

# Buitengewone Provinciale Roerant

5178

*Vrydag, 12 September 1997*

## *As 'n Nuusblad by die Poskantoor Geregistreer*

## INHOUD

## PROVINSIALE KENNISGEWING

**Wetsontwerp:** Derde Wes-Kaapse Wysigingswetsontwerp op Dobbelaary en Wedrenne, 1997

P.K. 329 12 September 1997

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:—

Tweede Wes-Kaapse Wysigingswetsontwerp op Doppelary en Wedrenne, 1997

deur dit te pos aan:  
Die Hoof Uitvoerende Beamppte  
Wes-Kaapse Raad op Dobbelaary en Wedrenne  
Posbus 8175  
ROGGEBAAI  
8012

(b) deur dit in te handig by:

Ontvangs  
8ste Vloer  
Reservebank-gebouw  
St. George Wandelhal  
KAAPSTAD

Reception  
8th Floor  
Reserve Bank Building  
60 St. George's Mall  
CAPE TOWN

# Provincial Gazette Extraordinary

5178

*Friday, 12 September 1997*

*Registered at the Post Office as a Newspaper*

## CONTENTS

## PROVINCIAL NOTICE

**Bill: Western Cape Third Gambling and Racing Amendment Bill, 1997**

P.N. 329 12 September 1997

The following Bill is hereby published for general information:—

## **Western Cape Third Gambling and Racing Amendment Bill, 1997**

Any person or organisation wishing to comment on the said Bill is requested to lodge such comment in writing before or on 3 October 1997:

(a) by posting it to:

The Chief Executive Officer  
Western Cape Gambling and Racing Board  
P.O. Box 8175  
ROGGEBAAI  
8012

(b) by handing it in at:

**Reception  
8th Floor  
Reserve Bank Building  
60 St. George's Mall  
CAPE TOWN**

**ALGEMENE VERDUIDELIKENDE NOTA:**

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

\_\_\_\_\_ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

---

---

## WETSONTWERP

Tot wysiging van die Wes-Kaapse Wet op Dobbetary en Wedrenne, 1996, ten einde voorsiening te maak vir eksklusiwiteit vir casino operateurs; om voorsiening te maak vir die besit van dobbeltoestelle op passasierskepe, treine en vliegtuie; om sekere tegniese wysigings aan die teks aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

---

**D**AAR WORD BEPAAL deur die Wetgewer van die provinsie Wes-Kaap, soos volg:—

**Wysiging van artikel 2 van Wet 4 van 1996**

1. Artikel 2 van die Wet word hierby gewysig deur subartikel (4) deur die volgende 5 subartikel te vervang:

“(4) Die hoofmerk van die Raad is om alle dobbetary, wedrenne en verwante aktiwiteite in die die Provinsie behoudens hierdie Wet en enige beleidsbepalings van die Uitvoerende Raad aangaande die grootte, aard en implementering van die bedryf te beheer.”.

**10 Wysiging van artikel 5 van Wet 4 van 1996**

2. Artikel 5 van die Wet word hierby gewysig deur paragraaf (f)(i) deur die volgende paragraaf te vervang:

“(i) 'n regstreekse [of onregstreekse] geldelike belang in enige dobbetarybesigheid of -aktiwiteit het of verkry, of”.

**15 Wysiging van artikel 14 van Wet 4 van 1996**

3. Artikel 14 van die Wet word hierby gewysig deur subartikel (13) deur die volgende artikel te vervang:

“(13) Enige persoon wat—

(a) 'n persoon genoem in subartikel (2) belemmer of hinder by die verrigting van sy of haar funksies ingevalge hierdie artikel, of

(b) wanneer hy of sy ingevalge subartikel (4) gevra word vir inligting of 'n verduideliking met betrekking tot 'n saak waarvan hy of sy kennis dra, weier of versuim om dié inligting of verduideliking te verstrek of inligting of 'n verduideliking verstrek wat vals of misleidend is,

**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.

**BILL**

To amend the Western Cape Gambling and Racing Law, 1996, so as to provide for exclusivity for casino operators; to provide for the possession of gambling devices on passenger ships, trains and airplanes; to effect certain technical amendments to the text; and to provide for matters incidental thereto.

**B**E IT ENACTED by the Provincial Legislature of the province of Western Cape, as follows:—

**Amendment of section 2 of Law 4 of 1996**

1. Section 2 of the Law is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The main object of the Board shall be to control all gambling, racing and activities incidental thereto in the Province subject to this Law and any policy determinations of the Executive Council relating to the size, nature and implementation of the industry..”

