

***THE PROVINCE OF
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GENERAL NOTICE

NOTICE 310 OF 2008

GAUTENG PROVINCIAL GOVERNMENT DEPARTMENT OF ECONOMIC DEVELOPMENT

REGULATIONS IN TERMS OF SECTION 84 OF THE GAUTENG GAMBLING ACT, 1995 (ACT NO. 4 OF 1995)

I, Paul Mashatile, Member of the Executive Council responsible for Economic Development, under Section 84 of the Gauteng Gambling Act, 1995 (Act No 4 of 1995), intend to make amendments to the Regulations as set out in the Schedule.

Interested persons are hereby invited to submit comments on the draft amendment Regulations on or before 15 February 2008. Written comments shall be forwarded to Mr S Ngwenya, Deputy Director General Governance and Business Regulations by

(a) posting to


The Department of Finance and Economic Affairs
Private Bag X091
MARSHALLTOWN
2107

(b) submitting to

The Department of Finance and Economic Affairs
Governance Directorate
8th Floor, Mallotlo House
94 Main Street
JOHANNESBURG
2001

(c) faxing to

(011) 355-8064 or
(011) 834-1972



S. P. MASHATILE
MEC - FINANCE AND ECONOMIC AFFAIRS
DATE: 18/01/2008

SCHEDULE

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words underlined and in italics indicate insertions in existing enactments.

AMENDMENTS TO REGULATION 77

Regulation 77 is hereby amended as follows:

(a) by the insertion of sub-regulation (1A) as follows:

"(1A) The approval granted by the Board in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval. Provided that any equipment that has been approved prior to this sub-regulation shall be valid for a period of 7(seven) years from date of publication of the regulation."

(b) by amendments of sub-regulation (2) as follows:

"A licensee may at any time prior to the lapse of approval, in the manner and form determined by the board, apply for the deregistration of equipment registered in terms of subregulation (1)."

AMENDMENT OF REGULATION 82

1. The following regulation is substituted for regulation 82:

"82 Application fees

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

Type of application:

Fee

1	Casino licence	R780 115,00	<i>R827 000,00</i>
2	Certificate of suitability	R7 810,00	<i>R8 300,00</i>
3	Transfer of licence / consent for procurement of interest in licensee	R7 810,00	<i>R8 300,00</i>
4	Amendment of licence	R7 810,00	<i>R8 300,00</i>
5	Key employee registration	R1 560,00	<i>R1 700,00</i>
6	Casino employee registration	R390,00	<i>R420,00</i>

AMENDMENT OF REGULATION 84

2. Regulation 84 is amended as follows:

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Every holder of a casino licence shall pay a licence fee of **R78 115,00**
R83 000,00 plus -

- (a) **R1 420,00** R1 500,00 per registered gaming machine exposed for play to the public;
- (b) **R2 840,00** R3 100,00 per licensed casino table;
- (c) **R70,00** R75,00 per licensed bingo seat;

(b) By insertion of sub-regulation (d):

"(d) R1 500,00 per gaming position provided that in the event of a conversion of a machine(s) to a table the fee shall be R300,00 per position exposed for play."

AMENDMENT OF REGULATION 125

Regulation 125 is hereby amended by the substitution thereof as follows:

"125 A bingo game shall render a theoretical and demonstrable return to players of not less than 65 per cent."

AMENDMENT OF REGULATION 131

3. The following regulation is substituted for regulation 131:

"131 Application fees

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

Type of application		Fee	
1	Bingo licence	R155,00	R165,00 per seat with a maximum fee of
2	Amendment of licence	R72 450,00	R76 800,00
3	Transfer of licence / consent for	R3 790,00	R4 000,00

	procurement of interest in licensee	R7 575,00	R8 100,00
4	Key employee registration	R1 560,00	R1 700,00
5	Bingo employee registration	R390,00	R420,00

AMENDMENT OF REGULATION 133

4. Regulation 133 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Every holder of a bingo licence shall pay a licence fee of **R70,00** ~~R75,00~~ per licensed seat for every year or part of a year ending on 31 March."

