



**NORTH WEST
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EXTRAORDINARY • BUITENGEWOON

**PROVINCIAL GAZETTE
PROVINSIALE KOERANT**

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 164 OF 2017

NORTH WEST PROVINCIAL GOVERNMENT

DRAFT NORTH WEST AMENDMENT OF THE REGULATIONS MADE IN TERMS OF SECTION 87(3) OF THE NORTH WEST GAMBLING ACT, 2001 (ACT NO. 2 OF 2001) AS AMENDED AND WITHDRAWAL OF PROVINCIAL GAZETTE NO. 7793 OF 2017

I, Wendy Joy Nelson, in my capacity as Member of the Executive Council responsible for Finance, Economy and Enterprise Development hereby publish the draft North West Gambling Amendment Regulations, 2017 made in terms of section 87(3) of the North West Gambling Act, 2001, as amended for public comments.

Provincial Gazette No. 7793 of 2017 dated 17 August 2017 and published on 17 August 2017, is hereby withdrawn.

Members of the public are invited to submit to the MEC, within 30 days after the publication of the Notice in the Gazette, written representation on the draft North West Gambling Regulations, 2017, to the following address:

By Post to : Acting Deputy Director General: Department of Finance, Economy and Enterprise Development

Attention : Ms Phemelo Jood
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Cnr University Drive and Provident Streets
2nd Floor
MMABATHO

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

SCHEDULE**Definitions**

1. In these regulations "the Regulations" mean the North West Gambling Regulations, 2002, published in Provincial Notice No 5823 of 2002 (PG 353 OF 25 November 2002 as amended).

Amendment of regulation 70

2. Regulation 70 of the Regulations is hereby amended by the substitution for Regulation 70 of the following Regulation:

"70 Application fees

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

Type of Application	Fee
1. Application [fee] <u>for a casino licence</u>	[R230 000] <u>R1 200 000.00</u>
2. Application for transfer or removal of licence	[R230 000] <u>R1 200 000.00</u>
3. Certificate of suitability	[R6 000] <u>R12 600.00</u>
4. Consent for procurement of interest in licensee	[R6 000] <u>R12 600.00</u>
5. Amendment of licence	[R6 000] <u>R12 600.00</u>
6. Key Employee registration	[R1 000] <u>R2 100.00</u>
7. Casino Employee registration	[R500] <u>R1 100.00</u>
8. Junket Agent registration	[R500] <u>R3 000.00</u> ".

Amendment of regulation 72

3. Regulation 72 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

- "(1) Every holder of a casino shall pay an annual licence fee of a R100 000.00 plus
- (a) ~~[R600]~~ R1 200.00 per registered gaming machine exposed for play to the public.
- (b) ~~[R1 200]~~ R2 400.00 per licensed casino table."

Amendment of regulation 74

4. Regulation 74 of the Regulations is hereby amended by the insertion of subregulation (3) after subregulation (2):

“(3) Notwithstanding the provisions of sub regulation (2), the levies payable by the licensee in respect of junket gambling revenue, shall be paid only at the conclusion of the junket gambling program.”.

Amendment of regulation 130

5. Regulation 130 of the Regulations is hereby amended by the substitution for Regulation 130 of the following Regulation:

“130. Application fees

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

Type of Application	Fee
1. Bingo License	[R200] R260.00 Per seat
Maximum fee	[R60 000] R118 500.00
2. Amendment of License	[R3 000] R4 000.00
3. Consent for procurement of interest in licensee	[R5 000] R8 100.00
4. Key Employee registration	[R1 000] R1 700.00
5. Bingo Employee registration	[R500] R1 000.00
6. Certificate of suitability	[R3 000] R4 200.00.”.

Amendment of regulation 179

6. Regulation 179 of the Regulations is hereby amended by the substitution for Regulation 179 of the following Regulation:

“179 Applications fees

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

Type of Application	Fee
1. Route Operator licence	[R57 000] R109 900.00
2. Transfer of License	[R57 000] R109 900.00
3. Consent for procurement of interest in licensee	[R5 000] R10 000.00
4. Amendment of licensee	[R2 500] R3 800.00

5.	Key Employee registration	[R500]	<u>R1 000.00</u>
6.	Gaming Employee registration	[R250]	<u>R420.00</u>
7.	Certificate of suitability	[R500]	<u>R1 800.00.</u>

