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**GENERAL NOTICE**

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**NOTICE 211 OF 2009**

Department of Trade and Industry

National Gambling Act, 2004

Interactive gambling regulations

In terms of section 87 of the National Gambling Act, 2004 (Act No. 7 of 2004), I, Mandisi Mpahliwa, Minister of Trade and Industry, hereby publish the regulations set out in the schedule hereto, for public comments.

Interested persons may submit written comments on the proposed regulations by 07/05/2009 to:

Director-General, Department of Trade and Industry

Private Bag X84

Pretoria

0001

or

77 Meintjies Street

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For Attention: Mpho Mosing



Mandisi Mpahliwa

Minister of Trade and Industry

## INTERACTIVE GAMBLING REGULATIONS

### SCHEDULE

#### Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act bears the meaning assigned to it in the Act, and unless the context indicates otherwise,

“the Act” means the National Gambling Act, 2004 (Act No. 7 of 2004).

#### Specified games, systems and methods

2. (1) An interactive provider may only make available for play, games that:
  - (a) meet the required technical specifications and standards; and
  - (b) are provided under the approved internal control systems by the Board, provided that a player plays against the software of the interactive provider; and
- (2) Interactive gambling transactions between two or more persons that are facilitated by a third party would not be regarded as specified games, for the purposes of these regulations.

#### Forms of electronic communication

3. (1) Interactive games may only be accessed via the internet through the interactive provider's website, by means of electronic communication devices, such as a computer, personal digital assistant (PDA) and mobile phone or any other device that the board may determine;

- (2) Electronic data transfer devices, that are not connected to the internet, such as interactive television, telephone, text messaging service (SMS), will not be regarded as a form of electronic communication, for the purposes of these regulations; and
- (3) Electronic betting and wagering on horse racing and sports will not be regarded as a form of electronic communication, for the purposes of these regulations.

#### **Non-monetary prizes**

- 4. (1) An interactive provider who cannot settle the claim for a non-monetary prize as contemplated in section 6A(4)(b) must, within 7 days, deliver a Notice in *Form NGB 8/2* to the claimant;
- (2) The Notice contemplated in sub-regulation (1) must, at a minimum, include the following information:
  - (a) the name and registered address of the interactive provider;
  - (b) the date on which the notice was given;
  - (c) the period within which, and the manner in which, to request the board to resolve the matter; and
  - (d) the reasons why the claim could not be settled.
- (3) Upon receipt of a request contemplated in sub-regulation (2)(c), the board must within 30 days investigate the claim;
- (4) The board may request additional information or documentation from any party to the matter; and
- (5) At the conclusion of its investigation, the board must make a determination on the matter, which must be contained in a written statement of findings.



**Dispute resolution and complaints procedure**

5. (1) Any person who has a complaint relating to an interactive game by an interactive provider may file a complaint with that interactive provider in writing;
- (2) An interactive provider who has received a complaint as contemplated in sub-regulation (1) must:
- (a) within 5 working days investigate the complaint as outlined in the approved internal control procedures, and
  - (b) within 10 working days of the date of the said complaint, deliver a written notification of the result of the inquiry to the complainant
- (3) If a dispute in respect of an interactive game arises between the parties, any party to such a dispute may refer the matter to the board for resolution and the party referring the matter to the board shall inform the respondent of such referral;
- (4) The referral contemplated in sub-regulation (3) must be in writing;
- (5) Upon receipt of a referral contemplated in sub-regulation (3), the board must within 30 days enquire into the complaint;
- (6) The board may:
- (a) request additional information or documentation from any party to the dispute;
  - (b) review the evidence submitted to it, without calling for any further information or documentation; or
  - (c) conduct interviews with the parties and other witnesses;
  - (d) refer the matter for mediation

- (7) At the conclusion of its investigation, the Board must make a determination on the matter, which must be contained in a written statement of findings.

#### **Nominated accounts**

6. (1) Before participating in an interactive game, a player must nominate an account held with an authorized financial institution for the movement of funds;
- (2) The account contemplated in sub-regulation (1) must be nominated upon player registering process as contemplated in regulation 10;
- (3) A nominated account must be a cheque or credit card account;
- (4) No cash transaction will be allowed for the purposes of participating in interactive gambling activities;
- (5) A player may not nominate more than one account for the purposes of this regulation;
- (6) No funds may be transferred to or from any account other than an account nominated in terms of this regulation.

#### **Limit on funds and time for participating in interactive games**

7. (1) Before participating in an interactive game, a player must set a limit on the amount that the player may transfer from a nominated account into a player account over a specific period of time, including a zero limit if the player does not wish to participate in interactive games for that specific period of time;
- (2) A player may at any time set a limit on:

- (a) an individual amount or the total amount to:
    - (i) wager, over a specific period of time, or
    - (ii) lose, over a number of games, or during a specific period of time; or
  - (b) the time the player intends to play in any one session;
- (3) A player who has set a limit as contemplated in sub-regulation (1) or (2) may, at any time, change the said limit by written notice to an interactive provider;
  - (4) A notice to increase the limit contemplated in sub-regulation (1) or (2) will only be effective 7 days after the notice was delivered;
  - (5) A notice to decrease the limit contemplated in sub-regulation (1) or (2), including a zero limit, will be effective immediately;
  - (6) An interactive provider may not accept a wager above the limit or exclusion set by the player under this regulation.

#### **Maximum credit in player account**

- 8. (1) The maximum amount that can be held to the credit in a player account is R20 000;
- (2) An interactive provider must immediately transfer any funds in the player account that exceed the amount contemplated in sub-regulation (1) to the player's nominated account;
- (3) A transfer of funds contemplated in sub-regulation (2) must not be made to any account other than an account contemplated in regulation 6, from where the funds initially originated.

### Player Identification

9. (1) Before registering any player to participate in interactive games, an interactive provider must request the player to submit copies of the following documents:
- (a) the player's identity document or passport; and
  - (b) the player's utility account statement or any other statement or document approved in terms of the Financial Intelligence Centre Act;
- (2) An interactive provider must not register a player until the player's identity has been authenticated under the interactive provider's approved control systems.

### Player Registration

10. (1) Before participating in an interactive game, a player must register with an interactive provider by submitting a completed application form *Form NGB 10*, together with all the required documentation as stipulated in regulation 9;
- (2) An application for player registration contemplated in sub-regulation (1) must include, at a minimum, the following:
- (a) the full name, identity number or passport number or any other proof of identity in accordance with country of residence for foreign players;
  - (b) the residential and postal address of the player;
  - (c) a valid email address of the player;
  - (d) the fax number of the player, if any;

- (e) a statement, made under oath, confirming that the player is at least 18 years;
  - (f) a statement, made under oath, confirming that the law of the country which the player primarily resides, does not prohibit the player from participating in interactive games; and
  - (g) the player's nominated account details
- (3) The interactive provider's registration process must include:
- (a) a clear message regarding the prohibition of underage play and responsible gambling;
  - (b) a clear message that the player may set limits as contemplated in regulation 7
- (4) The interactive provider's registration process must be included under the terms and conditions of play on the site and indicate what action may be taken if the player transgresses the said terms and conditions.

#### **Registration and control of player accounts**

11. (1) A registered player must register a player account with an interactive provider in that player's name;
- (2) An account contemplated in sub-regulation (1) must be linked to the player's nominated account contemplated in regulation 6;
- (3) A player may only have access to the player account to:
- (a) obtain the balance of funds in the player account
  - (b) transfer any funds to the player's nominated account
  - (c) close the player account
- (4) An interactive provider may only have access to the player account to:

- (a) debit the player account with the amount of a wager for an interactive game;
  - (b) credit the player account with the amount of winnings;
  - (c) transfer the funds that exceed the amount contemplated in regulation 8 to the player's nominated account;
  - (d) close the player account, if it has remained inactive for a period of more than 180 days
- (5) If an interactive provider has closed a player's account as contemplated in sub-regulation (4)(d), the interactive provider must within 72 hours remit any remaining balance to the player's nominated account;
- (6) If a player's nominated account is no longer operational, the interactive provider must transfer the funds to a trust account established by the board for the deposit of all unclaimed monies;
- (7) The board must transfer all monies which have remained unclaimed for a period of 3 years after transfer into a trust account contemplated in sub-regulation (6), to a National Responsible Gambling Foundation established by the board for treatment of problem gambling;
- (8) The Chief Executive Officer of the board must act as a trustee for both the trust account for unclaimed funds and the National Gambling Trust contemplated in sub-regulation (7);
- (9) The trusts contemplated in this regulation will be administered in terms of the Trust Property Control Act, 1988 (Act No. 57 of 1988);
- (10) An interactive provider must issue a player, who has established an account with an interactive provider, with an individual account identifier or username and password to access their accounts;
- (11) An interactive provider must put in place appropriate Internal Control procedures approved by the Board to ensure that all account transactions

are subject to strict security controls and are maintained in a system audit log.

### **Aborted or miscarried games**

12. (1) If a player's participation in an interactive game is interrupted due to a failure in the operating or telecommunications system or as a result of any system error, the gaming system must provide a mechanism for a player to:
- (a) resume his or her participation in an interactive game when the gaming system is restored, in the same state as immediately before interruption; and
  - (b) complete an incomplete game; or
  - (c) discontinue his or her participation in an interactive game.
- (2) If participation in an interactive game cannot be continued within 10 minutes or at all, the game must be terminated.
- (3) If the participation in an interactive game has been terminated as contemplated in sub-regulation (2), the interactive provider must attempt to resolve the matter;
- (4) If the interactive provider is unable to resolve the matter, interactive provider must immediately:
- (a) inform the board and the player of the circumstances of the incident; and
  - (b) not conduct a further interactive game, if the game is likely to be affected by the same error or fault;
- (5) The board must within 10 days investigate the said incident

- (6) After investigating the incident, the board may direct the interactive provider to:
  - (a) refund the amount wagered in the game to the player; and
  - (b) if a player has accrued credit at the time the game was interrupted, pay to the player the monetary value of such credit; or
  - (c) undertake whatever measures the board considers appropriate under the circumstances.

### **Withholding of prizes**

- 13.** (1) If an interactive provider has a reason to believe that:
- (a) a result of an interactive game was affected by an illegal activity; or
  - (b) a player has, by a dishonest or unlawful act affecting the conduct or playing of an interactive game, obtained a benefit for himself or herself or another person,
- interactive provider may withhold a prize in the game.
- (2) An interactive provider who has withheld a prize as contemplated in sub-regulation (1) must:
- (a) immediately inform the board of the circumstances of the incident;
  - (b) not conduct a further game if the recurrence of the conduct contemplated in sub-regulation (1) is likely.
- (3) The board must immediately investigate the said matter; and
- (4) After investigating the matter, the board may:
- (a) direct the interactive provider to:



- (i) pay the prize to the player; or
  - (ii) refund the amounts wagered in the game to the player;
  - (iii) retain the prize or amounts won, or
- (b) refer the matter to the relevant authority for prosecution.

#### **Duty to report suspicious activities**

- 14.** (1) An interactive provider must establish specific rules and procedures in terms of Intelligence Center Act, 2001 (Act No. 38 of 2001) to enable the interactive provider to recognize and prevent suspicious transactions in respect of deposit of monies illegally obtained and the withdrawal of such monies from player accounts.
- (2) The rules and procedures contemplated in sub-regulation (1) must include, at a minimum:
- (a) provisions for an interactive provider to know its players;
  - (b) protocols for an interactive provider to recognize, address and prevent suspicious or possible fraudulent transactions;
  - (c) system to monitor and report to the Financial Intelligence Center suspicious transactions concerning players' accounts;
- (3) The monitoring system contemplated in sub-regulation (2)(c), must be capable of detecting:
- (a) potential money laundering activities by analyzing transactions and user profiles in real time and associating those with risk profiles;
  - (b) unusual betting patterns associated with money laundering; and
  - (c) attempts to evade thresholds;
- (4) An interactive provider must always have within its employ, appropriately trained personnel who will be responsible for notifying the Financial

Intelligence Center as prescribed in the Financial Intelligence Center Act ;  
and

- (5) An interactive provider must maintain an independent history of all gambling activities to allow forensic investigation of potential money laundering.
- (6) An interactive provider must comply with the requirements of the Financial Intelligence Center Act, 2001 (Act No. 38 of 2001).

#### **Information on player exclusion**

- 15.
- (1) An interactive provider must prominently display on any screen of the website where the game play may occur, links to the information and forms to be used by a person who wishes to register as an excluded person as contemplated in section 14 of the Act.
  - (2) The homepage of an interactive provider's website must clearly display a link to the player exclusion policy;
  - (3) Self-exclusion due to a gambling problem must be for a minimum period of 12 months;
  - (4) An interactive provider must not send any promotional material to a player who has been excluded from gambling, during the exclusion period;
  - (5) The standards and procedures for the registration of persons on, and cancellation of registrants from the register of excluded persons, fees for services in connection with the maintenance and access to the register and the standards to be employed by interactive providers to give effect to section 14(10) and (11) of the Act, contemplated in regulation 2 of the National Gambling Regulations, 2004, apply with the changes required by the context, to these regulations.

**Information on responsible gambling**

16. (1) An interactive provider must display, at all times, on any screen where the games play, a notice containing a warning:
- (a) of the addiction possibilities of interactive gambling; and
  - (b) that interactive gambling could be harmful if not controlled and kept in moderation;
- (2) An interactive provider must always ensure that it has adequate personnel who are properly trained to monitor and provide advice on problem gambling;
- (3) The homepage of the interactive provider's website must clearly display a link to the interactive provider's responsible gambling policy and a notice directing a player to the professional personnel and the National Responsible Gambling Programme;
- (4) The responsible gambling policy must contain, at a minimum, the following:
- (a) an advice that the site provides information on problem gambling, and a link to that information including help-line numbers ;
  - (b) a list of player protection measures that are available on the site and access to these measures;
  - (c) a link to a simple self-assessment process to determine a risk potential;
  - (d) information and links to the National Responsible Gambling website;
- (5) The homepage of the interactive provider's website must:

- (a) clearly display a notice stating that no player below the age of 18 is permitted to participate in interactive games;
  - (b) provide a link to a recognized filtering programme to enable the interactive provider to prevent minors from accessing interactive games;
- (6) The interactive provider's free play games page must provide the same age restriction, responsible gambling and player protection information and links on the real money page.

