

# GAUTENG GAMBLING REGULATIONS

SPORTS BETTING

REGULATIONS

LEVIES

BINGO

CASINO

GAUTENG GAMBLING BOARD

GAMBLING PUBLIC

GDP

LEVIES

B-BBEE

GAUTENG GAMBLING BOARD

SPORTS BETTING

LIMITED PAYOUT MACHINE

CASINO

LICENSING

SERVICE EXCELLENCE

HORSE RACING

ROUTE OPERATOR

TAXES

COMPLIANCE

TOTALIZATOR

TOTALIZATOR

SPORTS BETTING

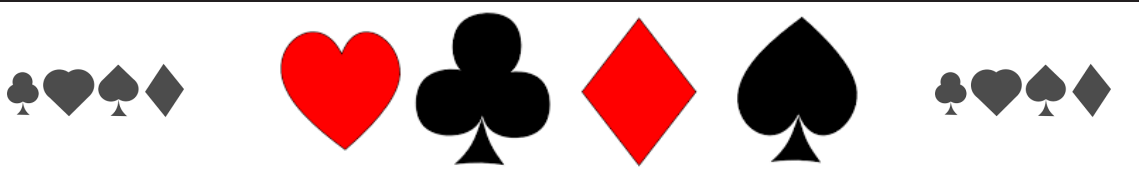
BINGO

RESPONSIBLE GAMBLING

SPORTS BETTING

HORSE RACING

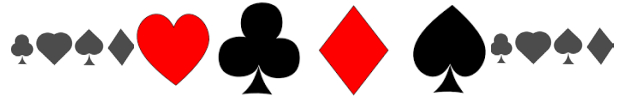
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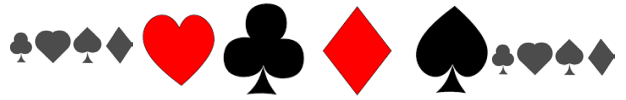


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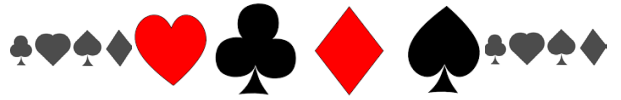
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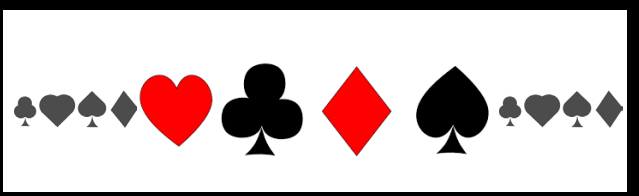
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## PART 1 - GENERAL

### CHAPTER 1

#### DEFINITIONS

1. In these regulations, unless the context otherwise indicates -

“Act” means the Gauteng Gambling Act, No 4 of 1995;

“Amusement machine” means a machine, apparatus or device other than a machine, apparatus or device contemplated in section 1(3) of the Act, which provides as the prize, reward or consideration for successfully playing the game concerned a non-redeemable for cash prize, with a monetary value not greater than R25,00;

“cash” means coin and currency that circulates, and is customarily used and accepted as money, in the issuing nation;

“cheat” means to unlawfully alter the elements of chance, method of selection or criteria which determine:

- (a) The result of a game; or
- (b) The amount or frequency of payment in a game.

“chip” means a non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a licensee for use at the licensee’s licensed premises;

“drop” means the total amount of money, chips, tokens and credit markers contained in the drop box;

“drop box” means a locked container permanently marked with the game, shift and number corresponding to a permanent number of the table, into which all currency exchanged for chips or tokens or credit instruments at the table and all other documents pertaining to transactions at the table must be placed;

“electronic gaming” means equipment shall include electronic gaming machines, electronic gaming tables and electronic monitoring systems;

“equipment” means any equipment, device, component or machine used remotely or directly in connection with gambling;

“fill” means the issue of additional chips to the table;

“final action” in relation to any application, means the date when the board grants or refuses an application;

“junket” means a visit or an excursion to a casino by one or more persons who receive complimentary services such as transport, food and lodging as an inducement to gamble at the casino, which is arranged by a third party;

“junket agent” means any person who, for commission, a share in gambling profits or any other consideration, in conjunction with the holder of a casino licence, plans or organises a junket;

“off-course bookmaker” means a bookmaker licensed to operate in a Tattersalls;

“on-course bookmaker” means a bookmaker licensed to operate on a race-course and at such other place as the Board may approve from time to time;

“Tattersalls” means a betting exchange where licensed bookmakers other than on-course bookmakers, are authorised to conduct their business;

“token” means a metal or other representative of value, redeemable for cash, and issued and sold by a licensee for use in slot machines or for use in slot machines and at table games or counter games at the licensee’s licensed premises,

and any other word or expression has the meaning assigned thereto in the Act.



## PART 1 - GENERAL

### CHAPTER 2

#### APPLICABILITY OF CHAPTERS

2. Chapters 16 to 27  
The provisions of Chapters 16 to 27 shall apply only in respect of licensed casino operations.
3. Chapters 28 to 35  
The provisions of Chapters 28 to 35 shall apply only in respect of licensed bingo operations.
4. Chapters 36 to 44  
The provisions of Chapters 36 to 44 shall apply only in respect of licensed gaming machine route operations and additional gaming machine operations.
5. Chapters 45 to 51  
The provisions of Chapters 45 to 51 shall apply only in respect of licensed gaming machine operations.
6. Chapters 52 to 57  
The provisions of Chapters 52 to 57 shall apply only in respect of licensed manufacturing, supplier or maintenance operations.
7. Chapters 58 to 62  
The provisions of Chapters 58 to 62 shall apply only in respect of licensed totalizator operations.
8. Chapters 63 to 67  
The provisions of Chapters 63 to 67 shall apply only in respect of licensed bookmaking activities.
9. Chapters 68 to 70  
The provisions of Chapters 68 to 70 shall apply only in respect of licensed race-meetings.
10. Chapters 74 to 78  
The provisions of Chapters 74 to 78 shall apply only in respect of amusement machines.

## PART 1 - GENERAL

### CHAPTER 3

#### APPLICATIONS AND INVESTIGATIONS

11. **General**
  - (1) Any licence, registration, certificate of suitability, authorisation or consent granted by the board shall be deemed to be revocable contingent upon continuous suitability for licensing, registration, authorisation or consent and, without limiting the board's right to conduct an investigation, the board shall have the right at any time to call for such information, to be submitted to it within 14 days or such longer period as it may allow, as the board may deem necessary to satisfy itself as to such continuous suitability.
  - (2) Any person applying for a licence, registration, certificate of suitability, authorisation or consent will have to satisfy the board that he or she is qualified to be granted such licence, registration, certificate, authorisation or consent, as the case may be.
  - (3) The board shall not be liable for any act or omission done or conduct carried out in good faith in the execution of its duties in terms of the Act and these regulations.





- (4) Neither the officials, employees or agents of the board shall be held liable for any act or omission done or conduct carried out in the execution of their duties in terms of the Act, these regulations or the terms of delegation granted to such officials, employees or agents by the board.

## 12. Claim of privilege

The board or its authorised official or agent may, during the investigation, inspection or consideration of any application:

- (1) direct such inquiries as are necessary or relevant in respect of the application to the applicant;
- (2) require the applicant or any person who made a statement or testifies in support of the application, to answer any question put to the applicant or such person:

Provided that a failure or refusal by the applicant or such person to respond to the said inquiries or answer the said questions, will be taken into account by the board in its assessment of the applicant's appropriateness and fitness when considering the application.

## 13. Applications

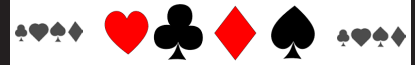
- (1) Every application shall be submitted on forms furnished or approved by the board and shall contain and be accompanied and supplemented by such documents and information as may be specified or required by the board.
- (2) It is grounds for denial of an application and an offence for any person to make any false statement of material fact, knowing it to be false, in any application submitted to the board, or to omit to state in any such application any material fact which is required to be stated therein, or omit to state a material fact necessary to make the facts stated, in view of the circumstances under which they were stated, not misleading.
- (3) It is the duty of an applicant to ensure that all information in an application is true and complete as at the date on which the board considers and decides it and should anything stated in an application change subsequent to its being lodged with the board and prior to the application being considered and decided by the board, the applicant shall be obliged forthwith to notify the board in writing of such changes and of the effect thereof on the application.
- (4) An application may, with the approval of the board, be amended in any respect at any time prior to final consideration thereof by the board.

## 14. Representations by interested parties

- (1) Any interested person wishing to make representations in relation to any application submitted to the board, shall do so in writing and such representations shall contain at least the following information -
  - (a) the name of the applicant to which the representations relate;
  - (b) the ground or grounds on which representations are made;
  - (c) the name, address, telephone and fax number of the person submitting the representations; and
  - (d) whether the person submitting the representations requests the board to determine that such person's identity may not be divulged and the grounds for such request.
- (2) Any representations not containing the information required by subregulation (1) shall be of no force or effect and shall be deemed not to have been lodged with the board.

## 15. Public inspection of application, representation and response by applicant

- (1) All applications shall, subject to section 24(2)(a) of the Act, be open to public inspection by interested persons during the normal office hours of the board from the date specified in the notice contemplated in section 20(1) of the Act until the date of completion of the investigation contemplated in section 23(4) of the Act.



- (2) Any representations, responses and further information lodged with the board shall, subject to section 24(2)(b) of the Act, be open to public inspection by interested persons during the normal office hours of the board for a period commencing 14 days after the respective closing dates for representations from the public and the applicant's response thereto and ending on the date of completion of the investigation contemplated in section 23(4) of the Act.

**16. Hearing of application**

- (1) The board shall hold a hearing in respect of every application for a licence received by the board, as soon as possible after the date of completion of the investigation contemplated in section 23(4) of the Act.
- (2) Failure by any applicant duly summoned under section 29 of the Act to appear and testify fully at the time and place specified in the summons, until excused, constitutes grounds for denial of the application without further consideration by the board. [

**17. Withdrawal of application**

- (1) A request for withdrawal of an application may be made at any time prior to final action upon the application by the board by submitting a written request to withdraw with the board.
- (2) The board may, in its discretion, grant the request.

**18. Opportunity to rectify disqualifying circumstances**

An applicant who is subject to any disqualification in terms of the Act, may, prior to disqualification, be granted a reasonable period, not exceeding 60 days, as determined by the board, to rectify the disqualifying circumstances.

**19. Disqualified person not to profit**

A person who is the direct or effective cause of any disqualifying circumstances of an applicant, shall not accept more for his or her interest in the applicant than such person paid for it, or such greater amount approved by the board.

**20. Repealed [R.20 repealed by r4 of General Notice No. 1189 of 2001]**

**21. Repealed [R21 repealed by r19 of General Notice No. 914 of 2006]**

## **PART 1 - GENERAL**

### **CHAPTER 4**

#### **REMOVAL OF LICENCE**

**22. Repealed [R. 22 repealed by r. 5 of General Notice No. 1189 of 2001.]**

## **PART 1 - GENERAL**

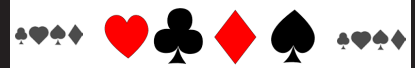
### **CHAPTER 5**

#### **DISPUTES**

**23. Claims**

A disputed claim for payment of a gambling debt may be resolved by the board in accordance with this chapter.

**24. Resolution of dispute**



- (1) Whenever a dispute arises as between a patron and a licensee, as to the payment of alleged winnings or precise amount thereof to the patron by the licensee, or payment of a gambling debt or precise amount thereof by a patron to the licensee, and both parties are unable to resolve the dispute, then:
  - (a) either party or both of them shall refer the dispute to the Chief Executive Officer of the board or his delegate for resolution.
  - (b) the Chief Executive Officer shall, upon referral of the dispute, expeditiously resolve the dispute.
- (2) For the purposes of resolving the dispute, the Chief Executive Officer may conduct such inquiries, inspect any books or documents and question such persons as are necessary or relevant or connected to the dispute: Provided that the Chief Executive Officer shall afford both the patron and licensee an opportunity to present their cases to him before he or she resolves the dispute.
- (3) The Chief Executive Officer's decision on the dispute shall, save in the case of appeal, be final and binding on the parties.
- (4) After making a decision on the dispute the Chief Executive Officer shall inform a party aggrieved by his or her decision that such a party has a right of appeal against such decision to the board.
- (5) Save where an appeal has been lodged in terms of the provision of regulation 25 of these regulations, the party against whom the Chief Executive Officer has made a decision shall be obliged to pay the winnings or gambling debt within a period determined by the Chief Executive Officer.
- (6) The Chief Executive Officer may delegate any power, function or duty in terms of this regulation to any member of the staff of the board, on such conditions as he or she may determine.

#### **25. Appeal to the board**

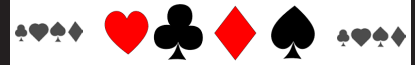
- (1) A patron or licensee aggrieved by the decision of the Chief Executive Officer may, within 14 days of being notified of such decision, lodge an appeal in writing to the board.
- (2) The board shall, with due regard to expedience, hear and determine the appeal, and may thereafter confirm, reverse, set aside the Chief Executive Officer's decision or make such an order as it deems appropriate.
- (3) The appeal shall be determined and be heard by the board in such a manner and in accordance with such procedure as the board may determine: Provided that the board shall afford the parties to the appeal the opportunity to present their cases before it makes a decision on appeal.
- (4) The decision of the board shall be final and binding on the parties to the appeal.
- (5) A patron or licensee against whom a decision has been made on appeal by the board shall be obliged to pay the winnings or gambling debt in terms of the order made by the board.

#### **26. Non-payment by patron**

Where a patron is obliged to pay a gambling debt in terms of an order made by the Chief Executive Officer and has not appealed to the board against the said order, or is obliged to pay a gambling debt in terms of an order made by the board on appeal and has not made an application for review of the board's decision or order, but fails to make such a payment, the board may include such a patron's name in the list of excluded persons, in accordance with Chapter 6 of these regulations.

#### **27. Recovery of costs**

- (1) The board may recover the costs of an appeal from the party lodging an appeal.
- (2) An estimate of the cost of an appeal will be made available upon request.



**28. Deposit and withdrawal of amount of claim upon judicial review**

- (1) If a licensee intends to take a decision of the board on judicial review, the licensee must first deposit with the board, in trust, an amount equal to the amount in dispute.
- (2) The board shall release the amount held in trust, including interest accrued thereon -
  - (a) to the patron, within 7 days after a final, non-appealable order of a court that so directs; or
  - (b) to the licensee, within 7 days after a final, non-appealable order of a court that the licensee is not required to pay the claim.

## **PART 1 - GENERAL**

### **CHAPTER 6**

#### **EXCLUDED PERSONS**

**29. List of excluded persons**

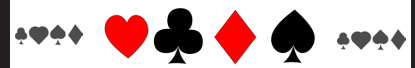
- (1) The board may establish a list of persons who are to be excluded or ejected from such licensed premises specified in the list and prohibited from partaking in such gambling specified in the list.
- (2) The criteria to be applied by the board for inclusion of a person upon such list are -
  - (a) Contravention of the gambling laws of any country;
  - (b) Contravention or conspiracy to contravene the provisions of the Act or any similar Act;
  - (c) Non-payment of gambling debts;
  - (d) Any court order prohibiting such person from entering any or specific licensed premises; or
  - (e) Any conduct which in the opinion of the board is undesirable.

**30. Entry of names**

- (1) Before a name is placed on the list, the board shall first review the information and evidence in its possession and make a determination that there is sufficient reason to believe that any one of the criteria specified in regulation 29 is applicable to the candidate.
- (2) No name shall be placed on the list until such time as the person concerned has had notice of the intention of placing his or her name on the list and been given an opportunity to be heard: Provided that the provisions of this subregulation shall not be applicable to a person whose name appears in exclusion lists of any other gambling regulatory body: Provided further that such a person's failure to respond to an invitation by the board to be heard or failure to request the opportunity to be heard shall not result in the board being prevented from conducting such a hearing in the absence of that person, and from placing that person's name on such a list, if the evidence is sufficient.

**31. Distribution and contents of the list**

- (1) The list shall be open to public inspection at the offices of the board, during normal office hours of the board and shall be distributed to -
  - (a) every licensed gambling establishment within the Province;
  - (b) all other gambling regulatory bodies in the Republic of South Africa.
- (2) The following information and data shall be provided for each excluded person -
  - (a) the full name and all aliases the person is believed to have used;



- (b) description of the person's physical appearance, height, weight, type of build, colour of hair and eyes, and any other physical characteristics which may assist in the identification of the person;
- (c) date of birth, if available;
- (d) the date the person's name was placed on the list;
- (e) a photograph and the date thereof, if available;
- (f) the reason for placing the person's name on the list; and
- (g) the type or types of licensed premises or gambling to which the exclusion applies.

**32. Notice of candidacy**

The notice to be given to a person in terms of regulation 30 (2) shall specify the grounds for inclusion on the list and shall inform the candidate that a request for a hearing may be made within fourteen days from the date of the notice.

**33. Hearing**

The provisions of sections 27(2) to (4), 28 and 29 of the Act and Chapter 7 of these regulations shall mutatis mutandis apply in respect of a hearing held in terms of this Chapter.

**34. Petition to be removed from the list**

- (1) Any person whose name has been placed on the list may, upon payment of such fee as the board may determine, petition the board in writing and request that his or her name be removed from such list, specifying the grounds believed by the petitioner to constitute good cause for removal of his or her name.
- (2) The board shall, within sixty days of receipt of a petition, either deny the petition or set the petition for hearing.
- (3) The burden of showing good cause for removal from the list shall at all times rest with the petitioner.
- (4) The board may determine time periods during which a person whose name appears on the list of excluded persons may not petition the board for removal of his or her name from such list.

**35. Excluded person prohibited from entering licensed premises or partaking in gambling**

An excluded person who knowingly enters licensed premises from which he or she is excluded or knowingly partakes in any gambling from which he or she is excluded, shall be guilty of an offence.

**36. Duty of licensee**

- (1) Whenever an identified excluded person enters or attempts to enter or is upon licensed premises from which he or she is excluded, the licensee and its agents or employees shall -
  - (a) request such excluded person not to enter, or if on the premises, to immediately leave;
  - (b) notify the South African Police Service to evict such person if such excluded person fails to comply with the request of the licensee, its agents or employees; and
  - (c) notify the board of the presence of any excluded person on the licensed premises.
- (2) A licensee shall not knowingly allow an excluded person to partake in any gambling from which he or she is excluded.

**36.(A) Refusal of entry to licensed premises**

- (1) A licensee may refuse any person entry to, or prohibit any person from remaining on, its licensed premises, provided that such person –



- (a) is afforded an opportunity to be heard; and
  - (b) is informed of his or her right to, within seven (7) days of such refusal or prohibition, appeal to an employee of the licensee with higher authority than the employee who affected the refusal or prohibition.
- (2) The licensee shall keep accurate records relating to the refusal, prohibition and appeal for a period of thirty (30) days following the outcome of the appeal.
- (3) Should a person who is refused entry to or prohibited from remaining on the licensed premises of a licensee be aggrieved with the outcome of an appeal as envisaged in sub-regulation (1)(b), he or she may, within seven (7) days after the outcome of such appeal, approach the Chief Executive Officer of the Board.
- (4) The provisions of sub-regulations (1), (2) and (3) shall not be applicable to:
- (a) a person who in terms of any law is prohibited from entering the licensed premises; or
  - (b) a person who has voluntarily requested the licensee to refuse him or her entry to the licensed premises or;
  - (c) a person who has been refused entry to, or prohibited from remaining on, the licensed premises for twenty-four (24) hours or less.

