** (1) Soveel van enige bedrag wat aan die fonds betaal word wat toegeken is vir die onkoste vermeld in artikel 26(3)(d), word in die fonds gehou vir toekenning deur die distribusie-agent aangestel deur die Minister in oorleg met die Ministers verantwoordelik vir kuns, kultuur, wetenskap en tegnologie, en omgewingsake en toerisme, in die nasionale sfeer van regering, om die toegekende bedrag regverdig en billik te
15 versprei onder alle persone wat aan die voorgeskrewe vereistes voldoen.

(2) Die distribusie-agent oorweeg aansoeke om toekennings en kan, behoudens artikel 33, sodanige toekennings betaal aan toepaslike ontvangers in ooreenstemming met hierdie Wet en behoudens die voorwaardes wat op sy aanstelling van toepassing is en die voorskrifte wat deur die Minister uitgereik is na oorleg met die Ministers
20 verantwoordelik vir kuns, kultuur, wetenskap en tegnologie, en omgewingsake en toerisme, in die nasionale sfeer van regering, of deur die Minister van Finansies, vanuit die bedrag toegeken vir die ontwikkeling van die kunste, kultuur, en die nasionale historiese, natuur-, kulturele en argitektoniese erfenis.

(3) Enige aanstelling ingevolge subartikel (1) kan te eniger tyd ingetrek word of die
25 voorwaardes van toepassing op daardie aanstelling kan deur die Minister gewysig word, en geen eis ontstaan as gevolg van sodanige intrekking of wysiging nie.

(4) Die Ouditeur-generaal of 'n persoon deur hom of haar aangewys, moet alle finansiële state oudit wat uitgawes vanuit die bedrag toegeken vir die kunste, kultuur en nasionale historiese, natuur-, kulturele en argitektoniese erfenis reflekteer.

30 (5) Enige regspersoon wat aan die voorgeskrewe vereistes voldoen, mag op die voorgeskrewe wyse by die distribusie-agent om 'n toekenning aansoek doen.

Toekennings vir diverse doeleindes

31. (1) Soveel van enige bedrag wat aan die fonds betaal word wat toegeken is vir die onkoste vermeld in artikel 26(3)(e), word in die fonds gehou vir bewilliging vir
35 uitgawes deur die raad.

(2) Die Minister kan in oorleg met die Minister van Finansies en na oorleg met die raad die distribusie-agent of agente aanstel wat nodig is om die toegekende bedrag regverdig en billik te versprei onder alle persone wat aan die voorgeskrewe vereistes voldoen.

40 (3) Die distribusie-agent oorweeg aansoeke om toekennings en kan, behoudens artikel 33, sodanige toekennings betaal aan toepaslike ontvangers in ooreenstemming met hierdie Wet en behoudens die voorwaardes wat op sy aanstelling van toepassing is en die voorskrifte wat deur die Minister uitgereik is, of deur die Minister van Finansies, vanuit die bedrag toegeken vir enige spesifieke doel geïdentifiseer deur die Minister na
45 oorleg met die raad.

(4) Enige aanstelling kragtens subartikel (2) kan te eniger tyd ingetrek word of die voorwaardes van toepassing op daardie aanstelling kan deur die Minister gewysig word, en geen eis ontstaan as gevolg van sodanige intrekking of wysiging nie.

50 (5) Die Ouditeur-generaal of 'n persoon deur hom of haar aangewys, moet alle finansiële state oudit wat uitgawes vanuit die bedrag toegeken vir die spesifieke doel geïdentifiseer deur die Minister na oorleg met die raad, reflekteer.

(6) Enige regspersoon wat aan die voorgeskrewe vereistes voldoen, kan op die voorgeskrewe wyse by die distribusie-agent om 'n toekenning aansoek doen.

Payment of allocations

32. (1) The Minister shall, after consultation with the board, in respect of any allocation awarded for a specific good cause which the board pays over to the distributing agency appointed by the Minister or in respect of a grant which a distributing agency may pay to a recipient, impose such conditions as he or she deems fit, in addition to conditions requiring— 5

- (a) the amount of a grant or an allocation to be repaid forthwith on breach of any condition, in addition to any penalties which the Minister, the board or the distributing agency, as the case may be, may impose; 10
- (b) that a percentage of the allocation at the disposal of the distributing agency for grants determined by the board or the Minister shall be allocated to recipients in a specified province; 10
- (c) that a juristic person shall in respect of amounts granted to it from time to time provide the board or the distributing agency with audited accounts of all amounts distributed; and 15
- (d) any recipient of a grant to provide the board or the distributing agency with any relevant information it may require. 15

(2) In deciding on the juristic persons to whom grants are to be made, the Minister or the distributing agency, as the case may be, shall be satisfied that any such juristic person is competent to allocate the amounts equitably among all the members it represents. 20

(3) In considering any application for a grant in terms of this Chapter, the distributing agency shall comply with any directions given to it by the Minister as to the matters to be taken into account in determining the persons to whom, the purposes for which and the conditions subject to which that distributing agency is to allocate any amounts. 25

(4) In performing his or her functions in terms of subsection (3), the Minister shall—

- (a) consult with the board and the relevant distributing agency before giving any directions to that distributing agency; and
- (b) take into account— 30
 - (i) general development in the Republic, with specific reference to the regional, economic, financial, social and moral interests of the Republic and the enhancement of the standard of living of all the people in the Republic; and
 - (ii) provincial and local interests, including— 35
 - (aa) the number of lottery tickets sold in each province;
 - (bb) the population of each province; and
 - (cc) the financial requirements of each province. 35

Power of Minister to prohibit certain grants

33. The Minister may within seven days after a distributing agency has made a grant to a juristic person under this Chapter, prohibit that distributing agency from paying out such grant if such grant is likely to be utilised for any unlawful purpose or fails to comply with the conditions the Minister has imposed in terms of section 32: Provided that the Minister shall— 40

- (a) consult with the board and that distributing agency before any such prohibition is imposed; and 45
- (b) disclose to the board and that distributing agency any information at his or her disposal which may indicate that any such grant is likely to be utilised for any unlawful or improper purposes.

Payments from fund in respect of expenses

34. (1) At such times as the Minister deems appropriate, payments shall be allocated to the board out of the money in the fund held under section 26(2) in respect of the board's expenses. 50

Betaling van toekennings

32. (1) Die Minister moet, na oorleg met die raad, die voorwaardes neerlê wat hy of sy goëddink met betrekking tot enige toekenning aan 'n spesifieke goëie saak wat die raad aan die distribusie-agent wat deur die Minister aangestel is, oorbetaal, of met
5 betrekking tot 'n toekenning wat 'n distribusie-agent aan 'n ontvanger betaal, benewens voorwaardes wat vereis dat—

- (a) die bedrag van 'n toekenning of 'n bewilliging onmiddellik terugbetaal word by die nie-nakoming van enige voorwaarde benewens enige strawwe wat die Minister, die raad of die distribusie-agent, na gelang van die geval, oplê;
- 10 (b) 'n persentasie van die bewilliging wat tot die beskikking van die distribusie-agent vir toekenning soos deur die raad of die Minister bepaal, toegeken moet word aan ontvangers in 'n bepaalde provinsie;
- (c) 'n regspersoon ten opsigte van bedrae wat aan hom of haar toegeken is, van tyd tot tyd die raad of die distribusie-agent van geouditeerde rekeninge van
15 alle uitbetaalde bedrae moet voorsien; en
- (d) enige ontvanger van 'n toekenning die raad of die distribusie-agent met enige toepaslike inligting wat die raad of die distribusie-agent verlang, moet voorsien.

(2) By die besluit oor die regspersone aan wie toekennings gemaak word, moet die
20 Minister of die distribusie-agent, na gelang van die geval, oortuig wees dat enige sodanige regspersoon bevoeg is om die bedrae billik toe te ken tussen al die lede wat hy verteenwoordig.

(3) By die oorweging van enige aansoek om 'n toekenning ingevolge hierdie Hoofstuk moet die distribusie-agent aan enige opdragte voldoen wat die Minister aan
25 hom gee ten opsigte van die aangeleenthede wat in ag geneem moet word by die bepaling van die persone aan wie, die doeleindes waarvoor en die voorwaardes waaronder daardie distribusie-agent enige bedrae toeken.

(4) By die verrigting van sy of haar werksaamhede ingevolge subartikel (3), moet die Minister—

- 30 (a) die raad en die relevante distribusie-agent raadpleeg alvorens enige opdrag aan daardie distribusie-agent gegee word; en
- (b) (i) die algemene ontwikkeling in die Republiek, met spesifieke verwysing na die streeks-, ekonomiese, finansiële, sosiale en morele belange van die Republiek en die verbetering van die lewenstandaard van al die
35 mense in die Republiek; en
- (ii) provinsiale en plaaslike belange, met inbegrip van—
 - (aa) die aantal loterykaartjies in elke provinsie verkoop;
 - (bb) die bevolking van elke provinsie; en
 - (cc) die finansiële behoeftes van elke provinsie,
- 40 in ag neem.

Bevoegdheid van Minister om sekere toekennings te verbied

33. Die Minister kan binne sewe dae nadat 'n distribusie-agent 'n toekenning kragtens hierdie Hoofstuk gemaak het, daardie distribusie-agent verbied om sodanige toekenning uit te betaal indien sodanige toekenning waarskynlik aangewend sal word
45 vir onwettige doeleindes of nie aan die voorwaardes wat die Minister ingevolge artikel 32 oplê, voldoen nie: Met dien verstande dat die Minister—

- (a) die raad en daardie distribusie-agent moet raadpleeg voordat enige sodanige verbod gemaak word; en
- 50 (b) enige inligting tot sy of haar beskikking aan die raad en daardie distribusie-agent moet openbaar wat mag aandui dat sodanige toekenning waarskynlik aangewend sal word vir onwettige of onbehoorlike doeleindes.

Betalings uit fonds ten opsigte van uitgawes

34. (1) Op die tye wat die Minister dienstig ag, word betalings aan die raad toegeken uit die bedrag in die fonds wat gehou word kragtens artikel 26(2) in verband met die
55 raad se uitgawes.

(2) The payments shall be of such amounts as the Minister deems sufficient for meeting the payments made or to be made under sections 6(1) and 7(2), or any other expenses incurred by the board.

(3) In determining what amounts are sufficient for meeting the payments referred to in subsection (2), the Minister shall take into account sums paid or to be paid to the board in terms of section 14(3). 5

Public administration

35. Every institution which in any way acts under or in terms of this Act, must comply strictly with section 195 of the Constitution.

PART II 10

OTHER LOTTERIES

CHAPTER 1

Lotteries incidental to exempt entertainment, private lotteries, society lotteries and promotional competitions

Lotteries incidental to exempt entertainment 15

36. (1) A lottery conducted as an incident of an exempt entertainment shall not be unlawful if—

- (a) all the proceeds of the entertainment, including the proceeds of the lottery, after deducting—
 - (i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; 20
 - (ii) the expenses incurred in printing tickets in the lottery and advertising of that lottery; and
 - (iii) such sum, if any, not exceeding the prescribed amount for any expenses incurred in purchasing prizes for the lottery, 25
 - are utilised for the benefit of any deserving section of the public;
- (b) none of the prizes in the lottery are money prizes;
- (c) the total value of tickets sold or to be sold, is not more than the prescribed amount;
- (d) the opportunity of participating in lotteries contemplated in this section, or such opportunity together with any other opportunity of participating in lotteries or gambling, is not the only substantial inducement to persons to attend the entertainment; and 30
- (e) it is conducted for members of a society established and conducted for purposes not connected with lotteries, gambling or betting. 35

(2) For the purposes of subsection (1) "exempt entertainment" means a bazaar, sale, fête, dinner, dance, sporting event or other entertainment of a similar character.

Private lotteries

37. (1) A private lottery shall not be unlawful if—

- (a) all the proceeds, after deducting only expenses incurred for printing and stationery pertaining to tickets of that lottery and notices advertising that lottery, are devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery conducted for the members of a society, such proceeds are devoted—
 - (i) to the provision of prizes; 40
 - (ii) to the purposes for which the society was established; or
 - (iii) to the provision of prizes as well as to the purposes for which the society was established; 45
- (b) no written notice or advertisement of the lottery is exhibited, published or distributed other than— 50

(2) Die betalings bestaan uit die bedrae wat die Minister genoegsaam ag om die betalings te bestry wat ingevolge artikels 6(1) en 7(2) gemaak is of gemaak staan te word, of enige ander uitgawes deur die raad opgeloo.

(3) By die bepaling van welke bedrae genoegsaam is vir die bestryding van die betalings vermeld in subartikel (2), neem die Minister die bedrae in ag wat ingevolge artikel 14(3) aan die raad betaal is of betaalbaar is.

Openbare administrasie

35. Elke instelling wat op enige wyse by of kragtens hierdie Wet optree, moet artikel 195 van die Grondwet stiptelik nakom.