### **Advertising**

17. (1) An interactive provider must not –
- (a) advertise itself as a licensed interactive provider unless it holds a valid interactive gambling operator license issued by the board; and
    - (b) advertise an interactive game unless the game is an approved game.
  - (2) An interactive provider must ensure that any interactive gambling advertisement includes a clear message regarding prohibition of underage play.
  - (3) Any person who makes computer or internet access facilities or similar devices available to the public for a fee must not have, in any of the said devices, an interactive gambling website as a home page;
  - (4) In addition to the requirements of regulation 3 of the National Gambling Regulations, 2004, an interactive provider may not advertise or authorise the advertising of any interactive gambling in a manner that:
    - (a) is false, deceptive or misleading;
    - (b) is intended to appeal specifically to minors;

- (c) implies that interactive gambling promotes or is required for social acceptance, personal or financial success or the resolution of any economic, social or personal problems;
  - (d) contains endorsements by well known personalities that suggest interactive gambling contributed to their success;
- (5) An interactive provider may not engage in any activity that involves sending of unsolicited electronic mail, whether through its own operation or by the intervention of third parties;
- (6) The board must, on its own accord or pursuant to a complaint, make a determination on whether an advertisement contravenes any of the requirements contemplated in this regulation;
- (7) If the board determines that an advertisement contravenes any of the requirements contemplated in this regulation, the board must order the interactive provider to take appropriate steps to:
  - (a) stop the advertisement from being published or shown
  - (b) change the advertisement;
- (8) The order by the board contemplated in sub-regulation (7), must-
  - (a) be in writing;
  - (b) state the grounds for the direction;
  - (c) if it is a direction to change the advertisement, state how the advertisement must be changed;
  - (d) specify a period of time within which to comply with the order; and
  - (e) inform the interactive provider of its rights to appeal the decision of the board and the time period within which to lodge the appeal.

**Standards for the design, use and maintenance of website**

18. (1) The homepage of a website where interactive games may be accessed must contain, at a minimum, the following information:
- (a) the name and registered address of an interactive provider;
  - (b) the operating licence number and date of issue of the licence;
  - (c) a statement that the interactive provider's operations are regulated by the board;
  - (d) hyperlinks to the rules of the games and betting offered;
  - (e) the procedures adopted by the interactive provider for the registration of players and the control of player accounts; and
  - (f) any other information that the board may require.
- (2) An interactive provider must display on the screen, at all times during the game, a counter which automatically updates and shows the player's account balance;
- (3) An interactive provider must make available to every player an automatic reality check at intervals of one hour;
- (4) The automatic reality check contemplated in sub-regulation (3) must:
- (a) suspend play;
  - (b) clearly indicate for how long the player has been playing;
  - (c) display the player's winnings and losses during such period of time;
  - (d) require the player to confirm that the player has read the message; and
  - (e) give an option to the player to end the session or return to the game.
- (5) An interactive provider may not offer full screen games, unless a real time clock is displayed on the screen at all times and players are given the facility to exit the game.

**Standard for security, access, and maintenance of website**

19. (1) An interactive provider may only use approved equipment and provide in its website, games that are laboratory tested, certified and approved, demonstrably secure, reliable, and auditable;
- (2) Approved equipment used for the operations of an interactive game must be supplied by a licensed manufacturer or supplier and such equipments shall not be altered without the approval of the board;
- (3) Virus scanners and detection programmes must be installed on all pertinent information systems;
- (4) The programmes contemplated in sub-regulation (3) must be updated regularly to scan for viruses;
- (5) Controls must be in place for changes to information processing facilities and systems in order to reduce the risk of security or system failures;
- (6) Player account numbers stored on the system must be secured from unauthorised use;
- (7) A firewall, which must be a separate computer system or systems with the following characteristics, must be present:
- (a) only firewall-related applications must reside on a firewall;
  - (b) only a limited amount of accounts must be present on a firewall;
  - (c) all data pockets addressed to a firewall must be rejected if they arrive on interfaces to networks that are outside the baseline envelope;
- (8) The firewall must:

- (a) be able to be configured such that all connections to and from the internal network should go through the firewall;
  - (b) reject all connections except those that have been specifically approved by the relevant jurisdiction authority;
  - (c) have strong user authentication;
  - (d) have detailed logging at the application level including successful and unsuccessful connection attempts;
  - (e) disable all communications if the audit log cannot be written to;
- (9) The system must use password history techniques to maintain a password history of users, which must contain the last 13 passwords of users stored in encrypted form;
- (10) Passwords on the system must be changed every 30 days;
- (11) The system must:
  - (a) provide the facility to users to change their passwords;
  - (b) restrict the echoing of passwords when they are entered; and
  - (c) limit the number of failed logon attempts to 3 and the rate at which logon attempts can be made to 10 minutes.

#### **Requirements for disclosure of information**

20. (1) Subject to sub-regulation (2), an interactive provider must not, without the player's written consent or directive of the National Intelligence Centre:
- (a) disclose any information about the name or other identifying particulars of a player; or
  - (b) use the information about a player for a purpose other than the purpose for which the information was provided.



- (2) The disclosure or use of the player's information contemplated in sub-regulation (1) is permitted if:
- (a) the player consented to such disclosure;
  - (b) the disclosure is necessary for purposes of administration of justice and the maintenance of national security or is required by the National Intelligence Centre;
  - (c) the disclosure is authorised by the Court.

### **Approval of internal controls**

21. (1) The Interactive Provider licensee must establish and maintain administrative and accounting procedures for the purpose of exercising effective control over its internal affairs; and
- (2) The internal control procedures must at a minimum reasonably ensure that:
- (a) the licensee assets are safeguarded;
  - (b) financial controls are in place,
  - (c) financial and operational records are accurate and reliable,
  - (d) transactions performed are in accordance with management's authorization and approval,
  - (e) transactions are recorded accurately to ensure proper assessment of revenue, levies and taxes;
  - (f) functions, duties and responsibilities are appropriately documented, segregated and performed in accordance to sound practices by competent and qualified personnel
- (3) An interactive provider must, at least 90 days before the commencement of interactive gambling operations, submit an application, in a manner approved by the board, for approval of the interactive provider's internal control systems, to the board.

- (4) An application contemplated in sub-regulation (3), must be made in a manner approved by the board and must be accompanied by all the required documentation.
- (5) The proposed control systems must include, at a minimum, the following:
  - (a) Accounting systems and procedures and a chart of accounts;
  - (b) Administrative systems and procedures;
  - (c) Computer software;
  - (d) General procedures to be followed for the conduct of interactive games as well as the terms of condition of play;
  - (e) Procedures and standards for the maintenance, security, storage and transportation of interactive gambling equipment;
  - (f) Procedures for:
    - (i) recording gaming transactions and the payment of winnings to players;
    - (ii) using and maintaining security facilities;
    - (iii) preventing underage players from participating in interactive games;
    - (iv) detecting and preventing money laundering;
    - (v) appointing and conduction of system security audit, and
    - (vi) such other information as the board may require
- (6) The board must, within a reasonable time, consider the application and make a determination on whether to:
  - (a) approve the proposed control systems;
  - (b) decline the proposed control systems; or
  - (c) request for additional information.
- (7) In considering this application, the board may:

- (a) submit the proposed control systems for testing by licenced testing agents or any accredited authority;
  - (b) request further information or documentation; and
  - (c) consider whether:
    - (i) the application satisfies the requirements of the Act and these regulations; and
    - (ii) the proposed control systems are capable of providing effective control over the conduct of interactive games.
- (8) In the event the application for the approval of the control systems is declined, the board must:
  - (a) notify the interactive provider, in writing, that the application has been declined; and
  - (b) furnish the interactive provider with reasons for its decision to decline the application;
- (9) If the board believes that the application can be rectified to enable the board to give approval, the notice contemplated in sub-regulation (8)(a) must:
  - (a) explain how the application may be amended; and
  - (b) invite the interactive provider to resubmit the application, within a specified period, after making the appropriate amendments;
- (10) If the interactive provider fails to comply with the board's directive contemplated in sub-regulation (9), within the specified period, the application for approval of the control systems lapses.

**Amendments to approved Internal Control Procedures**

22. (1) An interactive provider may, at any time, submit to the board an application, in a manner approved by the board, for an amendment of its approved internal control procedures;
- (2) The board must, within a reasonable time, consider the application in accordance with the provisions of regulation 21 and make a determination on the application.

**General conditions attached to an interactive gambling licence**

23. (1) The board is responsible to ensure that the operation of all gambling activities achieve the purpose of the Act as contemplated in section 2A of the Act;
- (2) The board may impose conditions to a licence to make interactive games available to be played;
- (3) The licence conditions contemplated in sub-regulation (2) may relate to the following subject matters:
- (a) *Technical standards and method of operation of interactive games;*
  - (b) *Technical specifications and standards for interactive gambling software and equipment;*
  - (c) *Nature and specifications of internal control systems and procedures, which may include:*
    - (i) *accounting systems;*
    - (ii) *administrative systems and procedures;*
    - (iii) *computer software and hardware;*
    - (iv) *procedures for recording and paying prizes; and*
    - (v) *procedures for maintaining the integrity of data;*
  - (d) *Provision of financial security or maintenance of reserves;*
  - (e) *Games to be played;*

- (f) Appointment of auditors, audit requirements and an independent audit carried out at least once a year
  - (g) Technical compliance and game testing;
  - (h) Maintenance of records and reporting requirements;
  - (i) Type of licence and duration of licence
- (4) Each licensee shall supply the Board with its Audited Annual Financial Statements, within 120 days after year end. This shall include but not be limited to management comments, communication log bet
- (5) A licensee shall keep in its registered office, or shall provide the Board on request, the following records:
- (a) a record of former and current directors;
  - (b) interim financial statements (audited or unaudited) (if applicable);
  - (c) internal audit reports (inclusive of management comment);
  - (d) company founding documents;
  - (e) minutes of all shareholders and Board meetings, including committees of the Board;
  - (f) updated shareholders list with a records of movement of such shareholding (as accurate as possible);
  - (g) any records required by the Board from time to time.

#### **Imposition or change of licence conditions**

- 24.** (1) If the board considers it necessary or expedient to -
- (a) attach a condition to any licence;
  - (b) modify an existing condition attached to a licence; or
  - (c) rescind an existing condition attached to a licence;

*it must issue to the licensee a written notice explaining the proposed change of condition and set out the board's reasons for the change.*

- (2) Subject to regulation 25, a change of conditions takes effect on -
  - (a) the day on which the condition notice is given to the licensee; or
  - (b) such later day as is specified in the condition notice.

#### **Challenge to condition notice**

25. (1) If a licensee wishes to make representations to the board about anything in the condition notice, it may do so in writing within seven days of receipt of the condition notice.
- (2) The representations contemplated in sub-regulation (1) may include a request that the date from which the change of conditions takes effect be postponed until the board has considered the representations.
- (3) After considering a licensee's representations, the board may confirm, modify or withdraw the condition notice.
- (4) The board must, within 10 working days after making its decision:
- (a) give the licensee a written notice of its decision; and
  - (b) the reasons for the said decision

#### **Maximum number of interactive gambling licenses**

26. (1) The maximum number of interactive operator licences that may be issued in the Republic is 10.
- (2) The board may require, as a condition of an operator licence, that the interactive gambling equipment be located in a specific province of the Republic;
- (3) An interactive provider's main servers for its domestic operations, which may be located anywhere in the Republic, may interact and replicate with any other servers located outside the Republic.

**Application for a licence**

27. (1) A person who wishes to apply for an interactive provider licence must -
- (a) respond to a Request For Application (RFA) issued by the board from time to time and the application must be submitted in *Form NGB 9/1* together with any required documentation to the Board;
  - (b) accept any risk of adverse publicity, embarrassment, criticism or financial loss which may result from action with respect to an application and expressly waive any claim for damages against the Board as a result thereof;
  - (c) ensure that the information provided is true and promptly supply by amendment any information based on facts occurring after the original application so as to make such information not misleading
- (2) A manufacturer, supplier or maintenance provider licence
- (a) A person who wishes to apply for a licence as a manufacturer, supplier or maintenance provider of interactive gambling software or equipment, must respond to a Request For Application (RFA) issued by the board from time to time, the application must be submitted in *Form NGB 9/2* together with any required documentation to the Board;
- (3) The application contemplated in sub-regulation (1) and (2) must be accompanied by a fee contemplated in regulation 42 and 47, the application will include at a minimum, the following information:
- (a) name and registered address of the applicant
  - (b) the applicant's identity number;
  - (c) the company or close corporation registration number and date of registration;

- (d) applicant's financial information, including but not limited to, any interest or equity in any commercial activity;
  - (e) any other information that the board may require.
- (4) The board will not consider applications for two or more licences contemplated in sub-regulation (1) from an applicant with the same or similar shareholders;
- (5) An application for a licence contemplated in sub-regulation (1) cannot be amended, supplemented, substituted or withdrawn without the prior written consent of the board;
- (6) Any false statement of material fact in any application submitted to the board or omission to state in such any application any material facts required to be stated therein will constitute ground for denial of an application
- (7) All applications and objections to such applications shall be open to public inspection by interested persons during the normal office hours of the board from the date of the notice contemplated in section 40(1)(b) of the Act until the date of completion of the investigation.

