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THE CASINO (AMENDMENT) BILL, 1986

(Bill No. 16 of 1986)

(To be presented by the Minister for Commerce, Industry and Tourism)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Casino Act, 1963 so as to provide for a casino which could be operated or managed separately from the hotel to which it is attached or within whose premises it is situate and to provide for the manner in which the casino levy shall be determined and to effect other amendments to that Act and to provide for matters incidentally thereto.

D.P. MAKANZA
Attorney—General

A BILL
entitled

An Act to amend the Casino Act, 1963.

ENACTED by the King and the Parliament of Swaziland.

Short title and commencement.

1. This Act may be cited as the Casino (Amendment) Act, 1986, shall be read as one with the Casino Act, 1963 (hereinafter referred to as "the principal Act") and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Amendment of section 2.

2. Section 2 of the principal Act is amended—

- (a) by replacing the definition of "casino" with the following—
"casino" means a gaming room or gaming rooms attached to a hotel or within the same premises as a hotel for the playing of games of chance for money whether by throwing dice, cards, drawing lots by wheel or other methods of selection by chance.
- (b) by replacing the definition of "casino licence" with the following—
"casino licence" means a licence granted under section 9;"
- (c) by replacing the definition of "collector" with the following—
"Commissioner" means the Commissioner of Taxes appointed under the Income Tax (Consolidation) Order, 1975;"
- (d) after the definition of "collector" by adding the following definition —
"court" means a magistrate's court established under the Magistrates' Courts Act, 1938;"
- (e) by deleting the definition of "gaming room";

- (f) by replacing the definition of "Minister" with the following—
 " "Minister" means the Minister responsible for Tourism;"
- (g) by deleting the definition of "permit".

Amendment of section 3.

3. Section 3 of the principal Act is amended by replacing the words "gaming room" or "gaming rooms" wherever they appear, with the word "casino"

Amendment of section 5.

4. Section 5 of the principal Act is amended—

- (a) in subsection (1) before the fullstop, by deleting the words "or part of a casino;"
- (b) in subsection (2) after the word "offence" by adding a full-stop and deleting the words "and liable on conviction, to a penalty of a fine not exceeding twenty Emalangi, and, in the case of a continuing offence a further fine not exceeding twenty Emalangi for each day on which the offence continues after conviction".

Amendment of section 6.

5. Section 6 of the principal Act is amended in subsection (2) by replacing paragraph (a) with the following —

- "(a) (i) the Principal Secretary of the Ministry responsible for Tourism;
- (ii) the Commissioner of Taxes."

Amendment of section 9.

6. Section 9 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) in line three by adding after the word "operate" the words "a casino";
 - (ii) in paragraph (a) by deleting after the word "will" the words "except as otherwise provided in accordance with a permit issued under section 10,"
- (b) in subsection (2) (b) by replacing the word "Collector", with the word "Commissioner";
- (c) in subsection (3)—
 - (i) in paragraph (b), by replacing the words "gaming rooms" with the word "casino";
 - (ii) by adding after paragraph (b) the following—
 - "(c) The Commissioner shall determine the levy as he would determine a charge to tax and all the provisions of the Income Tax Order, 1975 shall apply to the determination and payment of the levy as they apply to the determination and payment of tax under that Order;
 - (d) Notwithstanding paragraph (c) within fourteen days of the last day of March, June, September and December of each year, a licensee shall—
 - (i) furnish the Commissioner with particulars of this casino takings and winnings to casino patrons and with any other information the Commissioner may require;
 - (ii) compute and pay the Commissioner the levy for each of the afore-mentioned quarters;

- (e) Payments made under paragraph (d) shall be set off against the final casino levy liability determined under paragraph (c);
 - (f) If the licensee fails to pay the casino levy within the period specified in paragraph (d), in addition to any penalty or charge the licensee may incur under this Act, the Commissioner may impose on him a penalty equal to ten per centum of the unpaid levy.”
- (d) in subsection (4) by replacing the words “gaming rooms” with the words “a casino”
 - (e) in subsection (6) by deleting the words “but subject to section 10”;
 - (f) by deleting subsection (7).

Repeal of section 10.

7. Section 10 of the principal Act is repealed.

Amendment of section 11.

8. Section 11 of the principal Act is amended—

- (a) by replacing subsection (1) with the following—

“(1) Within six months from the date of the grant of the licence, the licensee shall submit plans and specifications of the proposed casino to the Minister for his approval after consultation with the Board”;
- (b) by replacing subsection (2) with the following—

“(2) Within fifteen months or such longer period as the Minister may determine, of the approval under this section, the licensee shall complete a casino in accordance with the plans and specifications approved.”