**Amendment of section 5 of Law 4 of 1996**

5

2. Section 5 of the Law is hereby amended by the substitution for paragraph (f)(i) of the following paragraph:

“(i) has or acquires a direct [or an indirect] financial interest in any gambling business or activity, or”.

**Amendment of section 14 of Law 4 of 1996**

10

3. Section 14 of the Law is hereby amended by the substitution for subsection (13) of the following subsection:

“(13) Any person who—

- (a) obstructs or hinders a person referred to in subsection (2) in the performance of his or her functions in terms of this section, or
- (b) when asked in terms of subsection (4) for information or an explanation relating to a matter within his or her knowledge, refuses or fails to give that information or explanation or gives information or an explanation which is false or misleading, knowing it to be false or misleading,

20

wetende dat dit vals of misleidend is, is skuldig aan 'n misdryf en by skuldigheidsbevinding strafbaar met 'n boete van hoogstens tweehonderd-en-vyftigduisend rand of gevangenisstraf vir 'n tydperk van hoogstens [twee] een jaar, of met beide sodanige boete en sodanige gevangenisstraf.".

### 5 Wysiging van artikel 15 van Wet 4 van 1996

4. Artikel 15 van die Wet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- 10 "(4) Enige oortreding deur 'n lid of werknemer van die Raad of sy of haar gade van die bepalings van hierdie artikel word geag 'n diskwalifikasie ingevolge artikel 5 van die Wet te wees."

### Wysiging van artikel 15A van Wet 4 van 1996

5. Artikel 15A van die Wet word hierby gewysig deur subartikel (1)(e) deur die volgende subartikel te vervang:

- 15 "(e) hy of sy by 'n lisensiehouer beoog in artikel 15(3) gedobbel het, of indien dit onder sy of haar aandag kom dat sy of haar gade by 'n lisensiehouer beoog in daardie subartikel gedobbel het."

### Wysiging van artikel 17 van Wet 4 van 1996

6. Artikel 17 van die Wet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 20 "(1) Geen lid of werknemer van die Raad, insluitende enige gekoöpteerde persoon of konsultant wat deur die Raad aangestel is, mag enige inligting met betrekking tot die besigheid of sake van die Raad, 'n aansoeker om 'n lisensie of 'n lisensiehouer waarvan hy of sy te wete gekom het omrede van sy of haar aanstelling in of indiensneming deur die Raad, openbaar maak nie, behalwe soos in hierdie artikel en artikel 34(2)[(a)(ii)][(b) en [(iii)][(c) uiteengesit.]

### Wysiging van artikel 18 van Wet 4 van 1996

7. Artikel 18 van die Wet word hierby gewysig deur subartikel (8) deur die volgende subartikel te vervang:

- 30 "(8) Die Raad kan vergaderings agter geslotte deure hou in verband met enige van die volgende sake:
- (a) ondersoeke na of sake in verband met privaat inligting oor enige aansoeker om 'n lisensie;
  - (b) moontlike of beweerde kriminele oortredings, ongeag of sodanige vergaderings gehou word met dobbelarybeamptes van ander provinsies, state of lande, die Prokureur-generaal of lede van die Suid-Afrikaanse Polisiediens, ander polisie-organisasies of -dienste of enige wetstoepassingsagentskap [, en];
  - (c) wanneer hy enige aansoek oorweeg of oor enige ondersoekverhoor, ondersoek of navraag beraadsblaag [.] .en
  - 40 (d) wanneer hy beraadsblaag oor enige saak waarvan die publikasie, na die mening van die Raad, 'n sekere aansoeker om 'n lisensie of aansoekers om lisensies in staat sal stel om 'n onregverdigte voordeel bo enige ander sulke aansoekers te verkry."

### Wysiging van artikel 21 van Wet 4 van 1996

45 8. Artikel 21 van die Wet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 50 "(2) Die Hoof Uitvoerende Beämpte is die rekenpligtige beämpte van die Raad en laat die rekeningkundige en verwante rekords hou wat nodig is om die stand van sake en aktiwiteit van die Raad getrou weer te gee en sy transaksies en finansiële posisie te verduidelik."

shall be guilty of an offence and liable upon conviction to a fine not exceeding two hundred and fifty thousand rand or imprisonment for a period not exceeding [two years] one year or to both such fine and such imprisonment.”.

#### **Amendment of section 15 of Law 4 of 1996**

4. Section 15 of the Law is hereby amended by the substitution for subsection (4) of the following subsection: 5

“(4) Any contravention by a member or an employee of the Board or his or her spouse of the provisions of this section shall be deemed to be a disqualification in terms of section 5 of this Law.”

