

**GAMBLING AND BETTING AMENDMENT ACT (EASTERN CAPE)
NO. 3 OF 2000**

[ASSENTED TO 17 MAY, 2000]

[DATE OF COMMENCEMENT: 23 JUNE, 2000]

(Unless otherwise indicated)

(English text signed by the Premier)

ACT

To amend the Gambling and Betting Act, 1997 (Act No. 5 of 1997) (Eastern Cape); to add, delete or amend certain definitions; to extend the application of the Prohibition of Dog Races Ordinance, 1986 to the entire Province; to create certain exclusions concerning licences; to add certain deeming provisions; to provide for the registration of gambling devices; to adjust fees payable in respect of applications and registrations and to provide for matters incidental thereto.

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BE IT ENACTED by the Provincial Legislature of the Province of the Eastern Cape as follows—

1. Amends section 1 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes the definition of "amusement game"; paragraph (b) inserts the definition of "associate"; paragraph (c) substitutes the definition of "family member"; paragraph (d) substitutes the definition of "gambling device"; paragraph (e) substitutes the definition of "gambling game"; paragraph (f) substitutes the definition of "gambling machine"; paragraph (g) substitutes the definition of "licence"; paragraph (h) substitutes the definition of "opportunity to play a further game"; paragraph (i) inserts the definition of "partner"; and paragraph (j) substitutes the definition of "social gambling".

2. Substitutes section 2 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*.

3. Amends section 4 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes subsection (1) (c) (ii); paragraph (b) substitutes subsection (1) (c) (xxx); paragraph (c) substitutes subsection (5); and paragraph (d) adds subsection (7).

4. Substitutes section 8A of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*.

5. Amends section 13 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting subsection (2).

6. Amends section 17 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting subsection (6).

7. Inserts section 18A in the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*.

8. Amends section 19 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting subsection (1).

9. Amends section 20 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting subsection (6).

10. Amends section 21 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by adding subsection (5).

11. Amends section 25 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes subsection (1); and paragraph (b) adds subsection (3).

12. Amends section 28 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting subsection (1).

13. Amends section 31 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes subsection (1) (j); paragraph (b) adds subsection (1) (k); paragraph (c) substitutes subsection (3) (a) (date of commencement: 1 January, 1998); and paragraph (d) substitutes the proviso following subsection (4) (b).

14. Amends section 32 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting subsection (1).

15. Amends section 34 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes subsection (1); paragraph (b) substitutes subsection (2); paragraph (c) substitutes subsection (5); and paragraph (d) substitutes subsection (6).

16. Amends section 38 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes subsection (1); and paragraph (b) substitutes subsection (3).

17. Amends section 40 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes subsection (1); and paragraph (b) substitutes subsection (2).

18. Amends section 42 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting the words preceding paragraph (a).

19. Amends section 45 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes subsection (1) (b); and paragraph (b) substitutes of subsection (2) (d).

20. Amends section 57 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting subsection (2).

21. Amends section 60 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes the words preceding subsection (1) (a); and paragraph (b) substitutes subsection (4).

22. Amends section 61 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes subsection (1) (a); paragraph (b) substitutes subsection (5) (b); paragraph (c) substitutes the words preceding subsection (11) (a); paragraph (d) substitutes subsection (13); and paragraph (e) adds subsections (14), (15) and (16).

23. Amends section 62 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting subsection (1).

24. Amends section 63 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, as follows:—paragraph (a) substitutes subsection (3) (b); paragraph (b) substitutes subsection (4); paragraph (c) substitutes subsection (7); and paragraph (d) adds subsections (8), (9), (10) and (11).

25. Substitutes section 65 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*.

26. Amends section 68 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting subsection (4).

27. Inserts section 69A in the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*.

28. Amends section 73 (3) of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*, by substituting paragraph (a).

29. Substitutes section 74 of the *Gambling and Betting Act (Eastern Cape), No. 5 of 1997*.

30. Amends section 76 (1) of the Gambling and Betting Act (Eastern Cape), No. 5 of 1997, as follows:—paragraph (a) substitutes paragraph (c); and paragraph (b) adds paragraph (d).

31. Amends section 81 of the Gambling and Betting Act (Eastern Cape), No. 5 of 1997, as follows:—paragraph (a) substitutes paragraph (a); paragraph (b) substitutes paragraph (d); and paragraph (c) adds paragraphs (e), (f), (g) and (h).

