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LIMPOPO PROVINCIAL ADMINISTRATION

**DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT
AND TOURISM**

**LIMPOPO PROVINCE GAMBLING ACT, 1996
(ACT NO.4 OF 1996)**

LIMPOPO CASINO AND GAMING REGULATIONS, 2013

The Member of the Executive Council has, in terms of section 88 of the Limpopo Province Gambling Act, 1996 (Act No. 4 of 1996), amended the Limpopo Province Casino and Gaming Regulations that were published in *Government Gazette* 292 Notice No.28 of 26 September 1997, as set out in the Schedule.

SCHEDULE

1. Definitions and Interpretation

In these Regulations "the Regulations" means the regulations published under Government Notice No.28 dated 26 September 1997, as amended by Government Notice No.167 dated 30 September 2002 and Government Notice No. 277 dated 15 September 2011.

2. Amendment of regulation 46

The following regulation is hereby substituted for regulation 46 of the Regulations:

"46. Suitability of third parties conducting business with licensee

46.1 A third party must apply to the Board for a certificate of suitability as determined in section 41 of the Act.

46.2 For the purpose of this regulation—

- (a) **"key employee"** means a person —
- (i) in senior management of the third party;
 - (ii) who has a controlling interest in the third party's business entity;
 - (iii) in the employ of the third party who —

- (aa) is authorised to employ or terminate the employment of supervisory personnel of the third party;
 - (bb) is authorised to supervise or direct employees of the third party;
 - (cc) is authorised to manage one or more departments or functions of the third party;
 - (dd) is central to the operation of the third party;
 - (ee) is individually or as part of a group, responsible to formulate management policy of the third party; or
 - (ff) is a person referred to in regulation 46.3; and
- (b) **“other employee”** means an employee of the third party, other than a key employee, who is directly or indirectly involved in the operations of the third party and includes a person referred to in regulation 46.3.
- 46.3 The Board, in determining whether an employee is a key employee or other employee, is not limited by the job title of the employee and may consider the functions and responsibilities of the employee or position held.
- 46.4 The Board may, subject to regulation 10 –
- (a) grant or refuse an application for a certificate of suitability;
 - (b) amend or revoke a certificate of suitability; or
 - (c) suspend a certificate of suitability for such time as it may determine.
- 46.5 Where a certificate of suitability of either a third party, key employee or other employee is revoked or suspended, such third party, key employee or other employee may not provide any goods or services to a licensee.
- 46.6 A third party holding a certificate of suitability must, within 14 days of terminating the employment of a key employee or other employee, notify the Board, in writing, of such termination and the reasons therefor.
- 46.7 A licensed key employee and a licensed other employee must have the certificate of suitability available for inspection at all times when such person is on duty.
- 46.8 The third party must pay the following fees in relation to the certificate of suitability:

Category	Fee
Application fee for certificate of suitability	R8,798.00
Annual fee for certificate of suitability	R5,000.00
Amendment of certificate of suitability	R4,240.00
Application fee for key employees of third party	R2,120.00
Application fee for other employees of third party	R 445.00
Annual fee for key employees	R1,500.00
Annual fee for other employees	R1,500.00

46.9 Where a third party, key employee or other employee applies for a certificate of suitability and the Board is satisfied that the operation of the business of the third party may be seriously prejudiced or disadvantaged by a delay in issuing the certificate of suitability, the Board may issue the applicant with a temporary certificate of suitability pending the final outcome of the application.

46.10 A licensed third party must keep a copy of a key employee's certificate of suitability and an "other employee's" certificate of suitability on the employment record of that employee.

Amendment of regulation 72 of the Regulations

The following regulation is hereby substituted for regulation 72 of the Regulations:

"72. Proposal and application fees

Proposals and applications must be accompanied by the following non-refundable fees:

	Fee
1. Application for a casino licence	R477, 000.00
2. Application for transfer or removal of licence	R477, 000.00
3. Amendment of licence	R 8, 798.00
4. Key employee registration	R 2, 120.00

5. Annual licence for key employee and other employee R 1, 500.00
6. Casino employee registration R 445.00
7. Junket representative registration R 1, 060.00
8. Consent for procurement of interest in a licence must be paid according to the table hereunder:

Percentage procured	Percentage payable	Amount
100%	100% of R477, 000.00	R477, 000.00
80-90%	85% of R477, 000.00	R405, 450.00
60-79%	60% of R477, 000.00	R286, 200.00
30-59%	30% of R477, 000.00	R143, 100.00
0-29%	20% of R477, 000.00	R 95, 400.00

4. Amendment of regulation 74 of the Regulations

Regulation 74 is hereby amended by the substitution for sub-regulation 74.1 of the following sub-regulation:

"74.1 Every holder of a casino licence shall pay a licence fee of R87, 980.00 plus —

- (a) R1, 590.00 per registered gaming machine; and
- (b) R3, 286.00 per licenced casino table, for every year or part of a year ending on 31 March."