#### **Amendment of section 15A of Law 4 of 1996**

10

5. Section 15A of the Law is hereby amended by the substitution for subsection (1)(e) of the following subsection:

“(e) he or she has gambled, or it has come to his or her attention that his or her spouse has gambled, at a licence holder contemplated in section 15(3).”.

#### **Amendment of section 17 of Law 4 of 1996**

15

6. Section 17 of the Law is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No member or employee of the Board, including any co-opted person or consultant employed by the Board, shall disclose any information that has come to that person’s knowledge by reason of his or her appointment to or employment by the Board and that relates to the business or affairs of the Board, an applicant for a licence or a licence holder, save as set out in this section and section 34(2)[(a)(ii)][(b) and [iii][c].”.

20

#### **Amendment of section 18 of Law 4 of 1996**

7. Section 18 of the Law is hereby amended by the substitution for subsection (8) of the following subsection: 25

“(8) The Board may hold meetings which are not open to the public in connection with any of the following matters:

(a) investigations into or matters concerning private information in respect of any applicant for a licence;

30

(b) possible or alleged criminal violations, regardless of whether such meetings are held with gambling officials of other provinces, states or countries, the Attorney-General or members of the South African Police Service, other police organisations or services or any law enforcement agency [, and];

35

(c) when considering any application or deliberating on any hearing, investigation or enquiry [.], and

(d) when deliberating on any matter the publication of which may, in the opinion of the Board, enable a certain applicant or applicants for a licence or licences to procure an unfair advantage over any other such applicants.”.

40

#### **Amendment of section 21 of Law 4 of 1996**

8. Section 21 of the Law is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Chief Executive Officer is the accounting officer of the Board and shall cause such accounting and related records to be kept as are necessary to fairly present the state of affairs and activities of the Board and to explain its transactions and financial position.”.

45

### Wysiging van artikel 32 van Wet 4 van 1996

9. Artikel 32 van die Wet word hierby gewysig—

- (a) deur subartikel (4) te skrap;
- (b) deur die uitdrukking "(5)" deur die uitdrukking "(4)" te vervang, en
- (c) deur die uitdrukking "(6)" deur die uitdrukking "(5)" te vervang.

5

### Wysiging van artikel 35 van Wet 4 van 1996

10. Artikel 35 van die Wet word hierby gewysig deur subartikel (5) te skrap.

### Wysiging van artikel 41 van Wet 4 van 1996

11. Artikel 41 van die Wet word hierby gewysig deur na subartikel (2) die volgende 10 subartikel in te voeg:

"(3) 'n Licensiehouer sal nie enige deel van sy of haar perseel, of enige deel van die ontwikkeling daarop waarop die licensie betrekking het, verkoop of vervoer sonder die voorafverkreeë skrifelike toestemming van die Raad nie."

15 Wysiging van artikel 42 van Wet 4 van 1996

12. Artikel 42 van die Wet word hierby gewysig in subartikel (1)—

- (a) deur paragraaf (k) deur die volgende paragraaf te vervang:

"(k) die licensiehouer of enige persoon wat namens hom of haar optree, enigets van waarde beoog in subartikel (1) van artikel 15 aan enige persoon in daardie subartikel bedoel aanbied, betaal, gee of skenk [, en] ;"

- (b) deur paragraaf (l) deur die volgende paragraaf te vervang:

"(l) die licensiehouer enige persoon beoog in artikel 15(2) 'n betrekking aanbied [, en], en

- (c) deur na paragraaf (l) die volgende paragraaf in te voeg:

"(m) die licensiehouer sonder die voorafverkreeë skrifelike toestemming van die Raad enige deel van sy of haar perseel of enige deel van die ontwikkeling daarop, waarop die licensie betrekking het, verkoop of vervoer."

30 Wysiging van artikel 44 van Wet 4 van 1996

13. Artikel 44 van die Wet word hierby deur die volgende artikel vervang:

"[Licensie-] Nuwe licensie-aansoek-, jaarlikse licensie- en ondersoekgelde

35 44.(1) Die nuwe licensie-aansoekgelde uiteengesit in paragraaf 1 van Bylae II moet deur elke aansoeker om 'n licensie betaal word op die indiening van sodanige nuwe licensie aansoek.

[(1)](2) Die licensie- en ondersoekgelde uiteengesit in paragraaf 2 van Bylae II moet deur elke suksesvolle aansoeker om 'n licensie betaal word voordat sodanige lisesnsie uitgereik word, en daarna jaarliks voor hernuwing daarvan.

[(2)](3)(a) Die jaarlikse licensiegelde genoem in [paragraaf (1)] subartikel (2) word in die Provinsiale Inkomstefonds inbetaal.

