

## LIMPOPO GAMBLING ACT 3 OF 2013

[ASSENTED TO 11 AUGUST 2014] [DATE OF COMMENCEMENT: 1 SEPTEMBER 2014]

*(English text signed by the Premier)*

**as amended by**

Proc 12 of 2017 (PG 2805 of 24 April 2017)  
[with effect from 1 May 2017]

### ACT

**To regulate the application for and consideration of licences for casinos, bingo, limited payout machines, totalisators, bookmakers, race meetings, special events, manufacturing, maintaining and supplying gambling devices and key employees; to provide for restricted and prohibited gambling activities; to provide for law enforcement procedures; to retain the Limpopo Gambling Board; to repeal the Limpopo Gambling Act, 1996; and to provide for matters connected therewith.**

[Long title substituted by sec 1 of Act 4 of 2016 wef 1 May 2017.]

**BE IT ENACTED** by the Limpopo Provincial Legislature as follows:-

#### ARRANGEMENT OF SECTIONS

[Arrangement of Sections amended by sec 2 of Act 4 of 2016 wef 1 May 2017.]

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[Heading substituted by sec 15 of Act 4 of 2016 wef 1 May 2017.]

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[Heading substituted by sec 20 of Act 4 of 2016 wef 1 May 2017.]

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[Heading substituted by sec 22 of Act 4 of 2016 wef 1 May 2017.]

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[Sec 55 substituted by sec 26 of Act 4 of 2016 wef 1 May 2017.]

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**CHAPTER 1**  
**[INTRODUCTORY PROVISIONS]**

**1 Definitions**

In this Act unless the context indicates otherwise-

**"amusement game"** means a game, other than bingo or a game similar to or derived from a game played in a casino or on a gambling machine, played with or by means of an amusement machine which, upon payment of money, a token or a similar object, is available to be played and which enables the player to win a prize; provided that such prize may not be in the form of cash, tokens, credit or any negotiable instrument, but must be limited to non-cash prizes with a market value not exceeding the amount determined by the Board;

**"amusement machine"** means a machine or device, other than a gambling device, on or by means of which an amusement game may be played;

**"associate"** means-

- (a) an employer;
- (b) a partner in terms of a partnership agreement;
- (c) a co-shareholder of a private company contemplated in the Companies Act, 2008 (Act 71 of 2008);
- (d) a co-member of a Close Corporation contemplated in the Close Corporations Act, 1984 (Act 69 of 1984); and
- (e) a person to whom another person has granted, or from whom another person has received, a general power of attorney;

**"bet or wager"** means-

- (a) being a player, staking money or anything of value on a fixed-odds bet, or an open bet, with a bookmaker operator or any contingency; or

[Para (a) substituted by sec 3(a) of Act 4 of 2016 wef 1 May 2017.]

- (b) being a bookmaker operator when-
  - (i) accepting a stake of money or anything of value on a fixed-odds bet, or an open bet, from a player on any contingency;
  - (ii) staking money or anything of value on a fixed-odds bet, or an open bet, with another bookmaker operator on any contingency;

[Para (b) substituted by sec 3(a) of Act 4 of 2016 wef 1 May 2017.]

- (c) staking or accepting a stake of money or anything of value with one or more other

persons on any contingency; or

- (d) expressly or implicitly undertaking, promising or agreeing to do as contemplated in paragraphs (a), (b) or (c);

**"bingo"** means a game, including a game played in whole or in part by electronic means-

- (a) that is played for consideration, using cards or other devices (whether electronic or otherwise)-
- (i) that are divided into spaces, each of which bears a different number, picture or symbol; or
  - (ii) with numbers, pictures or symbols arranged randomly such that each card or device contains a unique set of numbers, pictures or symbols;
- (b) in which either-
- (i) an operator or announcer calls or displays a series of numbers, pictures or symbols in random order and the players match each such number, picture or symbol to numbers, pictures or symbols appearing on the card or device as such series is called or displayed; or
  - (ii) an electronic or similar device generates and displays a series of numbers, pictures or symbols and then, on behalf of the players, matches each such number, picture or symbol to the numbers, pictures or symbols appearing on the electronic card or other similar device after such number, picture or symbol is generated or displayed; and

[Subpara (ii) substituted by sec 3(b) of Act 4 of 2016 wef 1 May 2017.]

- (c) in which either-
- (i) the player who is first to match all the spaces on the card or other similar device, or who matches a specified set of numbers, pictures or symbols on the card or device, wins a prize; or
  - (ii) the player on whose behalf the electronic or similar device referred to in paragraph (b)(ii) first matched all the spaces on the card or similar device, or matches a specified set of numbers, pictures and symbols on the electronic card or similar device, wins a prize or more than one prize;

or any other substantially similar game declared to be bingo in terms of section 49(6) of this Act;

**"Board"** means the Limpopo Gambling Board referred to in section 3 of this Act;

**"bookmaker operator"** means a person who directly or indirectly lays fixed-odds bets or open bets with members of the public or other bookmaker operators, or takes such bets with bookmaker operators.

[Definition of "bookmaker operator", previously "bookmaker", substituted by sec 3(c) of Act 4 of 2016 wef 1 May

2017.]

**"bookmaker operator licence"** means a licence issued in terms of section 55;

[Definition of "bookmaker operator licence", previously "bookmaker licence", substituted by sec 3(d) of Act 4 of 2016 wef 1 May 2017.]