Amendment of regulation 181

7. Regulation 181 of the Regulations is hereby amended by the substitution for subregulation 1(a) and (b) of the following subregulation:

“181 Applications fees

(1) A route operator shall pay – [the following fees:

Type of license	Fee
(a). [Route Operator licence	R15 000 plus R100 per machine] a
	<u>fee of R31 600.00 plus R210.00 per registered gaming machine</u>
	<u>approve or exposed for play to the public for over a year or part of a</u>
	<u>year ending on 31 March;</u>
(b). [Annual route operator license renewal	R200 per machine] an
	<u>annual Route Operators licences renewal fee of R422.00 per</u>
	<u>registered gaming machine.”.</u>

Amendment of regulation 205

8. Regulation 205 of the Regulations is hereby amended by the substitution for Regulation 205 of the following Regulation:

“205 Application fees

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

Type of Applications	Fee
1. Site Operator licence	[R6 000] <u>R12 600.00</u>
2. Transfer of License	[R6 000] <u>R12 600.00</u>
3. Amendment of licensee	[R1 000] <u>R1 700.00</u>
4. Removal of business to other premises	[R1 000] <u>R1 700.00</u>
5. Consent for procurement of interest in licensee	[R1 000] <u>R1 700.00</u>
6. Certificate of suitability	[R500] <u>R800.00</u>

- | | | |
|----|------------------------------|------------------------|
| 7. | Key Employee registration | [R300] <u>R500.00</u> |
| 8. | Gaming Employee Registration | [R150] <u>R300.00.</u> |

Amendment of regulation 206

9. Regulation 206 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) A licensee shall pay an annual licence fee of [R6000] R12 600.00 for every year or part of a year ending 31 March.”.

Amendment of regulation 235

10. Regulation 235 of the Regulations is hereby amended by the substitution for Regulation 235 of the following Regulation:

“235. Application Fees.

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

	Type of Application	Fee
1.	Manufacturer of Gaming machines	[R62 000] <u>R83 000.00</u>
2.	Manufacturer of any other gaming equipment	[R11 000] <u>R14 600.00</u>
3.	Maintenance or supplier licence	[R5 000] <u>R10 500.00</u>
4.	Amendment of licence	[R2 000] <u>R4 200.00</u>
5.	Consent for procurement of interest in licensee	[R6 000] <u>R8 300.00</u>
6.	Key Employee registration	[R1 000] <u>R1 700.00</u>
7.	Service or manufacturing employee registration.	[R500] <u>R500.00</u>
8.	Certificate of suitability	[R3 000] <u>R4 200.00.</u>

Amendment of regulation 237

11. Regulation 237 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“Renewal of registration fee

“(1) A registered manufacturer, maintenance provider or supplier shall pay the following registration renewal fees:

Type of license	Fee
1. Manufacturer licence	[R5 000] <u>R10 525.00</u>
2. Supplier Licence	[R5 000] <u>R10 525.00</u>
3. Maintenance	[R5 000] <u>R10 525.00.</u>

Amendment of regulation 253

12. Regulation 253 of the Regulations is hereby amended by the substitution for Regulation 253 of the following Regulation:

“253 Application fees

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

Application Type	Fee
1. [Totalizator] <u>Totalisator</u> Licence	[R40 000] <u>R84 200.00</u>
2. Amendment of licence or additional sites	[R1 000] <u>R4 500.00</u>
3. Temporary totalizer Licence	[R1 000] <u>R4 500.00</u>
4. Transfer of license	[R10 000] <u>R84 200.00</u>
5. Consent for procurement of interest in licensee	[R10 000] <u>R21 000.00</u>
6. Key Employee registration	[R500] <u>R800.00</u>
7. Totalizer employee registration	[R250] <u>R400.00</u>
8. Certificate of suitability	[R1 000] <u>R1 800.00.</u>

Amendment of regulation 255

13. Regulation 255 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) [A licensee] Every holder of a totalisator license shall pay a license fee of [R30 000] R63 000.00 for every year or part of a year ending on 31 March.”.