AMENDMENT OF REGULATION 146

Regulation 146 is hereby amended as follows:

- (a) by the insertion of sub-regulation (1A) as follows:

"(1A) The approval granted by the Board in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any equipment that has been approved prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation."

- (b) by amendments of sub-regulation (2) as follows:

"A licensee may at any time prior to the lapse of approval, in the manner and form determined by the board, apply for the deregistration of equipment registered in terms of subregulation (1)."

AMENDMENT OF REGULATION 164

Regulation 164 is hereby amended as follows:

- (a) by the insertion of sub-regulation (1A) as follows:

"(1A) The approval granted by the Board in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any equipment that has been approved prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation."

- (b) by amendments of sub-regulation (2) as follows:

"A licensee may at any time prior to the lapse of approval, in the manner and form determined by the board, apply for the deregistration of equipment registered in terms of subregulation (1)."

AMENDMENT OF REGULATION 167

5. The following regulation is substituted for regulation 167:

"167 Application fees

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

Type of application	Fee	
1 Route operator licence	R160,00	<i>R170,00</i> per machine with a minimum of R39 140,00 <i>R41 500,00</i> and a maximum of R156 550,00 <i>R166 000,00</i>
2 Additional gaming machine licence	R15 650,00	<i>R16 600,00</i>
3 Transfer of licence / consent for procurement of interest in licensee	R7 810,00	<i>R8 300,00</i>
4 Amendment of licence	R3 920,00	<i>R4 200,00</i>
5 Key employee registration	R1 560,00	<i>R1 700,00</i>
6 Gaming employee registration	R390,00	<i>R420,00</i>
7 Certificate of suitability	R3 920,00	<i>R4 200,00</i>

AMENDMENT OF REGULATION 169

6. Regulation 169 is amended by the substitution for paragraphs (a) and (b) of subregulation (1) of the following paragraphs:

"(a) a route operator licence shall pay a fee of **R71 000,00** *R75 300,00* plus **R710,00** *R755,00* per gaming machine authorised in terms of the licence for every year or part of a year ending on 31 March."

(b) an additional gaming machine licence shall pay a licence fee of **R21 270,00** *R22 550,00* plus **R710,00** *R755,00* per registered gaming machine for every year or part of a year on 31 March."

AMENDMENT OF REGULATION 191

Regulation 191 is hereby amended as follows:

(a) by the insertion of sub-regulation (1A) as follows:

"(1A) The approval granted by the Board in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval. Provided that any equipment that has been approved prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation."

(b) by amendments of sub-regulation (2) as follows:

"A licensee may at any time prior to the lapse of approval, in the manner and form determined by the board, apply for the deregistration of equipment registered in terms of subregulation (1)."

AMENDMENT OF REGULATION 195

7. The following regulation is substituted for regulation 195:

"195 Application fees

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

Type of application		Fee	
1	Gaming machine licence	R7 810,00	<i>R8 300,00</i>
2	Amendment of licence	R1 560,00	<i>R1 700,00</i>
3	Transfer of licence / consent for procurement of interest in licensee	R1 560,00	<i>R1 700,00</i>
4	Certificate of suitability	R780,00	<i>R830,00</i>

AMENDMENT OF REGULATION 196

8. Regulation 196 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Every holder of a gaming machine licence shall pay a licence fee of **R7 810,00** *R8 300,00* plus **R710,00** *R755,00* per registered gaming machine for every year or part of a year ending on 31 March."

AMENDMENT OF REGULATION 208

Regulation 208 is hereby amended as follows:

(a) by the insertion of sub-regulation (1A) as follows:

"(1A) The approval granted by the Board in terms of sub-regulation (1) shall be valid for a period of 7 (seven) years from date of approval: Provided that any equipment that has been approved prior to this sub-regulation shall be valid for a period of 7 (seven) years from date of publication of the regulation."

