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**PROVINCIAL NOTICE**

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## PROVINCIAL NOTICE

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[No. 12 of 2014]

### FREE STATE GAMBLING AND LIQUOR ACT, 2010

#### AMENDMENT OF REGULATIONS

With reference to Provincial Notice No. 55 of 2013 and by virtue of the powers vested in me by sections 66, 95 and 133 of the Free State Gambling and Liquor Act, 2010 (Act No. 6 of 2010), and after consultation with the Authority, I, M] Zwane, Member of the Executive Council responsible for Economic Development, Tourism and Environmental Affairs, hereby consider to amend the Regulations as set out in the Schedule hereunder.

Any person who wishes to make representations in respect of my intended action should do so in writing on or before **14 May 2014**. Such representations should be addressed to:

Mr M] Zwane

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Bojanala Building, 3<sup>rd</sup> floor

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Any comments or representations received after the due date will be disregarded.

**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing regulations.  
 \_\_\_\_\_ Words underlined with a solid line indicate insertions in existing regulations.

**SCHEDULE****Definitions**

1. "Act" means the Free State Gambling and Liquor Act, 2010 (Act No. 6 of 2010).  
 "Amended Regulations" means the Free State Gambling and Racing Regulations, 1998 as amended by the Notices indicated in the heading of the relevant Regulation.

**Amendment of Regulation 29 of the Regulations as amended by Provincial Notice 261 of 2006**

2. Regulation 29 of Amended Regulations is amended by the substitution for Regulation 29 of the following Regulation:

**"29. Application fees**

The following non-refundable fees shall accompany applications:

Type of application	Fee R	
(a) Application for a casino licence	[220 000.00]	<u>557 791.00</u>
(b) Application for transfer or removal of a licence	[220 000.00]	<u>557 791.00</u>
(c) Certificate of suitability	[5 500.00]	<u>13944.00</u>
(d) Consent for procurement of financial interest in the business of the licensee	[5 500.00]	<u>13944.00</u>
(e) Amendment of licence	[5 500.00]	<u>13944.00</u>
(f) Certificate of approval: key employee	[1 100.00]	<u>2788.00</u>
(g) Certificate of approval: casino employee	[275.00]	<u>697.00</u>
(h) Junket representative registration	[275.00]	<u>697.00</u> ".

### Amendment of Regulation 30 of the Regulations as amended by Provincial Notice 261 of 2006

3. Regulation 30 of the Amended Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations:

“(1) Every holder of casino licence shall pay a licence fee of ~~[R55 000.00]~~ R139 447.00 plus –

- (a) ~~[R550]~~ R1 394.00 per registered gaming machine;
- (b) ~~[R1 100]~~ R2 788 per licensed casino table; ~~[and]~~
- (c) ~~[R55]~~ R139.00 per licensed bingo seat;
- (d) ~~R1 100~~ per key employee;
- (e) ~~R275~~ per casino employee;
- (f) ~~R5 500~~ per certificate of suitability; and
- (g) ~~R275~~ junket representative registration.

for every year or part of a year ending on ~~[31 March]~~ 31 May.

- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before ~~[1 April]~~ 1 June of every year.”.

### Amendment of Regulation 68 of the Regulations as amended by Notice 261 of 2006

4. Regulation 68 of the Amended Regulations is amended by the substitution for Regulation 68 of the following Regulation:

“68. **Application fees**

The following non-refundable application fees shall accompany applications:

Type of application	Fee R	
(a) Application for bingo licence[/transfer of licence] - <del>[R100]</del> <u>R253</u> per seat with a maximum fee of	<del>[55 000.00]</del>	<u>139 447.00</u>
(b) Amendment of licence	<del>[2 750.00]</del>	<u>6 972.00</u>
(c) Consent for procurement of financial interest in the business of the licensee	<del>[5 500.00]</del>	<u>13 944.00.</u>

(d)	Certificate of approval: Key employee	[1 100.00]	<u>2 788.00</u>
(e)	Certificate of approval: Bingo employee	[275.00]	<u>697.00</u>
(f)	Certificate of suitability	[2 750.00]	<u>6 972.00</u>
(e)	<del>Transfer of licence R253 per seat with a maximum fee of 139 447.00</del>		

#### Amendment of Regulation 69 of the Regulations as amended by Provincial Notice 261 of 2006

5. Regulation 69 of the Amended Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations:

“(1) Every holder of a bingo licence shall pay a licence fee of [~~R55~~] R139.00 per licensed seat ~~plus =~~

(a) ~~R1 100 per key employee;~~

(b) ~~R275 per bingo employee.~~

(c) ~~R2 750 per certificate of suitability.~~

for every year or part of a year ending on [~~31 March~~] 31 May.