10

DEEL II

ANDER LOTERYE

HOOFSTUK 1

Loterie bykomstig tot vrygestelde vermaaklikheid, private loterye, gemeenskaps-loterie en reklamekompetisies

15 Loterye bykomstig tot vrygestelde vermaaklikheid

36. (1) 'n Lotery wat bykomstig tot 'n vrygestelde vermaaklikheid bedryf word, is nie onregmatig nie indien—

- (a) die hele opbrengs van die vermaaklikheid, met inbegrip van die opbrengs van die lotery, na aftrekking van—
 - (i) die uitgawes van die vermaaklikheid, uitsluitende die uitgawes opgeloo in verband met die lotery;
 - (ii) die uitgawes opgeloo vir die druk van kaartjies van die lotery en die advertering van daardie lotery; en
 - (iii) die bedrag, indien enige, wat nie meer as die voorgeskrewe bedrag is nie, vir enige uitgawes opgeloo vir die aankoop van pryse vir die lotery, aangewend word tot voordeel van enige verdienstelike deel van die publiek;
 - (b) geen pryse in die lotery geldpryse is nie;
 - (c) die totale waarde van die kaartjies wat verkoop is of verkoop staan te word, nie meer as die voorgeskrewe bedrag is nie;
 - (d) die geleentheid om deel te neem aan loterye beoog in hierdie artikel, of sodanige geleentheid tesame met enige ander geleentheid om deel te neem aan loterye of dobbel, nie die enigste wesenlike beweegrede vir persone is om die vermaaklikheid by te woon nie; en
 - (e) dit bedryf word vir lede van 'n gemeenskap wat ingestel en bedryf word vir doeleindes wat nie met loterye, dobbel of weddenskappe verband hou nie.
- (2) By die toepassing van subartikel (1) beteken "vrygestelde vermaaklikheid" 'n basaar, verkoping, fees, aandete, dans, sportgeleentheid of enige ander vermaaklikheid van 'n soortgelyke aard.

40 Private loterye

37. (1) 'n Private lotery is nie onregmatig nie indien—

- (a) die hele opbrengs, na aftrekking van slegs uitgawes opgeloo vir drukwerk en skryfbehoeftes met betrekking tot kaartjies van daardie lotery en kennisgewings wat daardie lotery adverteer, aangewend word vir die voorsiening van pryse vir die kopers van kaartjies of kanse, of, in die geval van 'n lotery bedryf vir die lede van 'n vereniging, sodanige opbrengs aangewend word—
 - (i) vir die voorsiening van pryse;
 - (ii) vir die doeleindes waarvoor die vereniging ingestel is; of
 - (iii) vir die voorsiening van pryse asook vir die doeleindes waarvoor die gemeenskap ingestel is;
- (b) geen skriftelike kennisgewing of advertensie van die lotery vertoon, gepubliseer of gedistribueer word nie, behalwe—

- (i) a notice thereof exhibited on the premises of the society for whose members the lottery is conducted or, as the case may be, on the premises on which the persons for whom the lottery is conducted, ordinarily work or reside; and
 - (ii) such announcement or advertisement of the lottery as is contained in the text printed on the tickets, if any; 5
 - (c) no person is employed for reward in any form whatsoever in connection with the conduct of the lottery;
 - (d) no ticket in the lottery is sent through the post;
 - (e) the total value of the tickets or chances sold or to be sold or the total value of the prizes in that lottery is not more than the prescribed amount determined by the Minister in consultation with the board; 10
 - (f) the sale of tickets in the lottery is confined—
 - (i) to the persons for whom the lottery is conducted; and
 - (ii) in the case of a lottery conducted for the members of a social or sporting club, also to any other person who is on the premises of such club at the time of sale; 15
 - (g) it is conducted for members of a society established and conducted for purposes not connected with lotteries, gambling or betting; and
 - (h) a person purchasing a ticket for a private lottery does not solely by purchasing that ticket become a member of the club or society which conducts that lottery or on whose behalf that lottery is conducted. 20
- (2) For the purposes of this section each local or affiliated branch or section or branch of a society shall be regarded as a distinct society.
- (3) The board may determine the maximum number and frequency of private lotteries that may be promoted in any period of 12 months on behalf of the same social or sporting club, or on the same premises where persons work or reside. 25

CHAPTER 2

Society lotteries

Society lottery 30

38. A society lottery shall not be unlawful if—

- (a) it is conducted only in the Republic;
- (b) the society for whose benefit the lottery is run or to be run, is authorised to collect contributions from the public in terms of the provisions of the Fund-raising Act, 1978 (Act No. 107 of 1978); 35
- (c) the society lottery is conducted in accordance with a scheme approved by that society and the board;
- (d) that society is registered with the board in terms of section 41;
- (e) the total value of the tickets or chances sold or to be sold and the total or individual value of the prizes in the lottery does not exceed the prescribed amounts; 40
- (f) the total proceeds of the society lottery, after deducting sums lawfully appropriated on account of expenses, including the expenses in respect of an audit contemplated in section 46, or for the provision of prizes, not exceeding the prescribed amount or percentage, are applied solely to— 45
 - (i) recognised charitable purposes in respect of which that society is authorised to collect contributions in terms of the Fund-raising Act, 1978;
 - (ii) participation in or support of sport or cultural activities in respect of which that society is authorised to collect contributions in terms of the Fund-raising Act, 1978; or 50
 - (iii) other purposes which the board approves and which are not purposes of private gain nor purposes of any commercial undertaking;
- (g) the society lottery is conducted strictly in accordance with the rules referred to in section 53; 55

- (i) 'n kennisgewing wat vertoon word op die perseel van die vereniging ten behoeve van wie se lede die lotery bedryf word, of, na gelang van die geval, op die perseel waar die persone ten behoeve van wie die lotery bedryf word, gewoonlik werk of woon; en
- 5 (ii) die aankondiging of advertering van die lotery wat in die teks gedruk op die kaartjies verskyn, indien enige;
- (c) geen persoon teen vergoeding op enige wyse hoegenaamd in verband met die bedryf van die lotery in diens geneem word nie;
- (d) geen kaartjie van die lotery per pos versend word nie;
- 10 (e) die totale waarde van die kaartjies of kanse verkoop of verkoopbaar of die totale waarde van die pryse in daardie lotery nie meer is nie as die bedrag voorgeskryf deur die Minister in oorleg met die raad; en
- (f) die verkoop van kaartjies of kanse in die lotery beperk is—
- (i) tot die persone vir wie die lotery bedryf word;
- 15 (ii) in die geval van 'n lotery wat bedryf word vir lede van 'n sosiale of sportklub, ook tot enige ander persoon wat ten tyde van die verkoop op die perseel van sodanige klub is;
- (g) dit bedryf word vir lede van 'n gemeenskap ingestel en bedryf vir doeleindes wat nie betrekking op loterye, dobbel of weddenskappe het nie; en
- 20 (h) 'n persoon wat 'n kaartjie vir 'n private lotery aankoop, nie uitsluitlik deur daardie kaartjie aan te koop 'n lid van die klub of gemeenskap word wat daardie lotery bedryf of ten behoeve van wie daardie lotery bedryf word nie.
- (2) Vir doeleindes van hierdie artikel word elke plaaslike of geaffilieerde afdeling of tak van 'n vereniging geag 'n afsonderlike vereniging te wees.
- 25 (3) Die raad kan die maksimum aantal en die gereeldheid van private loterye bepaal wat bemark kan word in enige tydperk van 12 maande namens dieselfde sosiale of sportklub, of op dieselfde perseel waar persone werk of woonagtig is.

HOOFTUK 2

Gemeenskapsloterye

30 Gemeenskapslotery

38. 'n Gemeenskapslotery is nie onregmatig nie indien—
- (a) dit slegs in die Republiek bedryf word;
- (b) die vereniging tot wie se voordeel die lotery aangebied word, gemagtig is om bydraes te vorder van die publiek ingevolge die Wet op Fondsinsameling,
- 35 1978 (Wet No. 107 van 1978);
- (c) die gemeenskapslotery bedryf word in ooreenstemming met 'n skema goedgekeur deur daardie vereniging en die raad;
- (d) daardie vereniging by die raad ingevolge artikel 41 geregistreer is;
- (e) die totale waarde van die kaartjies of kanse van die lotery verkoop of
- 40 verkoopbaar en die totale of individuele waarde van die pryse nie die voorgeskrewe bedrae oorskry nie;
- (f) die totale opbrengs van die gemeenskapslotery, na aftrekking van bedrae wettiglik begroot vir uitgawes, met inbegrip van die uitgawes in verband met 'n audit beoog in artikel 46, of vir die voorsiening van pryse wat nie die
- 45 voorgeskrewe bedrag of persentasie oorskry nie, uitsluitlik aangewend word vir—
- (i) erkende liefdadigheidsdoeleindes tot die mate waarvoor daardie gemeenskap gemagtig is om bydraes te vorder ingevolge die Wet op Fondsinsameling, 1978;
- 50 (ii) deelneming in of ter ondersteuning van sport of kulturele aktiwiteite in die mate waarvoor daardie gemeenskap gemagtig is om bydraes te vorder ingevolge die Wet op Fondsinsameling, 1978; of
- (iii) ander doeleindes wat die raad goedkeur en wat nie doeleindes vir private gewin of doeleindes van enige kommersiële onderneming is nie;
- 55 (g) die gemeenskapslotery bedryf word streng in ooreenstemming met die reëls bedoel in artikel 53;

- (h) the society lottery is conducted for members of a society established and conducted for purposes not connected with lotteries, gambling or betting;
- (i) tickets for the society lottery are not advertised, marketed, promoted or sold other than in the prescribed area; and
- (j) the lottery is not advertised, marketed or promoted jointly with another society lottery and the funds for prizes are not combined with those of another society lottery. 5

Management of society lotteries

39. No person shall manage a society lottery unless that person is—

- (a) a member of the society on whose behalf the lottery is conducted, acting in such capacity; 10
- (b) an employee of that society acting in the course of his or her employment;
- (c) a corporate body that is wholly owned by the society;
- (d) certified as a lottery manager under section 47; or
- (e) an employee of a person referred to in paragraph (d) acting in the course of his or her employment. 15

Frequency of society lotteries

40. (1) The Minister may prescribe—

- (a) the maximum number of lotteries that shall, in consultation with the board and after consultation with the person to whom the licence to conduct the National Lottery has been issued, be conducted under section 38 in any period of 12 months by or on behalf of any one society; 20
- (b) the minimum number of days that must elapse between the dates of any two lotteries conducted under section 38 on behalf of the same society; and
- (c) any other matter to be prescribed in terms of section 38. 25

(2) Anything prescribed under subsection (1) may make different provision for different cases or circumstances.

CHAPTER 3

Functions of board in respect of society lotteries

Registration of societies 30

41. (1) An application to the board for the registration of a society shall—

- (a) specify the address of the office or head office of the society;
- (b) specify the purposes for which the society was established;
- (c) include a copy of the registration of the society in terms of the Fund-raising Act, 1978; and 35
- (d) include a copy of any scheme approved by the society in terms of section 38(c).

(2) Subject to the provisions of this Chapter, the board shall register the society in a register to be kept for that purpose.

(3) A society shall not be registered under this section and no scheme shall be approved by the board unless— 40

- (a) application on behalf of the society has been made to the board in writing as contemplated in subsection (1) and the applicant has furnished such further information as may be prescribed by the Minister;
- (b) the board is satisfied that— 45
 - (i) any person who will be conducting a lottery on behalf of the society is a fit and proper person;
 - (ii) the society has adequate resources available to provide facilities that are necessary for conducting the lottery;
 - (iii) the society complies with the requirements of section 38; 50

- (h) die gemeenskapslotery bedryf word vir lede van 'n gemeenskap ingestel en bedryf vir doeleindes wat nie betrekking het op loterye, dobbel of weddenskappe nie;
- (i) kaartjies vir die gemeenskapslotery nie geadverteer, bemark, bevorder of verkoop word anders as in die voorgeskrewe gebied nie; en
- (j) die lotery nie geadverteer, bemark of bevorder word tesame met 'n ander gemeenskapslotery nie en die fondse vir pryse nie met dié van 'n ander gemeenskapslotery gekombineer word nie.

Bestuur van gemeenskapsloterye

39. Geen persoon mag 'n gemeenskapslotery bestuur, tensy daardie persoon—
- (a) 'n lid is van die vereniging ten behoeve waarvan die lotery bedryf word, handelende in sodanige hoedanigheid;
 - (b) 'n werknemer is van die vereniging handelende in die loop van sy of haar diens;
 - (c) 'n regspersoon is wat ten volle deur die vereniging besit word;
 - (d) as 'n loterybestuurder kragtens artikel 47 gesertifiseer is; of
 - (e) 'n werknemer is van 'n persoon bedoel in paragraaf (d) handelende in die loop van sy of haar diens.

