

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
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PREMIER'S NOTICES

No. 5

9 April 2009

OFFICE OF THE PREMIER

It is hereby notified that the Premier has assented to the following Act that is hereby published for general information:

**No. 1 of 2009: GAUTENG ENTERPRISE PROPELLER
 AMENDMENT ACT, 2009**

GAUTENG PROVINCIAL LEGISLATURE

**GAUTENG ENTERPRISE
PROPELLER AMENDMENT ACT,
2009**

No 1, 2009

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Gauteng Enterprise Propeller Act, 2005, so as to provide for the deletion of provisions pertaining to the raising of short term-loans and overdraw-ing of bank accounts, to facilitate processes arising after the listing of the Gauteng Enterprise Propeller as an entity in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), and to provide for matters connected therewith.

BE IT ENACTED by the Gauteng Provincial Legislature as follows:

Amendment of section 28 of Act 5 of 2005

1. Section 28 of the Gauteng Enterprise Propeller Act No. 5 of 2005 (hereinafter referred to as the principal Act) is hereby amended by the deletion of subsection (7). 5

Amendment of section 37 of Act 5 of 2005

2. Section 37 of the principal Act is hereby amended by the insertion after subsection (4) of the following subsection:

“(5) Arising out of the listing and subject to the provisions of section 21 of the Companies Act, 1973 (Act No. 61 of 1973), the public entity GEP must take 10 transfer of the personnel and assets, and further, assume the liabilities, rights and obligations of GEP in its current form.”

Short title

3. This Act is called the Gauteng Enterprise Propeller Amendment Act, 2009.

No. 6, 2009

GAUTENG GAMBLING AMENDMENT ACT, 2009

OFFICE OF THE PREMIER

No. 6

9 April 2009

It is hereby notified that the Premier has assented to the following Act that is hereby published for general information:

No. 2 of 2009: GAUTENG GAMBLING AMENDMENT ACT, 2009

GAUTENG GAMBLING AMENDMENT ACT, 2009

No. 2, 2009

GAUTENG PROVINCIAL LEGISLATURE

GAUTENG GAMBLING AMENDMENT ACT, 2009

No 2, 2009

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

To amend the Gauteng Gambling Act, 1995 so as to insert the definition of bingo; to expand the definition of totalisator; to include gambling devices under equipment requiring license for the purpose of gambling; and to provide for matters connected therewith.

Amendment of Section 1 of Act 4 of 1995

(a) by the addition of the following definition before the definition of “board”:
“bingo” means a game, including a game played in whole or part by electronic means;

- (a) that is played for consideration, using cards or other devices (whether electronic or otherwise)—
- (i) that are divided in to spaces, each of which bears a different number, picture, symbol; or
 - (ii) with number, pictures, symbols arranged randomly such that each card or device contains a unique set of numbers, pictures, symbols;
- (b) in which either—
- (i) an operator or announcer calls or displays a series of numbers, pictures of symbols in random order and the players then match each such number, picture or symbol to numbers, pictures or symbols appearing on the card or other device as such series is called or displayed; or
 - (ii) an electronic or similar device generates and displays a series of numbers, pictures or symbols and then, on behalf of the players, matches each such number, picture or symbol to the numbers, pictures or symbols appearing on the electronic card or other similar device after such number, picture or symbol is generated or displayed; and

- (c) in which either—
- (i) the player who is first to match all spaces on the card or other similar device, or who matches a specified set of numbers, pictures and symbols on the card or device, wins a prize; or
 - (ii) the player on whose behalf the electronic or similar device referred to in paragraph (b)(ii) first matches all the spaces on the card or similar device, or matches a specified set of numbers, pictures and symbols on the electronic card or similar device, wins a prize or more than one prize, or any other substantially similar game declared to be bingo in terms of section 1(2A).”; 5 10
- (b) by the substitution for the definition of “totalisator” in section 1 of the following definition:
- “‘totalisator’ means a system of betting on a sporting event or any other lawful event or contingency in which the aggregate amount staked on such event or combination of events, after deduction from such aggregate amount of any amounts which may lawfully be deducted therefrom, whether under this Act or by agreement, is divided amongst those persons who have made winning bets on that event or combination of events in proportion to the amounts staked by such persons in respect of such winning bets, and includes any scheme, form or system of betting, whether mechanically operated or not, which is operated on similar principles.”; and
- (c) by the insertion of the following subsection after subsection (2): 25
- “(2A) The responsible member may, on the recommendation of the Board, and by notice in Provincial Gazette, declare that any particular game that is substantially similar to bingo is bingo.”.