32. Amends section 82 of the Gambling and Betting Act (Eastern Cape), No. 5 of 1997, by substituting subsection (1).

33. Amends section 86 of the Gambling and Betting Act (Eastern Cape), No. 5 of 1997, by substituting subsection (1).

34. Amends section 88 of the Gambling and Betting Act (Eastern Cape), No. 5 of 1997, as follows:—paragraph (a) substitutes subsection (1) (h); paragraph (b) substitutes subsection (1) (i); paragraph (c) adds subsection (1) (j) to (w) inclusive; and paragraph (d) adds subsections (4), (5) and (6).

35. Amends section 90 of the Gambling and Betting Act (Eastern Cape), No. 5 of 1997, as follows:—paragraph (a) substitutes subsection (2); and paragraph (b) adds subsection (3).

36. Substitutes Schedule II of the Gambling and Betting Act (Eastern Cape), No. 5 of 1997.

37. Amends Schedule III of the Gambling and Betting Act (Eastern Cape), No. 5 of 1997, as follows:—paragraph (a) substitutes paragraph (e) of Item 1; and paragraph (b) substitutes Item 2.

38. Transitional provisions relating to gambling devices, gambling machines and other devices.—(1) Any person in possession of any gambling device, gambling machine, amusement machine or other device the possession of which is prohibited in terms of section 88 (1) (i) or (j) of the principal Act (as amended by this Act) and who is not in possession of an appropriate licence or registration may apply to the board for a permit for the storage of such gambling device, gambling machine, amusement machine or other device, which application shall be

- (a) made within 30 days of the coming into operation of this section;
- (b) made in the manner and form determined by the board; and
- (c) accompanied by a non-refundable application fee of R1 000 excluding value-added tax.

(2) The application shall contain such particulars as the board may require, which shall include—

- (a) the number of such devices or machines;
- (b) a description of each device or machine and its serial number;
- (c) the address of the place where the devices or machines are being or shall be kept;
- (d) whether the applicant is the owner of such devices or machines and, if not the owner—
 - (i) the name and address of the owner;
 - (ii) the details of the arrangement in terms of which the applicant is the possessor thereof;
- (e) whether it is the intention of the applicant or owner to apply for any licence contemplated in the principal Act which would allow the device or machine to be played, and, if so, which licence; and
- (f) whether it is the intention of the applicant or owner to dispose of such devices or machines, and, if so, in what manner and to whom.

(3) The board may issue a permit to an applicant subject to any conditions it may deem fit: Provided that it shall be a condition of all such permits that—

- (a) all such gambling devices, gambling machines, amusement machines or devices contemplated in

section 88 (1) (i) of the principal Act (as amended by this Act) shall at the cost of the applicant or permit holder be submitted for testing by the South African Bureau of Standards against the set norms and standards for such device within 60 days of the coming into operation of this section;

- (b) all such gambling devices, gambling machines, devices and amusement machines contemplated in subsection (1) shall be stored in such a manner so as not to be available to be played or operated by any person or accessible to any member of the general public or any part thereof;
- (c) inspectors of the board or members of the South African Police Service shall at all reasonable times have free access to the premises on which such devices or machines are stored for inspection purposes;
- (d) the person to whom a permit is issued shall apply for the licence indicated in subsection (2) (e)—
 - (i) in the case of an amusement arcade licence contemplated in section 4 (1) (c) (xxx) of the principal Act, within two months of the coming into operation of this Act;
 - (ii) in any other case within one month of any applicable notice under the principal Act inviting applications for such licences;
- (e) the holder of a permit and owner of such devices or machines shall, before disposing of the devices or machines in the possession of a permit holder, apply to the board for approval of the manner of such disposal and shall furnish the board with such information regarding the disposal as it may require: Provided that the board shall not be obliged to approve any or any particular disposal thereof;
- (f) that any costs associated with such storage shall be at the cost of the permit holder.

(4) A permit contemplated in this section shall expire—

- (a) in respect of every gambling device, gambling machine, amusement machine or device contemplated in section 88 (1) (i), and (j) and which does not comply with the relevant norms and standards, two months after notification of the permit holder by the board that such device or machine does not comply: Provided that if the permit holder modifies such device or machine before the expiry of the two-month period and such device or machine thereafter complies with the relevant norms and standards, the provisions of paragraph (e) shall apply;
- (b) if the person to whom the permit is granted fails to apply for a licence as contemplated in subsection (3) (d), on expiry of the period contemplated in that subsection;
- (c) in respect of any device or machine not submitted for testing within the period contemplated in subsection (3) (a) upon expiry of the period referred to in that subsection;
- (d) on the granting of a licence contemplated in subsection (3) (d);
- (e) two months after the date of refusal of a licence contemplated in subsection (3) (d); or
- (f) upon disposal by the permit holder of the devices or machines in respect of which a permit has been granted in terms of this section.