## CART 1 - GENERAL

### CHAPTER 7

#### HEARINGS

##### 37. Proceedings at hearings

- (1) The proceedings at a hearing shall, in so far as it has not been prescribed, be determined by the board or the person presiding at the hearing.
- (2) The board or the person presiding at a hearing may direct the aspects to be covered in oral presentations by a person afforded the opportunity to be heard at such hearing and may set time limits for such oral presentations.

##### 38. Evidence at hearing

- (1) The hearing need not be conducted according to technical rules of evidence applicable in a court of law.
- (2) Any relevant evidence may be admitted and shall be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any statutory rule which might make improper the admission of such evidence in a court action.
- (3) Hearsay may support a finding of the board if it is the best evidence available, has sufficient indication of trustworthiness and reliability and is of the type reasonably and customarily relied on in the gambling industry.
- (4) The board may take official notice of any generally accepted information or technical or scientific matter within the field of gambling.

##### 39. Record of proceedings at hearing

- (1) The board or hearing officer shall cause minutes to be kept of proceedings at any hearing.
- (2) Oral proceedings shall be recorded by such means to adequately ensure the preservation of such proceedings and shall be transcribed on request of any party, at the cost of such requesting party and such recordings shall be retained by the board for a period of at least one year.

**40. Decisions and final orders**

- (1) The board shall render a written order including the bases for its decision.
- (2) Copies of the final board order shall be served on affected parties in accordance with these regulations, within a reasonable time period.
- (3) A final board order shall become effective upon serving of notice of the order.

**PART 1 - GENERAL****CHAPTER 8****SERVING OF NOTICES****41. Serving of notices**

- (1) Any notice to be given to a person by the board in terms of the Act or these regulations shall be given by -
  - (a) personal delivery;
  - (b) registered mail;
  - (c) facsimile transmission; or
  - (d) e-mail.
- (2) Any notice given by the board in terms of subregulation (1) shall be deemed to have been received -
  - (a) in the case of personal delivery, upon delivery of the notice to such person's physical address;
  - (b) in the case of registered mail, 14 days after it has been posted; or
  - (c) in the case of facsimile transmission, at 10h00 on the first business day following the date of transmission.
  - (d) e-mail.

**PART 1 - GENERAL****CHAPTER 9****ADVERTISING****42. Undesirable advertising**

- (1) A specific advertisement or form of advertising shall be undesirable if, in the opinion of the board -
  - (a) it is offensive;
  - (b) it is misleading;
  - (c) it is in bad taste;
  - (d) it is not in the public interest; or
  - (e) it contrasts or compares licensees with regard to -
    - (i) the size;
    - (ii) the number of games available; or
    - (iii) house advantage, hold, win or any like indication of the probability of winning or losing.



- (2) The board may, after affording a licensee the opportunity to be heard, by written notice to a licensee, declare any advertisement or form of advertising undesirable on any of the grounds specified in subregulation (1).
- (3) No licensee may conduct advertising declared undesirable by the board in terms of subregulation (2).

## **PART 1 - GENERAL**

### **CHAPTER 10**

#### **DISPLAY OF LICENCE**

##### **43. Licence to be prominently displayed**

A licence issued in terms of the provisions of the Act shall be prominently displayed in a conspicuous place in the licensed premises.

## **PART 1 - GENERAL**

### **CHAPTER 11**

#### **RETENTION OF RECORDS**

##### **44. Period of retention**

All records required to be kept by a licensee in terms of these regulations shall be retained by the licensee for a period of at least five years.

##### **45. Accessibility of records**

All records shall be organised and indexed in such a manner to provide immediate accessibility to the board.

## **PART 1 - GENERAL**

### **CHAPTER 12**

#### **CHEATING**

##### **46. Cheating prohibited**

No person may cheat at any gambling game.

##### **47. Use of certain devices prohibited**

- (1) No person may at a licensed premises use, or possess with the intent to use, any device to assist -
  - (a) in projecting the outcome of a game;
  - (b) in keeping track of the cards played;
  - (c) in analysing the probability of the occurrence of an event relating to a game; or
  - (d) in analysing the strategy for playing or betting to be used in a game,except as approved by the board in writing, upon the written request of a licensee.
- (2) The provisions of subregulation (1) shall not be deemed to prohibit -
  - (a) the making and referring to handwritten records of the cards played at punto banco or baccarat; or





(b) the making and referring to handwritten records of roulette results.

#### 48. Fraudulent acts

No person may -

- (a) alter or misrepresent the outcome of a casino game or other event on which wagers have been made after the outcome is determined but before it is revealed to the players;
- (b) place, increase or decrease a bet or determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome;
- (c) claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from any gambling activity, with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;
- (d) place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet;
- (e) reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet; or
- (f) manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game or the amounts won or lost.

#### 49. Use of counterfeit, unapproved or unlawful wagering instruments

No person may use counterfeit chips or other counterfeit wagering instruments in a casino game or have such chips or wagering instruments in his or her possession.

#### 50. Detention and questioning of person suspected of contravention

- (1) Any licensee, or his or her officers, employees or agents may question any person in his or her licensed premises suspected of contravening any of the provisions of this Chapter or of section 74 of the Act.
- (2) Any licensee or any of his or her officers, employees or agents who has reasonable cause for believing that there has been a contravention of this Chapter or of section 74 of the Act by any person may take that person into custody, inform the South African Police Service and detain such person in the establishment in a reasonable manner until the arrival of a police officer.
- (3) The taking into custody and detention of a person in terms of subregulation (2) does not render the licensee or his or her officers, employees or agents criminally or civilly liable unless it is established by clear and convincing evidence that the taking into custody and detention are unreasonable under all the circumstances.

#### 51. Seizure and forfeiture

- (1) Any object or device used or capable of being used for cheating at a gambling game may be seized by an inspector or police officer.
- (2) Any object or device contemplated in subregulation (1) may not be returned to the owner or any other person and must be retained or destroyed in the manner determined by the board.

#### 52. Offences

A person who contravenes, or fails to comply with, the provisions of this chapter, shall be guilty of an offence.



## PART 1 - GENERAL

### CHAPTER 13

#### DEATH OR DISABILITY OF LICENSEE

**53. Board to be notified of death or disability**

In the event of the death or judicially established disability of a licensee, his or her next-of-kin, personal representative, executor or guardian shall notify the board immediately of such death or disability.

**54. Board may issue temporary licence**

The board may, in its discretion, issue a temporary licence to the executor or guardian or a relative of the deceased or disabled person, pending action on an application for a licence by the successor in interest of the deceased or disabled person.

## PART 1 - GENERAL

### CHAPTER 14

#### SUITABILITY OF THIRD PARTIES

**55. Suitability of certain persons doing business with licensee**

The board may require any supplier of goods or services, lender or lessor to a licensee or any borrower or lessee of a licensee, to apply for a certificate of suitability, in the manner determined by the Board: Provided that the board shall require every junket agent to apply for a certificate of suitability.

**56. Financial interests in holder of certificate of suitability**

The provisions of Chapter 23 of these regulations shall *mutatis mutandis* apply to the holder of a certificate of suitability.

**57. Suspension or revocation of certificate of suitability**

The board may, after giving the holder of a certificate of suitability an opportunity to be heard, suspend for a specified time or revoke a certificate -

- (a) if any information in the application for such certificate was false in any material respect or was subject to any material omission;
- (b) if the holder of the certificate has failed to comply with or has contravened any term or condition of the certificate; or
- (c) there are good reasons for doing so and it is in the best interest of the proper control and regulation of gambling.

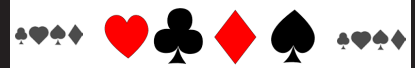
**58. Termination of association**

(1) If the board -

- (a) denies an application for a certificate of suitability; or
- (b) suspends or revokes a certificate of suitability,

the licensee concerned shall summarily terminate any agreement or association between the licensee and such applicant or certificate holder, without liability on the part of the licensee.

(2) Failure expressly to include the provisions of subregulation (1) in an agreement is not a defense in any action brought in terms of this regulation to terminate the agreement.



## PART 1 - GENERAL

### CHAPTER 15

#### OFFENCE TO WILFULLY FAIL TO RECORD REVENUE OR RENDER A FALSE RETURN

##### 59. Offence to wilfully fail to record taxable revenue or render a false return

- (1) A licensee who wilfully fails to record revenue in the records and in the format in which it should be recorded in terms of the provisions of these Regulations or any rule of the board, shall be guilty of an offence.
- (2) A licensee who wilfully furnishes false or misleading information in any return required by these Regulations, shall be guilty of an offence.

## PART 2 - CASINOS

### CHAPTER 16

#### EMPLOYEE REGISTRATION

##### 60. Key Employees

- (1) The following employees of a casino licensee shall be classified as key employees for the purposes of these regulations -
  - (a) the senior management of the licensee;
  - (b) if the licensee 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 casino personnel;
  - (d) any individual who has the authority to supervise or direct a shift of each gaming or security activity, including but not limited to the supervision or direction of the entire pit operation, gaming machines or other gaming operation, and any persons having authority to supervise or direct such persons;
  - (e) any individual having authority or the responsibility to manage one or more of the following types of departments or functions of the operation, including, but not limited to:
    - (i) the accounting department,
    - (ii) credit and collections department,
    - (iii) cage department,
    - (iv) personnel department,
    - (v) internal audit department,
    - (vi) security department and
    - (vii) surveillance department;
  - (f) any individual who has been specifically represented to the board by a licensee, officer or director thereof as being important or necessary to the operation of the casino establishment;
  - (g) all persons who individually or as part of a group formulate management policy; and
  - (h) any job position or individual who, upon written notification by the board, is considered to be a key position or employee for purposes of these regulations.



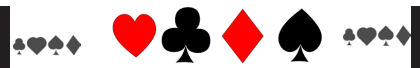
- (2) For purposes of subregulation (1)(h), the board shall not be restricted by the title of the job performed but shall consider the functions and responsibilities of the person or position involved in making its decision as to key employee status.
- (3) Subject to regulation 62, a licensee shall not employ a key employee until such time as the prospective employee has applied for and been granted registration as a key employee by the board.
- (4) A licensee shall, within 14 days of termination of the employment of a key employee, notify the board in writing of such termination and the reasons therefor.

#### 61. Other casino employees

- (1) The following occupations shall be classified as casino occupations for the purposes of these regulations -
  - (a) table inspector;
  - (b) dealer/croupier;
  - (c) cashier;
  - (d) counter;
  - (e) change attendant;
  - (f) host;
  - (g) floor attendant;
  - (h) security attendant;
  - (i) gaming machine attendant;
  - (j) gaming machine technician;
  - (k) surveillance personnel;
  - (l) gaming credit personnel;
  - (m) gaming debt collection personnel;
  - (n) internal audit personnel;
  - (o) accounting personnel;
  - (p) data processing personnel;
  - (q) bingo personnel; and
  - (r) any other occupation that, upon written notification by the board, is considered to be a casino occupation for purposes of these regulations.
- (2) Subject to regulation 62, a licensee shall not employ anybody in a casino occupation until such time as the prospective employee has applied for and been granted registration as a casino employee by the board.
- (3) A licensee shall, within 14 days of termination of the employment of a casino employee, notify the board in writing of such termination and the reasons therefor.
- (4) Every casino employee shall have his or her registration card or certificate available for inspection in such manner as the board may determine at all times when such person is on duty.

#### 62. Temporary registration

- (1) Where application for registration has been made and the board is satisfied that -
  - (a) the operation of the licensee's business will be seriously prejudiced or disadvantaged by a delay in the employment of the applicant; and
  - (b) the commencement of the employment of the applicant will not prejudice the integrity and proper operation of the licensee's business,



the board may issue the applicant with a temporary registration card or certificate, pending the outcome of such applicant's application for registration.

- (2) If the application for registration by the holder of a temporary registration card or certificate is denied by the board, the licensee 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, without liability on the part of the licensee.
- (3) The provisions of subregulation (2) shall be a condition of employment.

#### **63. Proof of registration on employment record**

A licensee shall, in respect of every employee required to be registered in terms of this Chapter, keep a copy of such employee's registration card or certificate on the employment record of that employee.

#### **64. Suspension or revocation of registration**

- (1) If an employee required to be registered in terms of this chapter -
  - (a) has his or her registration revoked by the board, the licensee 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; or
  - (b) has his or her registration suspended by the 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 board, without liability on the part of the licensee.
- (2) The provisions of subregulation (1) shall be a condition of employment.

## **PART 2 - CASINOS**

### **CHAPTER 17**

#### **STAKES AND PRIZES**

##### **65. Table games**

- (1) The minimum and maximum stakes allowed as may be determined by the board, and the prizes payable in respect of winning wagers applicable to every licensed game shall at all times be displayed on the table or in a conspicuous place immediately adjacent thereto.
- (2) Payoff schedules or award cards must accurately state actual payoffs or awards applicable to the particular game and shall not be worded in such a manner as to mislead or deceive the public.

##### **66. Gaming machines**

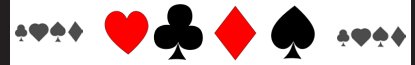
- (1) Stakes and prizes allowed may be determined by the Board.
- (2) Gaming machines exposed for play must have a theoretical and demonstrable return to the public of not less than 80 percent.
- (3) All winning combinations, together with the corresponding prizes, must be clearly displayed, or be easily accessible by the player, on every gaming machine exposed for play.

## **PART 2 - CASINOS**

### **CHAPTER 18**

#### **CREDIT EXTENSION**

##### **67. Credit extension**



- (1) A licensee may extend credit, subject to such limits as may be determined by the board, to qualified patrons provided that prior to the extension of credit, the licensee obtains and documents in its records, sufficient information regarding the patron's identity, credit history and financial capabilities in such manner as required by the licensee's approved system of internal control.
- (2) Failure by a licensee to deposit for collection a negotiable instrument by the close of the banking day following the receipt thereof, or the banking day following the completion of a continuous and uninterrupted residence by the patron concerned in the accommodation facilities located at the same licensed premises of the licensee, whichever is the later, shall be deemed to be an extension of credit.

## PART 2 - CASINOS

### CHAPTER 19

#### CASH TRANSACTIONS

##### 68. Prohibited Transactions by Licensees

- (1) Cash shall not be exchanged for cash except to enable the patron to participate in gaming where cash is used as the stake or for the purpose of converting such cash after participation in gaming.
- (2) A cheque or other negotiable instrument shall not be issued nor shall any transfer of funds be effected to or on behalf of a patron in exchange for cash, other negotiable instrument, chips or tokens, unless the licensee is satisfied that the patron has genuinely participated in gaming.

##### 69. Transactions to be reported

- (1) The following transactions by a licensee shall be subject to the reporting requirements of this Chapter -
  - (a) Exchanging cash for cash or other negotiable instrument with or on behalf of a patron in any transaction in which the amount of the exchange exceeds R25 000,00.
  - (b) Issuing a cheque or other negotiable instrument to a patron, or otherwise effecting any transfer of funds on behalf of a patron, in exchange for cash or other negotiable instrument in any transaction in which the amount of the exchange exceeds R25 000,00.
  - (c) Redeeming more than R25 000,00 worth of the licensee's chips from a patron for cash or other negotiable instrument in any transaction.
  - (d) Selling or otherwise issuing in any transaction more than R25 000,00 worth of the licensee's chips to a patron for cash or other negotiable instrument.
  - (e) Receiving more than R25 000,00 in cash or other negotiable instrument from a patron in any transaction as a deposit for gaming or safekeeping purposes if the licensee has knowledge of the amount of cash deposited.
  - (f) Receiving more than R25 000,00 in cash or other negotiable instrument from a patron in any transaction as a repayment of credit previously extended.
  - (g) Accepting more than R25 000,00 in cash or other negotiable instrument as a wager at any gaming activity at which chips are not customarily used for wagering.
  - (h) Receiving from or disbursing to a patron more than R25 000,00 in cash or other negotiable instrument in any transaction not covered specifically by paragraphs (a) to (g).
- (2) The amount of R25 000,00 referred to in subregulation (1) may be increased at the discretion of the board.

**70. Transaction Reports**

- (1) Before completing a transaction described in regulation 69, the licensee must -
  - (a) obtain or reasonably attempt to obtain the patron's name, permanent address and identity number;
  - (b) verify the accuracy of the information obtained in terms of paragraph (a) by examining the patron's identity document, passport or other reliable identity credential.
  - (c) record, in such manner and using such forms as the board may require or approve:
    - (i) the date of the transaction;
    - (ii) the amount of the transaction;
    - (iii) the nature of the transaction;
    - (iv) the patron's name and permanent address;
    - (v) the patron's identity number;
    - (vi) the method used to verify the patron's identity;
    - (vii) the names and signatures of the persons handling the transaction and recording the information on behalf of the licensee.
- (2) Each licensee shall lodge with the board a copy of the records contemplated in subregulation (1)(c), within 14 days after the end of the month to which the records relate.

**71. Multiple transactions**

- (1) A licensee and its employees and agents shall not knowingly allow, and each licensee shall take all reasonable steps to prevent, the circumvention of any of the provisions of this chapter by multiple transactions in a 24-hour period with a patron or a patron's agent or accomplice.
- (2) For purposes of the reporting requirements set out in regulation 69, each licensee shall aggregate all cash transactions within a 24-hour period between the licensee and a patron or a person who the licensee knows or should have known is the patron's agent or accomplice.

**72. Internal controls**

Each licensee shall include as part of its system of internal control lodged with the board in accordance with these regulations a description of procedures adopted by the licensee to comply with this Chapter.

**PART 2 - CASINOS****CHAPTER 20****ACCOUNTING RECORDS AND RETURNS****73. Accounting records**

- (1) Each licensee shall, in such manner as the board may approve or require, keep accurate, complete, legible and permanent records of all its transactions.
- (2) Each licensee shall keep generally accepted accounting records on a double entry system of accounting, maintaining detailed, supporting subsidiary records, identifying revenue, expenses, assets, liabilities and equity; and
  - (a) individual game records to reflect drop, win, and the percentage of win to drop by table for each table game, and to reflect drop, win and the percentage of win to drop for each type of table game, either by each shift or other accounting period approved by the board and individual game records reflecting similar information for all other games;



- (b) gaming machine analysis reports which by each machine reflect turnovers and payouts and compare actual hold percentages to theoretical hold percentages on a daily, monthly, quarterly, annual and 12 month rolling basis;
- (c) the records required by the licensee's approved system of internal control;
- (d) any other records that the board specifically requires be maintained.

#### **74. Audited financial statements**

- (1) Each licensee shall, in order to comply with subregulation (3), after the end of each financial year of the licensee, prepare annual financial statements in accordance with statements of Generally Accepted Accounting Practice promulgated by the Accounting Practices Board.
- (2) Each licensee shall engage an independent auditor, registered in terms of the Public Accountant's and Auditors' Act, 1991 (Act 80 of 1991) as being engaged in public practice, who shall audit the licensee's annual financial statements in accordance with generally accepted auditing standards.
- (3) Each licensee shall submit to the board two copies of its audited annual financial statements, and any reports communicating the results of the audit, including management letters, not later than 120 days, or such extended period as the board may determine, after the last day of the licensee's financial year.
- (4) The board may request additional information or documents from either the licensee or the auditor of the licensee, through the licensee, regarding the financial statements or the services performed by the auditor.