Herhalendheid van gemeenskapsloterye

40. (1) Die Minister moet, in oorleg met die raad en na oorleg met die persoon aan wie die lisensie om die Nasionale Lotery te bedryf, toegeken is—
- (a) die maksimum getal loterye wat ingevolge artikel 38 in enige tydperk van 12 maande namens dieselfde vereniging bedryf mag word, voorskryf;
 - (b) die minimum getal dae wat moet verloop tussen die datums van enige twee loterye wat ingevolge artikel 38 namens dieselfde vereniging bedryf mag word, voorskryf; en
 - (c) enige ander aangeleentheid wat voorgeskryf word ingevolge artikel 38.
- (2) Enigiets voorgeskryf ingevolge subartikel (1) mag voorsiening maak vir verskillende gevalle of omstandighede.

HOOFSTUK 3

Wersaamhede van raad ten opsigte van gemeenskapsloterye

Registrasie van verenigings

41. (1) 'n Aansoek aan die raad vir die registrasie van 'n vereniging, moet—
- (a) die adres van die kantoor of hoofkantoor van die vereniging vermeld;
 - (b) die doelstelling waarvoor die vereniging ingestel is, vermeld;
 - (c) 'n afskrif van die registrasiebewys van die gemeenskap ingevolge die Wet op Fondsinsameling, 1978, insluit; en
 - (d) 'n afskrif van enige skema wat deur die vereniging ingevolge artikel 38(c) goedgekeur is, insluit.
- (2) Behoudens die bepalings van hierdie Hoofstuk registreer die raad die vereniging in 'n register wat vir daardie doeleindes gehou word.
- (3) 'n Vereniging word nie kragtens hierdie artikel geregistreer nie en geen skema word deur die raad goedgekeur nie, tensy—
- (a) skriftelik aansoek namens die vereniging by die raad gedoen is soos beoog in subartikel (1) en die aansoeker die verdere inligting wat die Minister voorskryf, verstrek het;
 - (b) die raad oortuig is dat—
 - (i) 'n persoon wat 'n lotery ten behoeve van die vereniging sal bedryf 'n geskikte en gepaste persoon is;
 - (ii) die vereniging voldoende middele beskikbaar het om die geriewe te voorsien wat nodig is om die lotery te bedryf;
 - (iii) die vereniging aan die vereistes van artikel 38 voldoen;

- (iv) no information given by the society to the board in or in connection with the society's application for registration was materially false;
- (v) the address of the office or head office of the society is not the same as the address of the office or head office of another society that is established for the same or a connected purpose and is registered under this section; 5
- (vi) every lottery conducted on behalf of the society within the last five years has been properly conducted to the satisfaction of the board;
- (vii) the society has not failed to comply with a requirement imposed under section 38, 44, 45 or 46;
- (viii) if the society lottery is to be conducted by a lottery manager, that that lottery manager has provided security as prescribed by the Minister; 10
- (ix) no act or omission by a person who is or will be connected with a society lottery conducted or proposed to be conducted on behalf of the society caused—
 - (aa) the registration of another society to be refused or revoked as a result of information contemplated in subparagraph (iv) or section 44, 45 or 46; or 15
 - (bb) a lottery, in the conduct of which such person was involved, to be improperly conducted; and
- (x) the scheme attached to the application for registration, or any other scheme subsequently approved by the society under section 38(c), is lawful and will be run in accordance with sound financial principles and methods. 20

Revocation of registration

42. The board— 25
- (a) shall revoke the registration of a society if the society requests the board to do so; and
 - (b) may revoke the registration of a society if the society has failed to comply with any requirement contained in section 41(3), 44, 45 or 46: Provided that—
 - (i) the registration shall not be revoked without giving the society an opportunity of being heard; and 30
 - (ii) the society shall be notified in writing of the revocation and the grounds therefor.

Fees and levies

43. A society registered under this Chapter shall pay to the board— 35
- (a) such fee or levy as the board may determine from time to time; and
 - (b) the fee or levy determined by the board for each society lottery conducted on behalf of the society.

Requirements after registration of society

44. (1) Any society registered under section 41 shall— 40
- (a) notify the board in writing of any change in the address of the society's office or head office not later than 21 days prior to the day on which such change takes effect;
 - (b) subject to subsection (2), notify the board in writing of any amendment or substitution of the scheme contemplated in section 38(c); 45
 - (c) within three months after the completion of a society lottery, submit to the board a return in respect of that lottery in such form and manner and with such information as the Minister may require; and
 - (d) preserve all documents including all information kept by the society otherwise than in writing, relating to a lottery conducted on behalf of the society for not less than five years after the date of the lottery. 50
- (2) Any notification in terms of subsection (1)(b) shall be given to the board not less than four weeks before any tickets or chances are sold, distributed or offered for sale, in

- (iv) geen inligting wat deur die vereniging verstrekk is aan die raad in of in verband met die vereniging se aansoek om registrasie wesenlik vals is nie;
- 5 (v) die adres van die kantoor of hoofkantoor van die vereniging nie dieselfde is nie as die adres van die kantoor of hoofkantoor van 'n ander vereniging wat ingestel is vir dieselfde of 'n verbandhoudende doeleinde nie en wat ingevolge hierdie artikel geregistreer is;
- (vi) elke lotery wat ten behoeve van die vereniging gedurende die afgelope vyf jaar bedryf is tot die bevrediging van die raad, behoorlik bedryf is;
- 10 (vii) die vereniging nie versuim het om te voldoen aan 'n vereiste wat kragtens artikel 38, 44, 45 of 46 opgelê is nie;
- (viii) indien die gemeenskapslotery deur 'n loterybestuurder bedryf word, dat daardie loterybestuurder die sekuriteit gelewer het soos voorgeskryf deur die Minister;
- 15 (ix) geen handeling of versuim deur 'n persoon wat betrokke is of sal wees by 'n gemeenskapslotery wat ten behoeve van die vereniging bedryf is of bedryf staan te word—
 - (aa) die weiering of intrekking van die registrasie van 'n ander vereniging weens die inligting beoog in subparagraaf (iv) of artikel 44, 45 of 46 veroorsaak het nie; of
 - 20 (bb) veroorsaak het dat 'n lotery, by die bedryf waarvan sodanige persoon betrokke was, onbehoorlik bedryf is nie; en
- (x) die skema by die aansoek om registrasie aangeheg of enige ander skema wat later deur die vereniging kragtens artikel 38(c) goedgekeur is, regmatig is en bedryf sal word in ooreenstemming met gesonde finansiële beginsels en stelsels.
- 25

Intrekking van registrasie

- 42. Die raad—
 - 30 (a) moet die registrasie van 'n vereniging intrek indien die vereniging die raad daartoe versoek; en
 - (b) kan die registrasie van 'n vereniging intrek indien die vereniging versuim het om te voldoen aan enige vereiste vervat in artikel 41(3), 44, 45 of 46: Met dien verstande dat—
 - 35 (i) die registrasie nie ingetrek word nie sonder dat die vereniging die geleentheid gegun word om aangehoor te word; en
 - (ii) die vereniging skriftelik in kennis gestel word van die intrekking en die gronde daarvoor.

Gelde en heffings

- 43. 'n Vereniging wat kragtens hierdie Hoofstuk geregistreer is, betaal aan die raad—
 - 40 (a) die gelde of heffing wat die raad van tyd tot tyd bepaal; en
 - (b) die gelde of heffing wat die raad vir elke gemeenskapslotery wat ten behoeve van die vereniging bedryf word, bepaal.

Vereistes na registrasie van vereniging

- 44. (1) Enige vereniging kragtens artikel 41 geregistreer, moet—
 - 45 (a) die raad skriftelik in kennis stel van enige verandering in die vereniging se kantoor of hoofkantoor binne 21 dae vanaf die dag waarop sodanige verandering van krag word;
 - (b) behoudens subartikel (2) die raad skriftelik in kennis stel van enige wysiging of vervanging van die skema beoog in artikel 38(c);
 - 50 (c) binne drie maande na die afhandeling van 'n gemeenskapslotery, 'n opgawe by die raad ten opsigte van daardie lotery indien in die vorm en op die wyse en met die inligting wat die Minister voorskryf; en
 - (d) alle dokumente, met inbegrip van inligting gehou deur die vereniging anders as op skrif, wat verband hou met 'n lotery wat ten behoeve van die vereniging bedryf word vir ten minste vyf jaar vanaf die datum van die lotery, bewaar.
 - 55
- (2) 'n Kennisgewing ingevolge subartikel (1)(b) word aan die raad gegee ten minste vier weke voordat enige kaartjies of kanse verkoop, gedistribueer of te koop aangebied

respect of a lottery conducted in accordance with the scheme as modified, amended or substituted.

(3) Any return submitted to the board in terms of subsection (1)(c) shall be preserved by the board for not less than 18 months and be open to the public for inspection.

5

Control of registered societies

45. The board may require a society registered under section 41 or a society that has applied for such registration—

- (a) to furnish the board with such information relating to any lottery conducted or to be conducted on behalf of the society as the board may require; 10
- (b) to allow any person authorised by the board thereto, to inspect and take copies of any documents of the society, including any information kept by the society otherwise than in writing, relating to such a lottery;
- (c) where such information is kept by means of a computer, to give the board such assistance as it may require to enable it to inspect and take copies of the information in a visible and legible form and to inspect the operation of any computer and any associated apparatus or material that is or has been in use in connection with the keeping of such information; and 15
- (d) to allow the board to inspect any aspect of the management of such a lottery. 20

Audit of society lottery

20

46. (1) A society shall submit to the board financial statements in respect of all lotteries conducted on its behalf prepared by an independent auditor registered in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), together with a report by that auditor on such statements.

(2) The financial statements referred to in subsection (1) shall— 25

- (a) be submitted to the board within three months of the end of the year in which the lotteries to which such statements relate, were held; and
- (b) comply with generally accepted accounting principles and any other directions that may be given by the board as to the information to be contained in such statements, the manner in which such information is to be presented or the methods and principles according to which such statements are to be prepared. 30

(3) The report of the auditor referred to in subsection (1), shall state whether in the said auditor's opinion—

- (a) the financial statements have been properly prepared in accordance with the principles and any directions contemplated in subsection (2)(b); 35
- (b) proper accounting records have been kept by the society; and
- (c) the society's accounts are in agreement with the financial statements: 40

Provided that if the said auditor is unable to obtain all the information and explanations that, to the best of his or her knowledge and belief, are necessary for the purposes of the audit, his or her report shall state accordingly. 40

(4) For the purposes of this section—

- (a) a lottery shall be deemed to have been conducted in the year in which the winners of prizes are announced to the public; and
- (b) "year" means a period of 12 months starting on 1 January. 45

Certification of lottery managers

47. (1) An application by a person to be certified as a lottery manager shall be made to the board in such form and manner and shall contain such information as the board may require, which shall include—

- (a) sufficient information to fully identify the applicant; 50

word ten aansien van 'n lotery wat bedryf word in ooreenstemming met die skema soos verander, gewysig of vervang.

(3) 'n Opgawe by die raad ingedien ingevolge subartikel (1)(c) word vir ten minste 18 maande deur die raad bewaar en is oop vir inspeksie deur die publiek.

5 Beheer van geregistreerde verenigings

45. Die raad kan van 'n vereniging wat kragtens artikel 41 geregistreer is of 'n vereniging wat aansoek gedoen het om sodanige registrasie, vereis—

- (a) om die raad te voorsien van die inligting met betrekking tot 'n lotery wat ten behoeve van die vereniging bedryf word of bedryf staan te word wat die raad vereis;
- (b) om 'n persoon wat deur die raad daartoe gemagtig is, toe te laat om enige dokument van die vereniging betreffende sodanige lotery, met inbegrip van inligting deur die vereniging gehou anders as op skrif, te inspekteer en afskrifte daarvan te maak;
- (c) om, waar sodanige inligting gehou word deur middel van 'n rekenaar, die raad die bystand te verleen wat hy vereis om hom in staat te stel om die inligting te inspekteer en afskrifte daarvan te maak in 'n sigbare en leesbare vorm en om die werking te inspekteer van enige rekenaar en enige verbandhoudende apparaat of materiaal wat in gebruik is of was met betrekking tot die hou van sodanige inligting; en
- (d) om die raad toe te laat om enige aspek van die bestuur van die lotery te inspekteer.

Oudit van gemeenskapslotery

46. (1) 'n Vereniging moet aan die raad finansiële state voorlê met betrekking tot alle loterye wat ten behoeve van hom bestuur is, opgestel deur 'n onafhanklike ouditeur geregistreer ingevolge die Wet op Geoktrooieerde Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991), tesame met 'n verslag oor die state, opgestel deur daardie ouditeur.

(2) Die finansiële state bedoel in subartikel (1) moet—

- (a) by die raad ingedien word binne drie maande na die einde van die jaar waarin die loterye wat verband hou met sodanige state, gehou is; en
- (b) voldoen aan algemeen aanvaarde rekeningkundige beginsels en enige ander voorskrifte wat deur die raad bepaal word ten opsigte van die inligting wat in die state opgeneem moet word, die wyse waarop sodanige inligting aangebied moet word of die metodes en beginsels waarvolgens sodanige state voorberei moet word.