5. Amendment of regulation 75 of the Regulations

Regulation 75 is hereby amended by the substitution for sub-regulation 75.1 of the following sub-regulation:

"75.1 The gaming levy payable in terms of section 54 of the Act shall be paid at the rate of 8.5% of the licensee gross gaming revenue."

6. Amendment of regulation 130 of the Regulations

The following regulation is hereby substituted for regulation 130 of the Regulations:

"130. Application fees

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

Type of application	Fee
1. Bingo licence / transfer of licence R100.00 per seat with a maximum fee of	R81, 400.00
2. Amendment of licence	R 4, 240.00
3. Key employee registration	R 2,120.00
4. Bingo employee registration	R 445.00
5. Consent for procurement of interest in a licence must be paid according to the table hereunder:	

Percentage procured	Percentage payable	Amount
100%	100% of R81,400.00	R81,400.00
80-90%	85% of R81,400.00	R69,190.00
60-79%	60% of R81,400.00	R48,840.00
30-59%	30% of R81,400.00	R24,420.00
0-29%	20% of R81,400.00	R16,280.00

"

7. Amendment of regulation 132 of the Regulations

The following regulation is hereby substituted for Regulation 132 of the Regulations:

"132. Licence fees

- 132.1 Every holder of a bingo licence shall pay a licence fee of R 133.00 per licensed seat for every year or part of a year ending 31 March.
- 132.2 Every holder of a bingo licence shall pay an annual fee of R1,500.00 for every key employee and bingo employee registered.
- 132.3 The fee payable in terms of sub-regulation (1) and (2) shall be paid to the Board on issuing of the licence or registration and thereafter before 1 April of every year.

132.4 If the fee payable in terms of sub-regulation (1) and (2) is not paid in accordance with sub-regulation (3), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of eight per cent of the licence fee for each week or part of a week which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the levies 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 levy or fee within the prescribed period was not due to or intended 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."

8. Amendment of regulation 133 of the Regulations

Regulation 133 is hereby amended by the substitution for subregulation 133.1 of the following subregulation:

"133.1 The gaming levy payable in terms of section 54 of the Act, shall be paid at the rate of 8.5% of the licensee's bingo revenue."

9. Amendment of regulation 169 of the Regulations

The following regulation is hereby substituted for regulation 169 of the Regulations:

"169. Application fees

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

Type of application	Fee
1. Gaming machine operator licence	R79, 918.00
2. Transfer of licence	R79, 918.00
3. Amendment of licence	R 4, 452.00
4. Key employee registration	R 2, 120.00
5. Gaming employee registration	R 445.00
6. Consent for procurement of interest in a licence must be paid according to the table hereunder:	

Percentage procured	Percentage payable	Amount
100%	100% of R79,918.00	R79,918.00
80-90%	85% of R79,918.00	R67,930.00
60-79%	60% of R79,918.00	R47,950.00
30-59%	30% of R79,918.00	R23,975.00
0-29%	20% of R75, 300.00	R15,984.00

10. Amendment of regulation 171 of the Regulations

The following regulation is hereby substituted for regulation 171 of the Regulations:

"171.1 Every holder of a gaming machine route operator licence shall pay a licence fee of R48, 760.00 plus R530.00 per gaming machine licenced for every year or part of a year ending on 31 March.

171.2 Every holder of a gaming machine route operator licence shall pay an annual fee of R1,500.00 for every key employee and gaming employee registered.

171.3 If the fee payable in terms of sub-regulation (1) and (2) is not paid in accordance with sub-regulation (3), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of eight 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 levies 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 levy or fee within the prescribed period was not due to or intended 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."