(2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before [~~1 April~~] 1 June of every year.”.

#### Amendment of Regulation 90 of the Regulations as amended by Provincial Notice 261 of 2006

6. Regulation 90 of the Amended Regulations is amended by the substitution for Regulation 90 of the following Regulation:

“90. **Application fees**

The following non-refundable application fees shall accompany applications:

Type of application	Fee R	
(a) Application for gaming machine operator licence[ <b>transfer of licence</b> ]	[55 000.00]	<u>139 477.00</u>
(b) Consent for procurement of financial interest in the business of the licensee	[5 500.00]	<u>13 944.00</u>
(c) Amendment of licence	[2 750.00]	<u>6 972.00</u>

(d)	Certificate of approval: key employee	[1 100.00]	<u>2 788.00</u>
(e)	Certificate of approval: bingo employee	[275.00]	<u>697.00</u>
(f)	Certificate of suitability	[2 750.00]	<u>6 972.00</u>
(g)	<u>Application for transfer of licence</u>		<u>139 477.00</u> ".

#### **Amendment of Regulation 91 of the Regulations as amended by Provincial Notice 261 of 2006**

7. Regulation 91 of the Amended Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations:

"(1) Every holder of a gaming machine operator licence shall pay a licence fee of ~~[R27 500.00]~~ R69 723.00 plus –

(a) ~~[R275]~~ R697.00 per gaming machine authorised in terms of the licence;

(b) ~~R1 100~~ per key employee;

(c) ~~R275~~ per gaming employee; and

(d) ~~R2 750~~ per certificate of suitability,

for every year ending on ~~[31 March]~~ 31 May.

(2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before ~~[1 April]~~ 1 June of every year."

#### **Insertion after Chapter 26 of the following Chapter**

8. The following Chapter is inserted after Chapter 26:

#### **CHAPTER 26A**

#### **Employee Registration**

#### **96A. Key employees**

~~(1) The following employees of a gaming machine site licensee are classified as key employees and are required to hold certificates of approval in accordance with section 59(1) of the Act:~~

~~(a) the senior management of the licensee;~~

~~(b) if the licensee is a corporate body, every director, officer or person holding an equivalent position, of such corporate body;~~

- ~~(c) any individual who has been specifically represented to the board by the licensee, officer or director thereof as being important or necessary to the operation of the licensee;~~
- ~~(d) all persons who individually or as part of a group formulate management policy; and~~
- ~~(e) any job position or individual who, upon written notification by the board, is considered to be a key position or employee for purposes of these Regulations.~~
- ~~(2) For the purpose of subregulation (1)(e), the board shall not be restricted by the title of the job performed but shall consider the functions and responsibilities of the person or position involved in making its decision as to key employee status.~~
- ~~(3) Subject to section 65 of the Act, a licensee shall not employ a key employee until such time as the prospective employee has applied for and been granted a certificate of approval by the board as a key employee.~~
- ~~(4) A licensee shall, within 14 (fourteen) days of termination of the employment of a key employee, notify the board in writing of such termination and the reasons therefor.~~

#### **96B. Other gaming employees**

- ~~(1) The board may, upon written notification, declare any occupation to be a gaming occupation for purposes of these Regulations, including, but not limited to, counters, collectors, accounting personnel and computer operators.~~
- ~~(2) Subject to section 65 of the Act, a licensee shall not employ anybody in a gaming occupation until such time as the prospective employee has applied for and been granted a certificate of approval as a gaming employee by the board.~~
- ~~(3) A licensee shall, within 14 (fourteen) days of termination of the employment of a gaming employee, notify the board in writing of such termination and the reasons therefor.~~
- ~~(4) Every gaming employee shall have his or her certificate of approval as issued by the board available for inspection at all times when he or she is on duty in such a manner as the board may determine.~~

#### **96C. Copy of certificate of approval on employment record**

A licensee shall, in respect of every employee required to hold a certificate of approval in terms of this Chapter, keep a copy of such employee's certificate on the employment record of that employee.