(3) Die verslag van die ouditeur bedoel in subartikel (1), moet vermeld of na die mening van vermelde ouditeur—

- (a) die finansiële state behoorlik in ooreenstemming met die beginsels en enige voorskrifte beoog in subartikel (2)(b) opgestel is;
- (b) behoorlike rekeningkundige rekords deur die vereniging gehou is; en
- (c) die vereniging se rekening in ooreenstemming is met die finansiële state:

Met dien verstande dat indien vermelde ouditeur nie in staat is nie om al die inligting en verduidelikings te bekom, wat na die beste van sy of haar wete en oortuiging nodig is vir doeleindes van sy of haar audit, hy of sy dit dienooreenkomstig moet vermeld.

(4) By die toepassing van hierdie artikel—

- (a) word 'n lotery geag bedryf te gewees het in die jaar waarin die wenner van pryse aan die publiek bekend gemaak word; en
- (b) beteken "jaar" 'n tydperk van 12 maande wat op 1 Januarie begin.

50 Sertifisering van loterybestuurders

47. (1) 'n Aansoek van 'n persoon om as 'n loterybestuurder gesertifiseer te word, word gerig aan die raad in die vorm en op die wyse, en moet die inligting bevat, wat die raad vereis, wat moet insluit—

- (a) voldoende inligting om die aansoeker ten volle te identifiseer;

- (b) information in respect of its shareholders or the persons in any other way controlling it, if the applicant is a juristic person, or a curriculum vitae if the applicant is a natural person; and
- (c) the applicant's physical address.
- (2) A fee determined by the board shall be payable when the application is made. 5
- (3) The board shall subject to the provisions of this section grant a certificate to an applicant certifying him or her or it as a lottery manager.
- (4) A person shall not be granted a certificate under this section, if in the opinion of the board—
 - (a) any person who would be likely to manage or in any other way control the business or any part of the business of managing lotteries under the certificate is not a fit and proper person to do so; 10
 - (b) any person for whose benefit that business would be likely to be carried on, is not a fit and proper person to benefit from it;
 - (c) any information given by the applicant to the board in or in connection with the application is false in a material respect; 15
 - (d) the applicant does not have the appropriate knowledge, experience or resources available to manage the society lottery;
 - (e) in the past the applicant acted in any way which caused harm or could have caused harm to— 20
 - (i) any lottery which he or she was conducting;
 - (ii) the society on whose behalf he or she was conducting a lottery; or
 - (iii) the integrity of society lotteries in general; or
 - (f) the applicant fails to meet any requirement prescribed by the Minister.
- (5) If the board refuses to grant a certificate, the board shall notify the applicant in writing of the refusal and the grounds for such refusal. 25
- (6) If the board grants a certificate, the holder of the certificate shall in writing inform the board of any change to the information supplied to the board in terms of subsection (1) at least seven days before that change comes into effect.

Conditions of certificate

30

48. A certificate contemplated in section 47 shall, subject to this Chapter, contain conditions aimed at—

- (a) protecting the interests of any society on behalf of which the holder of the certificate might conduct a lottery, including the provision of security;
- (b) protecting the interests of participants in any lottery to be conducted by the holder of the certificate; and 35
- (c) ensuring proper management of a lottery by the holder of the certificate.

Variation of conditions of certificate

49. (1) The board may, after giving the certificate holder an opportunity of being heard, vary any condition in a certificate. 40

(2) If the board varies a condition under this section, the board shall give notice in writing of the variation to the certificate holder at the physical address furnished by the certificate holder in terms of section 47(1)(c).

(3) The variation of a condition shall take effect on a date stipulated in the notice contemplated in subsection (2). 45

Period of validity of certificate

50. A certificate shall be valid for a maximum period of three years or until it is revoked by the board during such period.

Revocation of certificate

51. (1) The following shall constitute grounds for the revocation of a certificate contemplated in section 47: 50

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- (b) inligting met betrekking tot sy aandeelhouders of die persone wat hom op enige ander wyse beheer, indien die aansoeker 'n regspersoon is, of 'n lewenskets indien die aansoeker 'n natuurlike persoon is; en
- (c) die applikant se fisiese adres.
- 5 (2) Gelde wat deur die raad bepaal is, is betaalbaar wanneer die aansoek gerig word.
- (3) Behoudens hierdie artikel moet die raad 'n sertifikaat aan 'n applikant toestaan wat hom of haar as 'n loterybestuurder sertifiseer.
- (4) 'n Sertifikaat word nie aan 'n persoon ingevolge hierdie artikel toegestaan nie indien—
- 10 (a) 'n persoon wat waarskynlik die besigheid of enige deel van die besigheid kragtens die sertifikaat sal bestuur of op enige ander wyse beheer, nie 'n geskikte en gepaste persoon is om dit te doen nie;
- (b) 'n persoon tot wie se voordeel daardie besigheid waarskynlik bedryf sal word, nie 'n geskikte en gepaste persoon is om daaruit voordeel te trek nie;
- 15 (c) enige inligting deur die applikant aan die raad verskaf in of in verband met die aansoek in 'n wesenlike opsig vals is;
- (d) die applikant nie die nodige kennis, ondervinding of middele het om die gemeenskapslotery te bestuur nie;
- (e) die applikant in die verlede op enige wyse opgetree het wat skade berokken het of kon berokken het aan—
- 20 (i) enige lotery wat hy of sy bedryf het;
- (ii) die gemeenskap ten behoeve van wie hy of sy 'n lotery bedryf het; of
- (iii) die integriteit van gemeenskapsloterye in die algemeen; of
- (f) die applikant nie enige vereiste deur die Minister voorgeskryf, nakom nie.
- 25 (5) Indien die raad weier om 'n sertifikaat toe te staan, stel die raad die applikant skriftelik van die weiering en die gronde daarvoor in kennis.
- (6) Indien die raad 'n sertifikaat toestaan, moet die houer van die sertifikaat die raad skriftelik verwittig van enige verandering van die inligting wat aan die raad ingevolge subartikel (1) verskaf is, ten minste sewe dae voordat daardie verandering in werking
- 30 tree.

Voorwaardes van sertifikaat

48. 'n Sertifikaat beoog in artikel 47 moet, behoudens hierdie Hoofstuk, voorwaardes insluit wat gemik is op die—
- (a) beskerming van belange van enige vereniging ten behoeve waarvan die
- 35 houer van die sertifikaat 'n lotery sou kon bedryf, met inbegrip van die verskaffing van sekuriteit;
- (b) beskerming van belange van deelnemers aan 'n lotery wat deur die houer van die sertifikaat bedryf staan te word; en
- (c) versekering van behoorlike bestuur van 'n lotery deur die houer van die
- 40 sertifikaat.

Wysiging van voorwaardes van sertifikaat

49. (1) Die raad kan, nadat die houer van 'n sertifikaat die geleentheid gebied is om aangehoor te word, enige voorwaarde in 'n sertifikaat wysig.
- (2) Indien die raad 'n voorwaarde kragtens hierdie artikel wysig, gee die raad
- 45 skriftelik kennis van die wysiging aan die houer van die sertifikaat by die fisiese adres aangegee deur die sertifikaathouer ingevolge artikel 47(1)(c).
- (3) Die wysiging van 'n voorwaarde tree in werking op 'n datum vermeld in die kennisgewing ingevolge subartikel (2).

Tydperk van geldigheid van sertifikaat

50. 'n Sertifikaat is geldig vir 'n maksimum tydperk van drie jaar of totdat dit deur die raad gedurende sodanige tydperk ingetrek word.

Intrekking van sertifikaat

51. (1) Die volgende is gronde vir die intrekking van 'n sertifikaat beoog in artikel 47:

- (a) If the certificate holder is no longer a fit and proper person to manage or in any other way conduct a society lottery, whether because of the commission of an act of insolvency, insolvency, liquidation, judicial management, incarceration in a prison or other institution, or for any other valid reason;
- (b) if the certificate holder allows any person or body to derive a benefit from a lottery contrary to the provisions of this Act; 5
- (c) if any information given by the certificate holder to the board in connection with the application for the certificate was false in a material respect;
- (d) if the certificate holder contravenes or fails to comply with a condition in the certificate or a provision of this Act; or 10
- (e) if the certificate holder is convicted on a charge of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Corruption Act, 1992, or any offence involving dishonesty.

(2) If the board is satisfied that grounds exist for the revocation of a certificate contemplated in section 47, it shall in writing notify the certificate holder of the existence of those grounds and call upon him or her to furnish reasons, within seven days, as to why the certificate should not be revoked, failing which the certificate will cease to be valid. 15

(3) If the reasons contemplated in subsection (2) are not received by the board within the period of seven days, the board shall inform all societies on whose behalf the certificate holder has conducted lotteries of the fact that the certificate granted to that certificate holder has ceased to be valid, of the date on which it so ceased to be valid and of the grounds for revocation enumerated in the notice to the certificate holder as contemplated in subsection (2). 20

(4) If reasons are furnished by the certificate holder as contemplated in subsection (2), the board shall not revoke the certificate without having given due consideration to such reasons. 25

(5) If the board revokes a certificate under this section, the board shall give written notice of the revocation and of the grounds for the revocation to the certificate holder and all societies on whose behalf the certificate holder is known to have conducted lotteries. 30

(6) The revocation of the certificate shall take effect 21 days after the date of the notice in terms of subsection (5).

Control of lottery managers and audit

52. The provisions of sections 44(1)(c) and (d), 45 and 46 shall apply *mutatis mutandis* to lottery managers, and in such application a reference in those sections to a society shall be construed as a reference to a lottery manager. 35

Rules of society lotteries

53. (1) A society lottery shall be conducted in accordance with the rules prescribed by the Minister and set out in subsection (2). 40

(2) (a) The person conducting the society lottery shall be a member of the society on whose behalf that society lottery is conducted or a lottery manager certified in terms of section 47 and shall be authorised in writing by the governing body of the society to act as the person conducting that society lottery.

(b) Every ticket distributed or sold, shall specify the name and address of the person conducting the society lottery and the date of the lottery. 45

(c) No ticket in a society lottery shall be sold at a price exceeding the prescribed amount.

(d) The price of every ticket shall be the same, and the price of any ticket distributed or sold, shall be stated on the ticket. 50

(e) No person shall be admitted to participate in a society lottery in respect of a ticket except after payment to the society or lottery manager of the whole price of the ticket, and no money received for or on account of a ticket or chance shall in any circumstances be returned.

- (a) Indien die houer van die sertifikaat nie langer 'n geskikte en gepaste persoon is om 'n gemeenskapslotery te bestuur of op enige ander wyse te bedryf nie, hetsy as gevolg van die pleging van 'n daad van insolvensie, insolvensie, likwidasie, geregtelike bestuur, gevangesetting in 'n tronk of ander instelling of vir enige ander geldige rede;
- (b) indien die houer van 'n sertifikaat 'n persoon of liggaam toelaat om strydig met hierdie Wet 'n voordeel uit 'n lotery te verkry;
- (c) indien enige inligting wat in verband met die aansoek om die sertifikaat deur die houer van die sertifikaat aan die raad verskaf is, in 'n wesenlike opsig vals was;
- (d) indien die houer van die sertifikaat 'n voorwaarde in die sertifikaat of 'n bepaling van hierdie Wet oortree het of versuim het om dit na te kom; of
- (e) indien die sertifikaathouer skuldig bevind word op 'n aanklag van diefstal, bedrog, vervalsing of uitgifte van 'n vervalste stuk, meened, 'n oortreding ingevolge die Wet op Korruptsie, 1992, of enige misdryf waarby oneerlikheid betrokke is.
- (2) Indien die raad tevrede is dat daar gronde bestaan vir die intrekking van 'n sertifikaat beoog in artikel 47, moet hy die houer van die sertifikaat skriftelik in kennis stel van die bestaan van die gronde en hom of haar versoek om binne sewe dae redes te verstrek waarom die sertifikaat nie ingetrek behoort te word nie, by gebrek aan voldoende waaraan die sertifikaat ophou om geldig te wees.
- (3) Indien die redes beoog in subartikel (2) nie binne die tydperk van sewe dae deur die raad ontvang is nie, moet die raad al die verenigings ten behoeve van wie die houer van die sertifikaat loterye bedryf het, inlig van die feit dat die geldigheid van die sertifikaat wat aan daardie sertifikaathouer toegestaan is, beëindig is, van die datum waarop die geldigheid beëindig is en van die gronde vir die intrekking opgesom in die kennisgewing aan die sertifikaathouer soos beoog in subartikel (2).
- (4) Indien redes deur die houer van die sertifikaat verskaf is soos beoog in subartikel (2), trek die raad nie die sertifikaat in sonder dat hy die redes behoorlik oorweeg het nie.
- (5) Indien die raad 'n sertifikaat kragtens hierdie artikel intrek, moet die raad die houer van die sertifikaat en al die gemeenskappe wat bekend is ten behoeve van wie die sertifikaathouer loterye bedryf het, skriftelik in kennis stel van die intrekking en van die gronde vir die intrekking.
- (6) Die intrekking van die sertifikaat tree in werking 21 dae na die datum van die kennisgewing ingevolge subartikel (5).