#### **Investigations for interactive gambling licence**

- 28.** (1) The board must conduct a thorough investigation into the applicant and relevant entities and individuals associated with the applicant to determine the applicant's suitability to hold any licence contemplated in regulation 27(1) and (2);
- (2) The applicant must satisfy appropriate probity tests;



- (3) The board may require the applicant to furnish it with any documentation and information relating to the applicant and its direct and indirect shareholder entities, which may include:
- (a) company incorporation and other founding documentation;
  - (b) current and historical financial position;
  - (c) legal records;
  - (d) solvency history;
  - (e) business history; and
  - (f) nature and sourcing of funding;
- (4) In determining whether an applicant is fit and proper to hold a licence contemplated in regulation 27(1) and (2), the board must have regard to Part D and F of Chapter 3 of the Act and also consider at a minimum the following:
- (a) the applicant's character and integrity
  - (b) the applicant's business reputation;
  - (c) the applicant's current financial position and financial background;
  - (d) appropriate resources to maintain required reserves;
  - (e) appropriate management and technical ability to conduct interactive games;
  - (f) criminal history;
  - (g) licensing history
  - (h) taxation history; and
  - (i) the applicant's commitment to:
    - (i) prevent money laundering and activities relating to the financing of terrorism;
    - (ii) prohibit underage gambling; and
    - (iii) restrict and discourage compulsive gambling; and
  - (j) any penalties or sanctions imposed on the applicant as a licensee, by gambling or any other regulator within or outside the Republic.

- (5) Applicant will be liable for all reasonable expenses incurred by the board to conduct the investigations referred to in this regulation.

### Hearing of Application

29. (1) The board must hold a hearing in respect of every application for a license contemplated in regulation 27(1) and (2), within 60 days of receipt of such application;
- (2) The board must advertise the place, date and times of such hearings in the *Gazette* as well as in any national newspaper;
- (3) Subject to the provisions of the Act, the proceedings at a hearing must be determined by the board.
- (4) The board may:
- (a) afford an opportunity to any person to make oral presentations to the board at such hearing;
  - (b) summon any relevant person to the appear before the board;
  - (c) determine aspects of matter to be covered in oral presentations;
  - and
  - (d) set time limits for such oral presentations.
- (5) Failure by any applicant duly summoned by the Board to appear and testify at the hearings without concrete reasons, will constitute grounds for denial of the application without further consideration by the Board.
- (6) The board must keep a record of the proceedings at the hearing for such a period as contemplated in the National Archives and Record Service of South Africa Act, 1996 (Act No. 43 of 1996).

**Evidence and witnesses at hearing**

30. (1) The hearing before the board does not have to be conducted according to technical rules of evidence applicable in a Court of law;
- (2) Any person making an oral presentation at the hearing may be assisted or represented by any person of his or her choice;
- (3) Unless the board, of its own accord or on application by any interested person issues a directive as to the admissibility of evidence, any relevant evidence may be admitted, provided that:
- (a) it is sufficient in itself to support a finding; and
  - (b) it is the type of evidence which a reasonable person may rely on in the conduct of his or her serious affairs.
- (4) Hearsay evidence may also be admitted if the board is satisfied that:
- (a) it is the best evidence available;
  - (b) has sufficient indication of trustworthiness and reliability;
  - (c) is of the type of evidence that is reasonably and customarily relied on in the gambling industry; and
  - (d) if the information can be corroborated
- 5) The board may take judicial notice of any generally accepted information or technical or scientific matter within the field of gambling.
- (6) The provisions of sections 2, 3, 4, 5 and 6 of the Commissions Act, 1947 (Act 8 of 1947) apply, with the necessary changes, in respect of the sittings of the board, powers of the board as to witnesses, sittings to be public and hindering or obstructing the board and offences by witness;
- (7) For the purposes of this regulation, the reference in the Act contemplated in sub-regulation (6) to the commission, secretary of the commission or

chairperson of the commission, respectively, will be deemed to be a reference to the board, chairperson of the board or a person presiding at the hearing, respectively.

### **Objections and representations by interested parties**

31. (1) The board must, within 14 days after the lodgment of an application for a licence, publish a Notice of the application in the *Gazette* as well as in any two national newspapers.
- (2) A Notice contemplated in sub-regulation (1) must
- (a) contain the material particulars of the application;
  - (b) invite interested parties to-
    - (i) lodge any written objections in relation thereto with the board within 21 days of such notice; and
    - (ii) state in any written objections whether or not they wish to make oral representations at the hearing of the application;
- (3) The board must post a copy of the notice contemplated in this regulation on its website until the application is determined by the board or withdrawn by the applicant;
- (4) The board must, within 7 days after lodgment of any objections pursuant to a Notice contemplated in sub-regulation (1), deliver a copy of such objections to the applicant concerned.
- (5) An objection contemplated in sub-regulation (2) must:
- (a) set out in sufficient detail the basis for such objection, and
  - (b) be accompanied by all relevant documentation, if any.

**Withdrawal of application**

32. (1) The applicant may, at any time prior to the final determining of its application by the board, by notice in writing, withdraw its application;
- (2) Where an applicant withdraws its application, as contemplated in sub-regulation (1), the board must refund the applicant all monies not drawn by it from the monies deposited in accordance with regulation 42 and 47;
- (3) The Board may in its discretion grant the request with or without prejudice;
- (4) If the request for withdrawal is granted with prejudice, the application is deemed to have been refused in terms of regulation 33 (1)(a).

**Determination of application**

33. (1) The Board must, within 120 days after the hearing, consider the application, together with any objections or representations to the said application, if any, as well as a report on due diligence investigations conducted, and make a determination on whether to:
- (a) grant or refuse the application, or
- (b) return the application to the applicant with a request for additional information.
- (2) In the event the application is granted the board must within 7 days after the determination notify:
- (a) the applicant, in writing, that the licence application has been approved; and
- (b) other licensing authorities that it proposes to issue the licence applied for and specify any conditions of the proposed licence.

- (3) In the event the application is declined, the board must within 7 days after the determination:
  - (a) notify the applicant, in writing, that the application for a licence has been declined; and
  - (b) furnish the applicant with reasons for its decision;
  
- (4) The Board may refuse to grant a licence to an applicant if:
  - (a) the applicant is disqualified to hold a licence in terms of section 50 of the Act, or
  - (b) the board, has a reason to believe that it would not be in the interest of the public for a licence to be granted to that person.
  
- (5) Any person whose application has been refused in terms of sub regulation 4, or whose licence has been revoked in terms of Section 43 (1), may not reapply for a licence within twelve months from the date of such refusal or revocation, and any person who has a direct or indirect interest of five percent or more in the business or premises of such applicant or licensee may not apply for a licence within twelve months from the date of such refusal or revocation, if such person was the direct or effective cause of such refusal or revocation;
  
- (6) Any person whose application has been refused more than once in terms of sub regulation 4, or whose licence has been revoked more than once in terms of section 43 (1), may not reapply for a licence within three years from the date of the latest refusal or revocation, and any person who has a direct or indirect interest of five percent or more in the business or premises of such applicant or licensee, may not apply for a licence within three years from the date of the latest refusal or revocation, if such person was the direct or effective cause of such refusal or revocation.

**Manner of issuing a license by the board**

34. If the board grants a licence, it must, within 30 days, issue the licence to the applicant in a manner determined by the board.

**Refund of surplus deposit**

35. (1) Immediately after the board has made a determining on an application for a licence contemplated in regulation 27(1) and (2), the board must refund the applicant any monies not drawn by it from the monies deposited by the applicant.
- (2) Whenever requested to do so by an applicant, the board must, within 14 days of the said request, submit a detailed statement of account to the applicant in respect of the costs, as at that time, incurred by the board in respect of the investigations relating to the application.

**Amendment of a licence**

36. (1) A licensee may, at any time, request the board to amend its licence by written submission to the Board.
- (2) A licensee must, within 7 days from the date of changing:
- (a) the name of the licensee; or
  - (b) the registered address of the licensee,
- submit an application for the amendment of a licence.
- (3) The provisions of regulations 29 and 30 apply, with the necessary changes, to the consideration of such application by the board;

- (4) Subject to sub-regulation (5), the board may, on its own accord, review or amend a condition or conditions of a licence contemplated in sub-regulation (1) if it believes that the said amendment will:
  - (a) result in proper conduct of interactive games; or
  - (b) be otherwise in the public interest;
- (5) If the board intends to review or amend a licence, it must deliver a written notice to the licensee informing the licensee of its intentions to vary the conditions of a licence or to impose new conditions;
- (6) The notice contemplated in sub-regulation (5) must:
  - (a) invite the licensee to make representations to the board as to why such conditions should not be varied or new conditions should not be imposed; and
  - (b) set out the time period, which may not be less than 21 days after the issue of the said notice, to make such representations;
- (7) The Board must consider any representations made by the licensee, within the period specified in the notice, before making a determination on whether to vary any condition of the licence or impose any new condition.
- (8) If the board decides to vary any condition of the licence or impose any new condition, it must immediately deliver a written notice to the licensee advising of its decision to vary any condition of the licence or impose any new condition;
- (9) An amendment of the licence in terms of this regulation takes effect on a date stated in the notice contemplated in sub-regulation (5).



**Duration and renewal of a licence**

37. (1) The board must set out in the licence certificate the period of duration of a licence granted in terms of regulation 33, which may not exceed 5 years;
- (2) The board may renew the licence for a further period not exceeding the period of duration of the original licence;
- (3) The renewal contemplated in sub-regulation (2) is subject to the continued compliance by the licensee with the Act, the conditions of the licence and any other legislation as well as any directive issued by the board in terms of the Act or the conditions of licence.

**Application for renewal of a Licence**

38. (1) An application for renewal of an operator licence must be in *Form NGB 9/1* and for Manufacturer, supplier or maintenance licence must be in *Form NGB 9/2* and submitted to the board at least 90 days before the expiration of the current license.
- (2) To be considered by the board, a renewal application must contain all of the information requested in the *NGB Forms* and be accompanied by a non-refundable deposit stipulated in regulation 45 for operator licence and 50 for manufacturer, supplier or maintenance licence;
- (3) The board must, within 30 days, consider the application and make a determination on whether to:
- (a) grant or refuse the application, or
  - (b) return the application to the applicant with a request for additional information.
- (4) In the event the application is granted the board must within 7 days notify:

- (a) the applicant, in writing, that the license application has been approved; and
  - (b) other licensing authorities that it proposes to renew the licence and specify any conditions of the proposed renewal licence.
- (5) In the event the application is declined the board must within 7 days of the determination:
  - (a) notify the applicant, in writing, that the application for the renewal of a licence has been declined;
  - (b) furnish the applicant with reasons for its decision
- (6) In deciding whether to grant a renewal application, the board must consider any complaints, concerns or problems that may have arisen in the previous licensing period relating to the conduct of the licence holder or any of its agents.
- (7) If the interactive provider fails to submit an application of the renewal of its licence by the due date, or extended date, if applicable, the licence will lapse and the interactive provider must cease the activities authorized by the licence;
- (8) Unless it provides an explanation that is acceptable to the board, the licensee must return the licence to the board, within seven days from the date on which the application for a renewal of a licence was declined or the licence lapsed as contemplated in this regulation;

#### **Requirements for the transfer of a licence or an interest in a licence**

39. (1) A licence granted by the board may not be assigned or transferred in anyway whatsoever to any other person without prior written consent of the board,

- 
- (2) Any assignment, procured interest or transfer of a licence to any other person without the consent of the board will be considered null and void and constitutes sufficient grounds for the board to cancel that licence;
- (3) The licensee must notify the board of any change in the board of directors and the resolution taken by an interactive provider 14 days after such change.
- (4) An approval of the board is required before:
- (a) a transfer of interest, qualifying shareholding in the licensee;
  - (b) an increase in existing shareholding that is not qualifying to cause it to be qualifying;
  - (c) an increase in qualifying shareholding or interest if that holding or interest will be equal to or exceed 5%;
  - (d) reducing qualifying shareholding or interest to below 5%; or
  - (e) reducing qualifying shareholding or interest in a licensee to cause it to cease to be a qualifying shareholding.
- (5) A licence may be transferred from an existing licence holder to another party only if-
- (a) the transfer of the licence from the existing licence holder to another person is necessary to ensure compliance with the provisions of the Act; or
  - (b) the existing licence holder has made a written application to the board for the transfer of its licence, and
  - (c) the board has approved the said application after probity checks, procedures of which will be determined by the board in accordance with the Act and regulations.
- (6) If at any time the board finds that the owner of a financial interest in a licence is unsuitable to procure or continue owning such an interest, the board can refuse to approve such application, and the owner of interest

shall, within 3 months of the date of such finding, or as the board may determine, dispose of his or her interest in the licence.

#### **Surrender of a licence**

40. (1) A licensee may, at any time, surrender its licence by giving a written notice to the board;
- (2) The surrender takes effect -
- (a) on the date specified in the surrender notice; or
  - (b) if no date is specified in the surrender notice, three months after the surrender notice is given to the board.
- (3) Unless it provides an explanation that is acceptable to the board, the licensee must, within seven days from the date on which the surrender became effective, return the licence to the board.