#### **75. Other records**

Each licensee shall keep at its licensed premises or registered offices, or shall provide to the board on its request, the following records or documents or equivalent -

- (a) a copy of the memorandum and articles of association of the company, including any amendments;
- (b) a copy of the company's certificate to commence business;
- (c) a register of all current and former officers and directors;
- (d) minutes of all meetings of the shareholders;
- (e) minutes of all meetings of the directors and committees of the board of directors;
- (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
- (g) any other records that the board specifically requires be maintained.

#### **76. Returns to be rendered**

Each licensee shall, in the manner and format determined by the board, submit such information at such intervals as the board may determine.

## **PART 2 - CASINOS**

### **CHAPTER 21**

#### **REGISTRATION AND MAINTENANCE OF GAMING DEVICES AND EQUIPMENT**

##### **77. Certain equipment to be registered**





- (1) A licensee shall not keep or maintain any of the following equipment which has not, on application in the manner and form determined by the board, been separately approved and registered by the board -
- (a) roulette tables;
  - (b) roulette wheels;
  - (c) blackjack tables;
  - (d) craps tables;
  - (e) punto banco tables;
  - (f) baccarat tables;
  - (g) poker tables;
  - (h) gaming machines; and
  - (i) such other equipment as the board may determine.

1A The approval granted by the Board in respect of any electronic gaming equipment in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any approval granted prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation: Provided further that the Board may extend a period of 7 (seven) years if deemed appropriate in the circumstances.

- (2) A licensee may at any time prior to the lapse of approval and registration, in the manner and form determined by the board, apply for the deregistration of equipment registered in terms of subregulation (1)."

#### **78. Maintenance of registered equipment**

A licensee shall not alter the operation of registered equipment without the prior approval of the board and shall maintain all equipment in a suitable condition.

#### **79. Equipment to be of approved type**

Subject to regulation 77, a licensee shall not keep or expose for play any equipment which may be used in the operation of a gaming game other than equipment which is identical in all material respects to equipment approved by the board for distribution by the manufacturer or supplier.

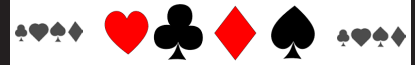
#### **80. Records to be kept by licensee**

A licensee shall keep such records in respect of equipment contemplated in regulations 77 and 79 as the board may require or approve.

#### **81. Cards, dice and roulette balls control**

Each licensee shall submit to the board for approval procedures that provide adequate security over cards, dice and roulette balls and limit the possibility of unauthorised access and tampering, including -

- (a) a card, dice and roulette ball inventory system which shall include, at least, the recording of the following:
  - (i) the balance of cards, dice and roulette balls on hand;
  - (ii) cards, dice and roulette balls removed from storage;
  - (iii) cards, dice and roulette balls returned to storage or received from the manufacturer;
  - (iv) the date of the transaction; and
  - (v) the signatures of the employees involved;
- (b) a reconciliation on a daily basis of the cards, dice and roulette balls distributed, the cards, dice and roulette balls destroyed and cancelled, the cards, dice and roulette balls returned to the primary storage area and, if any, the cards, dice and roulette balls in reserve;



- (c) a physical inventory of the cards, dice and roulette balls at least once every three months by an independent person; and
- (d) procedures for destruction and cancellation of cards, dice, and roulette balls.

## PART 2 - CASINOS

### CHAPTER 22

#### FEES, TAXES AND LEVIES

##### 82. Application fees

Applications must be accompanied by the following non-refundable application fees -

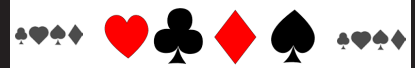
Type of application	Fee
1 Casino licence	R1 128 545,00
2 Certificate of suitability	11 292,00
3 Transfer of licence/Consent for procurement of interest in licensee	11 292,00
4 Amendment of licence	11 292,00
5 Key employee registration	2 303,00
6 Casino employee registration	573,00

##### 83. Recovery of investigation expenses

- (1) All expenses incurred by the board in investigating an applicant, excluding an applicant for employee registration, shall be paid by the applicant in the manner prescribed by this regulation.
- (2) The board shall estimate investigative fees and costs and require a deposit to be paid by the applicant in advance as a condition precedent to beginning or continuing an investigation.
- (3) The board may, at any stage during an investigation, require an applicant to pay additional deposits for the payment of investigative fees and costs.
- (4) Upon completion of its investigation, the board shall supply the applicant with a detailed account of investigative fees and costs incurred.
- (5) The board shall not take final action on any application unless all investigative fees and costs have been paid in full.

##### 84. Licence fees

- (1) Every holder of a casino licence shall pay a licence fee of R112 922,00 plus -
  - (a) R2 079,00 per registered gaming machine exposed for play to the public;
  - (b) R4 157,00 per licensed casino table; and
  - (c) R101,00 per licensed bingo seat,
 for every year or part of a year ending on 31 March.
- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence, on registration of gaming machines and thereafter before 1 April of every year.
- (3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is



payable. Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

#### **85. Gaming tax**

- (1) The gaming tax payable in terms of section 61 of the Act, shall be paid at the rate of nine percent of the licensee's gross gaming revenue.
- (2) For each table game, gross gaming revenue equals the closing bankroll plus credit slips for cash, chips or tokens returned to the casino cage, plus drop, less opening bankroll and fills to the table.
- (3) For each gaming machine, gross gaming revenue equals metered win or loss, less any approved provision towards the wide area progressive jackpot.
- (4) For each card game and any other game in which the licensee is not a party to a wager, gross gaming revenue equals all money received by the licensee as compensation for conducting the game.
- (5) If in any tax period the amount of gross gaming revenue is less than zero, the licensee may deduct the excess in the succeeding tax periods, until the loss is fully offset against gross gaming revenue.

#### **86. Payment of gaming tax**

- (1) Every licensee shall -
  - (a) not later than Wednesday in each week or, if any Wednesday is a public holiday, not later than the next working day submit to the board a return in the form and containing such information in respect of its gaming operations during the preceding week as may be determined by the board; and
  - (b) simultaneously pay to the board any gaming tax due in respect of the preceding week.
- (2) The preceding week contemplated in subregulation (1) shall be the week ending at the close of a licensee's gaming day on the preceding Sunday, at the time stipulated in the licensee's approved system of internal control.

#### **87. Penalty for late payment of gaming tax**

If the gaming tax payable in terms of section 61 of the Act is not paid in accordance with the provisions of regulation 86, the licensee shall pay a penalty on the amount of any outstanding tax at a rate of ten percent of the tax for each week or part of a week during which the tax remains unpaid: Provided that such penalty shall not exceed twice the amount of the tax in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the tax within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

## **PART 2 - CASINOS**

### **CHAPTER 23**

#### **FINANCIAL INTERESTS IN LICENSEES**

#### **88. Notice of procurement of interest and application for consent**

- (1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such further information as the board may deem necessary.



- (2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest.
- (3) The Board may require any person who holds directly or indirectly a financial interest of less than 5% to apply for consent to hold such interest.

#### **89. Disposal of interest by applicant denied consent**

If for any reason consent is not granted to an applicant, the board may -

- (a) declare the agreement for the procurement of the relevant interest null and void; or
- (b) order the applicant to, within 30 days or such longer period as the board may determine, dispose of the relevant interest for no more than the applicant paid for such interest, or such greater amount approved by the board.

#### **90. Determination of unsuitability**

- (1) If at any time the board, after giving the owner of a financial interest in a licensee the opportunity to be heard, finds that such owner is unsuitable to continue owning such an interest, such owner shall, within 3 months of the date of such finding, or such longer period as the board may determine, dispose of his or her interest in the licensee.
- (2) Beginning upon the date when the board serves notice of a determination of unsuitability in terms of subregulation (1) upon the licensee, the unsuitable owner shall not exercise, directly or through any trustee or nominee, any voting right conferred by the ownership of his or her interest in the licensee.

#### **91. Principals to be disclosed**

No person may hold or acquire any interest in a licensee as agent or nominee for an undisclosed principal or beneficial owner.

#### **92. Offences**

A person who contravenes, or fails to comply with, the provisions of this Chapter, shall be guilty of an offence.

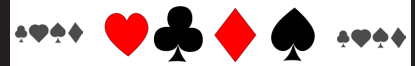
## **PART 2 - CASINOS**

### **CHAPTER 24**

#### **CHIPS AND TOKENS**

#### **93. Approval of Chips and Tokens; Applications and Procedures**

- (1) A licensee shall not issue any chips or tokens for use in its gaming establishment, or sell or redeem any such chips or tokens, unless the chips or tokens have been approved in writing by the board.
- (2) A licensee shall not issue any chips or tokens for use in its gaming establishment, or sell or redeem any such chips or tokens, that are modifications of chips or tokens previously approved by the board unless the modifications have been approved in writing by the board.
- (3) Applications for approval of chips, tokens, and modifications to previously approved chips or tokens must be made, processed, and determined in such manner and using such forms as the board may determine.
- (4) Each application must include, in addition to such other items or information as the board may require –



- (a) an exact drawing, in colour, of each side and the edge of the proposed chip or token, drawn to actual size or drawn to larger than actual size and in scale, and showing the measurements of the proposed chip or token in each dimension;
  - (b) written specifications for the proposed chips or tokens;
  - (c) the name and address of the manufacturer; and
  - (d) the licensee's intended use for the proposed chips or tokens.
- (5) If, after receiving and reviewing the items and information described in subregulation (4), the board is satisfied that the proposed chips or tokens conform with the requirements of this chapter, the board shall notify the licensee in writing and shall request, and the licensee shall thereupon submit, a sample of the proposed chips or tokens in final, manufactured form.
- (6) If the board is satisfied that the sample conforms with the requirements of this chapter and with the information submitted with the licensee's application, it shall approve the proposed chips or tokens and notify the licensee in writing.
- (7) As a condition of approval of chips or tokens issued for use at a specific table or counter game, the board may prohibit the licensee from using the chips or tokens other than at the specified game.
- (8) The board may retain the sample chips and tokens submitted in terms of this regulation.

#### 94. Specifications for Chips and Tokens

- (1) Chips and tokens must be designed, manufactured, and constructed in compliance with all applicable laws of the Republic and these regulations and so as to prevent counterfeiting of the chips and tokens to the extent reasonably possible.
- (2) Chips and tokens must not deceptively resemble any current or past coinage of the Republic or any other nation.
- (3) In addition to such other specifications as the board may approve -
  - (a) the name of the issuing gaming establishment must be inscribed on each side of each chip and token, and the city or other locality where the establishment is located must be inscribed on at least one side of each chip and token, other than chips used exclusively at roulette;
  - (b) the value of the chip or token must be inscribed on each side of each chip and token, other than chips used exclusively at roulette;
  - (c) the manufacturer's name or a distinctive logo or other mark identifying the manufacturer must be inscribed on at least one side of each chip and token, other than chips used exclusively at roulette; and
  - (d) each chip must be designed so that when stacked with chips and tokens of other denominations and viewed on closed-circuit television, the denominations of the chip can be distinguished from that of the other chips and tokens in the **stack**.

#### 95. Additional Specifications for Tokens

Tokens must not be manufactured from material possessing sufficient magnetic properties so as to be accepted by a coin mechanism, other than that of a gaming machine.

#### 96. Use of Chips and Tokens

- (1) A licensee that uses chips or tokens at its gaming establishment shall -
  - (a) comply with all applicable laws of the Republic pertaining to chips or tokens;
  - (b) sell chips and tokens only to patrons of its gaming establishment and only at their request;
  - (c) promptly redeem its own chips and tokens from its patrons;



- (d) post conspicuous signs at its establishment notifying patrons that the law prohibits the use of the licensee's tokens, and that these regulations prohibit the use of the licensee's chips, outside the establishment for any monetary purpose whatever; and
  - (e) take reasonable steps, including examining chips and tokens and segregating those issued by other licensees to prevent sales to its patrons of chips and tokens issued by another licensee.
- (2) A licensee shall not accept chips or tokens as payment for any goods or services, other than food and beverage, offered on the licensed premises with the exception of the specific use for which the chips or tokens were issued, and shall not give chips or tokens as change in any other transaction.
- (3) A licensee shall not redeem its chips or tokens if presented by a person who the licensee knows or reasonably should know is not a patron of its gaming establishment, except that a licensee shall promptly redeem its chips and tokens if presented by -
- (a) another licensee who represents that it redeemed the chips and tokens from its patrons and received them unknowingly, inadvertently, or unavoidably; or
  - (b) an employee of the licensee who presents the chips and tokens in the normal course of employment.
- (4) A licensee shall not knowingly sell, use, permit the use of, accept, or redeem chips or tokens issued by another licensee, except as follows -
- (a) A licensee may redeem tokens issued by another licensee if:
    - (i) the tokens are presented by a patron for redemption to a cashier of the licensee's gaming establishment and the patron states that he or she received the tokens at the licensee's establishment from the payout chutes of gaming machines or from an employee of the licensee; or
    - (ii) the tokens are presented by a patron at a table game, and the licensee redeems the tokens with tokens of its own, places the redeemed tokens in the table's drop box, and separates and properly accounts for the redeemed tokens during the count performed in terms of the licensee's system of internal control; and
  - (b) A licensee may redeem chips issued by another licensee if:
    - (i) the chips are presented by a patron for redemption at the cashier's cage of the licensee's gaming establishment; or
    - (ii) the chips are presented by a patron at a table game and the licensee redeems the chips with chips of its own, places the redeemed chips in the table's drop box, and separates and properly accounts for the redeemed chips during the count performed in terms of the licensee's system of internal control.
- (5) Chips whose use is restricted to uses other than at table games or other than at specified table games may be redeemed by the issuing licensee at table games or non-specified table games if the chips are presented by a patron, and the licensee redeems the chips with chips issued for use at the game, places the redeemed chips in the table's drop box, and separates and properly accounts for the redeemed chips during the count performed in terms of the licensee's system of internal control.

#### **97. Redemption and Disposal of Discontinued Chips and Tokens**

- (1) A licensee that permanently removes from use or replaces approved chips or tokens at its gaming establishment, or that ceases operating its gaming establishment whether because of closure or sale of the establishment or any other reason, must prepare a plan for redeeming discontinued chips and tokens that remain outstanding at the time of discontinuance.
- (2) The licensee must submit the plan in writing to the board not later than thirty (30) days before the proposed removal, replacement, sale, or closure, unless the closure or other cause for discontinuance of the chips or tokens cannot reasonably be anticipated, in which event the licensee must submit the plan as soon as reasonably practicable.



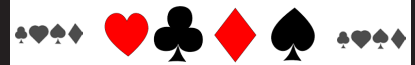
- (3) The board may approve the plan or require reasonable modifications as a condition of approval and upon approval of the plan, the licensee shall implement the plan as approved.
- (4) In addition to such other reasonable provision as the board may approve or require, the plan must provide for -
  - (a) redemption of outstanding, discontinued chips and tokens in accordance with this chapter for at least 120 days after the removal or replacement of the chips or tokens or for at least 120 days after operations cease as the case may be, or for such longer or shorter period as the board may for good cause approve or require;
  - (b) redemption of the chips and tokens at the premises of the gaming establishment or at such other location as the board may approve;
  - (c) publication of notice of the discontinuance of the chips and tokens and of the redemption and the pertinent times and locations in at least two newspapers of general circulation in the Province at least twice during each week of the redemption period, subject to the board's approval of the form of the notice, the newspapers selected for publication and the specific days of publication;
  - (d) conspicuous posting of the notice described in paragraph (c) at the gaming establishment or other redemption location; and
  - (e) destruction or such other disposition of the discontinued chips and tokens as the board may approve or require.

**98. Destruction of Counterfeit Chips and Tokens**

- (1) Unless a court of competent jurisdiction orders otherwise in a particular case, licensees shall destroy or otherwise dispose of counterfeit chips and tokens discovered at their establishments in such manner as the board may approve or require.
- (2) Unless the board or a court of competent jurisdiction orders otherwise in a particular case, licensees may dispose of coins of the Republic or any other nation discovered to have been unlawfully used at their establishments by including them in their coin inventories or, in the case of foreign coins, by exchanging them for local currency or coins and including same in their currency or coin inventories, or by disposing of them in any other lawful manner.
- (3) Each licensee shall record, in addition to such other information as the board may require -
  - (a) the number and denominations, actual and purported, of the coins and counterfeit chips and tokens destroyed or otherwise disposed of in terms of this Chapter;
  - (b) the month during which they were discovered;
  - (c) the date, place, and method of destruction or other disposition, including, in the case of foreign coin exchanges, the exchange rate and the identity of the bank, exchange company, or other business or person at which or with whom the coins are exchanged; and
  - (d) the names of the persons carrying out the destruction or other disposition on behalf of the licensee.

**99. Promotional and Tournament Chips and Tokens**

- (1) Promotional chips and tokens must be designed, manufactured, approved, and used in accordance



with the provisions of this Chapter applicable to chips and tokens, except as follows -

- (a) Promotional chips and tokens must be of such shape and size and have such other specifications so as to be distinguishable from other chips and tokens as determined by the board;
- (b) Each side of each promotional chip and token must conspicuously bear the inscription "No Cash Value";
- (c) Promotional chips and tokens must not be used, and licensees shall not permit their use, in transactions other than the promotions or tournaments for which they are issued; and
- (d) The provisions of regulation 98 shall not apply to promotional chips and tokens.

#### **100. Other value instruments**

Other value instruments with which gaming is conducted must be designed, manufactured, approved, used, discontinued, destroyed, or otherwise disposed of in accordance with the provisions of this Chapter applicable to chips and tokens, except as follows -

- (a) Such other instruments must be of such shape, size, and design and have such other specifications as the board may approve or require; and
- (b) The board, in its discretion, may deny approval of value instruments other than chips and tokens or may grant approval subject to such conditions as it considers appropriate.

#### **101. Receipt of Gaming Chips or Tokens from Manufacturer or Distributor**

- (1) When chips or tokens are received from the manufacturer or distributor thereof, they shall be opened and checked by at least three (3) employees of the licensee from different departments.
- (2) Any deviation between the invoice accompanying the chips or tokens and the actual chips or tokens received or any defects found in such chips or tokens shall be reported promptly to the board.
- (3) After checking the chips received, the licensee shall cause to be reported in a chip inventory ledger the denomination of the chips received, the number of each denomination of chips received, the description of all chips received, the date of such receipt, and the signature of the individuals who checked such chips.
- (4) If any of the chips received are to be held in reserve and not utilised either at the gaming tables or at a cashier's cage, they shall be stored in a separate locked compartment either in the vault or in a cashier's cage and shall be recorded in the chip inventory ledger as reserve chips.