Beheer oor loterybestuurders en audit

52. Die bepalings van artikels 44(1)(c) en (d), 45 en 46 is *mutatis mutandis* van toepassing op loterybestuurders, en by sodanige toepassing word 'n verwysing in daardie artikels na 'n vereniging uitgelê as 'n verwysing na 'n loterybestuurder.

Reëls van gemeenskapsloterye

53. (1) 'n Gemeenskapslotery word bedryf in ooreenstemming met die reëls voorgeskryf deur die Minister en in subartikel (2) uiteengesit.
- (2) (a) Die persoon wat die gemeenskapslotery bedryf, moet 'n lid wees van die vereniging ten behoeve van wie daardie gemeenskapslotery bedryf word, of 'n loterybestuurder wat ingevolge artikel 47 gesertifiseer is, en moet deur die gesagsliggaam van die vereniging skriftelik gemagtig wees om op te tree as die persoon wat daardie gemeenskapslotery bedryf.
- (b) Elke kaartjie wat versprei of verkoop word, moet die naam en adres van die persoon wat daardie gemeenskapslotery bedryf, en die datum van die lotery, spesifiseer.
- (c) Geen kaartjie in 'n gemeenskapslotery word verkoop teen 'n koopprys wat die voorgeskrewe bedrag oorskry nie.
- (d) Die koopprys van elke kaartjie moet dieselfde wees, en die koopprys van elke kaartjie wat versprei of verkoop word, moet op die kaartjie vermeld word.
- (e) Niemand word toegelaat om aan 'n gemeenskapslotery ten opsigte van 'n kaartjie deel te neem nie, behalwe na betaling aan die vereniging of loterybestuurder van die totale koopprys van die kaartjie, en geen geld wat ontvang is vir of op rekening van 'n kaartjie, word onder enige omstandighede terugbetaal nie.

(f) No payment other than the price of a ticket shall be required of a person as a condition of his or her admission to participate in a society lottery.

(g) The total value of the prizes in a society lottery shall not exceed the prescribed amount in value, which shall not exceed R1 000 000 per year per society.

(h) The total value of the tickets sold in any one society lottery shall not exceed the prescribed amount. 5

(i) The total value of the tickets sold in all society lotteries conducted in any year on behalf of the same society shall not exceed the prescribed amount.

(j) The amount appropriated for the provision of prizes shall not exceed 50 per cent of the proceeds of the lottery. 10

(k) No chance or opportunity to take part in a society lottery shall be sold other than by way of a ticket.

(l) Every ticket shall on its reverse side contain the information prescribed by the Minister.

(m) (i) The amount appropriated on account of expenses, excluding prizes, shall not exceed whichever is the lesser of— 15

(aa) the expenses actually and necessarily incurred; or

(bb) whichever of the amounts specified in subparagraph (ii) applies.

(ii) The amounts referred to in subparagraph (i)(bb) are—

(aa) where the proceeds of the lottery do not exceed the prescribed amount, such percentage as may be prescribed by the Minister; or 20

(bb) where the proceeds of the lottery exceed the prescribed amount, such percentage as may be prescribed by the Minister.

(iii) For the purposes of subparagraph (i), the amount of any expenses that are met—

(aa) by the society on whose behalf the lottery is conducted; or 25

(bb) by any beneficiary of the lottery,

shall be deemed to have been appropriated on account of expenses from the proceeds of the lottery.

(iv) The amount of the proceeds of a society lottery appropriated for the provision of prizes and the amount of those proceeds appropriated on account of expenses, excluding prizes, shall not in aggregate exceed the prescribed percentage of the proceeds of the lottery. 30

(3) (a) For the purposes of subsection (2)(m)(iii)(bb), “beneficiary of the lottery” means a person or body, other than the society on whose behalf the lottery is conducted, to whom or for whose benefit any of the proceeds of the lottery, other than amounts appropriated in respect of expenses or prizes, are lawfully paid or applied. 35

(b) For the purposes of this section, unless the context indicates otherwise, “year” means a period of 12 months commencing on 1 January: Provided that if this Act comes into effect on a date other than 1 January—

(i) the period commencing on such other date and ending on the last day of the next December, shall be deemed to be the first year for the purposes of subsection (2)(i); and 40

(ii) in relation to the period mentioned in subparagraph (i) the reference to the prescribed amount in subsection (2)(i) shall be construed as a reference to a proportionately smaller amount. 45

Promotional competitions

54. (1) A promotional competition shall not be unlawful if—

(a) it is conducted in the Republic;

(b) the consideration payable in respect of the purchase of goods or the use of services in respect of which that promotional competition is conducted— 50

(i) is the price usually or ordinarily paid for such or similar goods or services without the opportunity of taking part in a promotional competition;

(ii) is not increased by the opportunity to participate in that promotional competition;

(iii) is the only consideration payable for those goods or services and includes consideration for the right to compete; and 55

(f) Geen betaling behalwe die koopprys van 'n kaartjie mag vereis word van 'n persoon as 'n voorwaarde vir sy of haar toelating om deel te neem aan 'n gemeenskapslotery nie.

(g) Die totale waarde van die pryse in 'n gemeenskapslotery mag nie die 5 voorgeskrewe bedrag in waarde oorskry nie, wat nie R1 000 000 per jaar per gemeenskap mag oorskry nie.

(h) Die totale waarde van die kaartjies wat in een gemeenskapslotery verkoop is, mag nie die voorgeskrewe bedrag oorskry nie.

(i) Die totale waarde van die kaartjies wat in alle gemeenskapsloterye verkoop word 10 wat in enige jaar ten behoeve van dieselfde vereniging bedryf word, mag nie die voorgeskrewe bedrag oorskry nie.

(j) Die bedrag wat begroot word vir die voorsiening van pryse, mag nie 50 persent van die totale opbrengs van die lotery oorskry nie.

(k) Geen kans of geleentheid om deel te neem aan 'n gemeenskapslotery, mag 15 verkoop word anders as by wyse van 'n kaartjie nie.

(l) Elke kaartjie moet op sy agterkant die inligting voorgeskryf deur die Minister bevat.

(m) (i) Die bedrag wat begroot word vir uitgawes, behalwe pryse, oorskry nie welke ook al die minste is nie van—

20 (aa) die werklike en noodsaaklike opgeloopte uitgawes; of

(bb) welke van die bedrae in subparagraaf (ii) gespesifiseer ook al van toepassing is.

(ii) Die bedrae bedoel in subparagraaf (i)(bb) is—

(aa) waar die opbrengs van die lotery nie die voorgeskrewe bedrag oorskry nie, 25 die persentasie wat deur die Minister voorgeskryf word; of

(bb) waar die opbrengs van die lotery die voorgeskrewe bedrag oorskry, die persentasie wat deur die Minister voorgeskryf word.

(iii) By die toepassing van subparagraaf (i) word die bedrag van enige uitgawes wat bestry word—

30 (aa) deur die vereniging ten behoeve van wie die lotery bedryf word; of

(bb) deur enige begunstigde van die lotery,

geag begroot te gewees het vir uitgawes vanuit die opbrengs van die lotery.

(iv) Die bedrag van die opbrengs van 'n gemeenskapslotery wat begroot is vir die voorsiening van pryse en die bedrag van daardie opbrengs wat begroot is vir uitgawes, 35 oorskry nie in geheel die voorgeskrewe persentasie van die opbrengs van die lotery nie.

(3) (a) By die toepassing van subartikel (2)(m)(ii)(bb) beteken "begunstigde van die lotery" 'n persoon of liggaam, behalwe die vereniging ten behoeve van wie die lotery bedryf word, aan wie of vir wie se voordeel enige van die opbrengs van die lotery, behalwe bedrae begroot ten opsigte van uitgawes of pryse, wettiglik betaal of 40 aangewend word.

(b) By die toepassing van hierdie artikel, tensy uit die samehang anders blyk, beteken "jaar" 'n tydperk van 12 maande wat op 1 Januarie begin: Met dien verstande dat indien hierdie Wet in werking tree op 'n ander datum as 1 Januarie—

(i) die tydperk wat op sodanige ander datum begin en op die laaste dag van die eersvolgende Desember eindig, geag word om vir doeleindes van subartikel 45 (2)(i) die eerste jaar te wees; en

(ii) met betrekking tot die tydperk vermeld in subparagraaf (i), die verwysing na die voorgeskrewe bedrag in subartikel (2)(i) uitgelê word as 'n verwysing na 'n proporsionele kleiner bedrag.

50 Reklamekompetisies

54. (1) 'n Reklamekompetisie is nie onregmatig nie indien—

(a) dit in die Republiek bedryf word;

(b) die vergoeding betaalbaar ten opsigte van die aankope van goedere of die gebruik van dienste ten opsigte waarvan die reklamekompetisie bedryf 55 word—

(i) die prys is wat gewoonlik of normaalweg betaal word vir sodanige of soortgelyke goedere sonder die geleentheid om aan 'n reklamekompetisie deel te neem;

(ii) nie vermeerder word deur die geleentheid om aan daardie reklamekompetisie deel te neem nie; 60

(iii) die enigste vergoeding betaalbaar vir daardie goedere of dienste is en vergoeding vir die reg om mee te ding, insluit; en

- (c) the opportunity of participating in the promotional competition is not the only or the only substantial inducement to a person to purchase or use the goods or services to which the promotional competition relates;
 - (d) the promotional competition is conducted in accordance with the regulations prescribed by the Minister in terms of subsection (2); 5
 - (e) the promotional competition or any conduct under it is not substantially comparable to—
 - (i) a business practice which has been declared unlawful in terms of the Harmful Business Practices Act, 1988 (Act No. 71 of 1988); or
 - (ii) a restrictive practice which has been declared unlawful in terms of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979); 10
 - (f) the Minister has not in terms of subsection (4) declared the promotional competition unlawful;
 - (g) the goods or services manufactured, sold, supplied, distributed or delivered in connection with the right to participate in a promotional competition are usually or ordinarily manufactured, sold, supplied, distributed or delivered by the person for whose benefit the promotional competition is held; and 15
 - (h) where the promotional competition is held in association or jointly with or in support of another promotional competition or in respect of or for the benefit of more than one person, the maximum values or limits prescribed by the Minister in respect of the total value or number of prizes, the frequency, duration or number of promotional competitions or the geographical area in which promotional competitions may be held, are not exceeded; and 20
 - (i) the promotional competition is not substantially similar to any competition, game or sports pool conducted by or on behalf of the National Lottery. 25
- (2) The Minister shall, after consultation with the board, with due regard to the effect of promotional competitions on the National Lottery, lotteries incidental to an exempt entertainment and society lotteries, make regulations in respect of promotional competitions— 30
- (a) in general;
 - (b) in respect of a particular category of promotional competitions;
 - (c) in respect of a particular category of persons conducting or in any way associated with a promotional competition; or
 - (d) in respect of a category of persons who may participate in a promotional competition or a category of promotional competitions. 35
- (3) The regulations shall include provisions in respect of—
- (a) the minimum age of a person who may participate in any particular competition or category of competitions;
 - (b) (i) the maximum value of prizes in a calendar year, which shall not exceed R1 000 000; 40
 - (ii) the maximum number of prizes in a calendar year; and
 - (iii) the nature of prizes, which may be utilised in respect of a promotional competition or a specified number of such competitions by a person who or category of persons which conducts, promotes, organises or in any other way is associated with a promotional competition or such competitions; 45
 - (c) subject to paragraph (b), the maximum value of prizes in a calendar year, which shall not exceed R1 000 000, the maximum number of prizes in a calendar year and the nature of prizes in respect of any specific promotional competition or category of promotional competitions; 50
 - (d) notification of the board of every promotional competition, and the conditions and requirements in respect thereof, including the information required in respect of that notification and the payment of a fee to the board in respect of the processing of that notification; 55
 - (e) the frequency, duration and maximum number of promotional competitions to be run in a calendar year by a person who or category of persons which conducts, promotes, organises or in any other way is associated with a promotional competition;