Amendment of regulation 271

14. Regulation 271 of the Regulations is hereby amended by the substitution for Regulation 271 of the following Regulation:

“271 Application fees

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

Application Type	Fee
1. Bookmarkers license	[R6 000] <u>R12 600.00</u>

2.	Transfer of license or consent for procurement of interest in licensee	[R2 500]	<u>R3 300.00</u>
3.	Temporary Licence	[R500]	<u>R800.00</u>
4.	Amendment of licence	[R600]	<u>R800.00</u>
5.	Key employee registration	[R500]	<u>R800.00</u>
6.	<u>Bookmakers employee registration</u>		<u>R420.00</u>
7.	Certificate of suitability	[R1 000]	<u>R1 800.00.</u>

Amendment of regulation 273

15. Regulation 273 of the Regulations is hereby amended by the substitution for subregulation(1) of the following subregulation:

“(1) A licensee shall pay an annual licence fee of [R5000] R10 525.00 for every year or part of a year ending on 31 March.”.

Amendment of regulation 284

16. Regulation 284 of the Regulations is hereby amended by the substitution for Regulation 284 of the following Regulation:

“284 Application fees.

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

	Application Type	Fee
1	Race meeting licence	[R60 000] <u>R63 000.00</u>
2	Special licence to hold race meeting	[R2 500] <u>R4 200.00</u>
3	Transfer of license or consent for procurement of interest in licensee	[R 500] <u>R1 000.00</u>
4	Amendment of licence	[R1000] <u>R2 100.00.</u>

Amendment of regulation 286

17. Regulation 286 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) A holder of a race meeting licence shall pay an annual licence fee of [20 000] R42 098.00 for every year or part of a year ending on 31 March.”.

Insertion of Chapter 80A

18. The following Chapter is hereby inserted after Chapter 80 –

“CHAPTER 80A

Administrative penalties

304A.(1) The Board shall, in terms of section 4(1)(xxi) of the Act, impose the administrative penalties as set out in the table below for non-compliance with the provisions of the Act, the Rules and the Licence Conditions as imposed by the Board.

(2) Where the licensee has committed an act of non-compliance as referred to above, the Board may impose a penalty in accordance with the following table:

Casinos

<u>First occurrence</u>	<u>Second occurrence</u>	<u>Third occurrence</u>
<u>2.5% of quarterly GGR</u>	<u>2.75% of quarterly GGR</u>	<u>3% of quarterly GGR</u>
<u>2.5% of quarterly GGR</u>	<u>2.75% of quarterly GGR</u>	<u>3% of quarterly GGR</u>
<u>Written warning</u>	<u>2.5% of quarterly GGR</u>	<u>2.5% of quarterly GGR</u>
<u>Follow up</u>	<u>Written warning</u>	<u>2.5% of quarterly GGR</u>
<u>Follow up</u>	<u>Written warning</u>	<u>2.5% of quarterly GGR</u>

Route Operators, Bingo Operations and Bookmakers

<u>First occurrence</u>	<u>Second occurrence</u>	<u>Third occurrence</u>
<u>1.5% of quarterly GGR</u>	<u>1.6% of quarterly GGR</u>	<u>1.7% of quarterly GGR</u>
<u>1.5% of quarterly GGR</u>	<u>1.6% of quarterly GGR</u>	<u>1.7% of quarterly GGR</u>
<u>Written Warning</u>	<u>1.5% of quarterly GGR</u>	<u>1.6% of quarterly GGR</u>
<u>Follow up</u>	<u>Written warning</u>	<u>1.5% of quarterly GGR</u>
<u>Follow up</u>	<u>Written warning</u>	<u>1.5% of quarterly GGR</u>
<u>Follow up</u>	<u>Written warning</u>	<u>1.5% of quarterly GGR</u>

Totalizator

<u>First occurrence</u>	<u>Second occurrence</u>	<u>Third occurrence</u>
<u>1.6% of quarterly GGR</u>	<u>1.7% of quarterly GGR</u>	<u>1.8% of quarterly GGR</u>
<u>1.6% of quarterly GGR</u>	<u>1.7% of quarterly GGR</u>	<u>1.8% of quarterly GGR</u>
<u>Written warning</u>	<u>1.6% of quarterly GGR</u>	<u>2.5% of quarterly GGR</u>

<u>Follow up</u>	<u>Follow up</u>	<u>1.6% of quarterly GGR</u>
<u>Follow up</u>	<u>Follow up</u>	<u>1.6% of quarterly GGR</u>
<u>Follow up</u>	<u>Follow up</u>	<u>1.6% of quarterly GGR</u>

(3) Notwithstanding the provisions of subregulation (1), the Board may impose higher or lower penalties based on the facts of individual cases where generally supported by aggravating or mitigating circumstances.”

Short title

19. These regulations are called the North West Gambling Amendment Regulations, 2017.

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