Amendment of section 12.

9. Section 12 of the principal Act is amended—

- (a) by replacing the words “section 10” with the words “section 11”;
- (b) by replacing the words “in terms of subsection 3 of the said section” with the words “under that section”.

Amendment of section 13.

10. Section 13 of the principal Act is amended in subsection (1)—

- (a) in paragraph (d) by deleting the words “gaming room forming part of the”;
- (b) in paragraph (e)(i) in the first line, by replacing the word “without” with the word “outside”;
- (c) by deleting paragraph (f);
- (d) in paragraph (g) by deleting the words “or part thereof”;

Amendment of section 14.

11. Section 14 of the principal Act is amended in paragraph (b) after the words “advise the” by replacing the word “Commissioner” with the word “Minister”.

Amendment of section 16.

12. Section 16 of the principal Act is amended in subsection (3) after the word “offence” by adding a full-stop and deleting the words “and liable on conviction to a penalty of a fine not exceeding one hundred Emalangi”.

Amendment of section 17.

13. Section 17 of the principal Act is amended—

(a) by replacing subsection (1) with the following—

“(1) A licensee who wishes to sell or supply intoxicating liquor for consumption within a casino shall obtain an appropriate licence to do so under the Liquor Licencing Act, 1964;”

(b) by replacing subsection (2) with the following—

“(2) A licensee who holds an appropriate licence under the Liquor Licencing Act, 1964 may sell or supply intoxicating liquor and other refreshments for consumption within a casino within the time stipulated in the liquor licence;”

(c) by deleting subsection (3) and subsection (4).

Amendment of section 18.

14. Section 18 of the principal Act is amended—

(a) in subsection (1) (b), by deleting the words “a gaming room or”;

(b) by deleting subsection (2);

(c) by replacing subsection (3) with the following—

“(2) The licensee shall not allow a person under the age of eighteen years to enter a casino whilst it is open for play.”

Amendment of section 19.

15. Section 19 of the principal Act is amended—

(a) in paragraph (b) by deleting the word “permit”;

(b) by deleting paragraph (d).

Amendment of section 20.

16. Section 20 of the principal Act is amended in subsection (2) after the word “offence” by adding a full-stop and deleting the words “and liable on conviction for a first offence to a fine not exceeding fifty Emalangeni and, for a subsequent offence, to a fine not exceeding one hundred Emalangeni.”

Amendment of section 21.

17. Section 21 of the principal Act is amended in subsections (1) and (2) by deleting the words “and the holder of a permit”.

Replacement of section 23.

18. Section 23 of the principal Act is replaced with the following—

“23. A person who is convicted by a court of an offence under—

(a) section 18 shall be liable to a fine not exceeding E4000.00 or imprisonment for a period not exceeding two years or both;

(b) section 5, 16 or 20 shall be liable to a fine not exceeding E1000.00 or imprisonment for a period not exceeding one year or both.

LEGAL NOTICE NO. 90 OF 1986

THE CROWN LANDS DISPOSAL ACT, 1911

(Act No. 13 of 1911)

THE MANZINI TOWNSHIP (EXTENSION NO. 9) REGULATIONS, 1986

(Under section 12)

In exercise of the powers conferred by section 12 of the Crown Lands Disposal Act, 1911, the Minister for Natural Resources, Land Utilization and Energy hereby makes the following Regulations—

Citation.

1. These Regulations may be cited as the Manzini Township (Extension 9) Regulations, 1986 and shall come into force on the 26th September, 1986.

Establishment of Township and Alteration of General Plan.

2. (a) The following land is hereby proclaimed and established as a township —

Farm Hill Crest No. 265 situate Manzini District in extent 39,0778 (Three nine comma zero seven seven eight) hectares held by the Crown under Deed of transfer No. 246 of 1986 dated the 26th day of June, 1986 comprising 334 (Three hundred and thirty four) lots numbered 57 to 1190 roads, thoroughfares and open spaces as will more fully appear from General Plan No. S 30/85 approved by the Surveyor General on the 27th day of March, 1985.

(b) The Surveyor General shall alter the GENERAL PLAN so as to indicate the name and lot numbers assigned by these regulations to the Township and endorse the General Plan S.G. No. S 30/85 accordingly.

3. The Registrar of Deeds shall—

(a) Make the necessary endorsement on the relevant title deeds, and

(b) Open the necessary register in connection with the Township.

M.M.P. MNISI
Minister for Natural Resources