(b) by amendments of sub-regulation (2) as follows:

"A licensee may at any time prior to the lapse of approval, in the manner and form determined by the board, apply for the deregistration of equipment registered in terms of subregulation (1)."

AMENDMENT OF REGULATION 220

9. The following regulation is substituted for regulation 220:

"220 Application fees

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

Type of application		Fee	
1	Manufacturer licence	R78 115,00	R83 000,00
2	Maintenance or supplier licence	R39 060,00	R41 405,00
3	Amendment of licence	R3 920,00	R4 200,00
4	Consent for procurement of interest in licensee / transfer of licence	R7 810,00	R8 300,00
5	Key employee registration	R1 560,00	R1 700,00
6	Service or manufacturing employee registration	R390,00	R420,00
7	Certificate of suitability	R3 920,00	R4 200,00

AMENDMENT OF REGULATION 222

10. Regulation 222 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Licence fee for every year or part of a year ending on 31 March :

1	Manufacturer licence	R39 055,00	R41 400,00
2	Maintenance or supplier licence	R3 915,00	R4 150,00

AMENDMENT OF REGULATION 240

11. The following regulation is substituted for regulation 240:

"240 Application fees

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

Type of application		Fee	
1	Totalizator licence	R78 115,00	<i>R83 000,00</i>
2	Amendment of licence / additional sites	R4 200,00	<i>R4 500,00</i>
3	Special totalizator licence	R160,00	<i>R170,00</i>
4	Transfer of licence / consent for procurement of interest in licensee	R7 810,00	<i>R8 300,00</i>
5	Key employee registration	R1 560,00	<i>R1 700,00</i>
6	Certificate of suitability (mandatory for TAB agents)	R1 695,00	<i>R1 800,00</i>

AMENDMENT OF REGULATION 242

12. Regulation 242 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Every holder of a totalizator licence which is not a special totalizator licence contemplated in section 97 of the Act, shall pay a licence fee of **R78 115,00** *R83 000,00* plus **R785,00** *R835,00* per site outlet for every year or part of a year ending on 31 August."

AMENDMENT OF REGULATION 266

Regulation 266 is hereby amended by the insertion of sub-regulation (4) as follows:

"(4) The approval granted by the Board in terms of sub-regulation (2) and (3) shall be valid for a period of 7 (seven) years from date of approval. Provided that any equipment that has been approved prior to this sub-regulation shall be valid for a period of 7(seven) years from date of publication of the regulation."

AMENDMENT OF REGULATION 268

13. The following regulation is substituted for regulation 268:

"268 Application fees

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

Type of application		Fee	
1	Bookmaker's licence	R7 810,00	R8 300,00
2	Transfer of licence / consent for procurement of interest in licensee	R3 125,00	R3 315,00
3	Amendment of licence	R 780,00	R830,00
4	Bookmaker's manager registration	R390,00	R420,00

AMENDMENT OF REGULATION 269

14. Regulation 269 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Every holder of a bookmaker's licence shall pay a licence fee of **R7 810,00** **R8 300,00** for every year or part of a year ending on 31 August."

INSERTION OF REGULATION 270 A

Regulation 270 A is hereby inserted after regulation 270 as follows:

"270 A (1) The betting tax and levies payable in terms of section 61(2) (a) (i) of the Act shall be paid at the rate of 6.5% of the bookmakers gross betting revenue derived from betting on events or contingencies other than horse racing: provided that any bet which includes any element relating to horse racing shall be deemed to be a horse racing bet

(2) gross betting revenue shall equal to hold less take out

(3) for purposes of subregulation (2);

(a) hold in respect of an event or contingency means the total of all punters takes in bets laid by a bookmaker in respect of such event or contingency, less the total stakes of all take back bets placed by the bookmaker on such events or contingency;

(b) take out in respect of an event or contingency means the total amounts paid by the bookmaker to winning punters in respect of that event or contingency less all amounts received by such bookmaker in respect of take back bets placed by him on such an event or contingency;

(4) If in any tax period the amount of gross betting revenue is less than zero, the licensee may deduct the excess in the succeeding tax periods, until the loss is fully offset against gross gaming revenue."