(5) The issue of a permit under this section shall not found any expectation of the granting of a licence or registration under the Act.

(6) The provisions of section 61 of the principal Act shall not apply to disposal of a device or machine contemplated in this section where the board has approved such disposal.

(7) The provisions of section 88 (1) (i) or (j) of the principal Act (as amended by this Act) shall not apply to the possession of a gambling device, gambling machine, amusement machine or any device which is contemplated in that section if—

- (a) the period during which the owner or possessor thereof is entitled to apply for a permit in terms of this section has not expired; or
- (b) the owner or possessor thereof has applied for a permit in terms of subsections (1) and (2) within the period contemplated in subsection (1) (a) and such permit has not yet been issued by the board; or
- (c) the gambling device, gambling machine, amusement machine or other device is being properly stored in terms of a valid permit issued under this Act.

(8) Any holder of a permit who does not comply with a condition contained in such permit or disposes of such device or machine otherwise than in accordance with the manner approved by the board shall be guilty of an offence and liable on conviction to the sentence contemplated in section 88 (1) of the principal Act, and, in addition the board may revoke such permit.

(9) This section shall not entitle any person to obtain possession of any devices or machines in police custody at the time of the coming into operation of this Act.

39. Transitional provisions.—(1) The board may approve the temporary supply of spare parts and gambling devices to a licence holder by an applicant for registration in terms of section 61 before such applicant is finally

registered if—

- (a) the board is satisfied that the operation of the business of the licence holder concerned will be prejudiced were the supply of such parts and gambling devices to be delayed;
- (b) the supply of the parts or devices will allow the licence holder to become more compliant with the provisions of the principal Act;
- (c) the applicant for registration in terms of section 61 has not allowed his or her registration to lapse within the previous two years; and
- (d) the parts to be supplied have been specified.

(2) Subject to subsection (3), any gambling device or gambling machine licensed in terms of the principal Act before the commencement of this Act shall be deemed to be registered in terms of the principal Act subsequent to such commencement.

(3) All licences issued in respect of gambling devices and gambling machines in terms of Decree No. 17 (Casinos) of 1990 of the former Republic of Transkei and the Gambling Act, 1982 (Act No. 23 of 1982) of the former Republic of Ciskei shall, subject to the payment of the fees set and taxes specified in Schedule II and III with effect from the coming into operation of this Act be deemed to be registrations made in terms of and subject to the terms of the principal Act until 31 March 2000, whereupon they shall expire: Provided that applications for new registrations may be made prior to that date.

(Date of commencement to be proclaimed.)

(4) In so far as the principal Act or any section thereof has not already been brought into operation by way of operation of law, or proclamation issued in terms of section 93 of that Act at the date of the coming into operation of this Act—

- (a) section 93 of the principal Act shall be deemed to have come into operation on 3 July 1997;
- (b) sections 1, 3 to 18 (inclusive), 41, 80 and 88 of the principal Act shall be deemed to have come into operation on 9 July 1997;
- (c) sections 2, 19 to 40 (inclusive), 42 to 79 (inclusive), 81 to 87 (inclusive), 89 to 92 (inclusive) and Schedules I to IV (inclusive) of the principal Act shall be deemed to have come into operation on 1 January 1998;
- (d) notwithstanding the provisions of paragraphs (a), (b) and (c), any amendment to the principal Act shall be deemed to have come into operation only on the date the provisions of the relevant amendment Act came into operation;
- (e) any appointment to the board made in accordance with the provisions of the principal Act as it was at the time of such appointment shall be deemed to have been validly made; and
- (f) any appointment, decision or action taken by the board subsequent to its appointment which was made in accordance with the provisions of the, principal Act and the law as it was at the time of such appointment, decision or action, shall be deemed to have been validly made by the board.

(Date of commencement of subsection (4) to be proclaimed.)

40. Short title and commencement.—(1) This Act shall be called the Gambling and Betting Amendment Act, 2000 (Eastern Cape) and shall, subject to subsection (2), come into operation on a date to be fixed by the Premier by proclamation in the *Provincial Gazette*.

- (2) Paragraph (c) of section 13 of this Act shall be deemed to have come into operation on 1 January 1998.
- (3) Different dates may be fixed in respect of different sections and subsections of this Act.