**96D. Suspension or revocation of certificate of approval**

If an employee required holding a certificate of approval in terms of this Chapter has his or her certificate of approval -

- (a) withdrawn by the board, the licensee by whom such a person is employed shall summarily terminate the employment of that person in any capacity in which he or she is required to hold such a certificate; or
- (b) suspended by the board, the licensee by whom such a person is employed shall summarily suspend the employment of that person in any capacity in which he or she is required to hold such a certificate, for the period of suspension by the board.”.

**Amendment of Regulation 103 of the Regulations as amended by Provincial Notice 261 of 2006**

9. Regulation 103 of the Amended Regulations is amended by the substitution for Regulation 103 of the following Regulation:

**“103. Application fees**

The following non-refundable application fees shall accompany applications:

Type of application	Fee R	
(a) Application for gaming machine site licence/ transfer of licence	[5 500.00]	<u>13 944.00</u>
(b) Amendment of licence	[1 100.00]	<u>2 788.00</u>
(c) Removal of business to other premises	[1 100.00]	<u>2 788.00</u>
(d) Consent for procurement of financial interest in the business of the licensee	[1 100.00]	<u>2 788.00</u>
(e) Certificate of suitability	[550.00]	<u>1 394.00</u>
(f) <u>Certificate of approval: key employee</u>		<u>2788.00</u>
(g) <u>Certificate of approval: gaming employee</u>		<u>697.00”.</u>

**Amendment of Regulation 104 of the Regulations as amended by Provincial Notice 261 of 2006**

10. Regulation 104 of the Amended Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations:

“(1) Every holder of a gaming machine site licence shall pay a licence fee of [R2 750.00] R6 972.00 plus –

- (a) ~~[R275.00]~~ R697.00 per registered gaming machine;
- (b) ~~R1 100.00~~ per key employee;
- (c) ~~R275~~ per gaming employee; and
- (d) ~~R550~~ per certificate of suitability.

for every year or part of a year ending on ~~[31 March]~~ 31 May.

- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before ~~[1 April]~~ 1 June of every year.”.

#### **Amendment of Regulation 118 of the Regulations as amended by Provincial Notice 261 of 2006**

11. Regulation 118 of the Amended Regulations is amended by the substitution for Regulation 118 of the following Regulation:

##### **“118. Application fees**

The following non-refundable application fees shall accompany applications:

Type of application	Fee R	
(a) Application for manufacturer of gaming machine licence	<del>[55 000.00]</del>	<u>139 447.00</u>
(b) Application for manufacturer of any other gaming equipment licence	27 889.00	
(c) Application for maintenance or supplier licence	<del>[5500.00]</del>	<u>13 944.00</u>
(d) Amendment of licence	<del>[2 750.00]</del>	<u>6 972.00</u>
(e) Consent for procurement of financial interest in the business of the licensee	<del>[5 500.00]</del>	<u>13 944.00</u>
(f) Certificate of approval: key employee	<del>[1 100.00]</del>	<u>2 788.00</u>
(g) Certificate of approval: service or manufacturing employee	<del>[275.00]</del>	<u>697.00</u>
(h) Certificate of suitability	<del>[2 750.00]</del>	<u>6 972.00</u>
(i) <u>Application for transfer of licence</u>		<u>8 261.00</u> ”.

**Amendment of Regulation 119 of the Regulations as amended by Provincial Notice 261 of 2006**

12. Regulation 119 of the Amended Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations:

“(1) Every holder of –

- (a) a manufacturer of gaming machines licence shall pay a licence fee of ~~[R27 500.00]~~ R69 723.00;
- (b) a manufacturer of any other gaming equipment licence shall pay a licence fee of R13 944.00;
- (c) a maintenance or supplier licence shall pay a licence fee of ~~[R1 100.00]~~ R2 788.00;
- (d) R1 100 per key employee;
- (e) R275 per service or manufacturing employee; and
- (f) R2 750 per certificate of suitability.

for every year or part of a year ending on ~~[31 March]~~ 31 May.

- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before ~~[1 April]~~ 1 June of every year.”.

