

(4) The holder of a limited payout machine site licence must ensure that-

- (a) the maximum charge for playing on any limited payout machine must not exceed the prescribed amount;
- (b) the prize in respect of any one game played by means of any such limited payout machine may not in the aggregate exceed in value the amount prescribed in terms of the National Gambling Act, 2004;
- (c) the value of the maximum prize, prescribed in terms of subparagraph (b), must be displayed on the limited payout machine, which prize may be won by playing a game once; and
- (d) the limited payout machines are placed in an area to which a person under the age of 18 years has no access.

(5) No person may, without a limited payout machine site operator licence issued in terms of this Act, maintain a site at which limited payout machines are kept or exposed for play.

52 Limited payout machine independent site operator licence

(1) A limited payout machine independent site operator licence authorise, subject to any conditions which the Board may impose, the operation of not more than the maximum number of limited payout machines listed on the licence, on the site specified.

(2) The Board may only issue a limited payout machine independent site operator licence if-

- (a) the applicant has complied with all the requirements for the application in terms of the notice referred to in section 26;
- (b) the applicant has sufficient knowledge and experience or is able to acquire such knowledge and experience to operate limited payout machines; and
- (c) satisfied that the site in respect of which the licence is to be granted will not be primarily used for the operation of limited payout machines.

(3) The holder of a limited payout machine independent site operator licence must link all the limited payout machines specified on the licence to an electronic monitoring system.

(4) The holder of a limited payout machine independent site operator licence must ensure that the-

- (a) maximum charge for playing on a limited payout machine does not exceed the prescribed amount;
- (b) prize in respect of any game played by means of a limited payout machine does not in the aggregate exceed in value the prescribed amount;
- (c) return to players of a limited payout machine is not less than the prescribed percentage;
- (d) value of the maximum prescribed prize which may be won by playing a game once

- on a limited payout machine, is displayed on that limited payout machine; and
- (e) limited payout machines are placed in an area to which no person under the age of 18 years has access to.

(5) No person may, without a limited payout machine independent site operator licence issued in terms of this Act permit or engage in the business of operating limited payout machines specified in the licence.

[Sec 52 substituted by sec 24 of Act 4 of 2016 wef 1 May 2017.]

CHAPTER 7 TOTALISATOR AND BOOKMAKER LICENCE

53 Totalisator operator licence

(1) No person may, without a totalisator operator licence issued in terms of this Act, operate or permit the operation of a totalisator or betting pools.

(2) A totalisator operator licence authorise[s], subject to conditions the Board may impose, the conducting of totalisator or betting pools in accordance to the rules determined by the Board.

(3) The MEC may prescribe requirements for a totalisator operator licence.

54 Totalisator site licence

(1) A totalisator operator licensed in terms of section 53, must have a totalisator site licence to accept stakes on the site specified on the licence.

[Subsec (1) substituted by sec 25 of Act 4 of 2016 wef 1 May 2017.]

(2) A totalisator site licence authorise[s], subject to conditions the Board may impose, the acceptance of stakes on the site specified in the licence.

55 Bookmaker operator licence

(1) No person may, without a bookmaker operator licence issued in terms of this Act, engage, directly or indirectly in the business of laying or taking bets with members of the public or other bookmakers.

(2) The bookmaker specified in the licence holds the bookmaker operator licence.

(3) A bookmaker operator licence authorise, subject to any conditions imposed by the Board, the conducting of the business of a bookmaker on the sites by laying and placing fixed odds and open bets, but not totalisator bets.

(4) The MEC may, prescribe requirements for a bookmaker operator licence.

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

56 Bookmaker site licence

(1) A bookmaker operator licensed in terms of section 55, must have a bookmaker site licence for every site used by the bookmaker operator for the purpose of conducting the

business of a bookmaker operator.

[Subsec (1) substituted by sec 27 of Act 4 of 2016 wef 1 May 2017.]

(2) A bookmaker site licence is applicable to the site specified in the licence.

CHAPTER 8 MANUFACTURER, MAINTENANCE AND SUPPLIER LICENCE

57 Manufacturer, maintenance or supplier licence

(1) A person who wishes to operate, carry on or conduct any form of manufacture, acquisition, selling, distribution, import, marketing, maintenance, assembly, alteration, renting, leasing, repair or supply of any gambling device, must apply, in the prescribed format, to the Board for a manufacturer, maintenance or supplier licence.