AMENDMENT OF REGULATION 274

Regulation 274 is hereby amended by the insertion of sub regulations (3) and (4) as follows:

"(3) The levy payable for the benefit of the Sports Development Fund contemplated in section 100 of the Act, shall be paid by a bookmaker contemplated in regulation 270A at the rate of 1% of the bookmakers' betting revenue contemplated in regulation 270A;

(4) the provisions of regulations 271 and 272 shall *mutatis mutandi* apply to the levy contemplated in subregulation (3)."

AMENDMENT OF REGULATION 276

Regulation 276 is hereby amended by the substitution of sub regulations (1) and (2) as follows:

The taxes and levies payable in terms of the Act on betting transactions with a licensed bookmaker shall be calculated at the following percentages –

- (1) In respect of bets entered into with an on-course bookmaker at a rate indicated hereunder opposite the type of bet mentioned:

		Holder of a Totalizator Licence contemplated in Section 53 of the Act		Sports Fund levy in terms of		Board levy in terms of	
Tax in terms of		levy in terms of		in terms of		in terms of	
(a)	Type of Bet	Regulation 270	Regulation 273	Regulation 274	Regulation 275		
	Total						
	Horse racing	3	3	-	-		6

		Holder of a Totalizator Licence contemplated in Section 53 of the Act		Sports Fund levy in terms of		Board levy in terms of		
Tax in terms of		levy in terms of		in terms of		in terms of		
(b)	Type of Bet	Regulation 270A	Regulation 273	Regulation 274	Regulation 275			Total
	Sporting events							
	or other contingencies	5.5	-	1	-			6.5

- (2) in respect of bets entered into at a Tattersalls at the rate indicated hereunder opposite the type of bet mentioned:

		Holder of a Totalizator Licence contemplated in Sports Section 53 of the Act		Fund levy in terms of		Board levy in terms of		
Tax in terms of		levy in terms of		in terms of		in terms of		
(a)	Type of Bet	Regulation 270	Regulation 273	Regulation 274	Regulation 275			Total
	Horse racing	3	3	-	-			6

(b) Type of Bet	Holder of a Totalizator Licence contemplated in				Total
	Tax in terms of Regulation 270A	Section 53 of the Act levy in terms of Regulation 273	Sports Fund levy in terms of Regulation 274	Board levy in terms of Regulation 275	
Sporting events or other contingencies	3.5	-	1	2	6.5

AMENDMENT OF REGULATION 282

15. The following regulation is substituted for regulation 282:

"282 Application fees

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

Type of application	Fee
1 Race meeting licence	R78 115,00 R83 000,00
2 Special licence to hold race-meeting	R160,00 R170,00
3 Transfer of licence / consent for procurement of interest in licensee	R3 920,00 R4 200,00
4 Amendment of licence	R3 920,00 R4 200,00

AMENDMENT OF REGULATION 284

16. Regulation 284 is amended by the substitution of sub-regulation (1) of the following sub-regulation:

"(1) A holder of a race-meeting licence which is not a special race-meeting licence as contemplated in section 97 of the Act, shall pay a licence fee of R39 055,00 R41 400,00 for every year or part of a year ending on 31 August."

AMENDMENT OF REGULATION 299

17. The following regulation is substituted for regulation 299:

"299 Application fees

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

Type of application		Fee	
1	Amusement machine licence	R3 920,00	<i>R4 200,00</i>
2	Amendment of licence	R1 560,00	<i>R1 700,00</i>
3	Transfer of licence / consent for procurement of interest in licensee	R1 560,00	<i>R1 700,00</i>
4	Certificate of suitability	R780,00	<i>R830,00</i>

AMENDMENT OF REGULATION 301

18. Regulation 301 is amended by the substitution for sub-regulation (1) of the following sub-regulation

"(1) Every holder of an amusement machine licence shall pay a licence fee of R390,00 *R420,00* per registered amusement machine for every year or part of a year ending on 31 March."