- (c) die geleentheid om aan die reklamekompetisie deel te neem nie die enigste of die enigste wesenlike dryfveer is vir 'n persoon om die goedere te koop of te gebruik waarop die reklamekompetisie betrekking het nie;
- 5 (d) die reklamekompetisie bedryf word ooreenkomstig die regulasies deur die Minister voorgeskryf kragtens subartikel (2);
- (e) die reklamekompetisie of enige gedrag wat daarmee verband hou nie wesenlik vergelykbaar is nie met—
- (i) 'n sakepraktyk wat ingevolge die Wet op Skadelike Sakepraktyke, 1988 (Wet No. 71 van 1988), onwettig verklaar is; of
- 10 (ii) 'n beperkende praktyk wat ingevolge die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979), onwettig verklaar is;
- (f) die Minister nie ingevolge subartikel (4) die reklamekompetisie onwettig verklaar het nie;
- 15 (g) die goedere of dienste vervaardig, verkoop, verskaf, versprei of gelewer in verband met die reg om aan 'n reklamekompetisie deel te neem, alledaags of gewoonlik vervaardig, verkoop, verskaf, versprei of gelewer word deur die persoon ten behoeve van wie die reklamekompetisie aangebied word; en
- 20 (h) waar die reklamekompetisie gehou word in assosiasie of gesamentlik met of ter ondersteuning van 'n ander reklamekompetisie of met betrekking tot of tot die voordeel van meer as een persoon, die maksimum waardes of limiete soos voorgeskryf deur die Minister met betrekking tot die totale waarde van of getal pryse, die gereeldheid, duur of aantal reklamekompetisies of die geografiese gebied waarin reklamekompetisies gehou mag word, nie oorskry word nie; en
- 25 (i) die reklamekompetisie nie wesenlik soortgelyk is aan enige kompetisie, spel of sportpoel wat deur of namens die Nasionale Lotery bedryf word nie.
- (2) Die Minister moet, na oorleg met die raad, met inagneming van die uitwerking van reklamekompetisies op die Nasionale Lotery, loterye bykomstig tot vrygestelde
- 30 vermaaklikheid en gemeenskapsloterye, regulasies opstel in verband met reklamekompetisies—
- (a) in die algemeen;
- (b) in verband met 'n besondere kategorie van reklamekompetisies;
- 35 (c) in verband met 'n besondere kategorie van persone wat op enige wyse reklamekompetisies bedryf of daarmee geassosieer word; of
- (d) in verband met 'n kategorie van persone wat aan 'n reklamekompetisie of kategorie van reklamekompetisies mag deelneem.
- (3) Die regulasies moet bepalings insluit in verband met—
- 40 (a) die minimum ouderdom van 'n persoon wat aan enige besondere kompetisie of kategorie van kompetisies mag deelneem;
- (b) (i) die maksimum waarde van pryse in 'n kalenderjaar, wat nie R1 000 000 mag oorskry nie;
- (ii) die maksimum getal pryse in 'n kalenderjaar; en
- 45 (iii) die aard van pryse,
- wat met betrekking tot 'n reklamekompetisie gebruik mag word deur 'n persoon of kategorie van persone wat reklamekompetisies bedryf, bevorder, organiseer of op enige wyse daarmee geassosieer word;
- (c) behoudens paragraaf (b), die maksimum waarde van pryse in 'n kalenderjaar, wat nie R1 000 000 mag oorskry nie, die maksimum aantal pryse in 'n
- 50 kalenderjaar en die aard van die pryse met betrekking tot enige spesifieke reklamekompetisie of kategorie van reklamekompetisies;
- (d) kennisgewing aan die raad van elke reklamekompetisie, en die voorwaardes en vereistes in verband daarmee, met inbegrip van die inligting verlang in verband met daardie kennisgewing en die betaling van gelde aan die raad in
- 55 verband met die prosessering van daardie kennisgewing;
- (e) die gereeldheid, duur en maksimum aantal reklamekompetisies wat in 'n kalenderjaar deur 'n persoon of kategorie van persone wat 'n reklamekompetisie bedryf, bevorder, organiseer of op enige ander wyse daarmee geassosieer is, aangebied word;

- (f) the geographical area in which a promotional competition or category of promotional competitions may be conducted, if such area is not the whole territory of the Republic; and
 - (g) the conditions or circumstances under which the board or any person designated by it may without consent of the person who conducts the promotional competition inspect any aspect, including any process or procedure, relating to a promotional competition, including the accounting procedures and the process of identifying the winner or winners of that promotional competition. 5
- (4) The Minister may on the recommendation of the board by notice in the *Gazette* declare a promotional competition to be unlawful. 10
- (5) Any person conducting a promotional competition which in terms of subsection (4) has been declared unlawful, shall immediately cease to conduct such competition and shall immediately instruct all his or her or its agents and any other person connected with that competition to immediately terminate any action connected with the conduct of that competition, and any person who fails to comply with this subsection or an instruction thereunder is guilty of an offence. 15

CHAPTER 4

Sports pools

Licence to conduct sports pools 20

55. (1) The Minister may, after consultation with the board, by licence authorise the licensee to conduct a national sports pool: Provided that the licence shall specify the sports pools, or descriptions of sports pools, the conduct of which it authorises.

(2) The power of the Minister to prescribe the percentages in terms of section 26(3) may be exercised so as to make different provision in relation to sports pools. 25

PART III

General provisions

Unlawful lotteries and competitions

56. Unless authorised by or under this Act or any other law, no person shall conduct through any newspaper, broadcasting service or any other electronic device, or in connection with any trade or business or the sale of any article to the public— 30

- (a) any competition or lottery other than one authorised by or under this Act in which prizes are offered for forecasts of the result of either—
 - (i) a future event; or
 - (ii) a past event, the result of which has not yet been ascertained or is not yet generally known; 35
- (b) any competition other than a promotional competition contemplated in section 54 in which success does not depend to a substantial degree on skill; or
- (c) any promotional competition which is the subject of a declaration contemplated in section 54(4). 40

General offences

57. (1) Any person who—
- (a) participates in; or
 - (b) conducts, facilitates, promotes or derives any benefit from a lottery, promotional competition or sports pool, 45
- shall, unless such lottery, promotional competition or sports pool is or has been authorised by or under this Act or any other law, be guilty of an offence.
- (2) Any person who—
- (a) contravenes or fails to comply with any provision of this Act; 50

- (f) die geografiese gebiede waarin 'n reklamekompetisie of kategorie van reklamekompetisies bedryf mag word, indien sodanige gebied nie die hele territoriale gebied van die Republiek is nie; en
- (g) die voorwaardes en omstandighede waaronder die raad of enige persoon deur hom daartoe afgevaardig sonder die toestemming van die persoon wat die reklamekompetisie bedryf, enige aspek kan inspekteer, met inbegrip van enige proses of prosedure, met betrekking tot 'n reklamekompetisie, asook die rekenpligtige prosedure en die proses waardeur die wenner of weners van daardie reklamekompetisie geïdentifiseer word.
- 10 (4) Die Minister kan op aanbeveling van die raad by kennisgewing in die *Staatskoerant* 'n reklamekompetisie onwettig verklaar.
- (5) Enige persoon wat 'n reklamekompetisie bedryf wat ingevolge subartikel (4) onwettig verklaar is, moet onmiddellik die bedryf van sodanige kompetisie staak en moet al sy of haar agente en enige ander persoon wat met daardie kompetisie in
- 15 verband staan, opdrag gee om onmiddellik enige aksie in verband met daardie kompetisie te staak, en enige persoon wat versuim om aan hierdie subartikel of 'n opdrag daarkragtens te voldoen, is aan 'n misdryf skuldig.

HOOFSTUK 4

Sportpoele

20 **Lisensie om sportpoele te bedryf**

55. (1) Die Minister kan, na oorleg met die raad, by lisensie die lisensiehouer magtig om 'n nasionale sportpoel te bedryf: Met dien verstande dat die lisensie die sportpoel of beskrywings van sportpoele wat daardeur gemagtig word, uiteensit.
- (2) Die bevoegdheid van die Minister om persentasies ingevolge artikel 26(3) voor
- 25 te skryf, kan so uitgevoer word om ander voorsiening te maak met betrekking tot sportpoele.

DEEL III

Algemene bepalinge

Onwettige loterye en kompetisies

- 30 56. Tensy by of kragtens hierdie Wet of enige ander wet gemagtig, mag geen persoon deur middel van 'n koerant, uitsaaidiens of enige ander elektroniese toestel, of in verband met enige bedryf of besigheid of die verkoop van enige artikel aan die publiek—
- (a) 'n kompetisie of lotery anders as by of kragtens hierdie Wet gemagtig, bedryf
- 35 waarin pryse aangebied word vir voorspellings van die uitslag van óf—
- (i) 'n toekomstige gebeurtenis; óf
- (ii) 'n gebeurtenis wat verby is waarvan die uitslag nie reeds bepaal is of reeds algemeen bekend is nie;
- (b) enige kompetisie anders as 'n reklamekompetisie beoog in artikel 54 waarvan sukses nie afhanklik is van 'n wesenlike graad van vaardigheid nie; of
- 40 (c) enige reklamekompetisie wat die onderwerp is van 'n verklaring beoog in artikel 54(4).

Algemene misdrywe

57. (1) Enige persoon wat—
- 45 (a) deelneem aan 'n lotery, reklamekompetisie of sportpoel; of
- (b) 'n lotery, reklamekompetisie of sportpoel bedryf, fasiliteer, bevorder of 'n voordeel daaruit trek,
- is, tensy sodanige lotery of sportpoel by of kragtens hierdie Wet of enige ander wet gemagtig is, aan 'n misdryf skuldig.
- 50 (2) Enige persoon wat—
- (a) 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen;

- (b) forges or in any other fraudulent way changes any ticket or any other document or thing pertaining to any lottery or promotional competition;
 - (c) knowingly sells or in any other way disposes of any forged ticket or any other document or thing pertaining to any lottery or promotional competition;
 - (d) with intent to defraud, alters any number or figure on any ticket or any other document or thing pertaining to any lottery or promotional competition; 5
 - (e) obtains any direct or indirect financial gain, which is not solely a share in the prize payout, by forming, conducting or in any other way promoting a syndicate for the purchase of a ticket; or
 - (f) sells a ticket— 10
 - (i) at a price higher than that which is printed on the ticket;
 - (ii) on condition that the seller of the ticket shares in the prize in the event of a ticket sold by him or her being the ticket in respect of which a prize is paid;
 - (iii) on any condition not provided for in the rules of the lottery concerned; 15
 - (iv) on credit or with the financial assistance in any form of the seller; or
 - (g) conducts, organises, promotes, devises or manages any scheme, plan, competition, arrangement, system, game or device which directly or indirectly provides for betting, wagering, gambling or any other game of risk on any outcome of any lottery unless authorised by or under this Act or any other law, 20
- shall be guilty of an offence.

Offences relating to National Lottery and sports pools

- 58.** (1) Any person who—
- (a) advertises or offers the opportunity to participate in a lottery, promotional competition, competition or game of another description and who gives, by whatever means, a false indication that it is a lottery, competition or game forming part of, or is otherwise connected with, the National Lottery or is a sports pool licensed in terms of section 55; 25
 - (b) with the intent to defraud, falsely makes, alters, forges, utters, passes or counterfeits a National Lottery ticket or sports pool ticket; 30
 - (c) influences or attempts to influence the winning of a prize through the use of coercion, fraud or deception, or through tampering with lottery or sports pool equipment, systems, software, data, tickets or materials; or
 - (d) fails to comply with any regulation made under section 60, 35
- shall be guilty of an offence.

Prohibition of activities in Republic in relation to lottery or sports pool conducted outside Republic

- 59.** In a prosecution arising from any thing done or not done in the Republic in connection with a lottery or sports pool, it shall not be a defence merely to prove that the management, conduct or business of or concerning the lottery or sports pool in question is or was wholly or in part carried on at a place outside the Republic. 40

Regulations in respect of National Lottery and sports pools

- 60.** The Minister may, with the concurrence of the board, make regulations regarding—
- (a) the conduct of the National Lottery or sports pools, including— 45
 - (i) the minimum age of persons to whom or by whom tickets or chances may be sold;
 - (ii) the persons or categories of persons who shall be disqualified from participation;
 - (iii) the places where or circumstances or manner in which tickets or chances may be sold or persons may be invited to buy such tickets or chances; 50
 - (iv) the circumstances under which lotteries and sports pools may be advertised and the information that is to appear in an advertisement for a lottery or sports pool;

- (b) enige kaartjie of dokument of enige ding wat betrekking het op enige lotery of reklamekompetisie vervals of op enige ander bedrieglike wyse verander;
- (c) opsetlik 'n vervalste kaartjie of dokument of enige ding wat betrekking het op enige lotery of reklamekompetisie verkoop of op enige ander wyse daarvan afstand doen;
- (d) met die opset om te bedrieg, enige getal of syfer op enige kaartjie of enige dokument of enige ander ding wat betrekking het op 'n lotery of reklamekompetisie verander;
- (e) 'n regstreekse of onregstreekse finansiële gewin ontvang wat nie slegs 'n aandeel in die prys-uitbetaling is nie, deur 'n sindikaat vir die koop van 'n kaartjie te vorm, te bedryf of op enige ander wyse te bevorder;
- (f) 'n kaartjie verkoop—
- (i) teen 'n groter prys as dié wat op die kaartjie gedruk is;
- (ii) op voorwaarde dat die verkoper van die kaartjie in die prys deel indien 'n kaartjie deur hom of haar verkoop die kaartjie is ten opsigte waarvan 'n prys uitbetaal word;
- (iii) op enige voorwaarde waarvoor daar nie in die reëls van die betrokke lotery voorsiening gemaak is nie;
- (iv) op krediet of met die finansiële bystand in enige vorm van die verkoper; of
- (g) enige skema, plan, kompetisie, reëling, stelsel, spel of uitvindsel wat regstreeks of onregstreeks voorsiening maak vir weddery, dobbel of enige ander spel wat afhang van enige uitslag van enige lotery wat nie by of kragtens hierdie Wet of enige ander wet gemagtig is nie, bedryf, organiseer, bevorder, uitvind of bestuur,
- is aan 'n misdryf skuldig.