(b) Die nuwe licensie-aansoekgelde genoem in subartikel (1) en die ondersoekgeld genoem in subartikel (2) word aan die Raad betaal.

45 [(3)](4) Geen gelde beoog by hierdie artikel is terugbetaalbaar nie."

### Invoeging van artikels 44A, 44B en 44C in Wet 4 van 1996

14. Die volgende artikels word in die Wet na artikel 44 ingevoeg:

**Amendment of section 32 of Law 4 of 1996**

**9.** Section 32 of the Law is hereby amended:

- (a) by the deletion of subsection (4);
- (b) by the substitution of the expression "(5)" with the expression "(4)", and
- (c) by the substitution of the expression "(6)" with the expression "(5)".

5

**Amendment of section 35 of Law 4 of 1996**

**10.** Section 35 of the Law is hereby amended by the deletion of subsection (5).

**Amendment of section 41 of Law 4 of 1996**

**11.** Section 41 of the Law is hereby amended by the insertion after subsection (2) of  
the following subsection:

10

- "(3)** A licence holder shall not sell or alienate any part of his or her premises or  
any part of the development thereon, to which the licence relates, without the  
prior written consent of the Board."

**Amendment of section 42 of Law 4 of 1996**

**12.** Section 42 of the Law is hereby amended in subsection (1)—

15

- (a) by the substitution for paragraph (k) of the following paragraph:  
“(k) the licence holder or any person acting on his or her behalf offers, pays,  
gives or donates anything contemplated in subsection (1) of section 15 to  
any person referred to in that subsection [, and] ;”;
- (b) by the substitution for paragraph (l) of the following paragraph:  
“(l) the licence holder employs any person contemplated in section 15(2)[.]  
, and”, and
- (c) by the insertion after paragraph (l) of the following paragraph:  
“(m) the licence holder, without the prior written consent of the Board, sells or  
alienates any part of his or her premises or any part of the development  
thereon to which the licence relates.”.

20

25

**Amendment of section 44 of Law 4 of 1996**

**13.** The following section is hereby substituted for section 44 of the Law:

**"[Licence] New licence application, annual licence and investigation fees**

30

**44.(1)** The new licence application fees set out in paragraph 1 of  
Schedule II shall be paid by every applicant for a licence on submission of  
a new licence application.

**[11](2)** The annual licence and investigation fees set out in paragraph 2  
of Schedule II shall be paid by [every successful applicant for a licence  
before such licence is issued and thereafter] a licence holder annually  
before renewal thereof.

35

**[2](3)(a)** The annual licence fee[s] referred to in [paragraph (1)]  
subsection (2) shall be paid into the Provincial Revenue Fund.

**(b)** The new licence application fees referred to in subsection (1) and the  
investigation fees referred to in subsection (2) shall be paid to the Board.

40

**[3](4)** No fee contemplated by this section shall be refundable.”.

**Insertion of sections 44A, 44B and 44C in Law 4 of 1996**

**14.** The following sections are hereby inserted in the Law after section 44:

**"Eksklusiwiteit"**

5           **44A.** (1) Die Raad kan, na die betaling van die geld soos uiteengesit in paragraaf 3 van Bylae II, aan die houer van 'n casino-operateurlisensie eksklusiwiteit toestaan om 'n casino te bedryf binne 'n area en vir 'n tydperk soos deur die Raad bepaal.  
              (2) Alle gelde genoem in subartikel (1) moet aan die Raad betaal word.

**Bodfooie**

10           **44B.** (1) 'n Bodfooi, soos uiteengesit in paragraaf 4 van Bylae II, moet deur alle suksesvolle aansoekers om 'n casino-operateurlisensie aan die Raad betaal word.  
              2. Die bodfooi genoem in subartikel (1) moet aangewend word vir die skepping van 'n onderhoubare gemeenskapsprojek in die area waarin die betrokke casino-operateurlisensie toegestaan is.  
              15           (3) Die bodfooie wat ingevolge subartikel (1) deur die Raad ingesamel word, moet spoedig in die Provinsiale Inkomstefonds inbetaal word.

**Beperkte dobbelmasjien-operateurfooie**

20           **44C.** 'n Beperktedobbelmasjien-operateurfooi, soos uiteengesit in paragraaf 5 van Bylae II, moet deur die houer van 'n beperktedobbelmasjien-operateurlisensie aan die Raad betaal word".