**Insertion of the following Chapter after Chapter 34A**

13. The following Chapter is inserted after Chapter 34A:

**“CHAPTER 34AA****Employee Registration****119CA. Key employees**

- (1) ~~The following employees of a race meeting licensee are classified as key employees and are required to hold certificates of approval in accordance with section 59(1) of the Act:~~
- (a) ~~the senior management of the licensee;~~
  - (b) ~~if the licensee is a corporate body, every director, officer or person holding an equivalent position, of such corporate body;~~
  - (c) ~~any individual who has been specifically represented to the board by the licensee, officer or director thereof as being important or necessary to the operation of the licensee;~~

- (d) all persons who individually or as part of a group formulate management policy; and
- (e) any job position or individual who, upon written notification by the board, is considered to be a key position or employee for purposes of these Regulations.
- (2) For the purpose of subregulation (1)(e), the board shall not be restricted by the title of the job performed but shall consider the functions and responsibilities of the person or position involved in making its decision as to key employee status.
- (3) Subject to section 65 of the Act, a licensee shall not employ a key employee until such time as the prospective employee has applied for and been granted a certificate of approval by the board as a key employee.
- (4) A licensee shall, within 14 (fourteen) days of termination of the employment of a key employee, notify the board in writing of such termination and the reasons therefor.

#### **119CB. Other race meeting employees**

- (1) The board may, upon written notification, declare any occupation to be a race meeting occupation for purposes of these Regulations, including, but not limited to, counters, collectors, accounting personnel, phone operators and computer operators.
- (2) Subject to section 65 of the Act, a licensee shall not employ anybody in a race meeting occupation until such time as the prospective employee has applied for and been granted a certificate of approval as a gaming employee by the board.
- (3) A licensee shall, within 14 (fourteen) days of termination of the employment of a race meeting employee, notify the board in writing of such termination and the reasons therefor.
- (4) Every race meeting employee shall have his or her certificate of approval as issued by the board available for inspection at all times when he or she is on duty in such a manner as the board may determine.

#### **119CC. Copy of certificate of approval on employment record**

A licensee shall, in respect of every employee required to hold a certificate of approval in terms of this Chapter, keep a copy of such employee's certificate on the employment record of that employee.

#### **119CD. Suspension or revocation of certificate of approval**

If an employee required holding a certificate of approval in terms of this Chapter has his or her certificate of approval -

- (a) withdrawn by the board, the licensee by whom such a person is employed shall summarily terminate the employment of that person in any capacity in which he or she is required to hold such a certificate; or

~~(b) suspended by the board, the licensee by whom such a person is employed shall summarily suspend the employment of that person in any capacity in which he or she is required to hold such a certificate, for the period of suspension by the board.”~~

**Amendment of Regulation 119D of the Regulations as amended by Provincial Notice 34 of 1999 as amended by Provincial Notice 261 of 2006**

14. Regulation 119D of the Amended Regulations is amended by the substitution for Regulation 119D of the following Regulation:

**“119D. Application fees**

The following non-refundable application fees shall accompany applications:

Type of application	Fee R	
(a) Application for race meeting licence	[55 000.00]	<u>139 447.00</u>
(b) Application for special licence to hold race meeting	[110.00]	<u>278.00</u>
(c) Transfer of licence/consent for procurement of financial interest in the licensee’s business	[2 750.00]	<u>6 972.00</u>
(d) Amendment of licence	[2 750.00]	<u>6 972.00</u>
<del>(e) Certificate of approval: key employee</del>		<u>2 788.00</u>
<del>(f) Certificate of approval: race meeting employee</del>		<u>697.00”</u>

**Amendment of Regulation 119E of the Regulations as amended by Provincial Notice 34 of 1999 as amended by Provincial Notice 261 of 2006**

15. Regulation 119E of the Amended Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations:

“(1) Every holder of a race-meeting licence shall pay a licence fee of [~~R27 500.00~~] R69 723.00 plus –

~~(a) R1 100 per key employee; and~~

~~(b) R275 per race meeting employee.”~~

for every year or part of a year ending on [~~31 March~~] 31 May.

- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before ~~[1 April]~~ 1 June of every year.”.