#### **Suspension and revocation of a licence**

41. (1) In terms of section 43 of the Act, the board may suspend or revoke a licence contemplated in regulation 27(1) and (2), if any of the circumstances contemplated in section 43(1) (a) to (c) of the Act occur within any part of the Republic;
- (2) Before suspending or revoking a licence as contemplated in sub-regulation (1), the board must deliver a written notice to the licensee:
- (a) stating-
    - (i) the action the board proposes to take;
    - (ii) the grounds for the proposed action; and
  - (b) outlining the facts and circumstances forming the basis for such grounds;

- 
- (3) If the proposed action is suspension of the licence, the notice must:
- (a) state the proposed suspension period; and
  - (b) in all cases, invite the licensee to make representations, within a specified period, as to why the proposed action should not be taken;
- (4) The board must deliver a copy of such notice to any other person who the board believes has an interest in the licence against which the stated action is proposed to be taken or in the activities of the licensee;
- (5) The person contemplated in sub-regulation (4) may make representations on the matters stated in the notice within a period specified;
- (6) A licensee may request a hearing before the board to make oral representations on matters stated in the notice;
- (7) Upon receipt of the request for a hearing the board must:
- (a) set a date for such hearing, and
  - (b) immediately notify the licensee, in writing, of the hearing date.
- (8) The provisions of regulation 29 and 30 apply, with necessary changes, to a hearing contemplated in this regulation;
- (9) If, after considering the written representations, or in the case of a hearing, the oral representations and all the evidence adduced before it, the board finds that:
- (a) a ground or grounds exist to suspend or revoke a licence;
  - (b) the act or omission is of a serious and fundamental nature that-
    - (i) the integrity of licensee and games provided by the interactive provider may be jeopardized in a material way; or

- (ii) the public interest may be affected in an adverse or material way,

the board may suspend or revoke the said licence.

- (10) If the board directs the licensee to rectify a matter and the licensee fails to comply with such directive, within the period specified in such a directive, the board may suspend or revoke the said licence.
- (11) The board must immediately deliver a written notice of its decision to the licensee;
- (12) A notice of suspension must indicate the period for such suspension and conditions for the re-instatement of such licence, if any;
- (13) A decision to suspend or revoke a licence takes effect on the date specified in the notice contemplated in sub-regulation (11);
- (14) A person whose licence has been revoked in accordance with this regulation must, within seven days from the date of taking effect of the said revocation, return the licence to the board.

### **Fees payable**

#### **Interactive operator licence**

##### **Application fees**

- 42. (1) A person who wishes to apply for an interactive operator license must pay a non-refundable amount of R500 000;
- (2) The application fee contemplated in sub-regulation (1) is payable on the date of submission of an application of an interactive gambling operator license.

**Investigation fees**

43. (1) An applicant for an interactive gambling operator licence must pay a deposit of R350 000, from which the board may draw the costs for conducting due diligence investigation regarding the application;
- (2) If the amount contemplated in sub-regulation (1) is exhausted before a final determination of the application is made, the board may, by notice in writing, request an additional deposit from the applicant;
- (3) The Board may not make a final determination on the application unless all the investigation costs have been paid in full.

**Licensing fee**

44. A licensing fee of R200 000 is payable by an interactive provider, within 14 days from the date of notification of approval of the application for an interactive operator licence.

**Annual renewal licence fee**

45. (1) A non-refundable fee of R300 000 is payable by an interactive provider for the annual renewal of interactive operator licence;
- (2) The annual licensing renewal fee is payable on the date of submission of an application for the renewal of an interactive gambling operator licence;
- (3) An interactive provider must notify the board of its intention to renew the licence, at least 90 days prior to the expiry of the said licence.

**Amendment of licence fee**

46. (1) A non-refundable fee of R75 000 is payable by an interactive provider for an amendment of an interactive operator licence, except an amendment contemplated in regulation 36(2);
- (2) An administration charge of R10 000 is payable for an amendment of a licence contemplated in regulation 36(2);
- (3) The amendment of licence fee is payable on the date of submission of an application for the amendment of an interactive gambling operator licence.

**Manufacturer, supplier or maintenance provider of interactive gambling software licence****Application fees**

47. (1) A person who wishes to apply for a licence as a manufacturer, supplier or maintenance provider of interactive gambling software must pay a non-refundable amount of R250 000;
- (2) The application fee contemplated in sub-regulation (1) is payable on the date of submission of an application of a license as the manufacturer, supplier or maintenance provider of interactive gambling software.

**Investigation fees**

48. (1) An applicant for a license as the manufacturer, supplier or maintenance provider of interactive gambling software must pay a deposit of R150 000, from which the board may draw the costs for conducting due diligence investigation regarding the application;



- (2) If the amount in sub-regulation (1) is exhausted before a final determination of the application is made, the board may, by notice in writing, request an additional deposit from the applicant;
- (3) The board may not make a final determination on the application unless all the investigation costs have been paid in full.

### **Licensing fee**

49. A licensing fee of R80 000 is payable by the manufacturer, supplier or maintenance provider of interactive gambling software, 14 days from the date of notification of approval of the application for a manufacturing, supplier or maintenance provider of interactive gambling software.

### **Annual Licence renewal fee**

50. (1) A non-refundable fee of R150 000 is payable by the manufacturer, supplier or maintenance provider of interactive gambling software for the annual renewal of a licence as the manufacturer, supplier or maintenance provider of interactive gambling software;
- (2) The annual licensing renewal fee is payable on the date of submission of an application for the renewal of a licence as the manufacturer, supplier or maintenance provider of interactive gambling software;
- (3) A manufacturer, supplier or maintenance provider of interactive gambling software must notify the board of its intention to renew the licence, at least 90 days prior to the expiry of the said licence.

**Amendment of licence fee**

51. (1) A non-refundable fee of R75 000 is payable by a manufacturer, supplier or maintenance provider of interactive gambling software for an amendment of a licence as the manufacturer, supplier or maintenance provider of interactive gambling software, except an amendment contemplated in regulation 36(2) ;
- (2) An administration charge of R10 000 is payable for an amendment of a licence contemplated in regulation 36(2);
- (3) The amendment of licence fee is payable on the date of submission of an application for the amendment of a licence as the manufacturer, supplier or maintenance provider of interactive gambling software.

**Manner of payment of fees and minimum cash requirements**

52. (1) Any fees that must be paid in terms of these regulations are inclusive of value added tax and must be paid by means of cash, cheque or direct money transfer;
- (2) Any payment by postdated cheque, or a cheque, which is subsequently dishonored, is deemed not to be payment in terms of these regulations;
- (3) All payments must be made at the offices of the board, or the account that the board may determine by notice in writing;
- (4) All forms must be accompanied by such proof of payment and information as the board may determine;
- (5) Interactive providers shall maintain, in such manner and amount as the board may approve or require, cash or cash equivalents in an amount sufficient to reasonably protect the interactive provider against defaults in gaming debts owed by the interactive provider;

- (6) The board shall distribute to licensees and make available to all interested persons a formula by which licensees determine the minimum cash requirements of this section.
- (7) If at any time the licensee's available cash or cash equivalents should be less than the amount required by this regulation, the licensee must immediately notify the board of this deficiency;
- (8) Failure to maintain the minimum cash required by this regulation, or a higher bankroll as required by the board pursuant to this regulation, or failure to notify the board of any deficiencies, is an offence.

### **Employee registration**

- 53 (1) The following employees of licensee shall be classified as key employees for the purposes of these regulations –
- (a) the senior management of the interactive provider;
  - (b) if the interactive provider is a corporate body, every director, officer or equivalent of such corporate body;
  - (c) any individual who has the authority to hire or terminate supervisory personnel;
  - (d) any individual who has been specifically represented to the board by the interactive provider, officer or director thereof as being important or necessary to the operation of the server and website;
  - (e) all persons who individually or as part of a group formulate management policy; and
  - (f) any job position or individual who, upon written notification by the provincial board, is considered to be a key position or employee for purposes of these regulations.
- (2) For purposes of sub regulation 1 paragraph (f), the provincial board shall not be restricted by the title of the job performed but shall consider the functions and responsibilities of the person or position involved in making its decision as to key employee status;

- (3) A licensee shall not employ a key employee until such time as the prospective employee has applied for and been granted a certificate of approval as a key employee by the provincial board;
- (4) A licensee shall, within 14 days of termination of the employment of a key employee, notify the provincial board in writing of such termination and the reasons thereof;
- (5) A licensee shall, in respect of every employee required to be registered in terms of this regulation, keep a copy of such employee's certificate on the employment record of that employee;
- (7) The Board will direct the licensee to the relevant provincial board for purposes of this application;
- (8) If registration of an employee in terms of this regulation is –
  - (a) revoked by the provincial board, the interactive provider by whom such a person is employed shall summarily terminate the employment of that person in any capacity in which he or she is required to be so registered;
  - (b) suspended by the provincial board, the licensee by whom such a person is employed shall summarily suspend the employment of that person in any capacity in which he or she is required to be so registered, for the period of suspension by the provincial board; without liability on the part of the licensee.

### **Appeals and reviews**

**54.** Subject to the Rules of the High Court, any person who is aggrieved by any decision of the board contemplated in these regulations, may-

- (a) apply to the High Court to review the decision of the board in that matter; or

- (b) lodge an appeal to the High Court against the decision of the board in that matter.

### **Delivery of documents**

**55.** Any document, forms or notice that has been delivered in terms of these regulations may be delivered in any of the following methods-

- (a) By facsimile to the person, if a person has provided a fax number;
- (b) By electronic mail to the person, if a person has provided an electronic mail address;
- (c) By registered mail to the person's postal, residential or business address, if a person has provided such address;
- (d) By hand, to the person, if the person is a natural person, or to a representative authorised, in writing, to accept delivery of any documents on behalf of any person; or
- (e) By any other means authorised by the High Court.

### **Prescribed Forms**

#### **Forms**

**56.** Forms prescribed for purposes of these Regulations are set out in Annexure A to the Regulations.

#### **Use of Forms**

**57.** (1) If a prescribed form of words or expression is used in conjunction with other information in a document, the document must be designed in such a manner that the prescribed form of words or expression are:

- (a) clearly distinguishable from the other information in that document; and
  - (b) at least as prominent, in respect of size and legibility, as the other information in that document.
- (2) If a prescribed form is used in conjunction with another prescribed form, each must clearly be distinguishable from the other.
- (3) An interactive provider may include its logo or letterhead on a prescribed form, subject to sub-regulation (4).
- (4) If a form of document is prescribed by these regulations –
  - (a) it is sufficient if a person required to prepare such a document does so in a manner that satisfies all the substantive requirements as to content and design of the prescribed form; and
  - (b) any deviation from the prescribed form does not invalidate the document unless the deviation –
    - (i) fails to satisfy the requirements set out in paragraph (a);
    - (ii) negatively affects the substance of the document; or
    - (iii) is deceptive or misleading.

### **Electronic submission of Forms**

58. Any Form that has to be submitted to the board and or interactive provider in terms of these regulations may be submitted electronically and or as provided in regulation 55.

### **Short title**

59. These regulations are called Interactive Gambling Regulations, 2008.

NATIONAL RESPONSIBLE GAMBLING PROGRAMME TOLL FREE 0800 006 008

**INSTRUCTIONS**

This form is prescribed for use in terms of Section 11A & 12 of the National Gambling Amendment Act, 2008

Contacting the National Gambling Board

National Gambling Board  
The dti Campus  
Ground Floor, Building G.  
77 Meintjies St.  
Sunnyside 0002  
Private Bag X27, Hatfield, 0028.  
Republic of S.A.  
Tel: (012) 394 3800  
Fax: (012) 394 3234  
e-mail: [info@ngb.org.za](mailto:info@ngb.org.za)  
website: [www.ngb.org.za](http://www.ngb.org.za)



**National  
Gambling Board**

a member of ... group

**FORM NGB 10**

**APPLICATION FOR A NOMINATED ACCOUNT AND  
FOR REGISTRATION AS A PLAYER**

1. Full names: \_\_\_\_\_

2. Date of Birth: \_\_\_\_\_

3. ID No or similar: \_\_\_\_\_

*(Attach certified copy of ID)*

4. Physical & Postal address: \_\_\_\_\_

*(Attach player utility account statement)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Citizenship: \_\_\_\_\_

6. Telephone number : \_\_\_\_\_

7. Fax number : \_\_\_\_\_

8. Mobile number: \_\_\_\_\_

9. E-mail address : \_\_\_\_\_

10. Name of Operator: \_\_\_\_\_

11. Physical address of Operator: \_\_\_\_\_

\_\_\_\_\_

12. Licence number \_\_\_\_\_

13 Maximum amount to be transferred from bank account:

R \_\_\_\_\_

14. Amount approved to be transferred from bank account R \_\_\_\_\_

15. Nominated account - Name of Bank \_\_\_\_\_

16. Physical Address of Bank: \_\_\_\_\_

	17. Account number _____
	18. Branch code _____
	19. Account type _____
	20. Gambling limit : Daily R _____ Monthly R _____
	I _____ (FULL NAMES) HERBY ACKNOWLEDGE THAT THE INFORMATION SUPPLIED IN THIS APPLICATION IS TRUE AND ALSO CONFIRM THAT I AM 18 YEARS OR OLDER AND IT IS NOT AGAINST THE LAW OF MY COUNTRY, WHERE I PRIMARILY RESIDES. TO PARTICIPATE IN INTERACTIVE GAMBLING.
	I ALSO ACKNOWLEDGE THAT ALLOWING ANY PERSON UNDER THE AGE OF 18 TO HAVE ACCESS TO THE GAMBLING ACTIVITIES USING MY ACCOUNT AND/OR DETAILS AND ASSISTING HIM/HER TO FACILITATE BETS IS A CRIMINAL OFFENCE IN TERMS OF THIS ACT.
	<b>To be signed in the presence of and certified by a Commissioner of Oaths.</b>
	SIGNATURE OF APPLICANT _____
	DATE _____
	_____
	COMMISSIONER OF OATH
	_____
	FULL NAMES AND DESIGNATION
	_____
	SIGNATURE _____ DATE _____
	(FOR OFFICE USE ONLY)
	NAME OF EMPLOYEE RESPONSIBLE FOR APPROVING NOMINATED ACCOUNT LIMIT
	_____
	DESIGNATION (POSITION)



	<p><u>SIGNATURE ON BEHALF OF OPERATOR</u></p> <p>DATE: _____</p> <p>_____</p>
--	---

**INSTRUCTIONS**

This form is prescribed for use in terms of Section 6A(2) of the National Gambling Amendment Act, 2008