**"casino"** means premises where gambling games are played, or are available to be played, but does not include premises in which-

- (a) only bingo and no other gambling game are played or are available to be played;
- (b) only limited payout machines are available to be played; or
- (c) limited payout machines and bingo, but no other gambling game, are played or available to be played;

**"casino operator licence"** means a licence issued in terms of section 45;

**"Chief Executive Officer"** means the person appointed in terms of section 12;

**"conduct"** means to carry on the business, to control, to direct, to keep, to manage, to oversee or to own, and **"maintain"** has a corresponding meaning;

**"consideration"** means-

- (a) money, merchandise, property, a cheque, a token, a ticket, electronic credit, credit, debit or an electronic chip, or similar object; or
- (b) any other thing, undertaking, promise, agreement or assurance, regardless of its apparent or intrinsic value, or whether it is transferred directly or indirectly;

**"contingency"** means an event or occurrence where the outcome is uncertain or unknown to a person until it happens;

**"controlling interest"** means the direct or indirect control of the business of the licence holder whether by virtue of shareholding, voting power, the power to appoint directors, or in any other manner and for the purposes of this Act, a person controls or is in a position to exercise control over any existing or prospective licence holder if-

- (a) such person, either alone or with an associate, is in a position to-
  - (i) exercise control over such licence holder;
  - (ii) exercise direct or indirect control over a significant proportion of the operations of the licence holder;
  - (iii) veto any action taken by the board or directors of such licence holder or to appoint or secure or veto the appointment of at least half of the board of directors of such licence holder, or to give or exercise in any other manner, whether directly or indirectly, direction or restraint over any substantial issue affecting the management or affairs of the licence holder; or
- (b) the existing or prospective licence holder or, where such licence holder is a company, more than fifty percent of the directors of such company, acts or is



accustomed to act, or under a contract, arrangement or understanding, whether formal or informal, is destined or expected to act, in accordance with the directions, instructions or wishes of, or in conjunction with such person and his or her associate acting together or, if such person is a company, the directors of the company;

**"Criminal Procedure Act, 1977"** means the Criminal Procedure Act, 1977 (Act 51 of 1977);

**"designated area"** in relation to-

- (a) a site, means an area at that site in which a limited payout machine is authorised to be placed; and
- (b) any other case, means an area within a licensed site where a gambling game is available to be played and includes an area designated as such by the Board in the conditions of licence issued by the Board;

**"Executive Council"** means the Executive Council of Limpopo;

**"fahfi"**, or any homophone thereof, means any scheme, plan, arrangement, system or game which depends directly, indirectly, partly or entirely on the staking of money on the random selection or drawing of numbers which may represent a name or character and **"mo-chaina"**, or any homophone thereof, has a corresponding meaning or any other substantially similar game declared to be **"fahfi"** or **"mo-chaina"** in terms of section 70(4);

[Definition of "fahfi" inserted by sec 3(e) of Act 4 of 2016 wef 1 May 2017.]

**"family member"** means a person's-

- (a) spouse; or
- (b) child, parent, brother or sister, whether such a relationship results from birth, marriage or adoption;

**"financial interest"** means-

- (a) a right or entitlement to share in profits or revenue;
- (b) a real right in respect of property of a company, corporation or business;
- (c) a real or personal right in property used by a company, corporation or business; or
- (d) a direct or indirect interest in the voting shares, or voting rights attached to shares of a company or an interest in a close corporation;

**"fixed-odds bet"** means a bet on one or more contingencies in which odds are agreed at the time the bet is placed;

**"gambling activity"** means an activity involving-

- (a) placing or accepting a bet or wager;

- (b) placing or accepting a totalisator bet; or
- (c) making available for play, or playing bingo or a gambling game;

**"gambling device"** means equipment, software or any other thing that is used or at the time of its manufacture was designed to be used in connection with a gambling activity and includes, without limiting the generality thereof, any electro-mechanical or electronic device, component or machine or gambling machine, playing cards or dice, or any other equipment or thing which the Board may in terms of section 61(7) declare to be a gambling device;

**"gambling game"** means-

- (a) a game that-
  - (i) is played upon payment of any consideration, with the chance that the person playing the game might become entitled to, or receive a payout; and
  - (ii) the result might be determined by the skill of the player or the element of chance, or both; or
- (b) a bet or wager placed in a casino in relation to an activity that meets the criteria in paragraph (a);

**"gambling machine"** means any mechanical, electrical, video, electronic, electro-mechanical or other device, contrivance, machine or software, other than an amusement machine, that-

- (a) was designed to be played or is available to be played or operated upon payment of a consideration; and
- (b) may, as a result of playing or operating it, entitle the player or operator to a payout, or deliver a payout to the player or operator;

**"independent site operator"** .....

[Definition of "independent site operator" deleted by sec 3(f) of Act 4 of 2016 wef 1 May 2017.]

**"inspector"** means an inspector appointed in terms of section 81;

**"licensed site"** means specific premises that are named or described in a licence issued in terms of this Act;

**"limited payout machine"** means a gambling machine outside of a casino in respect of which the stakes and prizes are limited in terms of this Act and section 26 of the National Gambling Act, 2004 (Act 7 of 2004);

**"limited payout machine independent site operator"** means a site operator, who is not linked to a limited payout machine route operator and is licensed to own and operate limited payout machines on a single site and is responsible to maintain the machines, effect the collection of money and pay levies due to the Board;

[Definition of "limited payout machine independent site operator" inserted by sec 3(g) of Act 4 of 2016 wef 1 May