**Amendment of Regulation 119J of the Regulations as amended by Provincial Notice 34 of 1999 as amended by Provincial Notice 261 of 2006**

16. Regulation 119J of the Amended Regulations is amended by the substitution for Regulation 119J of the following Regulation:

**“119J. Application fees**

The following non-refundable application fees shall accompany applications:

Type of application	Fee R	
(a) Application for totalizator licence[/ <del>transfer of licence</del> ][ <del>55 000.00</del> ]		<u>139 447.00</u>
(b) Consent for procurement of financial interest in the business of the licensee	[1 100.00]	<u>2 788.00</u>
(c) Certificate of approval: key employee	[1 100.00]	<u>2 788.00</u>
<del>(d) Application for transfer of licence</del>		<u>139 447.00</u>
<del>(e) Amendment of licence</del>		<u>6 972.00</u>
<del>(f) Certificate of suitability</del>		<u>6 972.00</u>
<del>(g) Certificate of approval: totalisator employee</del>		<u>697.00”.</u>

**Insertion of the following Regulation after Regulation 119F**

17. The following Regulation is inserted after Regulation 119F:

**“119FA. Other Totalisator employees**

- (1) The board may, upon written notification, declare any occupation to be a totalisator occupation for purposes of these Regulations, including, but not limited to, counters, collectors, accounting personnel phone operators and computer operators.
- (2) Subject to section 65 of the Act, a licensee shall not employ anybody in a totalisator occupation until such time as the prospective employee has applied for and been granted a certificate of approval as a gaming employee by the board.
- (3) A licensee shall, within 14 (fourteen) days of termination of the employment of a totalisator employee, notify the board in writing of such termination and the reasons therefor.

- ~~(4) Every totalisator employee shall have his or her certificate of approval as issued by the board available for inspection at all times when he or she is on duty in such a manner as the board may determine."~~

**Amendment of Regulation 119K of the Regulations as amended by Provincial Notice 34 of 1999 as amended by Provincial Notice 261 of 2006**

18. Regulation 119K of the Amended Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations:

"(1) Every holder of a totalisator licence shall pay a licence fee of ~~[R27 500.00]~~ R69 723.00 plus =

~~(a) Annual premises licence of R1 206.00;~~

~~(b) R1 100 per key employee;~~

~~(c) R275 per totalisator employee; and~~

~~(d) R2 750 per certificate of suitability.~~

for every year or part of a year ending on ~~[31 March]~~ 31 May.

- (2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before ~~[1 April]~~ 1 June of every year."

**Amendment of Regulation 119P of the Regulations as amended by Provincial Notice 34 of 1999 as amended by Provincial Notice 261 of 2006**

19. Regulation 119P of the Amended Regulations is amended by the substitution for Regulation 119P of the following Regulation:

**"119P. Application fees**

The following non-refundable application fees shall accompany applications:

Type of application	Fee R	
(a) Application for bookmaker's licence	<del>[5 500.00]</del>	<u>13 944.00</u>
(b) Application for transfer of licence	<del>[2 200.00]</del>	<u>5 577.00</u>
(c) Consent for procurement of financial interest in the business of the licensee	<del>[2 200.00]</del>	<u>5 577.00</u>
(d) Amendment of licence	<del>[550.00]</del>	<u>1 394.00</u>

(e)	Bookmaker Manager Registration	[275.00]	<u>2 788.00</u>
(f)	<del>Certificate of suitability</del>		<u>4 078.00</u>
(g)	<del>Application for removal of licence</del>		<u>5 577.00</u>
(h)	<del>Certificate of approval: bookmaker employee</del>		<u>697.00</u> ".

**Amendment of Regulation 119Q of the Regulations as amended by Provincial Notice 34 of 1999 as amended by Provincial Notice 261 of 2006**

20. Regulation 119Q of the Amended Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations:

“(1) Every holder of a bookmaker’s licence shall pay a licence fee of [R1 100.00] R2 788.00 plus  
=

(a) ~~R1 100 per bookmaker manager registration;~~

(b) ~~R275 per bookmaker employee; and~~

(c) ~~R2 750 per certificate of suitability.~~

for every year or part of a year ending [31 March] 31 May.

(2) The licence fee payable in terms of subregulation (1) shall be paid to the board on issuing of the licence and thereafter before [1 April] 1 June of every year.”.

**Short title**

21. These Regulations are called the Free State Gambling and Racing Amendment Regulations, 2013.