



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 412

CAPE TOWN, 1 OCTOBER 1999

No. 20514

KAAPSTAD, 1 OKTOBER 1999

OFFICE OF THE PRESIDENCY

KANTOOR VAN DIE PRESIDENSIE

No. 1171.

1 October 1999

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

No. 39 of 1999: National Gambling Amendment Act, 1999.

No. 1171.

1 Oktober 1999

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

No. 39 van 1999: Nasionale Dobbeltwysigingswet, 1999.

GENERAL EXPLANATORY NOTE:

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

(English text signed by the President.)
(Assented to 30 September 1999.)

ACT

To amend the National Gambling Act, 1996, so as to provide anew for the disposal of the financial interest of certain entities in gambling activities; to provide for any legal disability of certain entities to be disregarded under certain circumstances; and to provide for the retrospective operation of those provisions; and to provide for matters connected therewith.

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

Amendment of section 13 of Act 33 of 1996, as amended by section 1 of Act 36 of 1999

1. (1) Section 13 of the National Gambling Act, 1996, is hereby amended—
 - (a) by the substitution for subparagraph (ii) of paragraph (f) of subsection (1) of the following subparagraph:

“(ii) in the case of the North West Development Corporation (Pty) Limited, the Transkei Development Corporation Limited and Ciskei Peoples Development Bank Limited or any company or corporation into which any of those entities may have been converted or any organ of State or organisation with which the State is concerned to which those entities have transferred an interest in gambling activity, from a date determined by the Minister by notice in the Gazette; or”; and
 - (b) by the substitution for paragraph (fA) of subsection (1) of the following paragraph:

“(fA) a provincial licensing authority shall, notwithstanding paragraph (f), disregard—

 - (i) any financial interest in any gambling activity held by the State, an organ of State or any organisation with which the State is concerned, including any entity contemplated in paragraph (f)(ii);
 - (ii) any legal disability such as provisional judicial management, judicial management or any form of winding-up as provided for in the Companies Act, 1973 (Act No. 61 of 1973), or in any other law, of any entity contemplated in subparagraph (i), when considering an application for a licence contemplated in paragraph (j) before the date contemplated in paragraph (f)(i), (ii) or (iii), as the case may be;”.
- (2) Subsection (1) shall be deemed to have been enacted and to have come into operation on 18 April 1997, and all licensing procedures followed, including the consideration of applications for casino licences and conclusions reached regarding the

ALGEMENE VERDUIDELIKENDE NOTA:

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

(Engelse teks deur die President geteken.)
(Goedgekeur op 30 September 1999.)

WET

Tot wysiging van die Nasionale Dobbelwet, 1996, ten einde opnuut voorsiening te maak vir die beskikking oor die geldelike belang van sekere entiteite in dobbelaktiwiteite; voorsiening te maak dat die handelingsonbevoegdheid van sekere entiteite onder sekere omstandighede verontagsaam word; en voorsiening te maak vir die terugwerkende werking van daardie bepalings; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 13 van Wet 33 van 1996, soos gewysig deur artikel 1 van Wet 36 van 1999

- 5 1. (1) Artikel 13 van die Nasionale Dobbelwet, 1996, word hierby gewysig—
 - (a) deur subparagraaf (ii) van paragraaf (f) van subartikel (1) deur die volgende subparagraaf te vervang:

10 “(ii) in die geval van die Noordwes Ontwikkelingskorporasie (Edms) Beperk, die Transkei Ontwikkelingskorporasie Beperk en Ciskei Volksonwikkelingsbank Beperk of enige maatskappy of korporasie waarin enige van daardie entiteite omskep is of enige orgaan van die Staat of organisasie waarby die Staat betrokke is na wie daardie entiteite 'n belang in 'n dobbelaktiwiteit oorgedra het, vanaf 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal; of”; en
 - 15 (b) deur paragraaf (fA) van subartikel (1) deur die volgende paragraaf te vervang:

20 “(fA) 'n provinsiale lisensiëringsowerheid moet, ondanks paragraaf (f)—

 - (i) 'n geldelike belang in enige dobbelaktiwiteit wat deur die Staat, 'n orgaan van die Staat of enige organisasie waarby die Staat betrokke is, met inbegrip van 'n entiteit in paragraaf (f)(ii) beoog, gehou word;
 - 25 (ii) enige handelingsonbevoegdheid soos voorlopige geregtelike bestuur, geregtelike bestuur of enige vorm van likwidasië soos in die Maatskappywet, 1973 (Wet No. 61 van 1973), of enige ander wet bepaal, van 'n entiteit in subparagraaf (i) beoog, by die oorweging van 'n aansoek om 'n lisensie beoog in paragraaf (j) voor die datum beoog in paragraaf (f)(i), (ii) of (iii), na gelang
 - 30 van die geval, verontagsaam;”.
- (2) Subartikel (1) word geag verorden te gewees en in werking te getree het op 18 April 1997, en alle lisensiëringsprosedures wat gevolg is, met inbegrip van die oorweging van aansoeke om casinolisensies en gevolgtrekkings gemaak betreffende die

qualifying status of any applicant for a casino licence, which would have been valid if subsection (1) had been enacted and in operation on that date, are, to the extent necessary, hereby validated.

Short title

2. This Act is called the National Gambling Amendment Act, 1999.

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kwalifiserende status van enige aansoeker om 'n casinolisensie wat geldig sou gewees het indien subartikel (1) op daardie datum verorden was en in werking gewees het, word, in die mate waartoe nodig, hierby bekragtig.

Kort titel

- 5 **2.** Hierdie Wet heet die Nasionale Dobbelwysigingswetsontwerp, 1999.