11. Amendment of regulation 172 of the Regulations

The following regulation is hereby substituted for regulation 172 of the Regulations:

"172. Gaming levy

The Gaming levy payable in terms of section 54 of the Act shall be paid at the rate of 10% of the licensee's gross gaming revenue."

12. Amendment of regulation 197 of the Regulations

The following regulation is hereby substituted for regulation 197 of the Regulations:

"197. Application fees

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

Type of application	Fee (5 or less than 5 machines)	Fee (more than 5 machines)
New operator licence		
1. Gaming machine site licence	R8, 798.00	R80,000.00
2. Transfer of licence	R8, 798.00	R80 000.00
3. Amendment of licence	R1, 325.00	R4 240.00
4. Removal of business to another premises	R1, 325.00	R4 240.00
5. Key employee registration	R2, 120.00	R2,120.00
6. Gaming employee registration	R 445.00	R 445.00
7. Consent for procurement of interest in licence	R8, 798.00	see table hereunder
8. Consent for procurement of interest in a licence for sites with more than 5 machines must		

be paid according to the table hereunder:

Percentage procured	Percentage payable	Amount
100%	100% of R80,000.00	R80,000.00
80-90%	85% of R80,000.00	R68,000.00
60-79%	60% of R80,000.00	R48,000.00
30-59%	30% of R80,000.00	R24,000.00
0-29%	20% of R80,000.00	R16,000.00

13. Amendment of regulation 198 of the Regulations

The following regulation is hereby substituted for regulation 198 of the Regulations:

"Licence fees

- 198.1 Every holder of a gaming machine site licence shall pay a licence fee of R3, 975.00, if the site operates five machines or less and R5, 565.00 if the site operates more than five machines, plus R530.00 per registered gaming machine for every year or part of a year ending on 31 March.
- 198.2 Every holder of a gaming machine site operator licence shall pay an annual fee of R1,500.00 for every key employee and gaming employee registered.
- 198.3 The licence fee payable in terms of sub-regulation (1) and (2) shall be paid to the Board on issuing of the licence and thereafter before 1 April of every year.
- 198.4 If the licence fee payable in terms of sub-regulations (1) and (2) is not paid in accordance with sub-regulation (3), the licensee shall pay a penalty on the amount of any licence fee outstanding at the rate of 10 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."

14. Amendment of regulation 199

The following regulation is hereby substituted for regulation 199 of the Regulations:

"199. Gaming levies

The gaming levy payable in terms of section 54 of the Act shall be paid at the rate of 10 percent of the licensee's gross gaming revenue."

15. Amendment of regulation 222

The following regulation is hereby substituted for regulation 222 of the Regulations:

"222. Application fees

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

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|----|--|-------------|
| 1. | Manufacturer of gambling machines, devices and equipment | R100,000.00 |
| 2. | Maintenance or suppliers licence | R 60,000.00 |
| 4. | Amendment of licence | R 6,000.00 |

5. Key employee registration R 2,120.00
6. Service or manufacturing employee registration R 445.00
7. Consent for procurement in interest in licence must be paid according to the table hereunder:

Percentage procured	Percentage payable	Amount
100%	100% of R100,000.00	R100,000.00
80-90%	85% of R100,000.00	R85,000.00
60-79%	60% of R100,000.00	R60,000.00
30-59%	30% of R100,000.00	R30,000.00
0-29%	20% of R100,000.00	R20,000.00

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16. Amendment of regulation 224

The following regulation is hereby substituted for regulation 224 of the Regulations:

"224. Licence fees

- 224.1 Every holder of a manufacturer licence shall pay a licence fee of R60,00.00 for every year or part of a year ending on 31 March: Provided that the holder of a maintenance or supplier licence shall pay a licence fee of R8,000.00 for every year or part of a year ending on 31 March.
- 224.2 Every holder of a manufacturer licence shall pay an annual licence fee of R1,500.00 for every key employee and manufacturer employee.
- 224.3 The licence fee payable in terms of sub-regulation (1) and (2) shall be paid to the Board on issuing of the licence and thereafter before 1 April of every year.
- 224.4 If the licence fee payable in terms of sub-regulation (1) and (2) is not paid in accordance with sub-regulation (3), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of eight per cent of the licence fee for each week or part of a week which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the levies 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 levy or fee within the prescribed period was not due to or intended 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."

17. Commencement

These Regulations come into operation with effect from 1 April 2014.