#### **102. Inventory of Chips**

- (1) Chips shall be taken from or returned to the reserve chip inventory in the presence of at least three (3) individuals from different departments.
- (2) The denominations, number and amount of chips so taken or returned shall be recorded in the chip inventory ledger together with the date and signatures of the individuals carrying out this process.
- (3) Each licensee shall, on a daily basis, compute and record the unredeemed liability for each denomination of chips and cause to be made an inventory of chips in circulation and cause the result of such inventory to be recorded in the chip inventory ledger.
- (4) On at least a monthly basis, each licensee shall cause an inventory of chips in reserve to be made and cause the result of such inventory to be recorded in the chip inventory ledger.
- (5) The procedures to be utilised to compute the unredeemed liability and to inventory chips in circulation and reserve shall be submitted to the board for approval.
- (6) A physical inventory of chips in reserve shall be required at least annually if the inventory procedures





incorporate the sealing of the locked compartment.

- (7) During non-gaming hours all chips in the possession of the licensee shall be stored in a vault or in the cashier's cage, except that chips representing the table bankroll may be locked in a secure compartment, provided that there is adequate security as approved by the board.

## PART 2 - CASINOS

### CHAPTER 25

#### INTERNAL CONTROLS

##### 103. Minimum internal controls

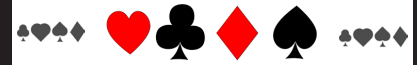
- (1) Each licensee shall establish and maintain administrative and accounting procedures for the purpose of determining the licensee's liability for taxes and fees under the Act and for the purpose of exercising effective control over the licensee's internal financial affairs.
- (2) The procedures must be designed to reasonably ensure that -
  - (a) assets are safeguarded;
  - (b) financial records are accurate and reliable;
  - (c) transactions are performed only in accordance with management's general or specific authorisation;
  - (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
  - (e) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

##### 104. Board to adopt minimum standards for internal control procedures

The board shall adopt and make available to applicants and licensees minimum standards for internal control procedures with which licensees must comply.

##### 105. Internal control system to be approved by board

- (1) Each licensee and each applicant for a licence shall describe, in such manner as the board may approve or require, its administrative and accounting procedures in detail in a written system of internal control and shall submit a copy thereof to the board for approval prior to implementation of the system.
- (2) Each system of internal control submitted for approval must include -
  - (a) an organisational chart depicting segregation of functions and responsibilities;
  - (b) a description of the duties and responsibilities of each position shown on the organisational chart;
  - (c) a detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of regulations 103 (2) and 104;
  - (d) a letter from an independent chartered accountant stating that the system of internal control has been reviewed by the accountant and complies with the requirements of this Chapter; and
  - (e) such further information as the board may require.
- (3) If the Board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Chapter, it shall so notify the applicant or licensee in writing.
- (4) Within 30 days after receiving the notification contemplated in subregulation (3), the applicant or licensee shall amend its internal control system accordingly, and shall submit a copy of the amended



system to the board for approval.

**106. Amendment of system of internal control**

- (1) A licensee wishing to amend its system of internal control shall, prior to implementing such amended system, submit to the board a copy of the written internal control system as amended, for approval.
- (2) The provisions of regulation 105 (2) to 105 (4) shall *mutatis mutandis* apply to an application for approval contemplated in subregulation (1).

## PART 2 - CASINOS

### CHAPTER 26

#### GENERAL CONDITIONS OF LICENCE

**107. Guarantee for completion of premises**

- (1) If an application for a licence is granted by the board in respect of premises not yet erected or completed, the applicant shall furnish the board with such forfeitable guarantee for the completion of the construction of the premises, as the board may require.
- (2) If the construction of the premises, or stages thereof, have not been substantially completed in accordance with the plan approved by the board, or within the period determined as a condition of licence, the licence may be revoked or shall be deemed not to have been granted and the guarantee referred to in subregulation (1) shall be forfeited.

**108. Conducting of games**

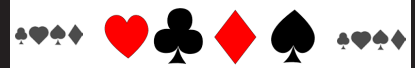
All games conducted by a licensee shall be conducted in accordance with game rules determined or approved by the board.

**108A. Display of the word “casino”**

The word “casino” shall be prominently displayed on the exterior of the premises which house licensed premises.

**108B. Electronic monitoring requirements**

- (1) A casino licensee must have a central computer or such other monitoring system as approved by the board, connected to all gaming machines exposed for play to record and monitor the activities of such machines.
- (2) A licensee may not alter or modify the approved monitoring system contemplated in subregulation (1), without the prior approval of the board.
- (3) The monitoring system contemplated in subregulation (1) shall provide either -
  - (a) on-line, real-time monitoring and data acquisition capability in the format and media approved by the board; or
  - (b) such other monitoring and data acquisition capability, as the board may determine in the conditions of licence.
- (4) The monitoring system required by subregulation (1) shall be designed and operated to perform and report functions relating to gaming machine meters and other functions as follows:
  - (a) record the number and total value of tokens or coins placed in each gaming machine for the purpose of activating play;
  - (b) record the number and total value of tokens or coins deposited in the drop bucket of each gaming machine;
  - (c) record the number and total value of tokens or coins automatically paid out by each gaming machine;



- (d) record the number and total value of tokens or coins to be paid manually;
  - (e) record such other information as the board may require.
- (5) A licensee shall store, in machine-readable format, all information required by subregulation (4) for a period of five years in addition to such other documentation that the board may require.

## PART 2 - CASINOS

### CHAPTER 27

#### SURVEILLANCE AND SECURITY

##### 109. Minimum Standards

- (1) This Chapter sets forth the minimum standards that shall be followed by licensees with respect to surveillance systems.
- (2) The board may, in its discretion, require a licensee to comply with surveillance system requirements that are more stringent than those set forth in this Chapter.

##### 110. Surveillance Systems : General Requirements

- (1) Every licensee shall install, maintain and operate at all times a surveillance system comprised of cameras, monitors, video recorders, and a video printer, that provides the coverage required by this Chapter.
- (2) The surveillance system must include date and time generators that display on each video recording the date and time of the recorded events and the displayed date and time must not obstruct the recorded view.
- (3) All equipment that may be utilised to monitor or record views obtained by the surveillance system must be and remain located in a room used exclusively for casino surveillance purposes and the entrance to the surveillance room must be located away from the view of casino employees and the general public.
- (4) Surveillance room equipment must have total override capability over any other satellite monitoring equipment in other offices.
- (5) The board and its agents shall at all times be provided immediate access to the surveillance room and other surveillance areas.
- (6) The surveillance system room must be staffed and the surveillance equipment monitored at all times by trained surveillance personnel who must be employed and trained by the licensee in accordance with minimum standards approved by the board, exclusively for surveillance purposes, and must possess knowledge of all table games and the regulations and rules pertaining to gaming operations.
- (7) The surveillance system and its equipment must be directly and securely wired in a way to prevent tampering and an auxiliary power source must be available and capable of providing uninterrupted power to the surveillance system in the event of a power loss and provide sufficient lighting to operate the surveillance system.
- (8) Each monitor screen in the surveillance system must be at least 30 centimetres measured diagonally.
- (9) Each camera in the surveillance system located in public areas must be placed behind a smoked glass dome, a one-way mirror or other similar material which conceals the camera from view.
- (10) **Deleted [Sub-r. (10) deleted by r14(c) of General Notice No. 1189 of 2001]**
- (11) The video printer used in the surveillance system must possess the capability to generate instantaneously upon command, a clear, still black and white or colour copy or photograph of the



images depicted on a video recording.

- (12) The licensee must have the capability of creating first generation copies of video surveillance tapes that are standard VHS format or other format approved by the board.

**111. Surveillance Systems : Count Rooms and Casino Cage**

- (1) Every licensee shall install, maintain, and operate at all times a surveillance system that monitors and records clear unobstructed views of all areas and transactions within -
- (a) the hard count room and any area where uncounted coin is stored during the drop and count process, including walls, doors, scales, wrapping machines, coin sorters, vaults, safes, and general work surfaces;
  - (b) the soft count room, including walls, doors, drop boxes, vaults, safes, and counting surfaces that must be transparent; and
  - (c) the casino cage, including customer windows, employees' windows, cash drawers, vaults, safes, counters, chip storage, and fill windows.
- (2) All transactions within the hard count room, soft count room, and casino cage, must be recorded with sufficient clarity to permit identification of each employee and his movements, and to permit identification of all currency, coins, and paperwork.
- (3) The soft count room shall have audio monitoring and recording capabilities.
- (4) The soft and hard count room tapes must be retained for a minimum of thirty (30) days.

**112. Surveillance Systems : Table Games and Card Rooms**

- (1) Every licensee who operates table games or a card room shall install, maintain, and operate at all times a surveillance system that possesses the capability to monitor and record clear and unobstructed views of the following -
- (a) all table game and card room areas with sufficient clarity to permit identification of all dealers, patrons, spectators and pit personnel;
  - (b) all table games or card table surfaces, including table bank trays, with sufficient clarity to permit identification of all chip, cash, dice and card values, and the outcome of the game;
  - (c) roulette tables and wheels must be recorded so as to permit views of both the table and the wheel on one monitor screen;
  - (d) all drop boxes and table numbers; and
  - (e) all card room or podium banks, including any drawers, cabinets and safes contained therein:
- Provided that each table shall be continuously and individually monitored and recorded by a dedicated fixed camera while the drop box is attached to such table.
- (2) The surveillance system must have the capability to view and record simultaneously both the table game area and the table game surface.

**113. Surveillance Systems : Gaming Machines**

- (1) Every licensee who exposes gaming machines for play shall install, maintain, and operate at all times a surveillance system that possesses the capability to continuously monitor and record clear, unobstructed, overall, and continuous views of all areas that contain gaming machines with sufficient clarity to identify all patrons and employees.
- (2) Every licensee who exposes gaming machines for play shall install, maintain, and operate at all times a surveillance system that possesses the capability to monitor and record clear and unobstructed views of all slot change booths, including their cash drawers, counter tops, counting machines, customer windows, and employee windows, recorded with sufficient clarity to permit identification of all transactions, cash, paperwork, patrons and employees.

**114. Surveillance Systems: Casino Security Offices**

- (1) The surveillance system must cover all areas of any security office wherein any persons may be detained, questioned, interviewed or interrogated by casino security officers.
- (2) Security office coverage must include both audio and video, be recorded at all times that a person is detained, questioned, interviewed or interrogated therein, and the signal must terminate in the surveillance room.
- (3) The recordings must be retained by the licensee for at least 30 days after the recorded event.
- (4) In each office or room covered by this section, a sign must be conspicuously displayed which states that the area is under constant audio and video surveillance.

**115. Casino Surveillance System Equipment Malfunctions**

- (1) Every licensee shall establish and maintain a written log of any and all casino surveillance system equipment malfunctions, and retain the log for at least one year after the date of the most recent entry in the log.
- (2) Each malfunction must be repaired within 24 hours of the malfunction.
- (3) If repair is not completed within 24 hours, the licensee shall immediately submit a written report to the board that sets forth the reason for the delay in repair and retain the report for at least 30 days after submission to the board.
- (4) The board may in its discretion order that all activity in the area affected by the malfunction be suspended pending repair.
- (5) In the event of a malfunction of a dedicated camera, recorder or monitor, the activity, games or slot machines being viewed must be suspended or closed pending repair.

**116. Surveillance System Recording Requirements**

- (1) In addition to any other video recording requirements that are or may be imposed by this Chapter every licensee shall record all views, activities, and locations as the board may from time to time require, which shall also include all entrances and reception areas.
- (2) Every licensee shall video record and maintain a written log of all activities observed by casino surveillance personnel that appear unusual or irregular, or that violate or appear to violate any law of the Republic, the Act, the regulations or rules promulgated thereunder, and notify the board immediately.
- (3) All video recordings produced by a surveillance system must present a clear and unobstructed view of the scene depicted thereon.
- (4) Every licensee must retain all video recordings for at least seven (7) days after the recording is produced, unless a longer time period is required by another section of this Chapter, or by order of the board.
- (5) Every video recording must be labelled by surveillance personnel with the date and time period of the recording and the areas covered by the recording, and signed by the person who made the recording, by no later than the end of the shift during which the recording was made.
- (6) All video recordings must be made in real time or extended play time and not in a time lapse recording mode.

**117. Surveillance System Plans; Alterations to Surveillance System**

- (1) Every applicant for a licence shall submit to the board upon its request a surveillance system plan for approval by the board.
- (2) The surveillance system plan must include a casino floor plan that shows the placement of all surveillance equipment in relation to the locations required by this chapter to be covered, and a detailed description of the casino surveillance system and its equipment.



- (3) No applicant or licensee shall alter or modify the approved surveillance system contemplated in subregulation (1), without the prior approval of the board.
- (4) An applicant or a licensee shall submit to the board an amended plan reflecting any alteration of the surveillance system no later than thirty (30) days prior to the proposed alteration or such shorter period as the board may allow.

#### 118. Compliance with Surveillance System Requirements

A licensee shall comply with the requirements set forth in this Chapter no later than seven (7) days prior to the start of its gaming operations.

## PART 3 - BINGO

### CHAPTER 28

#### EMPLOYEE REGISTRATION

##### 119. Key Employees

- (1) The following employees of a bingo licensee shall be classified as key employees for the purposes of these regulations -
  - (a) the senior management of the licensee;
  - (b) if the licensee 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 the authority to supervise or direct a session of bingo and any persons having authority to supervise or direct such persons;
  - (e) any individual having authority or the responsibility to manage one or more of the following types of departments or functions of the operation, including, but not limited to:
    - (i) the accounting department,
    - (ii) personnel department, and
    - (iii) internal audit department;
  - (f) any individual who has been specifically represented to the board by a licensee, officer or director thereof as being important or necessary to the operation of the bingo establishment;
  - (g) all persons who individually or as part of a group formulate management policy; and
  - (h) any job position or individual who, upon written notification by the board, is considered to be a key position or employee for purposes of these regulations.
- (2) For purposes of subregulation (1)(h), the 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) Subject to regulation 121, a licensee shall not employ a key employee until such time as the prospective employee has applied for and been granted registration as a key employee by the board.
- (4) A licensee shall, within 14 days of termination of the employment of a key employee, notify the board in writing of such termination and the reasons therefor.

##### 120. Other bingo employees

- (1) The board may, upon written notification, declare any occupation to be a bingo occupation for purposes of these regulations which may include, but not be limited to, Bingo callers, Bingo agents, Bingo cashiers, accounting personnel and computer operators.
- (2) Subject to regulation 121, a licensee shall not employ anybody in a bingo occupation until such time as



the prospective employee has applied for and been granted registration as a bingo employee by the board.

- (3) A licensee shall, within 14 days of termination of the employment of a bingo employee, notify the board in writing of such termination and the reasons therefor.
- (4) Every bingo employee shall have his or her registration card or certificate available for inspection in such manner as the board may determine, at all times when such person is on duty.

#### **121. Temporary registration**

- (1) Where application for registration has been made and the board is satisfied that -
  - (a) the operation of the licensee's business will be seriously prejudiced or disadvantaged by a delay in the employment of the applicant; and
  - (b) the commencement of the employment of the applicant will not prejudice the integrity and proper operation of the licensee's business,

the board may issue the applicant with a temporary registration card or certificate, pending the outcome of such applicant's application for registration.

- (2) If the application for registration by the holder of a temporary registration card or certificate is denied by the board, the licensee 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, without liability on the part of the licensee.
- (3) The provisions of subregulation (2) shall be a condition of employment.

#### **122. Proof of registration on employment record**

A licensee shall, in respect of every employee required to be registered in terms of this chapter, keep a copy of such employee's registration card or certificate on the employment record of that employee.

#### **123. Suspension or revocation of registration**

- (1) If an employee required to be registered in terms of this Chapter -
  - (a) has his or her registration revoked by the board, the licensee 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; or
  - (b) has his or her registration suspended by the 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 board,

without liability on the part of the licensee.
- (2) The provisions of subregulation (1) shall be a condition of employment.

## **PART 3 - BINGO**

### **CHAPTER 29**

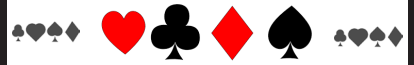
#### **STAKES AND PRIZES**

##### **124. Stakes**

The maximum amount, including participation fee, which may be charged to participate in a game of bingo, shall be as determined in the licence.

##### **125. Prizes**

A bingo game shall render a theoretical and demonstrable return to players of not less than sixty five percent.



## PART 3 - BINGO

### CHAPTER 30

#### CREDIT EXTENSION

##### 126. Credit extension prohibited

- (1) A licensee shall not, directly or indirectly, whether in his or her own name or that of a third party, extend credit in any form whatsoever to any patron, for the purpose of participating in a game of bingo.
- (2) Failure by a licensee to deposit for collection a negotiable instrument by the close of the next banking day following receipt shall be deemed an extension of credit.

## PART 3 - BINGO

### CHAPTER 31

#### ACCOUNTING RECORDS AND RETURNS

##### 127. Accounting records

- (1) Each licensee shall, in such manner as the board may approve or require, keep accurate, complete, legible and permanent records of all its transactions.
- (2) Each licensee shall keep generally accepted accounting records on a double entry system of accounting, maintaining detailed, supporting subsidiary records, identifying revenue, expenses, assets, liabilities and equity and any other records that the board specifically requires be maintained.

##### 128. Audited financial statements

- (1) Each licensee shall, in order to comply with subregulation (3), after the end of each financial year of the licensee, prepare annual financial statements in accordance with statements of Generally Accepted Accounting Practice promulgated by the Accounting Practices Board.
- (2) Each licensee shall engage an independent auditor, registered in terms of the Public Accountants' and Auditors' Act, 1991 (Act 80 of 1991) as being engaged in public practice, who shall audit the licensee's annual financial statements in accordance with generally accepted auditing standards.
- (3) Each licensee shall submit to the board two copies of its audited annual financial statements, and any reports communicating the results of the audit, including management letters, not later than 120 days, or such extended period as the board may determine, after the last day of the licensee's financial year.
- (4) The board may request additional information or documents from either the licensee or the auditor of the licensee, through the licensee, regarding the financial statements or the services performed by the auditor.

##### 129. Other records

Each licensee shall keep at its licensed premises or registered offices, or shall provide to the board on its request, the following records or documents or equivalent -

- (a) a copy of the memorandum and articles of association of the company, including any amendments;
- (b) a copy of the company's certificate to commence business;
- (c) a register of all current and former officers and directors;
- (d) minutes of all meetings of the shareholders;
- (e) minutes of all meetings of the directors and committees of the board of directors;
- (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and





- the date the shares were acquired; and
- (g) any other records that the board specifically requires be maintained.

### 130. Returns to be rendered

Each licensee shall, in the manner and format determined by the board, submit such information at such intervals as the board may determine.

## PART 3 - BINGO

### CHAPTER 32

#### FEES, TAXES AND LEVIES

#### 131. Application fees

Applications must be accompanied by the following non-refundable application fees -

	Type of application	Fee
1	Bingo licence	R225,00 per seat with a maximum fee of R104 495,00
2	Amendment of licence	R5 505,00
3	Transfer of licence/consent for procurement of interest in licensee	R10 898,00
4	Key employee registration	R2 303,00
5	Bingo employee registration	R573,00
6	Certificate of suitability	2 250,00

#### 132. Recovery of investigation expenses

- (1) All expenses incurred by the board in investigating an applicant, excluding an applicant for employee registration, shall be paid by the applicant in the manner prescribed by this regulation.
- (2) The board shall estimate investigative fees and costs and require a deposit to be paid by the applicant in advance as a condition precedent to beginning or continuing an investigation.
- (3) The board may, at any stage during an investigation, require an applicant to pay additional deposits for the payment of investigative fees and costs.
- (4) Upon completion of its investigation, the board shall supply the applicant with a detailed account of investigative fees and costs incurred.
- (5) The board shall not take final action on any application unless all investigative fees and costs have been paid in full.