Contacting the National Gambling Board  
 National Gambling Board  
 The dti Campus  
 Ground Floor, Building G,  
 77 Meintjies St.  
 Sunnyside 0002  
 Private Bag X27, Hatfield, 0028.  
 Republic of S.A.  
 Tel: (012) 394 3800  
 Fax: (012) 394 3234  
 e-mail: [info@ngb.org.za](mailto:info@ngb.org.za)  
 website: [www.ngb.org.za](http://www.ngb.org.za)



**National  
Gambling Board**

a member of the group

**FORM NGB 8/1**

**NOTICE OF SETTLEMENT OF A NON-MONETARY  
PRIZE**

1. Name, Registered Physical Address of the Interactive Provider:

2. Recorded particulars of Claimant:

a. Full Names: \_\_\_\_\_

b. Date of Birth and ID No: \_\_\_\_\_

c. Physical Address and Postal Address: \_\_\_\_\_

d. Tel No: \_\_\_\_\_

e. Mobile No: \_\_\_\_\_

f. Fax No: \_\_\_\_\_

g. Email Address: \_\_\_\_\_

3. Non-Monetary Prize won including value: \_\_\_\_\_

4. Date on which notice of the win was communicated: \_\_\_\_\_

5. Manner in which the notice of the win was communicated: \_\_\_\_\_

6. Date and place where the prize is to be delivered or collected: \_\_\_\_\_

7. Period of collection before disposal: \_\_\_\_\_

**AUTHORISED REPRESENTATIVE OF LICENCE HOLDER**

**DESIGNATION**

**TEL NO.**

**SIGNATURE**

**DATE**

**INSTRUCTIONS**

This form is prescribed for use in terms of Section 6A(3) of the National Gambling Amendment Act, 2008

Contacting the National Gambling Board

National Gambling Board  
The dti Campus  
Ground Floor, Building G,  
77 Meintjies St.  
Sunnyside 0002  
Private Bag X27, Hatfield, 0028.  
Republic of S.A.  
Tel: (012) 394 3800  
Fax: (012) 394 3432  
e-mail: [info@ngb.org.za](mailto:info@ngb.org.za)  
website: [www.ngb.org.za](http://www.ngb.org.za)



**National Gambling Board**

a member of - group

**FORM NGB 8/2****FAILURE TO SETTLE NON-MONETARY PRIZE**

1. Name, Registered Physical Address of the Interactive Provider:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Last recorded particulars of Claimant:

a. Full Names: \_\_\_\_\_

b. Date of Birth and ID No: \_\_\_\_\_

c. Physical Address and Postal Address: \_\_\_\_\_

\_\_\_\_\_

d. Tel No: \_\_\_\_\_

e. Mobile No: \_\_\_\_\_

f. Fax No: \_\_\_\_\_

g. Email Address: \_\_\_\_\_

3. Non-Monetary Prize won including value: \_\_\_\_\_

\_\_\_\_\_

4. Date on which notice of the win was given: \_\_\_\_\_

5. Date and place where the prize was to be delivered or collected: \_\_\_\_\_

\_\_\_\_\_

6. Manner in which the notice of the win was communicated: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Date on which notice was given for disposal of the prize: \_\_\_\_\_

8. Cost for disposal of the prize: \_\_\_\_\_

9. Value of the prize: \_\_\_\_\_

\_\_\_\_\_

10. Reasons why the prize could not be delivered/settled: \_\_\_\_\_

\_\_\_\_\_

Page 2 of 2

**INSTRUCTIONS**

This form is prescribed for use in terms of section 38 (2A) of the National Gambling Act and regulation 27(1) of the National Gambling Regulations, 2004

Contacting the National Gambling Board

National Gambling Board  
The dti Campus  
Ground Floor, Building G.  
77 Meintjies St.  
Sunnyside 0002  
Private Bag X27, Hatfield.  
0028. Republic of S.A.  
Tel: (012) 394 3800  
Fax: (012) 394 3234  
e-mail: [info@ngb.org.za](mailto:info@ngb.org.za)  
website: [www.ngb.org.za](http://www.ngb.org.za)



**National  
Gambling Board**

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**FORM NGB 9/1  
APPLICATION FOR OR RENEWAL OF AN  
INTERACTIVE PROVIDER LICENCE**

Full Name of

Enterprise/Applicant \_\_\_\_\_

APPLICANT'S SIGNATURE

DATE:

**All correspondence to be addressed to:**  
**The Chief Executive Officer**  
**National Gambling Board**  
**Private Bag X27, Hatfield, 0028**

**NGB'S CONTACT DETAILS:**

Tel: (012) 394 3800

Fax: (012) 394 3234

**SIGNATURE:** \_\_\_\_\_

**APPLICATION INSTRUCTIONS**

1. Read these instructions and every question carefully before answering and follow any specific instruction which may be given in respect of certain questions.
2. **Answer every question in full. If you fail to answer any question or give incomplete answers or fail to submit all the additional information required, your application may be rejected by the Board.**
3. If a question does not apply to you, write "N/A" (for "Not Applicable") in the space provided. If there is nothing to disclose about a particular question, write "None" in the space provided. If an alteration is made to an answer, sign in full next to the alteration.
4. All answers on this form, except signatures, must be typed or **neatly printed in black ink**. On completion, each page of this form must be signed in full in the space provided at the bottom of each page.
5. **This application form must be completed by the designated person of the applicant for a licence to be issued by the National Gambling Board.**
6. The original completed application form and all the additional required information plus **one copy of all pages, including all supporting documentation**, must be submitted to the Board.
7. An entity whose application for a licence is completed must submit an income tax clearance certificate.
8. If you need additional space to answer any question, please use additional pages, but be sure to indicate the number(s) of the question(s) you are answering on these additional pages and clearly cross reference the additional information with the relevant questions.
9. All dates must be in the format: **Day / Month / Year**.

**SIGNATURE:** \_\_\_\_\_

**BUSINESS ENTITY DISCLOSURE FORM – INTERACTIVE GAMBLING**

## APPLICATION/RENEWAL FORM INTERACTIVE PROVIDERS LICENCE

**1. DETAILS OF APPLICANT****A. NAME OF APPLICANT\***

\* Name as appears on the certificate of incorporation, charter, by – laws, partnership agreement or other official document. DO NOT ABBREVIATE.

**B. TRADE NAME(S) (IF ANY)****C. Person to be contacted in reference to this form:**

NAME

TELEPHONE NO (INCLUDE AREA CODE)

DESIGNATION

**D. The principal business address of the applicant:**

BUSINESS PHYSICAL ADDRESS

MAILING ADDRESS (IF  
DIFFERENT)

CITY

PROVINCE

POSTAL CODE

**E. The address from which the enterprise is or will be conducting any business as part of an agreement with a licence.**STREET LOCATION  
(NUMBER/STREET)

CITY

PROVINCE

POSTAL CODE

COUNTRY

TELEPHONE NO. LOCATION (INCLUDE AREA CODE)

**SIGNATURE:** \_\_\_\_\_

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**2. OTHER NAME (S) AND ADDRESS OF THE ENTERPRISE**

A. List all other names under which the applicant(s) have done business, and give approximate time periods during which such names were in use.

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B. State all other addresses currently occupied/held by the applicant(s) and all addresses from which the enterprise is currently doing business.

NUMBER AND STREET	CITY	PROVINCE	POSTAL CODE

C. State all addresses, other than those listed above, which the applicant(s) occupied/held or from which it was conducting business during the last ten – year period, and give the approximate time periods during which such addresses were occupied/held.

NUMBER AND STREET	CITY	PROVINCE	POSTAL CODE	FROM	TO

**3. DESCRIPTION OF ENTERPRISE**

A. Specify the business form of this enterprise (i.e., corporation, partnership, trust, joint venture, sole proprietorship or otherwise).

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**SIGNATURE:** \_\_\_\_\_



B. Submit a copy of the certificate of incorporation and all amendments, charter, by – laws, partnership Agreement, trust agreement or other basic documentation of the enterprise, if any. This document must be labelled – **Attachment 3B.**

#### **4. DESCRIPTION OF PRESENT BUSINESS**

As **attachment 4**, describe the business done by the enterprise and its parent, holding, subsidiary and intermediary companies and the general development of such business during the past five years, or such shorter period as the corporation of its parent, subsidiary and intermediary companies may have been engaged in business. This description must include information on matters such as the following:

A. The principal products produced and serviced by the enterprise and its parent, intermediary and subsidiary companies, the principal markets for said products or services and the methods of distribution. (Differentiate between gaming related and non-gaming related products)

B. The sources and availability of raw material essential to the business of the enterprise.

C. The importance to the business and the duration and effect of all material patents, trademarks, licences, franchises, royalties, exclusive distribution, concessions and any other related agreements held.

#### **5. DESCRIPTION OF FORMER BUSINESS**

As an attachment labeled **attachment 5**, describe any former business not listed above, which the enterprise any parent, intermediary or subsidiary company engaged in during the last ten – year period, and the reasons for the cessation of such business. Also indicate the appropriate time period during which each such business was conducted.

#### **6. STOCK DESCRIPTION (CORPORATION)**

Describe the nature, type, terms, conditions, rights and privileges of all classes of voting, non-voting and other stock/shares issued, or to be issued, by the corporation including the number of shares of each class of stock authorised or to be authorised and the number of shares of each class of stock outstanding (i.e. not held by or on behalf of the issuer) as on this date.

ORDINARY SHARES	PAR VALUE	NUMBER
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
PREFERENCE SHARE	PAR VALUE	NUMBER
_____	_____	_____
_____	_____	_____

**SIGNATURE:** \_\_\_\_\_

OTHER (INCLUDING OPTIONS)

VOTING RIGHTS

If the rights of holders of any class of stock may be modified other than by a vote, indicate this and explain briefly as **attachment 6**.

#### **7. NON-VOTING SHAREHOLDERS**

Furnish the information called for in the table below, as to each person or entity holding or having a beneficial interest in any non-voting stock issued by the corporation.

NAME AND ADDRESS	DATE OF BIRTH	NUMBER OF SHARE HELD	PERCENTAGE OF OUTSTANDING VOTING STOCK

\* This information must be provided as on a date no more than sixty (60) days prior to the date of this application.

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 7**.

**SIGNATURE:** \_\_\_\_\_

**8. QUALIFIERS**

Please indicate all persons or entities in your application that correspond to the sub-items listed below. If any of the Sub-items (A) through (D) does not apply, please indicate "Does Not apply" directly on this form.

NOTE: A PERSONAL HISTORY DISCLOSURE FORM MUST BE COMPLETED BY EVERY PERSON NOTED IN ITEM A THROUGH D BELOW. IN ADDITION, THE BOARD MAY, AT ITS DISCRETION, ORDER ADDITIONAL PERSONS ASSOCIATED WITH THE APPLICATION TO FILE SUCH A FORM IF IT APPEARS THAT SUCH PERSONS SHOULD BE QUALIFIED.

A. All offices of the enterprise:

B. All directors or trustees of the enterprise;

C. All partners, whether general, limited or otherwise;

D. All beneficial owners of more than five per cent of the outstanding voting securities of the enterprise, whether such owners are themselves legal or natural persons.

NOTE: IF ENTERPRISE IS LISTED AS OWNER IN (D) ABOVE, THIS ENTERPRISE MUST COMPLETE A BUSINESS ENTITY DISCLOSURE FORM - GAMING

For every person or entity noted in ITEM 7A through I above, please provide the information requested in the following form:

NAME	DATE OF BIRTH	PHYSICAL ADDRESS	TITLE, POSITION, % OF OWNERSHIP OR ASSOCIATION WITH THE ENTERPRISE

**9. OUTLINE OF OWNERSHIP**

Outline ownership of the corporation/enterprise holding any stock, holding a partnership interest or holding any other ownership interest in applicant. prepare a flowchart which illustrates the fully diluted ownership of the applicant as an attachment labelled **attachment 9**. List all parent, holding or intermediary companies so that the flowchart reflects the stock, partnership interest as being held by a natural person(s) and not other enterprise(s). If the ultimate parent company is publicly traded and no natural person controls more than 5% of the publicly traded stock, indicate this fact in a footnote to the flowchart.

**SIGNATURE:** \_\_\_\_\_

**10. FORMER OFFICERS AND DIRECTORS**

Furnish the information indicated below for each person not listed in response above, who held a position as an officer of director of the enterprise over the last ten years.

NAME	DATE OF BIRTH	LAST KNOWN ADDRESS	POSITION HELD, DATE AND REASON FOR LEAVING

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 10**.

**11. REMUNERATION OF OFFICERS, DIRECTORS AND PARTNERS**

List the total annual remuneration received during the last calendar year, and the amount to be received during the calendar year subsequent thereto, by each director, trustee, officer and /or partner of the enterprise, whether such remuneration is in the form of salary, wages, commissions, fees, stock options, bonuses or otherwise.

NAME	POSITION HELD WITH THE ENTERPRISE	AMOUNT OF REMUNERATION

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 11**.

**SIGNATURE:** \_\_\_\_\_

**12. BONUSES, PROFIT SHARING, RETIREMENT, DEFERRED REMUNERATION & SIMILAR PROVINCIAL LICENSING AUTHORITY**

As **attachment 12**, describe all existing bonuses, profit sharing, pension, retirement, deferred remuneration and similar plans, or those to be created by the enterprise, which description shall include, but not be limited to:

- A. Title or name of the plan;
- B. Identity and address of the trustee of the plan or the person administering such plan;
- C. Material features of the LICENSING plan;
- D. Methods of financing the plan;
- E. Identity of each class of person who is participating or will participate in the plan;
- F. Approximate number of persons in each class;
- G. Amounts distribute under the plan to each class of persons during the last fiscal year, if the plan was in effect during that time period.