Misdrywe met betrekking tot Nasionale Lotery en sportpoele

58. (1) Iemand wat—
- (a) die geleentheid om in 'n lotery, reklamekompetisie, kompetisie of spel van 'n ander beskrywing deel te neem, adverteer of aanbied, en wat 'n valse voorstelling maak, op watter wyse ook al, dat dit 'n lotery, sportpoel of spel is wat deel vorm van of andersins verbind is met die Nasionale Lotery of 'n sportpoel gelisensieer ingevolge hierdie Wet;
- (b) met die opset om te bedrieg, valslik 'n Nasionale Lotery- of sportpoelkaartjie maak, wysig, vervals, uitgee, oordra of namaak;
- (c) die wen van 'n prys beïnvloed of poog om dit te beïnvloed deur die gebruik van dwang, bedrog of misleiding, of deur peutering met lotery- of sportpoel-toerusting, stelsels, programmatuur, data, kaartjies of materiaal; of
- (d) versuim om te voldoen aan 'n regulasie uitgevaardig kragtens artikel 60,
- is aan 'n misdryf skuldig.

Verbod op bedrywighede in Republiek met betrekking tot lotery of sportpoel wat buite Republiek bedryf word

59. In 'n vervolging wat voortspruit uit enigiets gedoen of nie gedoen nie in die Republiek in verband met 'n lotery of sportpoel, is dit nie 'n verweer nie om bloot te bewys dat die bestuur, bedryf of besigheid van of met betrekking tot die betrokke lotery of sportpoel geheel en al of gedeeltelik op 'n plek buite die Republiek plaasvind of plaasgevind het.

Regulasies ten opsigte van Nasionale Lotery en sportpoele

60. Die Minister kan, met die instemming van die raad, regulasies uitvaardig betreffende—

- (a) die bedryf van die Nasionale Lotery of sportpoele, met inbegrip van—
- (i) die minimum ouderdom van persone aan wie of deur wie kaartjies of kanse verkoop mag word;
- (ii) die persone of kategorieë persone wat nie mag deel neem nie;
- (iii) die plekke waar, omstandighede waaronder of wyse waarop kaartjies of kanse verkoop mag word of persone uitgenooi mag word om die kaartjies of kanse te koop;
- (iv) die omstandighede waaronder loterye en sportpoele geadverteer mag word en die inligting wat in 'n advertensie vir 'n lotery of sportpoel moet verskyn;

- (v) the places where or circumstances or manner in which signs relating to a lottery or sports pool may be displayed;
- (vi) the rules referred to in section 14(2)(g);
- (vii) application and licensing fees referred to in section 14(3);
- (viii) the percentages of the sums to be allocated in terms of section 26; and 5
- (ix) in general any other matter which may be necessary or expedient to prescribe in order to achieve or promote the objects of Part I of this Act; and

(b) the making of oral representations as contemplated in section 20(1)(b).

Regulations in respect of lotteries incidental to exempt entertainments, private and society lotteries 10

61. (1) The Minister may, with the concurrence of the board, make regulations regarding the conduct of lotteries incidental to exempt entertainments, private lotteries and society lotteries, including—

- (a) the nature and requirements of any scheme contemplated in section 38(c); 15
- (b) the persons or categories of persons to whom and by whom tickets or chances in a lottery may or may not be sold;
- (c) the circumstances in which tickets or chances may be sold and persons may be invited to purchase tickets or chances;
- (d) the minimum age at which any person may buy a ticket or chance; 20
- (e) any information which shall, or shall not, appear on a ticket;
- (f) the manner in which a lottery may be advertised;
- (g) the use of postal services in connection with lotteries;
- (h) the matters in respect of which expenses in a lottery may be incurred; and
- (i) in general, any other matter which may be necessary or expedient to prescribe 25 in order to achieve or promote the objects of Part II of this Act.

(2) Any power to make regulations under this section may be exercised so as to make different provision in relation to different cases or different circumstances.

Penalties

62. Any person convicted of an offence in terms of this Act shall be liable to a fine or 30 to imprisonment or to both a fine and imprisonment.

Savings

63. Nothing in this Act shall apply in relation to any lottery, sports pool or competition in respect of which there is no subscription.

Transitional provisions 35

64. (1) Every valid licence for—

- (a) a state lottery, issued in terms of the State Lotteries Act, 1984 (Act No. 14 of 1984) (Ciskei), or the Lotteries Decree, 1989 (Decree No. 14 of 1989) (Transkei); and
- (b) a lottery or sports pool issued in terms of a law or provision repealed by 40 section 65, or issued in terms of the Gaming and Betting Act, 1989 (Act No. 39 of 1989) (Bophuthatswana),

shall at a date determined by the Minister by notice in the *Gazette* cease to be valid.

(2) All unexpended money in—

- (a) the Distribution Account referred to in the State Lotteries Act, 1984 (Act No. 14 of 1984) (Ciskei); and 45
- (b) the State Lottery Trust Account referred to in the Lotteries Decree, 1989 (Decree No. 14 of 1989) (Transkei),

immediately before the commencement of this Act, shall be paid into the fund.

- (v) die plekke waar, omstandighede waaronder of wyse waarop tekens wat verband hou met 'n lotery of sportpoel vertoon mag word;
- (vi) die reëls bedoel in artikel 14(2)(g);
- (vii) aansoek- en lisensiegelde bedoel in artikel 14(3);
- 5 (viii) die persentasies van die bedrae wat toegeken moet word ingevolge artikel 26; en
- (ix) in die algemeen, enige ander aangeleentheid wat nodig of wenslik is om voor te skryf ten einde die oogmerke van Deel I van hierdie Wet te bereik of te bevorder; en
- 10 (b) die rig van mondelinge vertoë soos beoog in artikel 20(1)(b).

Regulasies met betrekking tot loterye bykomstig tot vrygestelde vermaaklikheid, private en gemeenskapsloterye

61. (1) Die Minister kan, in oorleg met die raad, regulasies uitvaardig betreffende die bedryf van loterye bykomstig tot vrygestelde vermaaklikheid, private en gemeenskapsloterye, met inbegrip van—

- 15 (a) die aard en vereistes van enige skema beoog in artikel 38(c);
- (b) die persone of kategorieë persone aan wie en deur wie kaartjies of kanse in die lotery verkoop mag word of nie verkoop mag word nie;
- (c) die omstandighede waaronder kaartjies of kanse verkoop mag word en persone uitgenooi mag word om kaartjies of kanse te koop;
- 20 (d) die minimum ouderdom waarop enige persoon 'n kaartjie of 'n kans mag koop;
- (e) enige inligting wat op 'n kaartjie moet verskyn of nie mag verskyn nie;
- (f) die wyse waarop 'n lotery geadverteer mag word;
- 25 (g) die gebruik van posdienste in verband met loterye;
- (h) die aangeleentheid ten opsigte waarvan uitgewes in loterye opgeloopt mag word; en
- (i) in die algemeen, enige ander aangeleentheid wat nodig of dienstig is om voor te skryf ten einde die oogmerke van Deel II van hierdie Wet te bereik of te bevorder.
- 30

(2) Enige bevoegdheid om regulasies kragtens hierdie artikel uit te vaardig, kan uitgeoefen word om verskillende voorsiening te maak vir verskillende gevalle of verskillende omstandighede.

Strawwe

35 62. Iemand wat skuldig bevind word aan 'n misdryf ingevolge hierdie Wet is strafbaar met 'n boete of met gevangenisstraf of met 'n boete en gevangenisstraf.

Voorbehoude

63. Die bepalinge van hierdie Wet is nie van toepassing op 'n lotery, sportpoel of kompetisie ten opsigte waarvan daar geen bydrae is nie.

40 Oorgangsbepalings

64. (1) Elke geldige lisensie vir—

- (a) 'n staatslotery, uitgereik ingevolge die "State Lotteries Act, 1984 (Act No. 14 of 1984) (Ciskei)", of die "Lotteries Decree, 1989 (Decree No. 14 of 1989) (Transkei)"; en
 - 45 (b) 'n lotery of sportpoel uitgereik ingevolge 'n wet of bepaling herroep by artikel 65 of uitgereik ingevolge die "Gaming and Betting Act, 1989 (Act No. 39 of 1989) (Bophuthatswana)",
- hou op 'n datum bepaal deur die Minister by kennisgewing in die *Staatskoerant* op om van krag te wees.

50 (2) Alle geld wat nie uitgegee is nie in—

- (a) die "Distribution Account" bedoel in die "State Lotteries Act, 1984 (Act No. 14 of 1984) (Ciskei)"; en
- (b) die "State Lottery Trust Account" bedoel in die "Lotteries Decree, 1989 (Decree No. 14 of 1989) (Transkei)",

55 onmiddellik voor die inwerkingtreding van hierdie Wet, word by die fonds inbetaal.

Lottery debts enforceable

65. Any lottery debt lawfully incurred by a person in the course of any lottery or sports pool shall, notwithstanding provisions of any law or the common law, be enforceable in a court of law.

Registration of illegal lotteries

5

66. (1) Any juristic person—

- (a) authorised before 1 January 1997 to collect contributions from the public in terms of the Fund-raising Act, 1978;
- (b) who collects or has collected such contributions by means of any activity relating to a lottery which is prohibited in terms of the Gambling Act, 1965, or any other legislation pertaining to gambling or lotteries; and 10
- (c) who on a regular basis has paid or pays a percentage of its total income to a registered charity organisation,

may within a period of three months after the commencement of this Act in the prescribed manner apply to the Minister or the board for registration of such activity. 15

(2) The Minister or the board may permit the registration of the juristic person contemplated in subsection (1) if it is in the Minister's or the board's opinion desirable to do so, subject to any conditions he or she or it may impose, including any conditions in respect of the auditing of the financial statements of that person.

(3) Activities contemplated in subsection (1) shall be deemed to be lawful as from the date of registration until a date determined by the Minister by notice in the *Gazette*, which date shall be not later than seven days prior to the date on which tickets for the National Lottery are sold for the first time. 20

(4) The Minister or the board may at any time and without any prior notice withdraw the registration in terms of subsection (2) of any juristic person if in the Minister's or the board's opinion it is desirable to do so. 25

(5) No right other than is provided for in subsection (3) and no legitimate expectations shall accrue as a result of registration in terms of this section.

(6) A juristic person who in terms of subsection (1) has applied for registration or who in terms of subsection (2) has been registered, shall provide the Minister or the board with any information he or she or it may require at any time. 30

(7) Any person designated by the Minister or the board shall at any reasonable time have the right to—

- (a) examine any thing, machine, document or data captured in any form, found on or in the premises or facility of the person who has been registered, and make copies of or make extracts from that thing, machine, document or data; 35
- (b) seize, for the purpose of further examination or securing information, any thing, machine, document or data, excluding proprietary software, on or in those premises or facility; or
- (c) seal or otherwise secure any such premises, facility, thing or machine on or in which any document or data which has a bearing on the activities contemplated in subsection (3) is stored or captured. 40

(8) The Minister shall every four months until the date on which tickets for the National Lottery are sold for the first time table a report in Parliament on all matters provided for in this section, and if Parliament is not then in session, on the first day of its next session. 45

(9) This section shall two years after the commencement of this Act cease to be of any force.

Access to information

67. (1) Subject to the Constitution, any legislation which may be enacted in pursuance of sections 32(2) or 33(3) of the Constitution or any other relevant law, no person, including the Minister, a member or employee of the board or the Department, or a former member or employee of the board or the Department, may— 50

Loteryskulde afdwingbaar

65. Enige loteryskuld wettig opgeloopt deur 'n persoon in die loop van 'n lotery of sportpoel is, ondanks die bepalings van enige wet of die gemene reg, in 'n geregshof afdwingbaar.