#### 133. Licence fees

- (1) Every holder of a bingo licence shall pay a licence fee of R101,00 per licensed seat for every year or part of a year ending on 31 March.
- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before 1 April of every year.
- (3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided



that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

#### 134. Gaming tax

- (1) The gaming tax payable in terms of section 61 of the Act, shall be paid at the rate of twelve percent of the licensee's bingo revenue.
- (2) For purposes of subregulation (1), bingo revenue means the total amount of money staked by players on a bingo game, including participation fees, less the total amount returned to players by way of prizes.

#### 135. Payment of gaming tax

- (1) Every licensee shall -
  - (a) not later than Wednesday in each week or, if any Wednesday is a public holiday, not later than the next working day submit to the board a return in the form and containing such information in respect of its gaming operations during the preceding week as may be determined by the board; and
  - (b) simultaneously pay to the board any gaming tax due in respect of the preceding week.
- (2) The preceding week contemplated in subregulation (1) shall be the week ending at the close of a licensee's gaming day on the preceding Sunday, at the time stipulated in the licensee's approved system of internal control.

#### 136. Penalty for late payment of gaming tax

If the gaming tax payable in terms of section 61 of the Act is not paid in accordance with the provisions of regulation 135, the licensee shall pay a penalty on the amount of any outstanding tax at a rate of ten percent of the tax for each week or part of a week during which the tax remains unpaid: Provided that such penalty shall not exceed twice the amount of the tax in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the tax within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

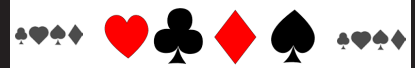
## PART 3 – BINGO

### CHAPTER 33

#### FINANCIAL INTERESTS IN LICENSEES

##### 137. Notice of procurement of interest and application for consent

- (1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such further information as the board may deem necessary.
- (2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the Board may allow, apply to the board for consent for the holding of such interest.
- (3) The Board may require any person who holds directly or indirectly a financial interest of less than 5% to



apply for consent to hold such interest.

#### **138. Disposal of interest by applicant denied consent**

If for any reason consent is not granted to an applicant, the board may -

- (a) declare the agreement for the procurement of the relevant interest null and void; or
- (b) order the applicant to, within 30 days or such longer period as the board may determine, dispose of the relevant interest for no more than the applicant paid for such interest, or such greater amount approved by the board.

#### **139. Determination of unsuitability**

- (1) If at any time the board, after giving the owner of a financial interest in a licensee the opportunity to be heard, finds that such owner is unsuitable to continue owning such an interest, such owner shall, within 3 months of the date of such finding, or such longer period as the board may determine, dispose of his or her interest in the licensee.
- (2) Beginning upon the date when the board serves notice of a determination of unsuitability in terms of subregulation (1) upon the licensee, the unsuitable owner shall not exercise, directly or through any trustee or nominee, any voting right conferred by the ownership of his or her interest in the licensee.

#### **140. Principals to be disclosed**

No person may hold or acquire any interest in a licensee as agent or nominee for an undisclosed principal or beneficial owner.

#### **141. Offences**

A person who contravenes, or fails to comply with, the provisions of this chapter, shall be guilty of an offence.

## **PART 3 - BINGO**

### **CHAPTER 34**

#### **INTERNAL CONTROLS**

##### **142. Minimum internal controls**

- (1) Each licensee shall establish and maintain administrative and accounting procedures for the purpose of determining the licensee's liability for taxes and fees under the Act and for the purpose of exercising effective control over the licensee's internal financial affairs.
- (2) The procedures must be designed to reasonably ensure that -
  - (a) assets are safeguarded;
  - (b) financial records are accurate and reliable;
  - (c) transactions are performed only in accordance with management's general or specific authorisation;
  - (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
  - (e) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

##### **143. Board to adopt minimum standards for internal control procedures**

The board shall adopt and make available to applicants and licensees minimum standards for internal control procedures with which licensees must comply.



#### 144. Internal control system to be approved by board

- (1) Each licensee and each applicant for a licence shall describe, in such manner as the board may approve or require, its administrative and accounting procedures in detail in a written system of internal control and shall submit a copy thereof to the board for approval prior to implementation of the system.
- (2) Each system of internal control submitted for approval must include -
  - (a) an organisational chart depicting segregation of functions and responsibilities;
  - (b) a description of the duties and responsibilities of each position shown on the organisational chart;
  - (c) a detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of regulations 142 (2) and 143;
  - (d) a letter from an independent chartered accountant stating that the system of internal control has been reviewed by the accountant and complies with the requirements of this chapter; and
  - (e) such further information as the board may require.
- (3) If the board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Chapter, it shall so notify the applicant or licensee in writing.
- (4) Within 30 days after receiving the notification contemplated in subregulation (3), the applicant or licensee shall amend its internal control system accordingly, and shall submit a copy of the amended system to the board for approval.

#### 145. Amendment of system of internal control

- (1) A licensee wishing to amend its system of internal control shall, prior to implementing such amended system, submit to the board a copy of the written internal control system as amended, for approval.
- (2) The provisions of regulation 144 (2) to 144 (4) shall *mutatis mutandis* apply to an application for approval contemplated in subregulation (1).

## PART 3 - BINGO

### CHAPTER 35

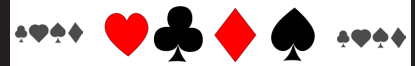
#### REGISTRATION AND MAINTENANCE OF EQUIPMENT

#### 146. Equipment to be of approved type and registered

- (1) A licensee shall not keep or expose for play any equipment which may be used in the operation of a bingo game other than equipment which -
  - (a) is identical in all material respects to equipment approved by the board for distribution by the manufacturer or supplier; and
  - (b) in the case of such equipment as the board may determine, has on application in the manner and form determined by the board, been separately registered by the board.
- (1A) The approval granted by the Board in respect of electronic gaming equipment in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any approval granted prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation: Provided further that the Board may extend the period of 7 (seven) years if deemed appropriate in the circumstances.
- (2) A licensee may at any time prior to the lapse of approval and registration, in the manner and form determined by the Board, apply for the deregistration of equipment registered in terms of sub-regulation (1).

#### 147. Maintenance of registered equipment

A licensee shall not alter the operation of registered equipment without the prior approval of the board and shall maintain all equipment in a suitable condition.

**148. Records to be kept by licensee**

A licensee shall keep such records in respect of equipment contemplated in regulation 146 as the board may require or approve.

**PART 4 - ROUTE OPERATORS AND ADDITIONAL GAMING MACHINE LICENSEES****CHAPTER 36****GENERAL REQUIREMENTS****149. Electronic monitoring requirements**

- (1) A route operator or additional gaming machine licensee must have a central computer or such other monitoring system as approved by the board, connected to all gaming machines exposed for play to record and monitor the activities of such machines.
- (2) A licensee may not alter or modify the approved monitoring system contemplated in subregulation (1), without the prior approval of the board.
- (3) The monitoring system contemplated in subregulation (1) shall provide either -
  - (a) on-line, real-time monitoring and data acquisition capability in the format and media approved by the board;
  - (b) dial-up monitoring and data acquisition capability in the format and media approved by the board; or
  - (c) such other monitoring and data acquisition capability, as the board may determine in the conditions of licence.
- (4) The monitoring system required by subregulation (1) shall be designed and operated to perform and report functions relating to gaming machine meters and other functions as follows -
  - (a) record the number and total value of tokens or coins placed in each gaming machine for the purpose of activating play;
  - (b) record the number and total value of tokens or coins deposited in the drop bucket of each gaming machine;
  - (c) record the number and total value of tokens or coins automatically paid out by each gaming machine;
  - (d) record the number and total value of tokens or coins to be paid manually;
  - (e) record such other information as the board may require.
- (5) A route operator or additional gaming machine licensee shall store, in machine-readable format, all information required by subregulation (4) for a period of five years in addition to such other documentation that the board may require.

**PART 4 - ROUTE OPERATORS AND ADDITIONAL GAMING MACHINE**



## LICENSEES

### CHAPTER 37

#### EMPLOYEE REGISTRATION

##### 150. Key Employees

- (1) The following employees of a licensee shall be classified as key employees for the purposes of these regulations -
  - (a) the senior management of the licensee;
  - (b) if the licensee is a corporate body, every director, officer or equivalent of such corporate body;
  - (c) any individual who has been specifically represented to the board by the licensee, officer or director thereof as being important or necessary to the operation of the licensee;
  - (d) all persons who individually or as part of a group formulate management policy; and
  - (e) any job position or individual who, upon written notification by the board, is considered to be a key position or employee for purposes of these regulations.
- (2) For purposes of subregulation (1)(e), the 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) Subject to regulation 152, a licensee shall not employ a key employee until such time as the prospective employee has applied for and been granted registration as a key employee by the board.
- (4) A licensee shall, within 14 days of termination of the employment of a key employee, notify the board in writing of such termination and the reasons therefor.

##### 151. Other gaming employees

- (1) The board may, upon written notification, declare any occupation to be a gaming occupation for purposes of these regulations, including, but not limited to, counters, collectors, accounting personnel and computer operators.
- (2) Subject to regulation 152, a licensee shall not employ anybody in a gaming occupation until such time as the prospective employee has applied for and been granted registration as a gaming employee by the board.
- (3) A licensee shall, within 14 days of termination of the employment of a gaming employee, notify the board in writing of such termination and the reasons therefor.
- (4) Every gaming employee shall have his or her registration card or certificate available for inspection in such manner as the board may determine at all times when such person is on duty.

##### 152. Temporary registration

- (1) Where application for registration has been made and the board is satisfied that -
  - (a) the operation of the licensee's business will be seriously prejudiced or disadvantaged by a delay in the employment of the applicant; and
  - (b) the commencement of the employment of the applicant will not prejudice the integrity and proper operation of the licensee's business,the board may issue the applicant with a temporary registration card or certificate, pending the outcome of such applicant's application for registration.
- (2) If the application for registration by the holder of a temporary registration card or certificate is denied by



the board, the licensee 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, without liability on the part of the licensee.

(3) The provisions of subregulation (2) shall be a condition of employment.

**153. Proof of registration on employment record**

A licensee shall, in respect of every employee required to be registered in terms of this chapter, keep a copy of such employee's registration card or certificate on the employment record of that employee.

**154. Suspension or revocation of registration**

(1) If an employee required to be registered in terms of this chapter -

- (a) has his or her registration revoked by the board, the licensee 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; or
- (b) has his or her registration suspended by the 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 board, without liability on the part of the licensee.

(2) The provisions of subregulation (1) shall be a condition of employment.

## **PART 4 - ROUTE OPERATORS AND ADDITIONAL GAMING MACHINE LICENSEES**

### **CHAPTER 38**

#### **STAKES AND PRIZES**

**155. Maximum stake**

The maximum amount that may be charged in total to enable a person to play all paylines of a game on a gaming machine shall be R5,00, subject to conditions of licence.

**156. Maximum prizes**

The maximum amount, or the value of any other prize, which may be awarded in respect of a game played on, or the operation of, a gaming machine shall be R500,00, subject to conditions of licence.

**157. Prizes to be displayed**

All winning combinations, together with the corresponding prizes must be clearly displayed, or be easily accessible by the player, on every gaming machine exposed for play.

**158. Return to public**

Gaming machines exposed for play must have a theoretical and demonstrable return to the public of not less than 75 percent.

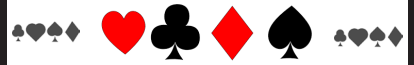
## **PART 4 - ROUTE OPERATORS AND ADDITIONAL GAMING MACHINE LICENSEES**

### **CHAPTER 39**

#### **CREDIT EXTENSION**

**159. Credit extension prohibited**

(1) A licensee shall not, directly or indirectly, whether in his or her own name or that of a third party, extend



credit in any form whatsoever to any patron, for the purpose of playing on, or operating, a gaming machine.

- (2) Failure by a licensee to deposit for collection a negotiable instrument by the close of the next banking day following receipt shall be deemed an extension of credit.

## PART 4 - ROUTE OPERATORS AND ADDITIONAL GAMING MACHINE LICENSEES

### CHAPTER 40

#### ACCOUNTING RECORDS AND RETURNS

##### 160. Accounting records

- (1) Each licensee shall, in such manner as the board may approve or require, keep accurate, complete, legible and permanent records of all its transactions.
- (2) Each licensee shall keep generally accepted accounting records on a double entry system of accounting, maintaining detailed, supporting subsidiary records, identifying revenue, expenses, assets, liabilities and equity; and
  - (a) gaming machine analysis reports which by each machine reflect turnovers and payouts and compare actual hold percentages to theoretical hold percentages on a daily, monthly, quarterly, annual and 12 month rolling basis;
  - (b) the records required by the licensee's approved system of internal control; and
  - (c) any other records that the board specifically requires be maintained.

##### 161. Audited financial statements

- (1) Each licensee shall, in order to comply with subregulation (3), after the end of each financial year of the licensee, prepare annual financial statements in accordance with statements of Generally Accepted Accounting Practice promulgated by the Accounting Practices Board, where applicable, and in the format approved or required by the board.
- (2) Each licensee shall engage an independent auditor, registered in terms of the Public Accountant's and Auditor" Act, 1991 (Act 80 of 1991) as being engaged in public practice, who shall audit the licensee's annual financial statements in accordance with generally accepted auditing standards.
- (3) Each licensee shall submit to the board two copies of its audited annual financial statements, and any reports communicating the results of the audit, including management letters, not later than 120 days, or such extended period as the board may determine, after the last day of the licensee's financial year.
- (4) The board may request additional information or documents from either the licensee or the auditor of the licensee, through the licensee, regarding the financial statements or the services performed by the auditor.

##### 162. Other records

Each licensee shall keep at its licensed premises or registered offices, or shall provide to the board on its request, the following records or documents or equivalent -

- (a) a copy of the memorandum and articles of association of the company, including any amendments;
- (b) a copy of the company's certificate to commence business;
- (c) a register of all current and former officers and directors;
- (d) minutes of all meetings of the shareholders;
- (e) minutes of all meetings of the directors and committees of the board of directors;





- (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
- (g) any other records that the board specifically requires be maintained.

#### 163. Returns to be rendered

Each licensee shall, in the manner and format determined by the board, submit such information at such intervals as the board may determine.

## PART 4 - ROUTE OPERATORS AND ADDITIONAL GAMING MACHINE LICENSEES

### CHAPTER 41

#### REGISTRATION AND MAINTENANCE OF GAMING MACHINES

##### 164. Gaming machines to be registered

- (1) A licensee shall not keep or maintain any gaming machine or associated equipment which has not, on application in the manner and form determined by the board, been separately approved and registered by the board.
- (1A) The approval granted by the Board in respect of electronic gaming equipment in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any approval granted prior to sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation: Provided further that the Board may extend the period of 7 (seven) years if deemed appropriate in the circumstances.
- (2) A licensee may at any time prior to the lapse of approval, in the manner and form determined by the board, apply for the deregistration of equipment registered in terms of subregulation (1).

##### 165. Maintenance of gaming machines

A licensee shall not alter the operation of a registered gaming machine or associated equipment without the prior approval of the board and shall only use a licensed maintenance provider to maintain the gaming machines and associated equipment in a suitable condition: Provided that certain basic maintenance functions as determined by the board may be carried out by the licensee.

##### 166. Records to be kept by licensee

A licensee shall keep records in respect of machines and equipment contemplated in regulation 164 as determined by the board, including, but not limited to, manufacturer, date of purchase, date of removal, machine serial number, model number and board approval number.

## PART 4 - ROUTE OPERATORS AND ADDITIONAL GAMING MACHINE LICENSEES

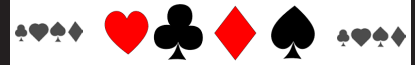
### CHAPTER 42

#### FEES, TAXES AND LEVIES

##### 167. Application fees

Applications must be accompanied by the following non-refundable application fees -

Type of application	Fee
1 Route operator licence	R230,00 per machine with a minimum of R56 405,00 and



a maximum of R225 730,00

2	Additional gaming machine licence	R22 585,00
3	Transfer of licence/consent for procurement of interest in licensee	R11 292,00
4	Amendment of licence	R5 730,00
5	Key employee registration	R2 303,00
6	Gaming employee registration	R573,00
7	Certificate of suitability	R5 730,00

**168. Recovery of investigation expenses**

- (1) All expenses incurred by the board in investigating an applicant, excluding an applicant for employee registration, shall be paid by the applicant in the manner prescribed by this regulation.
- (2) The board shall estimate investigative fees and costs and require a deposit to be paid by the applicant in advance as a condition precedent to beginning or continuing an investigation.
- (3) The board may, at any stage during an investigation, require an applicant to pay additional deposits for the payment of investigative fees and costs.
- (4) Upon completion of its investigation, the board shall supply the applicant with a detailed account of investigative fees and costs incurred.
- (5) The board shall not take final action on any application unless all investigative fees and costs have been paid in full.

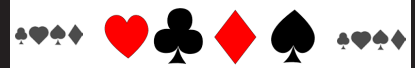
**169. Licence fees**

- (1) Every holder of -
  - (a) a route operator licence shall pay a licence fee of R102 303,00 plus R1 034,00 per registered gaming machine approved or exposed for play to the public, for every year or part of a year ending on 31 March;
  - (b) an additional gaming machine licence shall pay a licence fee of R30 675,00 plus R1 034,00 per registered gaming machine approved or exposed for play to the public, for every year or part of a year ending on 31 March.
- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence, on registration of machines and thereafter before 1 April of every year.
- (3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

**170. Gaming tax**

- (1) The gaming tax shall be paid at the rate of fifteen percent of the licensee's gross gaming revenue.
- (2) For the purposes of subregulation (1), gross gaming revenue equals metered win or loss for each gaming machine.
- (3) The provisions of subregulation (1) shall not be applicable to the holder of an additional gaming machine licence who exposes for play only gaming machines operated by the holder of a route operator's licence.

**171. Payment of gaming tax**



- (1) Every licensee shall -
  - (a) not later than Wednesday in each week or, if any Wednesday is a public holiday, not later than the next working day submit to the board a return in the form and containing such information in respect of its gaming operations during the preceding week as may be determined by the board; and
  - (b) simultaneously pay to the board any gaming tax due in respect of the preceding week.
- (2) The preceding week contemplated in subregulation (1) shall be the week ending at the close of a licensee's gaming day on the preceding Sunday, at the time stipulated in the licensee's approved system of internal control.

#### **172. Penalty for late payment of gaming tax**

If the gaming tax is not paid in accordance with the provisions of regulation 171, the licensee shall pay a penalty on the amount of any outstanding tax at a rate of ten percent of the tax for each week or part of a week during which the tax remains unpaid: Provided that such penalty shall not exceed twice the amount of the tax in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the tax within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

## **PART 4 - ROUTE OPERATORS AND ADDITIONAL GAMING MACHINE LICENSEES**

### **CHAPTER 43**

#### **FINANCIAL INTERESTS IN LICENSEES**

##### **173. Notice of procurement of interest and application for consent**

- (1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such further information as the board may deem necessary.
- (2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest.
- (3) The Board may require any person who holds directly or indirectly a financial interest of less than 5% to apply for consent to hold such interest.