**13. INTEREST OF PARTNERS/MEMBERS (PARTNERSHIP/CLOSE CORPORATION)**

Describe the interest held by each partner/member in the partnership, whether general or limited:

- A. Amount of initial investment, whether in the form of cash, negotiable instruments, property or otherwise:

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- B. Amount of any additional contributions made to the partnership/close corporation:

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- C. Amount and nature of any anticipated future investments:

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- D. Degree of control of each partner/member over the activities of the partnership:

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- E. Percentage of ownership of each partner/member:

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**SIGNATURE:** \_\_\_\_\_

F. Method of distributing profit to each partner/member:

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**14. SECURITIES OPTIONS\* (CORPORATION)**

Describe in detail any options existing or to be created in respect of securities issued by the corporation, which description shall include, but not be limited to, the title and amount of securities subject to option, the year or years during which the options were or will be granted, the conditions under which the options were or will be granted, the consideration for granting the option and the years, the terms under which options become, or will become, entitled to exercise the options, and when such options expire.

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*\* For the purpose of this application, option shall mean right, warrant or option to subscribe to or purchase any securities issued by the corporation.*

Identify all persons holding the options described in item 14 above and include the market value of the option at the time of issue.

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**15. DESCRIPTION OF LONG-TERM DEBT**

Describe the nature, terms and conditions of all outstanding bonds, loans, mortgages, trust deeds, notes, debentures or other forms of indebtedness issued or executed (including loans made by shareholders), or to be issued or executed by the enterprise, which matures more than one year from the date of issue or which, by their terms, are renewable for a period of more than one year from the date of issue.

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**SIGNATURE:** \_\_\_\_\_

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Should you require additional space, attach a separate sheet in the same tabular form and label it **attachment 15**

#### **16. HOLDERS OF LONG-TERM DEBT**

Furnish the information indicated in the table below for each person or entity holding any outstanding bonds, loans, mortgages, trust deeds, notes, debentures or other forms of indebtedness executed or issued by the enterprise, which mature more than one year from the date of issue or which, by their terms, are renewable for a period of more than one year from the date of issue.

NAME AND ADDRESS	DATE OF BIRTH	TYPE AND CLASS OF DEBT INSTRUMENT HELD	RAND AMOUNT OF DEBT HELD (Both original Amount and Current Balance)

Should any require additional space, attach a separate sheet in the same tabular format and label it **attachment 16**.

#### **17. OTHER INDEBTEDNESS AND SECURITY DEVICES**

Describe the nature, type, terms and conditions of all outstanding loans, mortgages, trust deeds, pledges, lines of credit, or other evidence of indebtedness or security devices utilised by the enterprise, other than those described above.

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#### **18. HOLDERS OF INDEBTEDNESS**

SIGNATURE: \_\_\_\_\_

Furnish the information indicated in the table below in respect of each holder of any outstanding loan, mortgage, trust deed, pledge or other evidence of indebtedness or security device described in response to Item 15.

NAME AND ADDRESS	DATE OF BIRTH	TYPE OF DEBT INSTRUMENT HELD	REND AMOUNT OF DEBT HELD (Both Original Amount and Current Balance)

Should you require additional space, attach a separate sheet in the same tabular format and label **attachment 18**.

### **19. FINANCIAL INSTITUTIONS**

Furnish the information indicated in the table below in respect of each bank, savings and loan association or other financial institution, whether domestic or foreign, in which the applicant has or had an account over the last ten-year period, regardless of whether such account was held on the name of the enterprise, a nominee of the enterprise or was otherwise under the direct or indirect control of the enterprise.

NAME AND ADDRESS	TYPE OF ACCOUNT(S)	ACCOUNT NUMBER	TIME PERIOD ACCOUNT HELD (FROM/TO)

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 19**.

### **20. CONTRACTS AND SUPPLIERS**

Furnish the information indicated in the table below in respect of all persons with whom the enterprise has contracts or agreements valued at R50 000 or more, or from whom the enterprise has received R50 000 or more in goods or services in the past six months.

Employment contracts need only be listed if, by terms, they exceed one year in duration.

NAME	ADDRESS	NATURE OF CONTRACT OR GOODS OR SERVICES SUPPLIED

**SIGNATURE:** \_\_\_\_\_




Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 20**.

## **21. STOCK HELD BY ENTERPRISE**

Furnish the information indicated in the table below in respect of each company in which the enterprise holds stock:

NAME AND ADDRESS OF COMPANY	TYPE OF STOCK HELD	PURCHASE PRICE PER SHARE	NUMBER OF SHARES HELD	PERCENTAGE OF OWNERSHIP MORE THAN 5%

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 21**.

## **22. INSIDER TRANSACTIONS (CORPORATION)**

Furnish the information indicated in the table below for each change, within the last five (5) years preceding this application, in the beneficial ownership of the equity securities of the corporation on the part of any person who is indirectly or directly a beneficial owner of more than 5% of any class of an equity security of the corporation, or who is, or was, a director or official of the corporation within that period. [include changes resulting from (a) gift, (b) purchase (c) sale, (d) exercise of an option to purchase, (e) exercise of an option to sell, (f) or other transaction.]

DATE OF TRANSACTION	NATURE OF TRANSACTION	PARTIES TO TRANSACTION (INCLUDE POSITIONS)	NUMBER OF SECURITIES INVOLVED

Should you require additional space, attach a separate sheet in the same tabular format and label **attachment 22**.

## **23. CRIMINAL HISTORY**

**SIGNATURE:** \_\_\_\_\_

The next question requested information about any offences the enterprise may have committed or charges against it.

**Prior to answering this question, carefully review the definitions and instructions which follow.**

"Charge" includes any indictment, complaint, information, summons, or other notice of the alleged commission of any "offence".

"Offence" is offence as defined in criminal law.

Answer "yes" and provide all information to the best of your ability EVEN IF

The applicant(s) did not commit the offence charged;

The charge was dismissed;

The applicant(s) was not convicted; or

The charges or offences happened a long time ago.

"Has the enterprise, its owners, officers, directors or any of its subsidiaries ever been indicted, charged with or convicted of a criminal or disorderly person's offence or been party or named as an indicted co-conspirator in any criminal proceeding in the Republic of South Africa or any other jurisdiction?"

\_\_\_\_\_ YES \_\_\_\_\_ NO

If Yes, complete the table below:

NAME OF CASE AND CASE NUMBER	NATURE OF CHARGE	DATE OF CHARGE	NAME AND ADDRESS OF LAW ENFORCEMENT AGENCY OR COURT INVOLVED	DISPOSITION (ACQUITTED, CONVICTED, DISMISSED, ETC)

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 23**.

#### **24. NON-COMPLIANCE TO GAMBLING LAWS - HISTORY**

The next question requires information on non-compliance the enterprise may have committed or have been charged with.

**Prior to answering this question, carefully review the definitions and instructions which follow.**

"Charge" includes any indictment, complaint, information, summons, or other notice of the alleged commission of any non-compliance.

"Non-compliance" includes all failure to comply with any gambling legislation, internal control standards relating to gambling operations and other offences.

**SIGNATURE:** \_\_\_\_\_

Answer "yes" and provide all information to the best of your ability EVEN IF

The applicant(s) did not commit the non-compliance charged:

The charge was dismissed;

The applicant(s) was not convicted; or

The charges or offences happened a long time ago.

"Has the enterprise, its owners, officers, directors or any of its subsidiaries ever been indicted, charged with any non-compliance."

\_\_\_\_\_ YES \_\_\_\_\_ NO

If Yes, complete the table below:

JURISDICTION	NATURE OF NON-COMPLIANCE	DATE OF CHARGE	OUTCOME	DISPOSAL OF CASE (ACQUITTED, CONVICTED, DISMISSED, ETC)	SENTENCE

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 24**.

## **25. TRADE REGULATIONS AND SECURITIES JUDGEMENTS**

Has the applicant(s) ever had a judgement, consent, degree of consent order pertaining to a violation or alleged violation of trade regulations or securities laws, or similar laws of any country, entered against it?

\_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, provide the information in the following tabular form:

NAME OF CASE AND DOCKET NUMBER	NAME AND ADDRESS OF COURT OR AGENCY	NATURE OF JUDGEMENT, DEGREE OR ORDER	DATE ENTERED

Should you require addition space, attach a separate sheet in the same tabular format and label it **attachment 25**.

## **26. INSOLVENCY PROCEEDINGS & APPOINTED RECEIVER, AGENT OR TRUSTEE**

**SIGNATURE:** \_\_\_\_\_

A. Has the enterprise, its parent or any affiliated company had any petition under any provision of any bankruptcy legislation or under any state insolvency law filed by or against it over the last ten years period?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DETAILS.

---



---

B. Has the enterprise, its parent or any affiliated company sought relief under any provision of any bankruptcy legislation or any state insolvency law over the last ten-year period?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DETAILS.

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C. Has any receiver, fiscal agent, trustee, recognition trustee, or similar officer been appointed, over the last ten-year period, by a court for the business or property of the enterprise or its parent, holding, an affiliate or subsidiary companies?

\_\_\_\_\_ YES \_\_\_\_\_ NO

If yes complete the table below:

NAME OF PERSON APPOINTED	DATE APPOINTED	COURT	REASON

Should you require additional space, attach a separate sheet in the tabular format and label it **labeled 26**.

## **27. EXISTING LITIGATION**

As **attachment 27** described all existing civil litigation to which the enterprise or any subsidiary is currently a part in any jurisdiction. This description shall include the title and case number of the litigation, the name and location of the court where it is pending, the identity of all parties to the litigation, and the general nature of all claims being made.

**SIGNATURE:** \_\_\_\_\_

**28. LICENCES**

A. Over the last ten-year period, has the applicant(s) ever had any licence or certificate issued, denied, suspended or revoked by a government agency, of any jurisdiction?

\_\_\_\_\_ YES          \_\_\_\_\_ NO

If response to item 28 is in the affirmative, complete the table below.

TYPE OF LICENCE OR CERTIFICATE	NAME AND LOCATION OF GOVERNMENT AGENCY	ACTION TAKEN	DATE	REASON

Should you require additional space, attach a separate sheet in the same tabular format and label it **Attachment 28**

B. Has the applicant(s) ever applied, in any jurisdiction, for a licence, permit other authorisation to participate in lawful gambling operations (including casino gaming, horseracing, dog racing, pari-mutuel operation, lottery, sports betting, etc)?

\_\_\_\_\_ YES          \_\_\_\_\_ NO

If the response to Item 28B is in the affirmative, complete the table below.

NAME AND ADDRESS OF LICENCING AGENCY	DATE OF APPLICATION	DISPOSITION (GRANTED, DENIED, PENDING)	TYPE OF LICENCE IF ISSUED, GIVE GAMBLING ACTIVITY LICENCED LICENCE NUMBER AND EXPIERY DATE

Should you require additional space, attach a separate sheet in the same tabular format and label it **ITEM 28B**.

**29. CONTRIBUTION AND DISBURSEMENTS OF ENTERPRISE**

**SIGNATURE:** \_\_\_\_\_

A. Over the last ten-year period, has the enterprise, any director, officer, partner, or employee or any third party acting for or on behalf of the enterprise offered any bribes or kickbacks to any employee, company or organisation to obtain favourable treatment?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DETAILS.

---

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B. Over the last ten-year period, has the enterprise, any director, office, partner, or employee or any party acting for or on behalf of the enterprise offered any bribes or kickbacks to any government official, domestic or foreign, to obtain favourable treatment?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DETAILS.

---

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C. Over the last ten-year period, have enterprise funds or property been donated or loaned for the purpose of opposing or supporting any government (or for any other purpose), political party, candidate or committee, either domestic or foreign?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DETAILS

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E. Over the last ten-year period, has the enterprise made/granted any loan, donations or other disbursements to directors, officers, partners, employees or any political organization for the purpose of reimbursing such individuals or party for political contributions, either foreign or domestic?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DETAILS.

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SIGNATURE: \_\_\_\_\_

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F. Over the last ten-year period, has the enterprise had any direct or indirect relationship, with any political party in this country or anywhere.

IF YES, PROVIDE DETAILS

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### **30. FINANCIAL STATEMENTS**

As **attachment 30**, attach copies of audited financial statements for the last 5 years with regards to the enterprise applying for a licence.

If the enterprise is not required to have audited financial statements, attach unaudited financial statements for the last 5 years.

### **31. ANNUAL REPORTS**

Attach, and marked **attachment 31**, copies of the last 5 annual reports.

### **32. OTHER REPORTS**

Attach, and marked **attachment 32**, copies of any other reports (quarterly reports, interim reports, etc).

### **33. ORGANISATIONAL CHART**

Attach, and marked **attachment 33**, a copy an organizational chart of the enterprise which includes position description and the names of persons holding such positions.

### **34. TAX RETURNS**

Attach, and marked **attachment 34**, a copy of all tax returns (with all supporting documents) for the last 5 years

### **35. OTHER DOCUMENTS RELEVANT TO THIS APPLICATION**

Attach any additional documents that may you deem fit and mark them **attachment 35**.

**SIGNATURE:** \_\_\_\_\_

**AFFIDAVIT**

I, \_\_\_\_\_ hereby acknowledge that I am aware that the Board may deny a licence to any applicant(s) that supplies information to the Board which is untrue or misleading to a material fact pertaining to the qualification criteria.

I, \_\_\_\_\_ hereby affirm that the foregoing statements made by me on behalf of \_\_\_\_\_

\_\_\_\_\_ are true. I am aware that if any of the foregoing statements made by me are willfully false, I will be subject to the penalty attendant upon perjury

\_\_\_\_\_  
Name

\_\_\_\_\_  
Designation (Title or position)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Subscribe and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY

\_\_\_\_\_  
SEAL OF AUTHORITY

SIGNATURE: \_\_\_\_\_



**RELEASE AUTHORISATION**

To all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other such institutions and all government agencies – state, provincial or local, foreign and domestic.