GAMBLING AND BETTING (FEES AND TAXES) AMENDMENT ACT NO. 7 OF 2002

[ASSENTED TO 30 DECEMBER, 2002]
[DATE OF COMMENCEMENT OF SECTION 2 (a), 2 (b) AND SECTION 3:
1 JANUARY, 1998]

ACT

To amend certain fees and taxes contained in the Gambling and Betting Act, 1997 (Act No. 5 of 1997); to provide for a tax deduction in respect of take-back bets; to provide for reduced fee structures for computer

programmers seeking to be registered for gambling purposes: to introduce registration fees for terminals used in table games and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Legislature of the Province of the Eastern Cape as follows:—

1. Amendment of Schedule II to Act No. 5 of 1997 as substituted by Act No. 6 of 1998 and Act No. 3 of 2000.—Schedule II of the Gambling and Betting Act, 1997 (Act No. 5 of 1997) (Eastern Cape) (hereinafter the “principal Act”) is hereby amended—

(a) by the substitution for Item C of the following item:

“C Application fees in respect of registration are as follows:

Kinds of Registration	Application Fee R
Gambling device registration	
(a) Roulette wheels (per wheel)	500,00
(b) Roulette tables (per table)	500,00
(c) Electronic player terminals linked to a table game (per terminal)	100,00
(d) Gambling tables other than roulette tables (per table)	1 000,00
(e) Multiplayer gambling machines (per machine)	1 000,00
(f) Single player gambling machines other than limited gambling machines (per machine)	100,00
(g) Limited gambling machines (per machine)	50,00
(h) Devices to be registered not set out above (per device or class of device)	10,00
Transfer of registration of gambling device, gambling machine or limited gambling machine (per device or machine)	10,00
Section 61 registration	
(a) Manufacturers, importers and distributors who do not only manufacture, import or distribute computer software used in connection with gambling and betting	10 000,00
(b) Creators, manufacturers, importers and distributors of only computer software used in connection with gambling or betting	2 000,00
(c) Persons performing only activities other than those contemplated in (a) or (b)	1 000,00
(d) Transfer of registration: Persons contemplated in (a)	5 000,00
(e) Transfer of registration: Persons contemplated in (b)	1 000,00
(f) Transfer of registration: Persons contemplated in (c)	500,00
(g) Amendment of registration: Persons in (b) wanting to perform activities contemplated in (a)	8 000,00
(h) Amendment of registration: Persons in (c) wanting to perform activities contemplated in (a)	9 000,00
(i) Amendment of registration: Persons in (c) wanting to perform activities contemplated in (b)	1 000,00
(j) Amendment of registration other than those in (g), (h) and (i)	1 000,00
(k) Procurement of interest in registrant in terms of section 61	500,00”

(b) by the substitution for Item D of the following item:

“Kinds of Registration	Annual Registra- tion Fee R	Annual Board Admini- stration Fee R
Gambling device registration		
(a) Roulette wheels (per wheel)	500,00	1 000,00
(b) Roulette tables (per table)	500,00	1 000,00
(c) Electronic player terminals linked to a table game (per terminal)	500,00	500,00
(d) Gambling tables other than roulette tables (per table)	1 000,00	2 000,00
(e) Multiplayer gambling machines (per machine)	3 000,00	3 000,00
(f) Single player gambling machines other than limited gambling machines (per machine)	500,00	500,00
(g) Limited gambling machines (per machine)	250,00	250,00
Section 61 registration		

(a) Manufacturers, importers and distributors who do not only manufacture, distribute or import computer software	5 000,00	5 000,00
(b) Creators, manufacturers, importers and distributors of computer software used in connection with gambling and betting	1000,00	1 000,00
(c) Persons performing only tasks other than those contemplated in (a) or (b)	500,00	500,00
Section 68 registration (per key person)	250,00	250,00
Section 69 registration (per gambling employee)	50,00	50,00"

2. Amends Item 1 of Part A of Schedule III of the Gambling and Betting Act, No. 5 of 1997, as follows:—paragraph (a) inserts the definition of "bookmaker's commitment"; paragraph (b) inserts the definition of "take-back bet"; and paragraph (c) substitutes the definition of "winnings".

3. Amends Item 1 of Part B of Schedule III of the Gambling and Betting Act, No. 5 of 1997, by substituting paragraph (e).

4. Short title and commencement.—(1) This Act is called the Gambling and Betting (Fees and Taxes) Amendment Act, 2002 (Act No. 7 of 2002) (Eastern Cape).

(2) Paragraphs (a) and (b) of section 2, and section 3 shall be deemed to have come into operation on 1 January, 1998.

(3) Subject to subsection (2) this Act shall come into operation on a date determined by the Premier by notice in the *Provincial Gazette*.