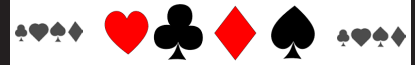
##### **174. Disposal of interest by applicant denied consent**

If for any reason consent is not granted to an applicant, the board may -

- (a) declare the agreement for the procurement of the relevant interest null and void; or
- (b) order the applicant to, within 30 days or such longer period as the board may determine, dispose of the relevant interest for no more than the applicant paid for such interest, or such greater amount approved by the board.

##### **175. Determination of unsuitability**

- (1) If at any time the board, after giving the owner of a financial interest in a licensee the opportunity to be heard, finds that such owner is unsuitable to continue owning such an interest, such owner shall, within 3 months of the date of such finding, or such longer period as the board may determine, dispose of his or her interest in the licensee.
- (2) Beginning upon the date when the board serves notice of a determination of unsuitability in terms of



subregulation (1) upon the licensee, the unsuitable owner shall not exercise, directly or through any trustee or nominee, any voting right conferred by the ownership of his or her interest in the licensee.

**176. Principals to be disclosed**

No person may hold or acquire any interest in a licensee as agent or nominee for an undisclosed principal or beneficial owner.

**177. Offences**

A person who contravenes, or fails to comply with, the provisions of this Chapter, shall be guilty of an offence.

## **PART 4 - ROUTE OPERATORS AND ADDITIONAL GAMING MACHINE LICENSEES**

### **CHAPTER 44**

#### **INTERNAL CONTROLS**

**178. Minimum internal controls**

- (1) Each licensee shall establish and maintain administrative and accounting procedures for the purpose of determining the licensee's liability for taxes and fees under the Act and for the purpose of exercising effective control over the licensee's internal financial affairs.
- (2) The procedures must be designed to reasonably ensure that -
  - (a) assets are safeguarded;
  - (b) financial records are accurate and reliable;
  - (c) transactions are performed only in accordance with management's general or specific authorisation;
  - (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
  - (e) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

**179. Licensee to comply with minimum internal control standards**

The board shall adopt and make available to applicants and licensees minimum operational standards and minimum standards for internal control procedures with which licensees must comply.

**180. Internal control system to be approved by board**

- (1) Each licensee and each applicant for a licence shall describe, in such manner as the board may approve or require, its administrative and accounting procedures in detail in a written system of internal control and shall submit a copy thereof to the board for approval prior to implementation of the system.
- (2) Each system of internal control submitted for approval must include -
  - (a) an organisational chart depicting segregation of functions and responsibilities;
  - (b) a description of the duties and responsibilities of each position shown on the organisational chart;
  - (c) detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of regulations 178 (2) and 179;
  - (d) a letter from an independent chartered accountant stating that the system of internal control has



been reviewed by the accountant and complies with the requirements of this Chapter; and

(e) such further information as the board may require.

- (3) If the board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Chapter, it shall so notify the applicant or licensee in writing.
- (4) Within 30 days after receiving the notification contemplated in subregulation (3), the applicant or licensee shall amend its internal control system accordingly, and shall submit a copy of the amended system to the board for approval.

**181. Amendment of system of internal control**

- (1) A licensee wishing to amend its system of internal control shall, prior to implementing such amended system, submit to the board a copy of the written internal control system as amended, for approval.
- (2) The provisions of regulation 180 (2) to 180 (4) shall *mutatis mutandis* apply to an application for approval contemplated in subregulation (1).

## PART 5 - GAMING MACHINES

### CHAPTER 45

#### STAKES AND PRIZES

**182. Maximum stake**

The maximum amount that may be charged in total to enable a person to play all paylines of a game on a gaming machine shall be R5,00, subject to conditions of licence.

**183. Maximum prizes**

The maximum amount, or the value of any other prize, which may be awarded in respect of a game played on, or the operation of, a gaming machine shall be R500,00, subject to conditions of licence.

**184. Prizes to be displayed**

All winning combinations, together with the corresponding prizes must be clearly displayed, or be easily accessible by the player, on every gaming machine exposed for play.

**185. Return to public**

Gaming machines exposed for play must have a theoretical and demonstrable return to the public of not less than 75 percent.

## PART 5 - GAMING MACHINES

### CHAPTER 46

#### CREDIT EXTENSION

**186. Credit extension prohibited**

- (1) A licensee shall not, directly or indirectly, whether in his or her own name or that of a third party, extend credit in any form whatsoever to any patron, for the purpose of playing on, or operating, a gaming machine.
- (2) Failure by a licensee to deposit for collection a negotiable instrument by the close of the next banking day following receipt shall be deemed an extension of credit.



## PART 5 - GAMING MACHINES

### CHAPTER 47

#### ACCOUNTING RECORDS AND RETURNS

**187. Accounting records**

Each licensee shall, in such manner as the board may approve or require, keep accurate, complete, legible and permanent records of all its transactions.

**188. Other records**

Each licensee shall keep such other records as the board specifically requires to be maintained.

**189. Returns to be rendered**

Each licensee shall, in the manner and format determined by the board, submit such information at such intervals as the board may determine.

## PART 5 - GAMING MACHINES

### CHAPTER 48

#### REGISTRATION AND MAINTENANCE OF GAMING MACHINES

**190. Applicability of chapter**

This chapter shall not be applicable to a licensee who exposes for play only gaming machines operated by the holder of a route operator's licence.

**191. Gaming machines to be registered**

- (1) A licensee shall not keep or maintain any gaming machine which has not, on application in the manner and form determined by the board, been separately approved and registered by the board.
- (1A) The approval granted by the Board in respect of electronic gaming equipment in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any approval granted prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation: Provided further that the Board may extend the period of 7 (seven) years if deemed appropriate in the circumstances.
- (2) A licensee may at any time prior to the lapse of approval and registration, in the manner and form determined by the Board, apply for the deregistration of equipment registered in terms of subregulation (1).

**192. Maintenance of gaming machines**

A licensee shall not alter the operation of a registered gaming machine without the prior approval of the board and shall only use a licensed maintenance provider to maintain the gaming machines in a suitable condition: Provided that certain basic maintenance functions as determined by the board may be carried out by the licensee.

**193. Records to be kept by licensee**

A licensee shall keep records in respect of machines contemplated in regulation 191 as determined by the board including, but not limited to, manufacturer, date of purchase, date of removal, machine serial number, model number and board approval number.



## PART 5 - GAMING MACHINES

### CHAPTER 49

#### FEES, TAXES AND LEVIES

##### 194. Applicability of chapter

The provisions of regulations 197 to 199 shall not be applicable to a licensee who exposes for play only gaming machines operated by the holder of a route operator's licence.

##### 195. Application fees

Applications must be accompanied by the following non-refundable application fees -

Type of application	Fee
1 Gaming machine licence	R11 292,00
2 Amendment of licence	2 303,00
3 Transfer of licence/consent for procurement of interest in licensee	2 303,00
4 Certificate of suitability	1 130,00

##### 195A. Recovery of investigation expenses

- (1) All expenses incurred by the board in investigating an applicant shall be paid by the applicant in the manner prescribed by this regulation.
- (2) The board shall estimate investigative fees and costs and require a deposit to be paid by the applicant in advance as a condition precedent to beginning or continuing an investigation.
- (3) The board may, at any stage during an investigation, require an applicant to pay additional deposits for the payment of investigative fees and costs.
- (4) Upon completion of its investigation, the board shall supply the applicant with a detailed account of investigative fees and costs incurred.
- (5) The board shall not take final action on any application unless all investigative fees and costs have been paid in full.

##### 196. Licence fees

- (1) Every holder of a gaming machine licence shall pay a licence fee of R11 292,00 plus R1 034,00 per registered per registered gaming machine for every year or part of a year ending on 31 March.
- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence, on registration of machines and thereafter before 1 April of every year.
- (3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at the rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

##### 197. Gaming tax

- (1) The gaming tax shall be paid at the rate of fifteen percent of the licensee's gross gaming revenue.



- (2) For the purposes of subregulation (1), gross gaming revenue equals metered win or loss for each gaming machine.

**198. Payment of gaming tax**

- (1) Every licensee shall -
- (a) not later than Wednesday in each week or, if any Wednesday is a public holiday, not later than the next working day submit to the board a return in the form and containing such information in respect of its gaming operations during the preceding week as may be determined by the board; and
  - (b) simultaneously pay to the board any gaming tax due in respect of the preceding week.
- (2) The preceding week contemplated in subregulation (1) shall be the week ending at the close of a licensee's gaming day on the preceding Sunday.

**199. Penalty for late payment of gaming tax**

If the gaming tax is not paid in accordance with the provisions of regulation 198, the licensee shall pay a penalty on the amount of any outstanding tax at a rate of ten percent of the tax for each week or part of a week during which the tax remains unpaid: Provided that such penalty shall not exceed twice the amount of the tax in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the tax within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

## PART 5 - GAMING MACHINES

### CHAPTER 50

#### FINANCIAL INTERESTS IN LICENSEES

**200. Notice of procurement of interest and application for consent**

- (1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such further information as the board may deem necessary.
- (2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest.
- (3) The Board may require or determine that any person who holds directly or indirectly a financial interest of less than 5% in a licensee to apply for consent to hold such interest.

**201. Disposal of interest by applicant denied consent**

If for any reason consent is not granted to an applicant, the board may -

- (a) declare the agreement for the procurement of the relevant interest null and void; or
- (b) order the applicant to, within 30 days or such longer period as the board may determine, dispose of the relevant interest for no more than the applicant paid for such interest, or such greater amount approved by the board; or
- (c) revoke the licence.

**202. Determination of unsuitability**

- (1) If at any time the board, after giving the owner of a financial interest in a licensee the opportunity to be heard, finds that such owner is unsuitable to continue owning such an interest, such owner shall, within 3 months of the date of such finding, or such longer period as the board may determine, dispose of his or her interest in the licensee.





- (2) Beginning upon the date when the board serves notice of a determination of unsuitability in terms of subregulation (1) upon the licensee, the unsuitable owner shall not exercise, directly or through any trustee or nominee, any voting right conferred by the ownership of his or her interest in the licensee.

**203. Principals to be disclosed**

No person may hold or acquire any interest in a licensee as agent or nominee for an undisclosed principal or beneficial owner.

**204. Offences**

A person who contravenes, or fails to comply with, the provisions of this Chapter, shall be guilty of an offence.

## **PART 5 - GAMING MACHINES**

### **CHAPTER 51**

#### **OPERATION OF ESTABLISHMENT AND INTERNAL CONTROLS**

**205. Minimum internal controls**

- (1) Each licensee shall establish and maintain administrative and accounting procedures for the purpose of determining the licensee's liability for taxes and fees under the Act and for the purpose of exercising effective control over the licensee's internal financial affairs.
- (2) The procedures must be designed to reasonably ensure that -
- (a) assets are safeguarded;
  - (b) financial records are accurate and reliable;
  - (c) transactions are performed only in accordance with management's general or specific authorisation;
  - (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
  - (e) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

**206. Board to adopt minimum operational standards and minimum standards for internal control procedures**

The board shall adopt and make available to applicants and licensees minimum operational standards and minimum standards for internal control procedures with which licensees must comply.

## **PART 6 - MANUFACTURERS, SUPPLIERS AND MAINTENANCE PROVIDERS**

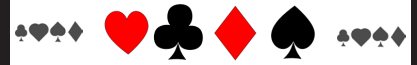
### **CHAPTER 52**

#### **AUTHORISED ACTIVITIES**

**207. Authorised activities to be contained in conditions of licence**

The conditions of licence of a licensee shall state the activities authorised by the licence which may be any or all of the following -

- (a) manufacturing;
- (b) assembly;
- (c) programming or program duplication;
- (d) distribution;



- (e) repairing;
- (f) maintaining; or
- (g) any other related activity authorised by the board, in respect of any approved gaming or associated equipment, device or game.

## **PART 6 - MANUFACTURERS, SUPPLIERS AND MAINTENANCE PROVIDERS**

### **CHAPTER 53**

#### **APPROVAL OF EQUIPMENT, DEVICES AND GAMES**

##### **208. Equipment, devices and games to be approved**

- (1) A licensee shall not distribute any gaming or associated equipment, device or game unless it has, on application in the manner and form determined by the board, been approved by the board and shall not maintain or repair any equipment or device that is not registered with the board in terms of these regulations.
- (1A) The approval granted by the Board in respect of electronic gaming equipment in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any approval granted prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation: Provided further that the Board may extend the period of 7 (seven) years if deemed appropriate in the circumstances.
- (2) Only equipment, devices and games meeting the technical standards as determined by the board, shall be approved for distribution.
- (3) A licensee will be required to submit equipment for testing and certification, as requested by the designated testing laboratory of the board.
- (4) The licensee seeking approval of the device shall pay to the designated testing laboratory the cost of inspection and investigation.
- (5) The testing laboratory may dismantle the models and may destroy components in order to fully evaluate the equipment, device or game.
- (6) The board may require that the licensee seeking approval of the device provides specialised equipment or the services of an independent technical expert to evaluate the device.

##### **209. Alterations and modifications prohibited**

A licensee shall not alter the operation of, or modify any gaming or associated device, equipment or game without prior written approval of the board.

##### **210. Summary suspension of approval**

- (1) The board may issue a summary order, with or without notice to the relevant licensees, suspending approval of a gaming device if it determines that a device does not operate as approved by the board, or if the manufacturer misrepresented the manner in which the gaming device operates.
- (2) After issuing an order in terms of subregulation (1), the board may seal or seize all models of that gaming device.



## PART 6 - MANUFACTURERS, SUPPLIERS AND MAINTENANCE PROVIDERS

### CHAPTER 54

#### EMPLOYEE REGISTRATION

##### 211. Key Employees

- (1) The following employees of a licensee shall be classified as key employees for the purposes of these regulations -
  - (a) the senior management of the licensee;
  - (b) if the licensee is a corporate body, every director, officer or equivalent of such corporate body;
  - (c) any individual who has been specifically represented to the board by the licensee, officer or director thereof as being important or necessary to the operation of the licensee;
  - (d) all persons who individually or as part of a group formulate management policy; and
  - (e) any job position or individual who, upon written notification by the board, is considered to be a key position or employee for purposes of these regulations.
- (2) For purposes of subregulation (1)(e), the 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) Subject to regulation 214, a licensee shall not employ a key employee until such time as the prospective employee has applied for and been granted registration as a key employee by the board.
- (4) A licensee shall, within 14 days of termination of the employment of a key employee, notify the board in writing of such termination and the reasons therefor.

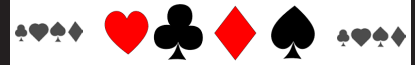
##### 212. Service and manufacturing employee training programmes

Every licensee authorised to manufacture, repair or maintain gaming machines or associated equipment shall submit a training programme for the manufacturing, service and maintenance of such machines and equipment for approval by the board, including an outline of the training curriculum, a list of instructors and their qualifications and a copy of the instruction materials.

##### 213. Registration of service and manufacturing employees

- (1) Upon the successful completion by a service or manufacturing employee of the training programme required by regulation 212, such employee shall, in the manner and form determined by the board, apply for registration as a service or manufacturing employee by the board.
- (2) A licensee shall not allow any employee to manufacture, service, maintain or repair, except during a training programme held in terms of regulation 212, any gaming machine or associated equipment until such time as the employee has applied for and been granted registration as a service or manufacturing employee by the board.
- (3) A licensee shall, within 14 days of termination of the employment of a service or manufacturing employee, notify the board in writing of such termination and the reasons therefor.
- (4) Every service or manufacturing employee shall have his or her registration card or certificate available for inspection in such manner as the board may determine at all times when such person is on duty.

##### 214. Temporary registration



- (1) Where application for registration has been made and the board is satisfied that -
  - (a) the operation of the licensee's business will be seriously prejudiced or disadvantaged by a delay in the employment of the applicant; and
  - (b) the commencement of the employment of the applicant will not prejudice the integrity and proper operation of the licensee's business,
 the board may issue the applicant with a temporary registration card or certificate, pending the outcome of such applicant's application for registration.
- (2) If the application for registration by the holder of a temporary registration card or certificate is denied by the board, the licensee 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, without liability on the part of the licensee.
- (3) The provisions of subregulation (2) shall be a condition of employment.

#### **215. Proof of registration on employment record**

A licensee shall, in respect of every employee required to be registered in terms of this chapter, keep a copy of such employee's registration card or certificate on the employment record of that employee.

#### **216. Suspension or revocation of registration**

- (1) If an employee required to be registered in terms of this chapter -
  - (a) has his or her registration revoked by the board, the licensee 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; or
  - (b) has his or her registration suspended by the 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 board, without liability on the part of the licensee.
- (2) The provisions of subregulation (1) shall be a condition of employment.

## **PART 6 - MANUFACTURERS, SUPPLIERS AND MAINTENANCE PROVIDERS**

### **CHAPTER 55**

#### **RECORDS AND RETURNS**

##### **216A Accounting records**

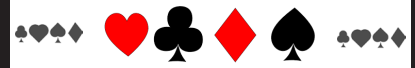
Each licensee shall, in such manner as the board may approve or require, keep accurate, complete, legible and permanent records of all its transactions.

##### **217. Distribution records**

A licensee shall keep written distribution records reflecting -

- (a) the date of distribution;
- (b) the name, address and licence number of the recipient;
- (c) description and number of devices or equipment supplied;
- (d) board approval number;
- (e) serial numbers of devices or equipment supplied; and
- (f) such further information as the board may require,

and shall provide such records to the board immediately upon its request.

**218. Maintenance and repair records**

A licensee shall keep written records of all repairs made to gaming devices or equipment reflecting -

- (a) the date of repair;
- (b) the name, address and licence number of the owner of the device or equipment;
- (c) description of work carried out;
- (d) serial number of device or equipment repaired; and
- (e) such further information as the board may require,

and shall provide such records to the board immediately upon its request.

**219. Stock records**

A licensee shall keep written continuous stock records reflecting -

- (a) opening stock on hand;
- (b) stock purchased/manufactured;
- (c) distributions; and
- (d) closing stock on hand,

and shall provide such records to the board immediately upon its request.

**219A Other records**

Each licensee shall keep at its licensed premises or registered offices, or shall provide to the board on its request, the following records or documents or equivalent -

- (a) a copy of the memorandum and articles of association of the company, including any amendments;
- (b) a copy of the company's certificate to commence business;
- (c) a register of all current and former officers and directors;
- (d) minutes of all meetings of the shareholders;
- (e) minutes of all meetings of the directors and committees of the board of directors;
- (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
- (g) any other records that the board specifically requires be maintained.

**219B Returns to be rendered**

Each licensee shall, in the manner and format determined by the board, submit such information at such intervals as the board may determine.