On behalf of \_\_\_\_\_

I, \_\_\_\_\_ have authorised the National Gambling Board and \_\_\_\_\_ to conduct a full investigation in the background of the said enterprise, application and applicants.

Therefore, you are hereby authorised to release all information pertaining to the said enterprise and applicants, documentary or otherwise, as requested by any employee or agent of the National Gambling Board and/or \_\_\_\_\_, provided that he or she certifies to you that the said enterprise has an application pending before the National Gambling Board and/or \_\_\_\_\_ that the said enterprise is currently a licensee or registrant required to be qualified under the provision of the National Gambling Act 2004, Act No 7 of 2004.

This authorisation shall supersede or countermand any prior authorisation to the contrary.

A Photostat copy of this statement will be considered as effective and valid as the original.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**NOTARY PUBLIC**

**SIGNATURE:** \_\_\_\_\_

<p><b>INSTRUCTIONS</b></p> <p>This form is prescribed for use in terms of section 26 (2A) of the National Gambling Act and regulation 27(2) of the National Gambling Regulations, 2004</p> <p><i>This form has 22 pages (including this page)</i></p> <p>Contacting the National Gambling Board</p> <p>National Gambling Board The dti Campus Ground Floor, Building G, 77 Meintjies St. Sunnyside 0002 Private Bag X27, Hatfield, 0028, Republic of S.A. Tel: (012) 394 3800 Fax: (012) 394 3234 e-mail: <a href="mailto:info@ngb.org.za">info@ngb.org.za</a> website: <a href="http://www.ngb.org.za">www.ngb.org.za</a></p>	<div data-bbox="697 251 933 357" data-label="Image"> </div> <p><b>National Gambling Board</b></p> <p>a member of                  group</p> <p><b>FORM NGB 9/2</b> <b>APPLICATION FOR OR RENEWAL OF A</b> <b>MANUFACTURER, SUPPLIER OR MAINTENANCE</b> <b>PROVIDER LICENCE</b></p> <hr/> <p>Full Name of Enterprise/Applicant _____</p> <hr/> <p>APPLICANT'S SIGNATURE _____</p> <hr/> <p>DATE: _____</p>
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**All correspondence to be addressed to:**  
**The Chief Executive Officer**  
**National Gambling Board**  
**Private Bag X27, Hatfield, 0028**

**NGB'S CONTACT DETAILS:**  
 Tel: (012) 394 3800  
 Fax: (012) 394 3234

**SIGNATURE:** \_\_\_\_\_

**APPLICATION INSTRUCTIONS**

1. Read these instructions and every question carefully before answering and follow any specific instruction which may be given in respect of certain questions.
2. **Answer every question in full. If you fail to answer any question or give incomplete answers or fail to submit all the additional information required, your application may be rejected by the Board.**
3. If a question does not apply to you, write "N/A" (for "Not Applicable") in the space provided. If there is nothing to disclose about a particular question, write "None" in the space provided. If an alteration is made to an answer, sign in full next to the alteration.
4. All answers on this form, except signatures, must be typed or **neatly printed in black ink**. On completion, each page of this form must be signed in full in the space provided at the bottom of each page.
5. **This application form must be completed by the designated person.**
6. The original completed application form and all the additional required information plus **one copy of all pages, including all supporting documentation**, must be submitted to the Board.
7. An entity whose application for a licence is completed must an income tax clearance certificate or equivalent from the country of origin.
8. If you need additional space to answer any question, please use additional pages, but be sure to indicate the number(s) of the question(s) you are answering on these additional pages and clearly cross reference the additional information with the relevant questions.
9. All dates must be in the format: **Day / Month / Year**.

**BUSINESS ENTITY DISCLOSURE FORM – INTERACTIVE GAMBLING**

SIGNATURE: \_\_\_\_\_

## APPLICATION/RENEWAL FORM FOR A MANUFACTURER, SUPPLIER OR MAINTENANCE PROVIDER LICENCE

**1. LICENCE TYPE**

1. If applying for one or more category of licence, please indicate with "X" in the boxes provided.

<input type="checkbox"/>	SUPPLIER OF INTERACTIVE GAMBLING SYSTEMS, GAMES, SOFTWARE, HARDWARE AND OTHER EQUIPMENT
<input type="checkbox"/>	SUPPLIER OF A HOSTING CENTRE FOR INTERACTIVE PROVIDER LICENSEES SERVERS
<input type="checkbox"/>	MANUFACTURER OF INTERACTIVE GAMES
<input type="checkbox"/>	MANUFACTURER OF INTERACTIVE GAMBLING SYSTEMS
<input type="checkbox"/>	MAINTENANCE OF INTERACTIVE GAMBLING SYSTEMS

List categories of equipment/service you wish to manufacture, import, supply and /or maintain below:

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**2. DETAILS OF APPLICANT****A. NAME OF APPLICANT\***

\* Name as appears on the certificate of incorporation, charter, by – laws, partnership agreement or other official document. DO NOT ABBREVIATE.

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**B. TRADE NAME(S) (IF ANY)**


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**C. Person to be contacted in reference to this form:**

NAME	TELEPHONE NO (INCLUDE AREA CODE)
DESIGNATION	

**D. The principal business address of the applicant:**

**SIGNATURE:** \_\_\_\_\_

BUSINESS PHYSICAL ADDRESS

MAILING ADDRESS (IF DIFFERENT)

CITY

PROVINCE

POSTAL CODE

E. The address from which the enterprise is or will be conducting business as part of an agreement with a licence.

STREET LOCATION  
(NUMBER/STREET)

CITY

PROVINCE

POSTAL CODE

COUNTRY

TELEPHONE NO. LOCATION (INCLUDE AREA CODE)

**3. OTHER NAME (S) AND ADDRESS OF THE ENTERPRISE**

A. List all other names under which the applicant have done business, and give approximate time periods during which such names were in use.

B. State all other addresses currently occupied/held by the applicant and all addresses from which the enterprise is currently doing business.

NUMBER AND STREET	CITY	PROVINCE	POSTAL CODE

C. State all addresses, other than those listed above, which the applicant occupied/held or from which it was conducting business during the last ten – year period, and give the approximate time periods during which such addresses were occupied/held.

NUMBER AND STREET	CITY	PROVINCE	POSTAL CODE	FROM	TO

SIGNATURE: \_\_\_\_\_


#### **4. DESCRIPTION OF ENTERPRISE**

A. Specify the business form of this enterprise (i.e., corporation, partnership, trust, joint venture, sole proprietorship or otherwise).

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B. Submit a copy of the certificate of incorporation and all amendments, charter, by – laws, partnership Agreement, trust agreement or other basic documentation of the enterprise, if any. This document must be labelled – **Attachment 4B.**

#### **5. DESCRIPTION OF PRESENT BUSINESS**

As **attachment 5**, describe the business done by the enterprise and its parent, holding, subsidiary and intermediary companies and the general development of such business during the past five years, or such shorter period as the corporation of its parent, subsidiary and intermediary companies may have been engaged in business. This description must include information on matters such as the following:

- A. The principal products produced and serviced by the enterprise and its parent, intermediary and subsidiary companies, the principal markets for said products or services and the methods of distribution. (Differentiate between gaming related and non-gaming related products)
- B. The sources and availability of raw material essential to the business of the enterprise.
- C. The importance to the business and the duration and effect of all material patents, trademarks, licences, franchises, royalties, exclusive distribution, concessions and any other related agreements held.

#### **6. DESCRIPTION OF FORMER BUSINESS**

As an attachment labeled **attachment 6**, describe any former business not listed above, which the enterprise any parent, intermediary or subsidiary company engaged in during the last ten – year period, and the reasons for the cessation of such business. Also indicate the appropriate time period during which each such business was conducted.

#### **7. STOCK DESCRIPTION (CORPORATION)**

Describe the nature, type, terms, conditions, rights and privileges of all classes of voting, non-voting and other stock/shares issued, or to be issued, by the corporation including the number of shares of each class of stock authorised or to be authorised and the number of shares of each class of stock outstanding (i.e. not held by or on behalf of the issuer) as on this date.

**SIGNATURE:** \_\_\_\_\_

## ORDINARY SHARES

## PAR VALUE

## NUMBER


## PREFERENCE SHARE

## PAR VALUE

## NUMBER


## OTHER (INCLUDING OPTIONS)


## VOTING RIGHTS


If the rights of holders of any class of stock may be modified other than by a vote, indicate this and explain briefly as **attachment 7**.

**8. NON-VOTING SHAREHOLDERS**

Furnish the information called for in the table below, as to each person or entity holding or having a beneficial interest in any non-voting stock issued by the corporation.

NAME AND ADDRESS	DATE OF BIRTH	NUMBER OF SHARE HELD	PERCENTAGE OF OUTSTANDING VOTING STOCK

**SIGNATURE:** \_\_\_\_\_


\* This information must be provided as on a date no more than sixty (60) days prior to the date of this application.

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 8**.

## **9. QUALIFIERS**

Please indicate all persons or entities in your enterprise that correspond to the sub-items listed below. If any of the Sub-items (A) through (I) does not apply, please indicate "Does Not apply" directly on this form.

NOTE: A PERSONAL HISTORY DISCLOSURE FORM MUST BE COMPLETED BY EVERY PERSON NOTED IN ITEM (A) THROUGH (I) BELOW. IN ADDITION, THE BOARD MAY, AT ITS DISCRETION, ORDER ADDITIONAL PERSONS ASSOCIATED WITH THE ENTERPRISE TO FILE SUCH A FORM IF IT APPEARS THAT SUCH PERSONS SHOULD BE QUALIFIED.

- A. All persons who will act as sales representatives or otherwise regularly engage in the solicitation of business from a stakeholder from within the gambling industry.
- B. All persons who have or will sign any agreement with a stakeholder from within the gambling industry.
- C. The management employee supervising the regional or local office which employs the sales representative(s) described in Sub-section A.
- D. All offices of the enterprise.
- E. All directors or trustees of the enterprise.
- F. All partners, whether general, limited or otherwise.
- G. The sole proprietor, if the enterprise is a sole proprietorship.
- H. All beneficial owners of more than five per cent of the outstanding voting securities of the enterprise, whether such owners are themselves legal or natural persons.
- I. All persons doing business with the casino, bingo gaming operator and site licence holder.

NOTE: IF ENTERPRISE IS LISTED AS OWNER IN (H) ABOVE, THIS ENTERPRISE MUST COMPLETE A BUSINESS ENTITY DISCLOSURE FORM - GAMING

**SIGNATURE:** \_\_\_\_\_



For every person or entity noted in ITEM 7 A through I above, please provide the information requested in the following form:

NAME	DATE OF BIRTH	PHYSICAL ADDRESS	TITLE, POSITION, % OF OWNERSHIP OR ASSOCIATION WITH THE ENTERPRISE

#### **10. OUTLINE OF OWNERSHIP**

Outline ownership of the corporation/enterprise holding any stock, holding a partnership interest or holding any other ownership interest in applicant, prepare a flowchart which illustrates the fully diluted ownership of the applicant as an attachment labelled **attachment 10**. List all parent, holding or intermediary companies so that the flowchart reflects the stock, partnership interest as being held by a natural person(s) and not other enterprise(s). If the ultimate parent company is publicly traded and no natural person controls more than 5% of the publicly traded stock, indicate this fact in a footnote to the flowchart.

#### **11. FORMER OFFICERS AND DIRECTORS**

Furnish the information indicated below for each person not listed in response above, who held a position as an officer or director of the enterprise over the last ten years.

NAME	DATE OF BIRTH	LAST KNOWN ADDRESS	POSITION HELD, DATE AND REASON FOR LEAVING

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 11**.

**SIGNATURE:** \_\_\_\_\_

**12. REMUNERATION OF OFFICERS, DIRECTORS AND PARTNERS**

List the total annual remuneration received during the last calendar year, and the amount to be received during the calendar year subsequent thereto, by each director, trustee, officer and /or partner of the enterprise, whether such remuneration is in the form of salary, wages, commissions, fees, stock options, bonuses or otherwise.

NAME	POSITION HELD WITH THE ENTERPRISE	AMOUNT OF REMUNERATION

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 12**.

**13. BONUSES, PROFIT SHARING, RETIREMENT, DEFERRED REMUNERATION & SIMILAR PROVINCIAL LICENSING AUTHORITY**

As **attachment 13**, describe all existing bonuses, profit-sharing, pension, retirement, deferred remuneration and similar plans, or those to be created by the enterprise, which description shall include, but not be limited to:

- A. Title or name of the plan:
- B. Identity and address of the trustee of the plan or the person administering such plan:
- C. Material features of the LICENSING plan:
- D. Methods of financing the plan:
- E. Identity of each class of person who is participating or will participate in the plan:
- F. Approximate number of persons in each class:
- G. Amounts distributed under the plan to each class of persons during the last fiscal year, if the plan was in effect during that time period.

**14. INTEREST OF PARTNERS/MEMBERS (PARTNERSHIP/CLOSE CORPORATION)**

Describe the interest held by each partner/member in the partnership, whether general or limited:

- A. Amount of initial investment, whether in the form of cash, negotiable instruments, property or otherwise:

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- B. Amount of any additional contributions made to the partnership/close corporation:

**SIGNATURE:** \_\_\_\_\_

C. Amount and nature of any anticipated future investments:

D. Degree of control of each partner/member over the activities of the partnership:

E. Percentage of ownership of each partner/member:

F. Method of distributing profit to each partner/member:

#### **15. SECURITIES OPTIONS\* (CORPORATION)**

Describe in detail any options existing or to be created in respect of securities issued by the corporation, which description shall include, but not be limited to, the title and amount of securities subject to option, the year or years during which the options were or will be granted, the conditions under which the options were or will be granted, the consideration for granting the option and the years, the terms under which options become, or will become, entitled to exercise the options, and when such options expire.

*\* For the purpose of this application, option shall mean right, warrant or option to subscribe to or purchase any securities issued by the corporation.*

**SIGNATURE:** \_\_\_\_\_

Identify all persons holding the options described in item 14 above and include the market value of the option at the time of issue.