(2) The Board may only issue a manufacturer, maintenance or supplier licence to an applicant if the Board is satisfied that the applicant has appropriate knowledge and experience to hold such a licence.

(3) The manufacturer, maintenance or supplier licence authorise, subject to any conditions that the Board may impose, the-

- (a) manufacture, selling, acquisition, distribution, import, marketing, maintenance, assembly, alteration, renting, leasing, repair or supply of gambling devices which meet the requirements set and approved by the Board; and
- (b) supply of gambling devices or services to licence holders.

(4) No person may, without the applicable manufacturer, maintenance or supplier licence manufacture, sell, acquire, distribute, import, market, maintain, assemble, alter, rent, lease, repair or supply a gambling device.

CHAPTER 9 RACE MEETING AND SPECIAL EVENT LICENCE

58 Race meeting licence

(1) No person may, without a race meeting licence issued in terms of this Act, hold a race-meeting.

(2) A race meeting licence authorise, subject to subsection (4) and conditions which the Board may impose, the holding of a specified number of race meetings on a race course specified in the licence.

(3) The MEC may prescribe the requirements for the operation of a race meeting licence.

(4) A race meeting must be conducted in terms of the rules and regulations applicable to the particular race course where the meeting will be held.

(5) Only a bookmaker operator licensed in terms of section 55 of this Act may carry on business at a race meeting.

[Subsec (5) substituted by sec 28 of Act 4 of 2016 wef 1 May 2017.]

59 Special event licence

(1) The Board may, subject to subsection (2), on application and in the manner determined by the Board, issue a special event licence to an applicant for specified dates.

[Subsec (1) substituted by sec 29 of Act 4 of 2016 wef 1 May 2017.]

(2) The Board may not issue a special event licence in respect of-

- (a) a casino licence;
- (b) a limited payout machine route operator licence;
- (c) a limited payout machine site operator licence; or
- (d) an independent limited payout machine site licence.

(3) The provisions of sections 27 and 31 do not apply to a special event licence.

CHAPTER 10 ELECTRONIC MONITORING SYSTEM, GAMBLING MACHINES AND GAMBLING DEVICES

60 Electronic monitoring system for gambling machines

(1) The Board must, where the required standards are met, approve and register an electronic, computer or communication system or device which is designed to send or receive data relating to the functioning of any machine or apparatus contemplated in subsection (2), as a monitoring system.

(2) Where the Board approves and registers a monitoring system, the Board must, in addition to other conditions of the registration, require that the licence holder link all gambling machines or gambling devices used on the licensed site to the monitoring system.

(3) No person may link any system or device which has not been registered by the Board as an electronic monitoring system contemplated in subsection (1).

61 Gambling machines and gambling devices

(1) Every gambling device and gambling machine must be registered with the Board, unless-

- (a) it is of a category exempted in terms of section 19(3) of the National Gambling Act, 2004; or
- (b) the gambling device or gambling machine enters the province by any means of transportation whilst in transit: Provided that the person in control of such gambling machine or gambling device must, whilst in the province, keep such gambling device or gambling [machine] in such a manner that it is not available to be played or operated by any person or be accessible to any member of the public whilst in the province and must comply with any regulation or rule that relate to the transportation of gambling machines or gambling devices.

(2) Subject to subsection (5), no person may, without being licensed by the Board,-

- (a) keep, maintain, possess, manufacture, assemble, sell, distribute, import, acquire, market, rent or lease any gambling device or gambling machine other than playing-cards or dice; or
- (b) alter or otherwise modify a gambling device or any associated equipment in a manner which alters or affects approved criteria of selection which determines the outcome of a gambling game or in any other manner alters or affects the result of a gambling game.

(3) The Board must ensure that gambling devices and gambling machines comply with the relevant norms and standards developed for the gambling industry.

(4) No person may alter or modify any software or hardware used in any gambling device or gambling machine in the operation of any gambling business without-

- (a) holding the appropriate licence; and
- (b) the Board's approval for such alteration or modification.

(5) A licence holder, any person whose licence has been suspended or revoked or the trustee, liquidator or judicial manager of such licence holder, may with the prior written approval of the Board and in the manner and subject to the conditions determined by the Board-

- (a) dispose of a gambling device or gambling machine in a manner approved by the Board; or
- (b) possess such gambling devices or gambling machines pending disposal or destruction thereof;

(6) A person referred to in subsection (5) may not-

- (a) possess more gambling devices or gambling machines than the Board has approved;
- (b) supply or lease a gambling device or gambling machine to, or repair or modify a gambling device or gambling machine for any person within the province who does not hold an appropriate licence.
- (c) allow or permit any person to use any gambling device or gambling machine in his or her possession to gamble while such gambling device or gambling machine is not on appropriately licensed premises;
- (d) repair or modify any gambling device or gambling machine which is required to be registered or licensed and is not so registered or licensed.