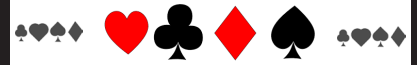
## **PART 6 - MANUFACTURERS, SUPPLIERS AND MAINTENANCE PROVIDERS**

### **CHAPTER 56**

#### **FEES**

**220. Application fees**

Applications must be accompanied by the following non-refundable application fees -



Type of application		Fee
1	Manufacturer licence	R112 922,00
2	Maintenance or supplier licence	R56 292,00
3	Amendment of licence	R5 730,00
4	Consent for procurement of interest in licensee	R11 292,00
5	Key employee registration	R2 303,00
6	Service or manufacturing employee registration	R573,00
7	Certificate of suitability	R5 730,00

#### 221. Recovery of investigation expenses

- (1) All expenses incurred by the board in investigating an applicant, excluding an applicant for employee registration, shall be paid by the applicant in the manner prescribed by this regulation.
- (2) The board shall estimate investigative fees and costs and require a deposit to be paid by the applicant in advance as a condition precedent to beginning or continuing an investigation.
- (3) The board may, at any stage during an investigation, require an applicant to pay additional deposits for the payment of investigative fees and costs.
- (4) Upon completion of its investigation, the board shall supply the applicant with a detailed account of investigative fees and costs incurred.
- (5) The board shall not take final action on any application unless all investigative fees and costs have been paid in full.

#### 222. Licence fees

- (1) Licence fee for every year or part of a year ending on 31 March

Manufacturer licence	56 405,00
Maintenance or supplier licence	6 685,00

- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before 1 April of every year.
- (3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

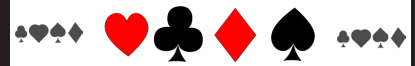
## PART 6 - MANUFACTURERS, SUPPLIERS AND MAINTENANCE PROVIDERS

### CHAPTER 57

#### FINANCIAL INTERESTS IN LICENSEES

#### 223. Notice of procurement of interest and application for consent

- (1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter



referred to as the applicant) who procured such an interest, and shall furnish the board with such further information as the board may deem necessary.

- (2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest.
- (3) The Board may require any person who holds directly or indirectly a financial interest of less than 5% to apply for consent to hold such interest.

#### **224. Disposal of interest by applicant denied consent**

If for any reason consent is not granted to an applicant, the board may -

- (a) declare the agreement for the procurement of the relevant interest null and void; or
- (b) order the applicant to, within 30 days or such longer period as the board may determine, dispose of the relevant interest for no more than the applicant paid for such interest, or such greater amount approved by the board.

#### **225. Determination of unsuitability**

- (1) If at any time the board, after giving the owner of a financial interest in a licensee the opportunity to be heard, finds that such owner is unsuitable to continue owning such an interest, such owner shall, within 3 months of the date of such finding, or such longer period as the board may determine, dispose of his or her interest in the licensee.
- (2) Beginning upon the date when the board serves notice of a determination of unsuitability in terms of subregulation (1) upon the licensee, the unsuitable owner shall not exercise, directly or through any trustee or nominee, any voting right conferred by the ownership of his or her interest in the licensee.

#### **226. Principals to be disclosed**

No person may hold or acquire any interest in a licensee as agent or nominee for an undisclosed principal or beneficial owner.

#### **227. Offences**

A person who contravenes, or fails to comply with, the provisions of this Chapter, shall be guilty of an offence.

## **PART 7 - TOTALIZATORS**

### **CHAPTER 58**

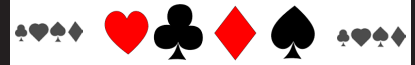
#### **EMPLOYEE REGISTRATION**

##### **228. Applicability of chapter**

The provisions of this chapter shall not be applicable to the holder of a special licence referred to in section 97 of the Act.

##### **229. Key Employees**

- (1) The following employees of a licensee shall be classified as key employees for the purposes of these regulations -
  - (a) the senior management of the licensee;
  - (b) if the licensee is a corporate body, every director, officer or equivalent of such corporate body;
  - (c) any individual who has been specifically represented to the board by a licensee, officer or director thereof as being important or necessary to the operation of the totalizator business;



- (d) all persons who individually or as part of a group formulate management policy; and
  - (e) any job position or individual who, upon written notification by the board, is considered to be a key position or employee for purposes of these regulations.
- (2) For purposes of subregulation (1)(e), the 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) Subject to regulation 230, a licensee shall not employ a key employee until such time as the prospective employee has applied for and been granted registration as a key employee by the board.
  - (4) A licensee shall, within 14 days of termination of the employment of a key employee, notify the board in writing of such termination and the reasons therefor.

### **230. Temporary registration**

- (1) Where application for registration has been made and the board is satisfied that -
  - (a) the operation of the licensee's business will be seriously prejudiced or disadvantaged by a delay in the employment of the applicant; and
  - (b) the commencement of the employment of the applicant will not prejudice the integrity and proper operation of the licensee's business,
 the board may issue the applicant with a temporary registration card or certificate, pending the outcome of such applicant's application for registration.
- (2) If the application for registration by the holder of a temporary registration card or certificate is denied by the board, the licensee 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, without liability on the part of the licensee.
- (3) The provisions of subregulation (2) shall be a condition of employment.

### **231. Proof of registration on employment record**

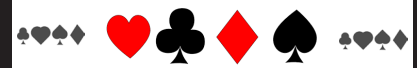
A licensee shall, in respect of every employee required to be registered in terms of this Chapter, keep a copy of such employee's registration card or certificate on the employment record of that employee.

### **232. Suspension or revocation of registration**

- (1) If an employee required to be registered in terms of this chapter -
  - (a) has his or her registration revoked by the board, the licensee 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; or
  - (b) has his or her registration suspended by the 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 board,
 without liability on the part of the licensee.
- (2) The provisions of subregulation (1) shall be a condition of employment.

### **233. Repealed [R. 233 repealed by r.28 of General Notice No. 1189 of 2001.]**





## PART 7 - TOTALIZATORS

### CHAPTER 59

#### CREDIT EXTENSION

##### 234. Credit extension

- (1) A licensee may extend credit, subject to such limits as may be determined by the board, to qualified patrons provided that prior to the extension of credit, the licensee obtains and documents in its records, sufficient information regarding the patron's identity, credit history and financial capabilities in such manner as required by the licensee's approved system of internal control.
- (2) Failure by a licensee to deposit for collection a negotiable instrument by the close of the next banking day following the receipt thereof shall be deemed to be an extension of credit.

##### 234.A Minimum internal controls

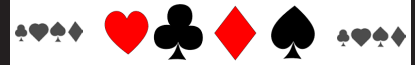
- (1) Each licensee shall establish and maintain administrative and accounting procedures for the purpose of determining the licensee's liability for taxes and fees under the Act and for the purpose of exercising effective control over the licensee's internal financial affairs.
- (2) The procedures must be designed to reasonably ensure that –
  - (a) assets are safeguarded;
  - (b) financial records are accurate and reliable;
  - (c) transactions are performed only in accordance with management's general or specific authorisation;
  - (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
  - (e) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

##### 234.B Board to adopt minimum standards for internal control procedures

The board shall adopt and make available to applicants and licensees minimum standards for internal control procedures with which licensees must comply.

##### 234.C Internal control system to be approved by Board

- (1) Each licensee and each applicant for a licence shall describe, in such manner as the Board may approve or require, its administrative and accounting procedures in detail in a written system of internal control and shall submit a copy thereof to the Board for the approval prior to implementation of the system.
- (2) Each system of internal control submitted for approval must include –
  - (a) an organisational chart depicting segregation of functions and responsibilities;
  - (b) a description of the duties and responsibilities of each position shown on the organisational chart;
  - (c) a detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of Regulations 234A(2) and 234 B;
  - (d) a letter from an independent chartered accountant stating that the system of internal control has been reviewed by the accountant and complies with the requirements of this Chapter; and
  - (e) such further information as the Board may require.



- (3) If the Board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Chapter, it shall so notify the applicant or licensee in writing.
- (4) Within 30 days after receiving the notification contemplated in subregulation (3), the applicant or licensee shall amend its internal control system accordingly, and shall submit a copy of the amended system to the Board for approval.

#### **234.D Amendment of system of internal control**

- (1) A licensee wishing to amend its system of internal control shall, prior to implementing such amended system, submit to the Board a copy of the written internal control system as amended, for approval.
- (2) The provisions of regulation 234C(2) to 234C(3) shall *mutatis mutandis* apply to an application for approval contemplated in subregulation (1).

#### **234.E Approval of equipment**

The licensee may only use such equipment to operate the betting system as approved by the Board.

## **PART 7 - TOTALIZATORS**

### **CHAPTER 60**

#### **ACCOUNTING RECORDS AND RETURNS**

##### **235. Applicability of chapter**

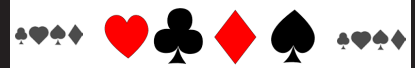
The provisions of this chapter shall not be applicable to the holder of a special licence referred to in section 97 of the Act, who shall keep such records as determined in the conditions of licence.

##### **236. Accounting records**

- (1) Each licensee shall, in such manner as the board may approve or require, keep accurate, complete, legible and permanent records of all its transactions.
- (2) Each licensee shall keep generally accepted accounting records on a double entry system of accounting, maintaining detailed, supporting subsidiary records, identifying revenue, expenses, assets, liabilities and equity and any other records that the board specifically requires be maintained.

##### **237. Audited financial statements**

- (1) Each licensee shall, in order to comply with subregulation (3), after the end of each financial year of the licensee, prepare annual financial statements in accordance with statements of Generally Accepted Accounting Practice promulgated by the Accounting Practices Board.
- (2) Each licensee shall engage an independent auditor, registered in terms of the Public Accountant's and Auditor's Act, 1991 (Act 80 of 1991) as being engaged in public practice, who shall audit the licensee's annual financial statements in accordance with generally accepted auditing standards.
- (3) Each licensee shall submit to the board two copies of its audited annual financial statements, and any reports communicating the results of the audit, including management letters, not later than 120 days, or such extended period as the board may determine, after the last day of the licensee's financial year.
- (4) The board may request additional information or documents from either the licensee or the auditor of the licensee, through the licensee, regarding the financial statements or the services performed by the



auditor.

**238. Other records**

Each licensee shall keep at its licensed premises or registered offices, or shall provide to the board on its request, the following records or documents or equivalent -

- (a) a copy of the memorandum and articles of association of the company, including any amendments;
- (b) a copy of the company's certificate to commence business;
- (c) a register of all current and former officers and directors;
- (d) minutes of all meetings of the shareholders;
- (e) minutes of all meetings of the directors and committees of the board of directors;
- (f) a register of all shareholders listing each shareholder's name, address, the number of shares held and the date the shares were acquired; and
- (g) any other records that the board specifically requires be maintained.

**239. Returns to be rendered**

Each licensee shall, in the manner and format determined by the board, submit such information at such intervals as the board may determine.

## PART 7 - TOTALIZATORS

### CHAPTER 61

#### FEES, TAXES AND LEVIES

**240. Application fees**

Applications must be accompanied by the following non-refundable application fees -

Type of Application	Fee
1 Totalizator licence	R112 922,00
2 Amendment of licence/Additional sites	6 068,00
3 Special totalizator licence	230,00
4 Transfer of licence/consent for procurement of interest in licensee	11 292,00
5 Key employee registration	2 303,00
6 Certificate of suitability (mandatory for TAB agents)	2 415,00

**241. Recovery of investigation expenses**

- (1) All expenses incurred by the board in investigating an applicant, excluding an applicant for employee registration, shall be paid by the applicant in the manner prescribed by this regulation.
- (2) The board shall estimate investigative fees and costs and require a deposit to be paid by the applicant in advance as a condition precedent to beginning or continuing an investigation.
- (3) The board may, at any stage during an investigation, require an applicant to pay additional deposits for the payment of investigative fees and costs.
- (4) Upon completion of its investigation, the board shall supply the applicant with a detailed account of investigative fees and costs incurred.



- (5) The board shall not take final action on any application unless all investigative fees and costs have been paid in full.

#### **242. Licence fees**

- (1) Every holder of a totalizator licence which is not a special totalizator licence contemplated in section 97 of the Act, shall pay a licence fee of R112 922,00 plus R1 275,00 per site outlet for every year or part of a year ending on 31 August.
- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before 1 September of every year.
- (3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

#### **243. Totalizator tax**

- (1) The holder of a special licence contemplated in section 97 of the act and the holder of a totalizator licence contemplated in section 53 of the act shall, in respect of a totalizator conducted by such a holder, pay tax in terms of section 61 of the Act, on the gross revenue of that totalizator; and at the rate as prescribed in regulations 253 to 256.
- (2) Gross revenue in the case of a totalizator means the gross takings including value added tax less any dividends distributed to punters.

#### **244. Payment of totalizator tax**

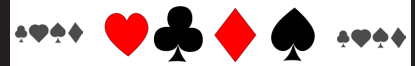
- (1) The holder of a special licence contemplated in section 97 of the Act and the holder of a totalizator licence contemplated in section 53 of the act shall, within the period of twenty one days contemplated in subregulation (2), submit to the board a return, in the form and in the manner required by the board, in respect of a totalizator which is conducted by the holder in which the gross revenue contemplated in regulation 243 is shown.
- (2) The return contemplated in subregulation (1) shall be submitted within twenty-one days after the date of a race-meeting, event or contingency in respect of which a totalizator was conducted.
- (3) The tax payable in term of subregulation (1) shall be paid simultaneously with the submission of the return contemplated in subregulation (1).

#### **245. Penalty for late payment of tax**

If the tax payable in terms of regulation 243 is not paid in accordance with the provisions of regulation 244 by the holder of a special licence contemplated in section 97 of the Act or by the holder of totalizator licence contemplated in section 53 of the Act , as the case may be, the licensee shall pay a penalty on the amount of any outstanding tax at a rate of ten percent of the tax for each week or part of a week during which the tax remains unpaid: Provided that such penalty shall not exceed twice the amount of the tax in respect of which the penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the tax within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

#### **246. Minimum dividend**

- (1) The aggregate of the returns contemplated in section 53 (3) of the act to those persons who have made winning bets on any event or combination of events shall not be less than seventy five percent of the total amount staked on that event or combination of events.



- (2) Notwithstanding the provision of subregulation (1) above, the board may approve a lesser minimum dividend percentage in respect of commingled betting pools.

**247. Levy on certain bets for benefit of Sports Development Fund**

The levy, contemplated in section 61 of the act, payable for the benefit of the Sports Development Fund contemplated in section 100 of the Act, shall be paid by the holder of totalizator licence contemplated in section 53 of the Act on the gross revenue of a totalizator conducted by it, calculated at such percentage and in respect of such bets as prescribed in regulation 254.

**248. Payment of Sports Development Fund Levy**

Within twenty-one days from the date on which the event took place the holder of a totalizator licence contemplated in section 53 of the Act shall –

- (a) in the form and in the manner required by the board, submit a return to the board showing the gross revenue of the totalizator which he holder of a totalizator licence contemplated in section 53 of the Act conducted; and
- (b) simultaneously pay the amount of the levy on the revenue as contemplated in regulation 247 to board.

**249. Penalty for late payment of Sports Development Fund Levy**

The provisions of regulation 245 shall *mutatis mutandis* apply in respect of the late payment of the levy contemplated in regulation 247.

**250. Repealed [R250 repealed by General Notice No. 873 of 2005]**

**251. Repealed [R251 repealed by General Notice No. 873 of 2005]**

**252. Repealed [R252 repealed by General Notice No. 873 of 2005]**

**253. Calculation of totalizator tax**

The taxes payable in terms of regulation 243 shall be calculated in respect of a totalizator conducted by the holder of a totalizator licence contemplated in section 53 of the Act at the rate of six and a half percent of the gross revenue of such totalizator.

**254. Calculation of levy for the benefit of Sports Development Fund**

The levy payable in terms of regulation 247 shall be calculated in respect of a totalizator conducted by the holder of a totalizator licence contemplated in section 53 in respect of an event or contingency other than horse-racing at a rate of eight and a half percent of the gross revenue of such totalizator.

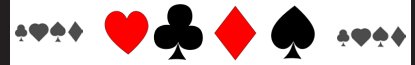
**255. Repealed [R255 repealed by General Notice No. 873 of 2005]**

**256. Calculation of totalizator tax by holder of special licence**

The taxes payable in terms of regulation 243 shall be calculated in respect of a totalizator conducted by the holder of a special licence issued in terms of section 97 of the Act, at the rate of six and a half percent of the gross revenue of such totalizator.

**257. Calculation of tax on undistributed takings and unclaimed dividends**

- (a) at the rate of ten percent on the takings which remain undistributed either because a fractional part of ten cents was not declared by the holder of a totalizator licence as a dividend payable to punters on such takings; or because no ticket that would have entitled the holder thereof to a refund of the amount staked by him or her was tendered for the refund of such amount; and
- (b) at the rate of ten percent on all dividends which have not been claimed within a period of two months after such dividend was declared.



## PART 7- TOTALIZATORS

### CHAPTER 62

#### FINANCIAL INTERESTS IN LICENSEES

##### 257. Applicability of chapter

The provisions of this chapter shall not be applicable to the holder of a special licence referred to in section 97 of the Act.

##### 258. Notice of procurement of interest and application for consent

- (1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such further information as the board may deem necessary.
- (2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest.
- (3) The Board may require any person who holds directly or indirectly a financial interest of less than 5% to apply for consent to hold such interest.

##### 259. Disposal of interest by applicant denied consent

If for any reason consent is not granted to an applicant, the board may -

- (a) declare the agreement for the procurement of the relevant interest null and void; or
- (b) order the applicant to, within 30 days or such longer period as the board may determine, dispose of the relevant interest for no more than the applicant paid for such interest, or such greater amount approved by the board.

##### 260. Determination of unsuitability

- (1) If at any time the board, after giving the owner of a financial interest in a licensee the opportunity to be heard, finds that such owner is unsuitable to continue owning such an interest, such owner shall, within 3 months of the date of such finding, or such longer period as the board may determine, dispose of his or her interest in the licensee.
- (2) Beginning upon the date when the board serves notice of a determination of unsuitability in terms of subregulation (1) upon the licensee, the unsuitable owner shall not exercise, directly or through any trustee or nominee, any voting right conferred by the ownership of his or her interest in the licensee.

##### 261. Principals to be disclosed

No person may hold or acquire any interest in a licensee as agent or nominee for an undisclosed principal or beneficial owner.

##### 262. Offences

A person who contravenes, or fails to comply with, the provisions of this Chapter, shall be guilty of an offence.



## PART 8 - BOOKMAKERS

### CHAPTER 63

#### EMPLOYEE REGISTRATION

##### 263. Bookmakers' managers

- (1) Subject to the provisions of section 59 of the Act, a licensed bookmaker may employ a person to manage his bookmaker's business.
- (2) The person contemplated in subregulation (1) shall be known as a bookmaker's manager.
- (3) Any person who desires to be registered as a bookmaker's manager shall apply in writing to the board in such form and furnishing such information, including full particulars of any criminal record, as the board may determine.
- (4) An applicant for registration as a bookmaker's manager -
  - (a) shall not have any interest, other than that of an employee, in the business of the bookmaker or bookmakers intending to employ him;
  - (b) shall, in the opinion of the board -
    - (i) be of sound character;
    - (ii) have a sound knowledge of bookmaking;
    - (iii) have a good financial record; and
    - (iv) **Deleted [Sub-para. (iv) deleted by r32 of General Notice No. 1189 of 2001]**
  - (c) shall pay such registration fee as the board may determine.
- (5) A person registered as a bookmaker's manager -
  - (a) may be employed to manage only one bookmaker's business at any time;
  - (b) may only be employed as such in another bookmaker's business with the prior written approval of the board;
  - (c) shall forthwith after his registration become an associate member of the association of bookmakers contemplated in section 58 of the Act and remain such a member.
- (6) The board may at any time, and for any reason the board deems sufficient, cancel the registration of a bookmaker's manager.