5 Registrasie van onwettige loterye

66. (1) Enige regspersoon wat—
- (a) voor 1 Januarie 1997 gemagtig was om fondse in te samel van die publiek ingevolge die Wet op Fondsinsameling, 1978;
 - (b) sodanige fondse insamel of ingesamel het deur middel van enige aktiwiteit wat verband hou met 'n lotery wat verbied is ingevolge die Dobbeltwet, 1965, of enige ander wetgewing van toepassing op dobbel of loterye; en
 - (c) op 'n gereelde basis 'n persentasie van sy totale inkomste aan 'n geregistreerde welsynsorganisasie betaal het of betaal,
- kan binne drie maande na die inwerkingtreding van hierdie Wet op die voorgeskrewe wyse by die Minister of die raad aansoek doen om registrasie van sodanige aktiwiteit.
- (2) Die Minister of die raad kan die registrasie van 'n regspersoon beoog in subartikel (1) toelaat, behoudens enige voorwaardes wat die Minister of die raad opla, met inbegrip van enige voorwaarde in verband met die ouditering van die finansiële state van daardie persoon.
- (3) Aktiwiteite beoog in subartikel (1) word geag wettig te wees vanaf die datum van registrasie tot 'n datum deur die Minister bepaal by kennisgewing in die *Staatskoerant*, welke datum nie later nie as sewe dae voor die datum waarop kaartjies vir die Nasionale Lotery vir die eerste maal verkoop word, moet wees.
- (4) Die Minister of die raad kan te eniger tyd en sonder vooraf kennisgewing die registrasie ingevolge subartikel (2) van enige regspersoon intrek.
- (5) Geen regte anders as dié waarvoor in subartikel (3) voorsiening gemaak word en geen regmatige verwagtinge spruit voort as gevolg van registrasie ingevolge hierdie artikel nie.
- (6) 'n Regspersoon wat ingevolge subartikel (1) om registrasie aansoek gedoen het of wat ingevolge subartikel (2) geregistreer het, moet die Minister of die raad van enige inligting wat die Minister of die raad verlang, voorsien.
- (7) Enige persoon aangewys deur die Minister of die raad het op alle redelike tye die reg om—
- (a) enige ding, masjien, dokument of data vasgevang in enige vorm, wat op of in die perseel of fasiliteit van die persoon wat geregistreer het, gevind word, te inspekteer en afskrifte daarvan of uittreksels vanuit daardie ding, masjien, dokument of data te maak;
 - (b) beslag te lê, vir die doel van verdere ondersoek of beveiliging van inligting, op enige ding, masjien, dokument of data, uitgesluit gepatenteerde programmatuur op of in daardie perseel of fasiliteit; of
 - (c) sodanige perseel, fasiliteit, ding of masjien waarop of waarin enige sodanige dokument of data wat toepassing het op die aktiwiteite beoog in subartikel (3), gestoor of vasgevang is, te seël of andersins te beveilig.
- (8) Die Minister moet elke vier maande totdat die datum waarop kaartjies vir die lotery vir die eerste maal verkoop word, 'n verslag in die Parlement ter tafel lê aangaande alle aangeleenthede waarvoor daar in hierdie artikel voorsiening gemaak word, en indien die Parlement nie in sitting is nie, op die eerste dag van die daaropvolgende sitting.
- (9) Hierdie artikel se geldigheid verval twee jaar na inwerkingtreding van hierdie Wet.

Toegang tot inligting

67. (1) Behoudens die Grondwet, enige wetgewing wat aangeneem word in navolging van artikels 32(2) of 33(3) van die Grondwet of enige ander toepaslike reg, mag geen persoon, met inbegrip van die Minister, 'n lid of werknemer van die raad of die Departement, of 'n voormalige lid of werknemer van die raad of Departement—

- (a) in any way disclose any information submitted by any person in connection with any application for any licence, certificate or appointment under this Act; or
 - (b) publish any information obtained in contravention of paragraph (a), unless ordered to do so by a court of law or unless the person who made such application consents thereto in writing. 5
- (2) Any person who contravenes subsection (1) shall be guilty of an offence.

Repeal and amendment of laws

68. The laws mentioned in the Schedule are hereby repealed or amended to the extent indicated in the third column thereof. 10

Short title and commencement

69. This Act shall be called the Lotteries Act, 1997, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

- (a) op enige wyse enige inligting wat deur enige persoon in verband met enige aansoek om 'n lisensie, sertifikaat of aanstelling kragtens hierdie Wet verstrekkend is, openbaar maak nie; of
- 5 (b) enige inligting wat in stryd met paragraaf (a) bekom is, publiseer nie, tensy hy of sy aldus deur 'n geregshof beveel is of tensy die persoon wat sodanige aansoek gerig het skriftelik daartoe ingestem het.
- (2) Enige persoon wat in stryd met subartikel (1) optree, is aan 'n misdryf skuldig.

Herroeping en wysiging van wette

68. Die wette in die Bylae vermeld, word hierby herroep of gewysig in die mate in
10 die derde kolom daarvan aangedui.

Kort titel en inwerkingtreding

69. Hierdie Wet heet die Wet op Loterye, 1997, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

SCHEDULE

Laws repealed or amended

No. and year of Act	Title	Extent of repeal or amendment
Act No. 44 of 1958	Post Office Act, 1958	The substitution for section 35 of following section: “Articles addressed to persons conducting a lottery or sports pool or dealing in indecent or obscene matters 35. When the postal company is satisfied on enquiry or by any advertisement, letter, circular or other documentary evidence that any person is conducting or assisting as agent or otherwise in conducting a lottery or sports pool in <u>contravention of the Lotteries Act, 1997</u>, or is dealing in indecent or obscene matter, and is using the services of the postal company for the purpose, the postal company may detain or delay all postal articles addressed to such person (whether under his own or under a fictitious or assumed name) or his agent or representative, or to any address of any such person, agent or representative without the name of any person appearing thereon, and all such postal articles may be opened and returned to the senders thereof or otherwise disposed of as the postal company may deem fit.”.
Act No. 51 of 1965	Gambling Act, 1965	(a) Amendment of section 1 by the deletion of the definitions of “lottery”, “prize”, “sporting event”, “sports pool”, “subscription” and “ticket”. (b) Repeal of sections 2, 3, 4, 5 and 10. (c) Amendment of section 8 by the deletion of paragraphs (a), (b), (c), (i) and (ii).

BYLAE

Wette herroep of gewysig

No. en jaar van Wet	Titel	In hoeverre herroep of gewysig
Wet No. 44 van 1958	Poswet, 1958	Die vervanging van artikel 35 deur die volgende artikel: “Artikels geadresseer aan persone wat ’n lotery of ’n sportpoel bestuur of in onbetaamlike of aanstootlike stof handel 35. Wanneer die posmaatskappy na ondersoek of deur ’n advertensie, brief, omseendbrief of ander dokumentêre getuienis oortuig is dat iemand ’n lotery of sportpoel bestuur <u>in stryd met die Wet op Loterye, 1997</u>, of as agent of andersins by die bestuur daarvan hulp verleen of in onbetaamlike of aanstootlike stof handel, en die dienste van die posmaatskappy vir die doel gebruik, kan die posmaatskappy alle posstukke gerig aan so ’n persoon (hetsy onder sy eie of ’n denkbeeldige of aangenome naam) of sy agent of verteenwoordiger of aan ’n adres van so ’n persoon, agent of verteenwoordiger sonder dat die naam van ’n persoon, agent of verteenwoordiger daarop verskyn, terughou of vertraag, en al sulke posstukke kan oopgemaak en aan die afsenders daarvan teruggestuur word of na goeddunke van die posmaatskappy op ander wyse oor beskik word.”
Wet No. 51 van 1965	Wet op Dobbelaar, 1965	(a) Wysiging van artikel 1 deur die woordskrywings van “bydrae”, “kaartjie”, “lotery”, “prys”, “sportgebeurtenis” en “sportpoel”, te skrap. (b) Herroeping van artikels 2, 3, 4, 5 en 10. (c) Wysiging van artikel 8 deur paragrawe (a), (b), (c), (i) en (ii) te skrap.

Act No. 57, 1997

LOTTERIES ACT, 1997

No. and year of Act	Title	Extent of repeal or amendment
Act No. 23 of 1982	Gambling Act, 1982 (Ciskei)	(a) Amendment of section 1 by the deletion of the definitions of "lottery", "sporting event" and "sports pool". (b) Amendment of section 7 by the deletion of subparagraph (iii) of paragraph (c) of subsection (1) and subsection (4). (c) Amendment of section 9 by the substitution for paragraph (a) of subsection (1) of the following paragraph: "(a) grant such application subject to such conditions and restrictions as the President[-in-Council] may deem necessary[, including a condition requiring the holder of a lottery licence or a sports pool licence to furnish security in the amount fixed by the President-in-Council for the due payment of prizes; or]. (d) Amendment of section 10 by the deletion of paragraph (b) of subsection (1). (e) Amendment of section 12 by the deletion of paragraph (c) of subsection (2). (f) Amendment of section 17 by the deletion of paragraph (b) of subsection (1). (g) Amendment of section 18 by the substitution for subsection (1) of the following subsection: "(1) No person shall participate, and no licence-holder or any person employed by him or her in connection with the management, supervision, control or administration or any activity authorized by such licence shall permit any person to participate, in any game in a casino or gaming room [or in any lottery or sports pool] unless payment therefor is in current money or by cheque: Provided that the licence-holder may, at his or her discretion, grant credit facilities to any person who furnishes a satisfactory guarantee of payment."

No. en jaar van Wet	Titel	In hoeverre herroep of gewysig
"Act No. 23 van 1982"	"Gambling Act, 1982 (Ciskei)"	(a) Wysiging van artikel 1 deur die woordskrywings van "lottery", "sporting event" en "sports pool" te skrap. (b) Wysiging van artikel 7 deur subparagraaf (iii) van paragraaf (c) van subartikel (1) en subartikel (4) te skrap. (c) Wysiging van artikel 9 deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang: "(a) grant such application subject to such conditions and restrictions as the President [-in-Council] may deem necessary [, including a condition requiring the holder of a lottery licence or a sports pool licence to furnish security in the amount fixed by the President-in-Council for the due payment of prizes; or]. (d) Wysiging van artikel 10 deur paragraaf (b) van subartikel (1) te skrap. (e) Wysiging van artikel 12 deur paragraaf (c) van subartikel (2) te skrap. (f) Wysiging van artikel 17 deur paragraaf (b) van subartikel (1) te skrap. (g) Wysiging van artikel 18 deur subartikel (1) deur die volgende subartikel te vervang: "(1) No person shall participate and no licence-holder or any person employed by him <u>or her</u> in connection with the management, supervision, control or administration or any activity authorized by such licence shall permit any person to participate, in any game in a casino or gaming room [or in any lottery or sports pool] unless payment therefor is in current money or by cheque: Provided that the licence-holder may, at his <u>or her</u> discretion, grant credit facilities to any person who furnishes a satisfactory guarantee of payment."

Act No. 57, 1997

LOTTERIES ACT, 1997

No. and year of Act	Title	Extent of repeal or amendment
		(h) Amendment of section 19— (i) by the deletion of subparagraph (iii) of paragraph (a) of subsection (1); (ii) by the deletion of paragraph (c) of subsection (1); (iii) by the substitution in subsection (1) for paragraph (d) of the following paragraph: “(d) perform any act with the object of acquiring or assisting any other person to acquire from any source in Ciskei or elsewhere any ticket in an unlicensed game of chance[, sports pool or lottery];”; (iv) by the substitution in subsection (1) for paragraph (e) of the following paragraph: “(e) print or publish, either in a newspaper, periodical publication or any printed document, any notice or advertisement of any unlicensed gaming house, gaming activity [sports pool or lottery];”; (v) by the substitution in subsection (1) for paragraph (g) of the following paragraph: “(g) distribute or cause to be distributed or deliver or cause to be delivered to any person any handbill or entrance form or other document conveying in print, writing or other way, notice of or information with regard to any unlicensed gaming-house, [sports pool, lottery] or place where games of chance are played or any activity prohibited by this Act is performed; or”.

WET OP LOTERYE, 1997

Wet No. 57, 1997

No. en jaar van Wet	Titel	In hoeverre herroep of gewysig
		(h) Wysiging van artikel 19— (i) deur subparagraaf (iii) van paragraaf (a) van subartikel (1) te skrap; (ii) deur paragraaf (c) van subartikel (1) te skrap; (iii) deur in subartikel (1) paragraaf (d) deur die volgende paragraaf te vervang: “(d) perform any act with the object of acquiring or assisting any other person to acquire from any source in Ciskei or elsewhere any ticket in an unlicensed game of chance [, sports pool or lottery];”; (iv) deur in subartikel (1) paragraaf (e) deur die volgende paragraaf te vervang: “(e) print or publish, either in a newspaper, periodical publication or any printed document, any notice or advertisement of any unlicensed gaming house, gaming activity, [sports pool or lottery];”; (v) deur in subartikel (1) paragraaf (g) deur die volgende paragraaf te vervang: “(g) distribute or cause to be distributed or deliver or cause to be delivered to any person any handbill or entrance form or other document conveying in print, writing or other way, notice of or information with regard to any unlicensed gaming-house, [sports pool, lottery] or place where games of chance are played or any activity prohibited by this Act is performed; or”.

Act No. 57, 1997

LOTTERIES ACT, 1997

No. and year of Act	Title	Extent of repeal or amendment
		(i) Amendment of section 24 by the deletion of paragraph (b) of subsection (2). (j) Amendment of Part A of the Schedule by the deletion of items 2 and 3. (k) Amendment of Part B of the Schedule by the deletion of the last two items.
Act No. 14 of 1984	State Lotteries Act, 1984 (Ciskei)	The whole.
Decree No. 14 of 1989	Lotteries Decree, 1989 (Transkei)	The whole.

WET OP LOTERYE, 1997

Wet No. 57, 1997

No. en jaar van Wet	Titel	In hoeverre herroep of gewysig
		(i) Wysiging van artikel 24 deur paragraaf (b) van subartikel (2) te skrap. (j) Wysiging van "Part A" van die "Schedule" deur items 2 en 3 te skrap. (k) Wysiging van "Part B" van die "Schedule" deur die laaste twee items te skrap.
"Act No. 14 van 1984"	"State Lotteries Act, 1984 (Ciskei)"	Die geheel.
"Decree No. 14 of 1989"	"Lotteries Decree, 1989 (Transkei)"	Die geheel.