(7) The Board may by Notice in the *Gazette*, declare equipment, software or any other thing that is used in connection with a gambling activity to be a gambling device.

CHAPTER 11 KEY EMPLOYEE LICENCE

62 Key employee licence

(1) The MEC may prescribe-

- (a) certain categories of employees in the gambling industry as key employees;
- (b) the application and licensing procedure for key employees;
- (c) different fee structures for categories of key employees; and
- (d) licence conditions for key employees.

(2) A key employee must be licensed by the Board.

(3) A licence holder may not employ a key employee or permit a key employee to engage in any work within the gambling industry, unless the key employee is licensed by the Board.

(4) A key employee licence is-

- (a) not transferable to another person; and
- (b) valid for the period indicated on the licence.

63 Disqualification

The Board may not issue a person with a key employee licence, if that person-

- (a) is under the age of 18 years;
- (b) is a public servant or political office bearer;
- (c) is a judicial officer or employed within a court;
- (d) is listed on the register of excluded persons in terms of section 14 of the National Gambling Act, 2004;
- (e) is subject to an order of a competent court holding or declaring that person to be mentally unfit;
- (f) has been removed from an office of trust on account of misconduct relating to fraud or the misappropriation of money; or
- (g) has been convicted during the previous ten years, in the Republic or elsewhere, of-
 - (i) theft, fraud, forgery, uttering a forged document or perjury;
 - (ii) an offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004);
 - (iii) any computer or computer software related crime;
 - (iv) an offence in terms of the National Gambling Act, 2004 or this Act,and has been sentenced to imprisonment without the option of a fine, or to a fine

exceeding the amount prescribed in terms of section 49(1)(f) of the National Gambling Act, 2004 unless the person has received a grant of amnesty or free pardon for the offence.

64 Temporary key employee licence

The Board may, pending the outcome of the probity investigation of the prospective key employee, issue a temporary key employee licence to a prospective key employee, if the Board is satisfied that-

- (a) the business of the licence holder in the gambling industry will be seriously prejudiced or disadvantaged by a delay in employing the key employee; and
- (b) employing the prospective key employee will not prejudice the integrity and proper operation of the licence holder's business.

[Sec 64 substituted by sec 30 of Act 4 of 2016 wef 1 May 2017.]

65 Suspension or revocation

(1) The Board may, subject to subsection (2), suspend for a specified period not exceeding six months or revoke a key employee licence, when-

- (a) information contained in the key employee's application was false in a material respect or there was a material omission in the application;
- (b) the key employee becomes disqualified in terms of section 63;
- (c) the key employee has contravened a provision of this Act or a condition of the licence; or
- (d) the Board is reasonably of the opinion that the key employee is no longer suitable to hold a licence.

(2) The Board must give the key employee written notice of the Board's intention to suspend or revoke the key employee's licence and must provide the key employee the opportunity to be heard.

(3) The Board may, at any time uplift a suspension in terms of subsection (1), if the Board is satisfied that the reasons for the suspension have been remedied.

66 Restriction

No key employee licensed in terms of sections 62 or 64 may-

- (a) participate in or play a gambling game offered by his or her employer, except when necessary for the performance of the key employee's functions; or
- (b) solicit or accept any tip, gratuity, consideration or other benefit from a player or customer, otherwise than as determined by the rules.

67 Key employee probity report

(1) When considering an application for a key employee licence, the Board may request-

- (a) additional information from the applicant;
- (b) written authorisation from the applicant permitting the Board to procure information directly from third parties and authorising such third parties to provide that information; and
- (c) a report from-
 - (i) the South African Revenue Service;
 - (ii) the Financial Intelligence Centre;
 - (iii) the National Director of Public Prosecutions;
 - (iv) the South African Police Service; or
 - (v) any regulatory authority.

[Para (c) substituted by sec 31 of Act 4 of 2016 wef 1 May 2017.]

(2) A report in terms of subsection (1) may include-

- (a) particulars of any convictions recorded against a person, to the extent that those particulars are relevant for the purpose of the Board determining whether that person is disqualified from holding a key employee licence; or
- (b) any other information which an entity referred to in subsection (1)(c) may regard as relevant to the application.