##### 264. Bookmakers' clerks

The association of bookmakers contemplated in section 59(1)(b)(ii) of the Act is the Central Provinces Bookmakers Association.

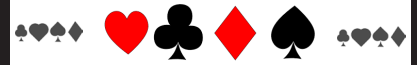
## PART 8 - BOOKMAKERS

### CHAPTER 64

#### CREDIT EXTENSION

##### 265. Board may set credit limits and determine procedures

- (1) A bookmaker may, subject to subregulation (2), extend credit.
- (2) The board may set limits on and determine procedures for, credit extension by licensed bookmakers.



## PART 8 - BOOKMAKERS

### CHAPTER 65

#### ACCOUNTING RECORDS AND RETURNS

##### 266. Books and records to be kept

- (1) Every licensed bookmaker shall keep proper books of account including -
- (a) a cash book;
  - (b) a betting slip book;
  - (c) a field book;
  - (d) a settling book;
  - (e) a debtor's ledger;
  - (f) a log book;
  - (g) a record book reflecting all transactions with other licensed bookmakers;
  - (h) a book reflecting all transactions with credit clients;
  - (i) a bank deposit book; and
  - (j) a cheque book.
- as well as such other books and records as the board may from time to time determine.
- (2) The books and records referred to in subregulation (1) shall -
- (a) be in the format;
  - (b) contain such information; and
  - (c) be kept in such manner as the board may determine and shall at all times be kept in safe custody.
- (3) Subject to such terms and conditions as the board may determine, a licensed bookmaker may, with the prior approval of the board, use a computerised system of record keeping and bookmaking.
- (4) The approval granted by the Board in terms of sub-regulation (2) and (3) shall be valid for a period of 7 (seven) years from date of approval: Provided that any equipment that has been approved prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation.

##### 267. Returns to be rendered

Each licensee shall, in the manner and form determined by the board, submit such information at such intervals as the board may determine.

## PART 8 - BOOKMAKERS

### CHAPTER 66

#### FEES, TAXES AND LEVIES

##### 268. Application fees

Applications must be accompanied by the following non-refundable application fees -

Type of application	Fee
1 Bookmaker's licence	R11 292,00
2 Transfer of licence/consent for procurement of interest in licensee	R4 510,00
3 Amendment of licence	R1 130,00
4 Bookmaker's manager registration	R573,00





5 Certificate of suitability

R2 250,00

**268A. Recovery of investigation expenses**

- (1) All expenses incurred by the board in investigating an applicant shall be paid by the applicant in the manner prescribed by this regulation.
- (2) The board shall estimate investigative fees and costs and require a deposit to be paid by the applicant in advance as a condition precedent to beginning or continuing an investigation.
- (3) The board may, at any stage during an investigation, require an applicant to pay additional deposits for the payment of investigative fees and costs.
- (4) Upon completion of its investigation, the board shall supply the applicant with a detailed account of investigative fees and costs incurred.
- (5) The board shall not take final action on any application unless all investigative fees and costs have been paid in full.

**269. Licence fees**

- (1) Every holder of a bookmaker's licence shall pay a licence fee of R11 292,00 for every year or part of a year ending on 31 August.
- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before 1 September of every year.
- (3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

**270. Tax on betting transactions with licensed bookmakers**

- (1) A licensed bookmaker who is liable to pay to any person an amount on which the tax referred to in subsection 61(4) of the Act is payable, shall deduct that tax from the said amount and shall pay over that tax to the board not later than the Tuesday or working day referred to in regulation 271.
- (2) The tax to be deducted in terms of subregulation (1) shall be calculated at such percentage and in respect of such bets as prescribed in regulation 276.
- (3) A licensed bookmaker shall, in respect of any particular event or contingency, not be required to pay to the board a greater amount in respect of taxes contemplated in section 61(4) of the Act than the amount which would have been payable if the total of the taxes payable were calculated upon a sum arrived at by deducting from the total punters' winnings on bets accepted by him in respect of that event or contingency -
  - (a) his winnings on bets placed by him on that event or contingency -
    - (i) with a licensed bookmaker carrying on business in a Province of the Republic of South Africa whose take-out percentage is equal to that of the Gauteng Province; and
    - (ii) on a licensed totalizator in the Republic of South Africa:

Provided that the amount referred to in paragraph (a) shall not exceed the total punters' winnings on bets accepted by him in respect of that event or contingency.
- (4) For the purposes of this regulation, winnings shall be determined by deducting from the total amount payable in respect of a winning bet the amount staked in respect of that bet.
- (A1) The betting tax payable in terms of section 61(2) (a) (i) of the Act shall be paid at the rate of 5% of the



bookmakers gross betting revenue derived from betting on events or contingencies other than horse racing: provided that any bet which includes any element relating to horse racing shall be deemed to be a horse racing bet.

- (2) gross betting revenue shall be equal to hold less take out.
- (3) for purposes of subregulation (2);
  - (a) hold in respect of an event or contingency means the total of all punters takes in bets laid by a bookmaker in respect of such event or contingency, less the total stakes of all take back bets placed by the bookmaker on such events or contingency;
  - (b) take out in respect of an event or contingency means the total amounts paid by the bookmaker to winning punters in respect of that event or contingency less all amounts received by such bookmaker in respect of take back bets placed by him on such an event or contingency;
- (4) If in any tax period the amount of gross betting revenue is less than zero, the licensee may deduct the excess in the succeeding tax periods, until the loss is fully offset against gross gaming revenue.

#### **271. Payment of betting tax**

A licensed bookmaker shall, not later than Wednesday in each week or, if any Wednesday is a public holiday, not later than the next working day submit to the board a return in the form and containing such information in respect of his betting transactions during the preceding week as may be determined by the board: Provided that if there were no transactions, he shall state that fact.

#### **272. Penalty for late payment of betting tax**

If a licensed bookmaker does not pay over tax which is payable in terms of section 61(4) of the Act in accordance with the provisions of regulation 271 such bookmaker shall pay a penalty on the amount of any outstanding tax at a rate of ten per cent of the tax for each week or part of a week during which the tax remains unpaid: Provided that such a penalty shall not exceed twice the amount of the tax in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the tax within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

#### **273. Levy on certain bets for benefit of the holder of a totalizator licence**

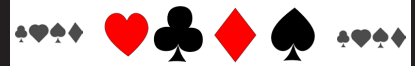
- (1) The levy contemplated in section 61 (4) of the Act payable for the benefit of the holder of a totalizator licence contemplated in section 63 of the Act shall be paid by a person contemplated in regulation 270 on the amount on which the tax referred to in that regulation is payable at the rate prescribed in regulation 276.
- (2) The provisions of regulation 270 to 272 shall *mutatis mutandis* apply to the levy contemplated in subregulation (1).

#### **274. Levy on certain bets for benefit of Sports Development Fund**

- (1) The levy payable for the benefit of the Sports Development Fund contemplated in section 100 of the Act, shall be paid by a bookmaker contemplated in regulation 270A at the rate of 1% of the bookmakers' betting revenue contemplated in regulation 270A;
- (2) The provisions of regulations 271 and 272 shall *mutatis mutandi* apply to the levy contemplated in subregulation (1).

#### **275. Levy on certain bets for benefit of the board**

- (1) The levy payable for the benefit of the Board contemplated in section 61 (4) of the Act shall be paid by a bookmaker contemplated in regulation 270A at the rate of 0.5% of the bookmakers' betting revenue contemplated in regulation 270A.
- (2) The provisions of regulations 271 and 272 shall *mutandis mutandi* apply to the levy contemplated in subregulation (1).



## 276 Calculation of tax and levies on betting transactions with licensed bookmaker

The taxes and levies payable in terms of the Act on betting transactions with a licensed bookmaker shall be calculated at the following percentages –

The taxes and levies payable in terms of the Act on betting transactions with a licensed bookmaker shall be calculated at the following percentages.

- (1) In respect of bets entered into with a bookmaker at a rate indicated hereunder opposite the type of bet mentioned:

Type of Bet	Tax in terms of Regulation 270	Holder of a Totalizator Licence contemplated in Section 53 of the Act levy in terms of Regulation 273			Total
Horse racing	3	3	-	-	6

## PART 8 - BOOKMAKERS

### CHAPTER 67

#### FINANCIAL INTERESTS IN LICENSEE

##### 277. Notice of procurement of interest and application for consent

- (1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such further information as the board may deem necessary.
- (2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest.
- (3) The Board may require any person who holds directly or indirectly a financial interest of less than 5% to apply for consent to hold such interest.

##### 278. Disposal of interest by applicant denied consent

If for any reason consent is not granted to an applicant, the board may -

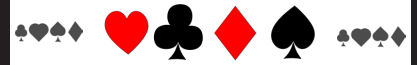
- (a) declare the agreement for the procurement of the relevant interest null and void; or
- (b) order the applicant to, within 30 days or such longer period as the board may determine, dispose of the relevant interest for no more than the applicant paid for such interest, or such greater amount approved by the board.

##### 279. Determination of unsuitability

- (1) If at any time the board, after giving the owner of a financial interest in a licensee the opportunity to be heard, finds that such owner is unsuitable to continue owning such an interest, such owner shall, within 3 months of the date of such finding, or such longer period as the board may determine, dispose of his or her interest in the licensee.
- (2) Beginning upon the date when the board serves notice of a determination of unsuitability in terms of subregulation (1) upon the licensee, the unsuitable owner shall not exercise, directly or through any trustee or nominee, any voting right conferred by the ownership of his or her interest in the licensee.

##### 280. Principals to be disclosed

No person may hold or acquire any interest in a licensee as agent or nominee for an undisclosed principal or



beneficial owner.

#### 281. Offences

Any person who contravenes, or fails to comply with, the provisions of regulation 280, shall be guilty of an offence.

## PART 9 - LICENSED RACE-COURSES AND RELATED MATTERS

### CHAPTER 68

#### FEES

#### 282. Application fees

Applications must be accompanied by the following non-refundable application fee -

Type of application	Fee
R	
1 Race-meeting licence	R112 922,00
2 Special licence to hold race-meeting	R230,00
3 Transfer of licence/consent for procurement of interest in licensee	R5 730,00
4 Amendment of licence	R5 730,00

#### 283. Recovery of investigation expenses

- (1) All expenses incurred by the board in investigating an applicant shall be paid by the applicant in the manner prescribed by this regulation.
- (2) The board shall estimate investigative fees and costs and require a deposit to be paid by the applicant in advance as a condition precedent to beginning or continuing an investigation.
- (3) The board may, at any stage during an investigation, require an applicant to pay additional deposits for the payment of investigative fees and costs.
- (4) Upon completion of its investigation, the board shall supply the applicant with a detailed account of investigative fees and costs incurred.
- (5) The board shall not take final action on any application unless all investigative fees and costs have been paid in full.

#### 284. Licence fees

- (1) A holder of a race-meeting licence which is not a special race-meeting licence as contemplated in section 97 of the Act, shall pay a licence fee of R56 405,00 for every year or part of a year ending on 31 August.
- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before 1 September of every year.
- (3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is



payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.

## **PART 9 - LICENSED RACE-COURSES AND RELATED MATTERS**

### **CHAPTER 69**

#### **DUTY OF RACING-CLUB TO SUBMIT LIST OF LICENSED BOOKMAKERS**

**285.** Repealed [R.285 repealed by r.39 of General Notice. 1189 of 2001.]

## **PART 9 - LICENSED RACE-COURSES AND RELATED MATTERS**

### **CHAPTER 70**

#### **RACE-COURSE COMMENTARY OR INFORMATION**

**286. Offence to relay race-course commentary or information**

- (1) No person shall -
  - (a) in any manner whatsoever, relay any contemporaneous commentary;
  - (b) by means of a telephone or any similar instrument, disseminate or relay any information, provided by a holder of a race-meeting licence in respect of any race, unless he is authorised in writing by the holder concerned to do so and, where applicable, is in possession of the necessary licence in terms of the Broadcasting Act, 1976 (Act No 73 of 1976).
- (2) No person shall by means of any radio, television or loudspeaker apparatus, telephone or any similar instrument receive any commentary or information contemplated in subregulation (1) at any place other than at a Tattersalls or at a totalizator conducted by the holder of a totalizator licence: Provided that the provisions of this paragraph shall not apply to -
  - (a) any such commentary or information transmitted by any person licensed in terms of the Broadcasting Act, 1976, to transmit such commentary or information;
  - (b) such information disseminated by means of a telephone or any similar instrument by any person authorised in writing by the holder of a totalizator licence concerned to so disseminate such information.
- (3) Any person who contravenes or fails to comply with the provisions of this regulation shall be guilty of an offence.

## **PART 10 - ADMINISTRATION**

### **CHAPTER 71**

#### **MINUTES OPEN TO INSPECTION**

**287. Inspection of minutes**



The minutes of meetings of the board shall, subject to section 16(2) of the Act, be open to public inspection by interested persons at the offices of the board, during the normal office hours of the board.

## **PART 10 - ADMINISTRATION**

### **CHAPTER 72**

#### **FEES FOR COPIES OR EXTRACTS**

##### **288. Fees for copies or extracts**

- (1) An interested person may request a copy or extract of any document which is available for public inspection in terms of the Act or these regulations.
- (2) A copy or extract requested in terms of subregulation (1) shall be made available upon payment of a fee to the board of R2,00 per page or part thereof.

## **PART 10 - ADMINISTRATION**

### **CHAPTER 73**

#### **OATHS AND AFFIRMATION OF OFFICE**

##### **289. Form of oath or solemn affirmation**

- (1) The oath or solemn affirmation to be made by members of the board shall be as follows:  
I, (Full name), do hereby swear/solemnly affirm that I will hold my office as member of the Gauteng Gambling Board with honour and dignity; that I will not divulge directly or indirectly any matters which are entrusted to me under secrecy; and that I will perform the duties of my office conscientiously and to the best of my ability, without fear, favour or prejudice; and that I am not disqualified in terms of the Gauteng Gambling Act, No 4 of 1995, from holding such office.  
(In the case of an oath : So help me God).
- (2) The oath or solemn affirmation to be made by members of the staff of the board shall be as follows:  
I, (Full name), do hereby swear/solemnly affirm that I will hold my office as a member of the staff of the Gauteng Gambling Board with honour and dignity; that I will not divulge directly or indirectly any matters which are entrusted to me under secrecy; and that I will perform the duties of my office conscientiously and to the best of my ability, without fear, favour or prejudice; and that I am not disqualified in terms of the Gauteng Gambling Act, No 4 of 1995, from holding such office.  
(In the case of an oath : So help me God).



## PART II – AMUSEMENT MACHINES

### CHAPTER 74

#### LICENSING AND CONTROL OF AMUSEMENT MACHINES

##### 290 Licence required to make available amusement machines for play

- (1) No persons shall maintain premises where amusement machines are available to be played or make available amusement machines for play without an amusement machine licence.
- (2) Any person desirous of obtaining an amusement machine licence shall apply to the board for such a licence in the manner and form determined by the board.

##### 291 Activities authorised by amusement machine licence

An amusement machine licence shall, subject to any condition imposed under section 32 of the Act, authorise the keeping and operation of the number of amusement machines specified in the licence, on the premises concerned.

##### 292 Suspension and revocation of licences and other penalties in relation to licensees

The provisions of section 37 of the Act shall *mutatis mutandis* apply to the holder of an amusement machine licence.

##### 293 Amusement machines to be registered

A licensee shall not keep or maintain any amusement machine, which has not, on application in the manner and form determined by the board, been separately approved and registered by the board.

### CHAPTER 75

#### STAKES AND PRIZES

##### 294 Stakes and prizes

- (1) The maximum amount that may be charged to enable a person to play a game on an amusement machine shall not exceed the amount approved by the board.
- (2) Each licensee shall, in such manner as the board may approve or require, keep accurate, complete, legible and permanent records of all its transactions.

### CHAPTER 76

#### CREDIT EXTENSION

##### 295 Credit extension prohibited

- (1) A licensee shall not, directly or indirectly, whether in his or her own name or that of a third party, extend credit in any form whatsoever to any patron for the purchase of, playing on, or operating, an amusement machine.
- (2) Failure by a licensee to deposit for collection a negotiable instrument by the close of the next banking day following receipt shall be deemed an extension of credit.

### CHAPTER 77

#### ACCOUNTING RECORDS AND RETURNS

##### 296 Accounting records



Each licensee shall, in such manner as the board may approve or require, keep accurate, complete, legible and permanent records of all its transactions.

**297 Other records**

Each licensee shall keep such other records, as the board specifically requires to be maintained.

**298 Returns to be rendered**

Each licensee shall, in the manner and format determined by the board, submit such information at such intervals as the board may determine.

## CHAPTER 78

### FEES AND LEVIES

**299 Application fees**

Applications must be accompanied by the following non-refundable application fees –

	<b>Type of application</b>	<b>Fee</b>
1	Amusement machine licence	R5 730,00
2	Amendment of licence:	R2 303,00
3	Transfer of licence/consent for procurement of interest in licensee:	R2 303,00
4	Certificate of suitability:	R1 130,00

**300 Recovery of investigation expenses**

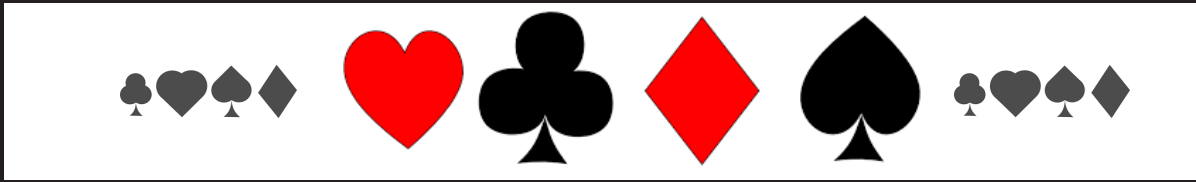
- (1) All expenses incurred by the board in investigating an applicant shall be paid by the applicant in the manner prescribed by this regulation.
- (2) The board shall estimate investigative fees and costs and require a deposit to be paid by the applicant in advance as a condition precedent to beginning or continuing with an investigation.
- (3) The board may, at any stage during an investigation, require an applicant to pay additional deposits for the payment of investigative fees and costs.
- (4) Upon completion of its investigation, the board shall supply the applicant with a detailed account of investigative fees and costs incurred.
- (5) The board shall not take final action on any application unless all investigative fees and costs have been paid in full.

**301 Licence fees**

- (1) Every holder of an amusement machine licence shall pay a licence fee of R573,00 per registered amusement machine for every year of part of a year ending on 31 March.
- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on registration of a machine and thereafter before 1 April of every year.
- (3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at the rate of ten per cent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation.







# GAUTENG GAMBLING BOARD

SPORTS BETTING

REGULATIONS

LEVIES

BINGO

GAMBLING PUBLIC

GDP

LEVIES

B-BBEE

GAUTENG GAMBLING BOARD

SPORTS BETTING

SPORTS BETTING

# EMPOWERMENT

LICENSING

SERVICE EXCELLENCE

HORSE RACING

ROUTE OPERATOR

TAXES

COMPLIANCE

TOTALIZATOR

TOTALIZATOR

RESPONSIBLE GAMBLING

HORSE RACING

GAUTENG GAMBLING BOARD

CASINO

CASINO

LIMITED PAYOUT MACHINE

SPORTS BETTING

BINGO