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#### **16. DESCRIPTION OF LONG-TERM DEBT**

Describe the nature, terms and conditions of all outstanding bonds, loans, mortgages, trust deeds, notes, debentures or other forms of indebtedness issued or executed (including loans made by shareholders), or to be issued or executed by the enterprise, which matures more than one year from the date of issue or which, by their terms, are renewable for a period of more than one year from the date of issue.

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Should you require additional space, attach a separate sheet in the same tabular form and label it **attachment 16**

#### **17. HOLDERS OF LONG-TERM DEBT**

Furnish the information indicated in the table below for each person or entity holding any outstanding bonds, loans, mortgages, trust deeds, notes, debentures or other forms of indebtedness executed or issued by the enterprise, which mature more than one year from the date of issue or which, by their terms, are renewable for a period of more than one year from the date of issue.

NAME AND ADDRESS	DATE OF BIRTH	TYPE AND CLASS OF DEBT INSTRUMENT HELD	RAND AMOUNT OF DEBT HELD (Both original Amount and Current Balance)

**SIGNATURE:** \_\_\_\_\_

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Should any require additional space, attach a separate sheet in the same tabular format and label it **attachment 17**.

### **18. OTHER INDEBTEDNESS AND SECURITY DEVICES**

Describe the nature, type, terms and conditions of all outstanding loans, mortgages, trust deeds, pledges, lines of credit, or other evidence of indebtedness or security devices utilised by the enterprise, other than those described above.


### **19. HOLDERS OF INDEBTNESS**

Furnish the information indicated in the table below in respect of each holder of any outstanding loan, mortgage, trust deed, pledge or other evidence of indebtedness or security device described in response to Item 16.

NAME AND ADDRESS	DATE OF BIRTH	TYPE OF DEBT INSTRUMENT HELD	REND AMOUNT OF DEBT HELD (Both Original Amount and Current Balance)

Should you require additional space, attach a separate sheet in the same tabular format and label **attachment 19**.

### **20. FINANCIAL INSTITUTIONS**

Furnish the information indicated in the table below in respect if each bank, savings and loan association or other financial institution, whether domestic or foreign, in which the applicant has or had an account over the last ten-year period, regardless of whether such account was held on the name of the enterprise, a nominee of the enterprise or was otherwise under the direct or indirect control of the enterprise.

NAME AND ADDRESS	TYPE OF ACCOUNT(S)	ACCOUNT NUMBER	TIME PERIOD ACCOUNT HELD (FROM/TO)

**SIGNATURE:** \_\_\_\_\_


Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 20**.

## **21. CONTRACTS AND SUPPLIERS**

Furnish the information indicated in the table below in respect of all persons with whom the enterprise has contracts or agreements valued at R50 000 or more, or from whom the enterprise has received R50 000 or more in goods or services in the past six months.

Employment contracts need only be listed if, by terms, they exceed one year in duration.

NAME	ADDRESS	NATURE OF CONTRACT OR GOODS OR SERVICES SUPPLIED

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 21**.

## **22. STOCK HELD BY ENTERPRISE**

Furnish the information indicated in the table below in respect of each company in which the enterprise holds stock:

NAME AND ADDRESS OF COMPANY	TYPE OF STOCK HELD	PURCHASE PRICE PER SHARE	NUMBER OF SHARES HELD	PERCENTAGE OF OWNERSHIP MORE THAN 5%

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 22**.

**SIGNATURE:** \_\_\_\_\_

**23. INSIDER TRANSACTIONS (CORPORATION)**

Furnish the information indicated in the table below for each change, within the last five (5) years preceding this application, in the beneficial ownership of the equity securities of the corporation on the part of any person who is indirectly or directly a beneficial owner of more than 5% of any class of an equity security of the corporation, or who is, or was, a director or official of the corporation within that period. [include changes resulting from (a) gift, (b) purchase (c) sale, (d) exercise of an option to purchase, (e) exercise of an option to sell, (f) or other transaction.]

DATE OF TRANSACTION	NATURE OF TRANSACTION	PARTIES TO TRANSACTION (INCLUDE POSITIONS)	NUMBER OF SECURITIES INVOLVED

Should you require additional space, attach a separate sheet in the same tabular format and label **attachment 23**.

**24. CRIMINAL HISTORY**

The next question requested information about any offences the enterprise may have committed or charges against it.

**Prior to answering this question, carefully review the definitions and instructions which follow.**

"Charge" includes any indictment, complaint, information, summons, or other notice of the alleged commission of any "offence".

"Offence" is offence as defined in the criminal law.

Answer "yes" and provide all information to the best of your ability EVEN IF

The applicant(s) did not commit the offence charged;

The charge was dismissed;

The applicant(s) was not convicted; or

The charges or offences happened a long time ago.

"Has the enterprise, its owners, officers, directors or any of its subsidiaries ever been indicted, charged with or convicted of a criminal or disorderly person's offence or been party or named as an indicted co-conspirator in any criminal proceeding in the Republic of South Africa or any other jurisdiction?"

\_\_\_\_\_ YES \_\_\_\_\_ NO

**SIGNATURE:** \_\_\_\_\_

If Yes, complete the table below:

NAME OF CASE AND CASE NUMBER	NATURE OF CHARGE	DATE OF CHARGE	NAME AND ADDRESS OF LAW ENFORCEMENT AGENCY OR COURT INVOLVED	DISPOSITION (ACQUITTED, CONVICTED, DISMISSED, ETC)

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 24**.

## **25. NON-COMPLIANCE TO GAMBLING LAWS - HISTORY**

The next question requests information on non-compliance the enterprise may have committed or charged against it

**Prior to answering this question, carefully review the definitions and instructions which follow.**

"Charge" includes any indictment, complaint, information, summons, or other notice of the alleged commission of any non-compliance.

"Non-compliance" includes all failure to comply with any gambling legislation, internal control standards relating to gambling operations and other offences.

Answer "yes" and provide all information to the best of your ability **EVEN IF**

The applicant(s) did not commit the non-compliance charged;

The charge was dismissed;

The applicant(s) was not convicted; or

The charges or offences happened a long time ago.

"Has the enterprise, its owners, officers, directors or any of its subsidiaries ever been indicted, charged with any non-compliance."

\_\_\_\_\_ YES \_\_\_\_\_ NO

If Yes, complete the table below:

JURISDICTION	NATURE OF NON-COMPLIANCE	DATE OF CHARGE	OUTCOME	DISPOSAL OF CASE (ACQUITTED, CONVICTED, DISMISSED, ETC)	SENTENCE

Should you require additional space, attach a separate sheet in the same tabular format and label it **attachment 25**.

**SIGNATURE:** \_\_\_\_\_



**26. TRADE REGULATIONS AND SECURITIES JUDGEMENTS**

Has the applicant(s) ever had a judgement, consent, degree of consent order pertaining to a violation or alleged violation of trade regulations or securities laws, or similar laws of any country, entered against it?

\_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, provide the information in the following tabular form:

NAME OF CASE AND DOCKET NUMBER	NAME AND ADDRESS OF COURT OR AGENCY	NATURE OF JUDGEMENT, DEGREE OR ORDER	DATE ENTERED

Should you require addition space, attach a separate sheet in the same tabular format and label it **attachment 26**.

**27. INSOLVENCY PROCEEDINGS & APPOINTED RECEIVER, AGENT OR TRUSTEE**

- A. Has the enterprise, its parent or any affiliated company had any petition under any provision of any bankruptcy legislation or under any state insolvency law filed by or against it over the last ten years period?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DETAILS.

\_\_\_\_\_  
\_\_\_\_\_

- B. Has the enterprise, its parent or any affiliated company sought relief under any provision of any bankruptcy legislation or any state insolvency law over the last ten-year period?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DETAILS.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- C. Has any receiver, fiscal agent, trustee, recognition trustee, or similar officer been appointed, over the last ten-year period, by a court for the business or property of the enterprise or its parent, holding, an affiliate or subsidiary companies?

\_\_\_\_\_ YES \_\_\_\_\_ NO

**SIGNATURE:** \_\_\_\_\_

If yes complete the table below:

NAME OF PERSON APPOINTED	DATE APPOINTED	COURT	REASON

Should you require additional space, attach a separate sheet in the tabular format and label it **labeled 27**.

## **28 EXISTING LITIGATION**

As **attachment 28** described all existing civil litigation to which the enterprise or any subsidiary is currently a part in any jurisdiction. This description shall include the title and case number of the litigation, the name and location of the court where it is pending, the identity of all parties to the litigation, and the general nature of all claims being made.

## **29. LICENCES**

- A. Over the last ten-year period, has the applicant(s) ever had any licence or certificate issued, denied, suspended or revoked by a government agency, of any jurisdiction?

\_\_\_\_\_ YES      \_\_\_\_\_ NO

If response to item 29 is in the affirmative, complete the table below.

TYPE OF LICENCE OR CERTIFICATE	NAME AND LOCATION OF GOVERNMENT AGENCY	ACTION TAKEN	DATE	REASON

Should you require additional space, attach a separate sheet in the same tabular format and label it **Attachment 29**

- B. Has the applicant(s) ever applied, in any jurisdiction, for a licence, permit other authorisation to participate in lawful gambling operations (including casino gaming, horseracing, dog racing, pari-mutuel operation, lottery, sports betting, etc)?

\_\_\_\_\_ YES      \_\_\_\_\_ NO

**SIGNATURE:** \_\_\_\_\_

If the response to Item 29B is in the affirmative, complete the table below.

NAME AND ADDRESS OF LICENCING AGENCY	DATE OF APPLICATION	DISPOSITION (GRANTED, DENIED, PENDING)	TYPE OF LICENCE IF ISSUED, GIVE GAMBLING ACTIVITY LICENCED LICENCE NUMBER AND EXPIERY DATE

Should you require additional space, attach a separate sheet in the same tabular format and label it ITEM 29B.

### **30. CONTRIBUTION AND DISBURSEMENTS OF ENTERPRISE**

- A. Over the last ten-year period, has the enterprise, any director, officer, partner, or employee or any third party acting for or on behalf of the enterprise offered any bribes or kickbacks to any employee, company or organisation to obtain favourable treatment?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DATAILS.

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- B. Over the last ten-year period, has the enterprise, any director, office, partner, or employee or any party acting for or on behalf of the enterprise offered any bribes or kickbacks to any government official, domestic or foreign, to obtain favourable treatment?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DETAILS.

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- C. Over the last ten-year period, have enterprise funds or property been donated or loaned for the purpose of opposing or supporting any government (or for any other purpose), political party, candidate or committee, either domestic or foreign?

\_\_\_\_\_ YES \_\_\_\_\_ NO

**SIGNATURE:** \_\_\_\_\_

IF YES, PROVIDE DETAILS

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- E. Over the last ten-year period, has the enterprise made/granted any loan, donations or other disbursements to directors, officers, partners, employees or any political organization for the purpose of reimbursing such individuals or party for political contributions, either foreign or domestic?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PROVIDE DETAILS.

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- F. Over the last ten-year period, has the enterprise had any direct or indirect relationship, with any political party in this country or anywhere.

IF YES, PROVIDE DETAILS

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### **31. FINANCIAL STATEMENTS**

As **attachment 31**, attach copies of audited financial statements for the last 5 years with regards to the enterprise applying for a licence.

If the enterprise is not required to have audited financial statements, attach unaudited financial statements for the last 5 years.

### **32. ANNUAL REPORTS**

Attach, and marked **attachment 32**, copies of the last 5 annual reports.

### **33. OTHER REPORTS**

Attach, and marked **attachment 33**, copies of any other reports (quarterly reports, interim reports, etc).

**SIGNATURE:** \_\_\_\_\_

**34. ORGANISATIONAL CHART**

Attach. and marked **attachment 34**, a copy an organizational chart of the enterprise which includes position description and the names of persons holding such positions.

**35. TAX RETURNS**

Attach. and marked **attachment 35**, a copy of all tax returns (with all supporting documents) for the last 5 years

**36. OTHER DOCUMENTS RELEVANT TO THIS APPLICATION**

Attach any additional documents that may you deem fit and mark them **attachment 36**.

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**SIGNATURE:** \_\_\_\_\_

**AFFIDAVIT**

I, \_\_\_\_\_ hereby acknowledge that I am aware that the Board may deny a licence to any applicant(s) that supplies information to the Board which is untrue or misleading to a material fact pertaining to the qualification criteria.

I, \_\_\_\_\_ hereby affirm that the foregoing statements made by me on behalf of \_\_\_\_\_ are true. I am aware that if any of the foregoing statements made by me are willfully false, I will be subject to the penalty attendant upon perjury

Name

\_\_\_\_\_  
Designation (Title or position)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Subscribe and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY

SEAL OF AUTHORITY

\_\_\_\_\_  
SIGNATURE:

**RELEASE AUTHORISATION**

To all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other such institutions and all government agencies state, provincial or local, foreign and domestic.

On behalf of \_\_\_\_\_

I, \_\_\_\_\_ have authorised the National Gambling Board and  
\_\_\_\_\_ to conduct a full investigation in the background of the said enterprise, application and  
applicants.

Therefore, you are hereby authorised to release all information pertaining to the said enterprise and applicants, documentary or otherwise, as requested by any employee or agent of the National Gambling Board and/or  
\_\_\_\_\_, provided that he or she certifies to you that the said enterprise has an application  
pending before the National Gambling Board and/or \_\_\_\_\_ that the said enterprise is currently a  
licensee or registrant required to be qualified under the provision of the National Gambling Act 2004, Act No 7 of 2004.

This authorisation shall supersede or countermand any prior authorisation to the contrary.

A Photostat copy of this statement will be considered as effective and valid as the original.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
**NOTARY PUBLIC**

.....  
**SIGNATURE:** \_\_\_\_\_