Amendment of section 48 of Act 4 of 1995

2. Section 48 of the principal Act is hereby amended— 30
- (a) by the substitution for the heading of the following heading:
- “**Licence required to keep or provide gaming machines or gambling devices**”; and
- (b) by the substitution in subsection (1) of the following subsection: “(1) No person shall maintain premises where gaming machines or gambling devices are available to be played or be in possession of a gaming machine or gambling devices, without the necessary licence: Provided that the board may grant written authorisation for the possession of gaming machines or gambling devices if the board is satisfied that such machines or gambling devices will not be available for gambling.”. 35 40

Short title

3. This Act is called the Gauteng Gambling Amendment Act, 2009.

No. 3, 2009

CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) VALIDATION ACT, 2009

OFFICE OF THE PREMIER

No. 7

9 April 2009

It is hereby notified that the Premier has assented to the following Act that is hereby published for general information:

No. 3 of 2009: CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) VALIDATION ACT, 2009

GAUTENG PROVINCIAL LEGISLATURE

**CONSUMER AFFAIRS
(UNFAIR BUSINESS PRACTICES)
VALIDATION ACT, 2009**

ACT

To validate actions taken by the Gauteng Consumer Affairs Court from the date it started to operate until the date of its establishment under section 13(1) of the Consumer Affairs (Unfair Business Practices) Act No. 7 of 1996 as validated by the Consumer Affairs (Unfair Business Practices) Validation Act No. 8 of 1997; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the Gauteng Consumer Affairs Court started to operate on 11 February 2000;

AND WHEREAS the Gauteng Consumer Affairs Court was not established in accordance with section 13(1) of the Consumer Affairs (Unfair Business Practices) Act No. 7 of 1996 as validated by the Consumer Affairs (Unfair Business Practices) Validation Act No. 8 of 1997 until 07 July 2008;

AND WHEREAS it is necessary to validate all actions taken by the Gauteng Consumer Affairs Court from the date it started to operate until the date of its establishment;

BE IT ENACTED by the Provincial Legislature of Gauteng as follows:—

Validation of actions of the Gauteng Consumer Affairs Court prior to its establishment

1. All the actions of the Gauteng Consumer Affairs Court purportedly taken from 11 February 2000 until the date of its establishment in accordance with section 13(1) of the Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 7 of 1996) as validated by the Consumer Affairs (Unfair Business Practices) Validation Act, 1997 (Act No. 8 of 1997) are hereby declared and deemed to be valid notwithstanding non-compliance with section 13(1) of the said Act.

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Short title

2. This Act is called the Consumer Affairs (Unfair Business Practices) Validation Act, 2009.

OFFICE OF THE PREMIER

No. 8

9 April 2009

It is hereby notified that the Premier has assented to the following Act that is hereby published for general information:

**No. 5 of 2009: PROVINCIAL ADJUSTMENT
 APPROPRIATION ACT, 2009**

GAUTENG PROVINCIAL GOVERNMENT

**PROVINCIAL ADJUSTMENT APPROPRIATION
BILL, 2009**

*(As introduced in the Gauteng Legislature in terms of Section 120 of
the Constitution)*

(MEC FOR GAUTENG TREASURY)

B I L L

To appropriate adjusted amounts of money from the Provincial Revenue Fund for the requirements of the Province in respect of the financial year ending 31 March 2009; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 226(2) of the Constitution provides that money may be withdrawn from the Provincial Revenue Fund only in terms of an appropriation by a provincial Act;

AND WHEREAS section 26 of the Public Finance Management Act, 1999 (Act No. 1 of 1999) provides that the Provincial Legislature must appropriate money for each financial year for the requirements of the Province;

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Public Finance Management Act has the meaning assigned to it in that Act and —

“Act” includes the Schedule;

"conditional grants" means allocations to provinces, local government or municipalities from the national government's share of revenue raised nationally, provided for in section 214(1)(c) of the Constitution.

"current payments" means any payments made by a provincial department in respect of the operational requirements of that department, and includes, amongst others, payments for the compensation of employees, goods and services, interest, rental of immovable property and financial transactions relating to assets and liabilities, but exclude transfers and subsidies, payments for capital assets and payments made under section 73 of the Public Finance Management Act;

"transfers and subsidies" means any payments made by a provincial department to another organ of state or any other person in respect of which the national department does not receive anything of similar value directly in return, and includes the payment of conditional grants;

"payments for capital assets" means any payments made by a provincial department –

- (a) for assets that can be used continuously or repeatedly in production for more than one year, and from which future economic benefits or service potential is expected to flow directly to the provincial department making the payment; and
- (b) that must be classified as or deemed to be payments for capital assets in accordance with the *"Reference Guide to the new Economic Format"* (November 2003, Version 2) and the

"Asset Management Framework" (April 2004, Version 3.3), issued by the National Treasury under section 76 of the Public Finance Management Act;

"Public Finance Management Act" means the Public Finance Management Act, 1999 (Act No. 1 of 1999); and

Appropriation of money for the requirements of the Province

2(1) Adjusted appropriations by the Provincial Legislature of money from the Provincial Revenue Fund for the requirements of the Province in the 2008/09 financial year, to votes and main divisions within a vote, and for the specific listed purposes, is set out in the Schedule.

(2) The spending of appropriations contemplated in subsection (1) is subject to the Public Finance Management Act.

Appropriation listed as specifically and exclusively

3. Despite the provisions of any law, appropriations to a vote or main divisions within a vote that are listed as specifically and exclusively appropriated in the schedule may only be utilised for the purpose indicated and may not be used for any other purpose, unless an Act of Legislature amends or changes the purpose for which it was allocated.

Short title

4. This Act is called the Provincial Adjustment Appropriation Act, 2009.