(3) For the purposes of a report contemplated in subsection (1) a member of the South African Police Service may require the applicant or person concerned to furnish such information and particulars including any finger-print or palm-print.

(4) The Board must submit a copy of every probity report conducted in terms of this Act to the National Gambling Board to be included in the national probity register.

68 Register of key employees

The Board must keep a register, in the prescribed format, of all key employees licensed in terms of this Act.

CHAPTER 12 RESTRICTED AND PROHIBITED GAMBLING ACTIVITIES

69 Mandatory licensing

(1) No person may, without an appropriate licence issued in terms of this Act-

- (a) conduct or permit the playing of any gambling game or conduct or permit any gambling in or on premises under that person's control, either directly or indirectly; or
- (b) be involved, directly or indirectly, in the operation of a gambling business.

- (2) No person may-
- (a) participate, facilitate, promote or derive any benefit from a scheme, game of chance, a gambling game or betting unless that scheme, game of chance, gambling game or betting is licensed in terms of this Act;
 - (b) without the approval of the Board, have any direct or indirect financial interest of five percent or more, in a gambling business;
 - (c) without a licence or where applicable the approval of the Board, in any manner share in the profits of gambling; or
 - (d) conduct, permit or allow the playing of any gambling game at any premises under that person's control without the required licence.

70 Unlawful Gambling

(1) No person may engage in, conduct or make available a gambling activity if the outcome of that activity depends directly, indirectly, partly or entirely on a contingency related to an event or activity that is itself unlawful in terms of any law.

- (2) No person may-
- (a) permit any gambling machine or gambling device under that person's control to be used for the purposes of a gambling activity contemplated in subsection (1);
 - (b) maintain or operate any site, whether or not such site is licensed for the purpose of a gambling activity contemplated in subsection (1); or
 - (c) permit any site under that person's control, whether or not such site is licensed, to be used for the purpose of a gambling activity contemplated in subsection (1).

(3) No person may in any manner, participate in, conduct, organise, promote, devise or manage the playing of fahfi or mo-chaina.

(4) The MEC may, by notice in the *gazette*, declare any particular game that is substantially similar to fahfi or mo-chaina, as fahfi or mo-chaina.

[Sec 70 substituted by sec 32 of Act 4 of 2016 wef 1 May 2017.]

71 Contingencies

- (1) No person may gamble on the result of a contingency, other than-
- (a) a casino game;
 - (b) bingo;
 - (c) the operation of a gambling machine;
 - (d) a special event; or
 - (e) a sporting event.

(2) No person may gamble on a contingency contemplated in subsection (1) with a

person other than a holder of a licence issued for such contingency.

72 Place of gambling

(1) Subject to subsection (2), no person may gamble at any place that is not a licensed site in terms of this Act.

(2) Gambling, by means of using a telephone or other mode of communication, by placing a bet on a contingency, occurs at the licensed site, if the licence holder accepts and records the bet at the licensed site.

73 Rules of gambling games or betting

(1) No person may play or bet on a gambling game which is not in accordance with the rules either determined or approved by the Board.

(2) The licence holder may, in respect of any gambling game or betting authorised by such licence for which no rules have been determined by the Board, make rules relating to the playing of such gambling game or the conducting of such betting and submit such rules to the Board for approval.

(3) The licence holder must, at the request of any player, make available for examination a copy of the approved rules of any gambling game or betting.

74 Cheating and cheating devices

(1) No person may-

- (a) allow anyone to cheat or to operate any cheating device or provide any person with information or with a device to cheat in any gambling game or betting;
- (b) conduct, allow or expose for play any gambling game played with playing-cards which have or with any gambling device which has been-
 - (i) marked;
 - (ii) tampered with; or
 - (iii) placed in a condition or operated in a manner that tends to deceive the licence holder, the players or the public or alter the normal random chance of the gambling game, or to determine or alter the result of the gambling game;

[Para (b) substituted by sec 33 of Act 4 of 2016 wef 1 May 2017.]

- (c) make use of any counterfeit chip, token or playing-cards;
- (d) contravene the rules of a gambling game or interfere in any way with a gambling device or any other device used for gambling with the intention of obtaining any direct or indirect pecuniary advantage, whether personally or for another person;
- (e) alter or misrepresent the outcome of a gambling game or other event on which wagers have been made after the outcome is determined but before it is revealed to the players;