**Invoeging van artikel 74A in Wet 4 van 1996**

15. Die volgende artikel word in die Wet na artikel 74 ingevoeg:

**"Die besit van dobbeltoestelle op passasierskepe, treine en vliegtuie"**

25           **74A.** Die bepalings van artikel 67(1)(c) is nie op die eienaar van enige passasierkip, trein of vliegtuig wat die gebied van die Provinsie binnekomban van toepassing nie; met dien verstande dat die eienaar, voordat die gebied van die Provinsie binnekomb word—  
              (a) enige dobbeltoestelle op so 'n wyse moet hou dat dit nie beskikbaar is om deur enige persoon gespeel of gebruik te word of vir enige lid van die algemene publiek toeganklik is terwyl die passasierkip, trein of vliegtuig in die gebied van die Provinsie is nie, en  
              (b) enige reëls van die Raad nakom.".

**Wysiging van artikel 75 van Wet 4 van 1996**

35           **16.** Artikel 75 van die Wet word hierby gewysig—  
              (a) deur subartikel 1(h) deur die volgende subartikel te vervang:  
              "(h) [in besit wees van enige dobbeltoestel, uitgesonderd speelkaarte of dobbelstene, wat nie kragtens 'n lisensie] sonder die toepaslike lisensie (insluitend 'n tydelike lisensie) of 'n permit of ooreenkomsdig die bepalings van hierdie Wet [gebruik word nie] 'n dobbeltoestel, uitgesonderd speelkaarte of dobbelstene besit, en", en  
              (b) deur na subartikel (2) die volgende subartikel in te voeg:  
              "(3) Indien enige persoon aan 'n misdryf ingevolge hierdie Wet skuldig bevind is, sal alle koste deur die Raad of die Suid-Afrikaanse Polisiendiens aangegaan, insluitende enige koste vir die vervoer of bering van enige dobbeltoestelle, toerusting of enige ander ding, bykomend tot enige ander boete of straf opgelê ingevolge subartikel (1), vir die rekening van sodanige persoon wees.".

**Wysiging van artikel 77 van Wet 4 van 1996**

50           **17.** Artikel 77 van die Wet word hierby deur die volgende artikel vervang:

**"Exclusivity"**

**44A.** (1) The Board may, against the payment of a fee as set out in paragraph 3 of Schedule II, grant to the holder of a casino operator licence exclusivity to operate a casino within an area and for a period as determined by the Board. 5

(2) All fees referred to in subsection (1) shall be paid to the Board.

**Bid Fees**

**44B.** (1) A bid fee, as set out in paragraph 4 of Schedule II shall be payable to the Board by all successful applicants for a casino operator licence. 10

(2) The bid fee referred to in subsection (1) shall be utilised for the creation of a sustainable community project in the area in respect of which the relevant casino operator licence has been granted.

(3) The bid fees collected by the Board in terms of subsection (1) shall be promptly paid into the Provincial Revenue Fund. 15

**Limited gambling machine operator fees**

**44C.** A limited gambling machine operator fee, as set out in paragraph 5 of Schedule II, shall be payable to the Board by the holder of a limited gambling machine operator licence.". 20

**Insertion of section 74A in Law 4 of 1996**

**15.** The following section is hereby inserted in the Law after section 74:

**"The possession of gambling devices on passenger ships, trains and airplanes"**

**74A.** The provisions of section 67(1)(c) shall not apply to the owner of any passenger ship, train or airplane that enters the territory of the Province; provided that the owner, before entering the territory of the Province, shall— 25

(a) keep any gambling devices in a manner as not to be available to be played or operated by any person or to be accessible to any member of the general public while the passenger ship, train or airplane is in the territory of the Province, 30

(b) and comply with any rules of the Board.". 30

**Amendment of section 75 of Law 4 of 1996**

**16.** Section 75 of the Law is hereby amended— 35

(a) by the substitution for subsection (1)(h) of the following subsection:

**"(h) [is in possession of any gambling device, other than playing cards or dice, which is not used under a licence] without the appropriate licence (including a temporary licence) or a permit or in accordance with the provisions of this Law possess a gambling device, other than playing cards or dice, and", and** 40

(b) by the insertion after subsection (2) of the following subsection:

**"(3) If any person is convicted of an offence in terms of this Law, all costs incurred by the Board or the South African Police Service, including any costs for the transport or storage of any gambling devices, equipment or any other thing shall, in addition to any fine or penalty imposed in terms of subsection (1), be for the account of such person."** 45

**Amendment of section 77 of Law 4 of 1996**

**17.** The following section is hereby substituted for section 77 of the Law:

### “Verbeurdverklaring

77. (1) 'n Hof kan by skuldigbevinding van 'n persoon vir 'n misdryf ingevolge artikel 67 of 69 en moet in die geval van 'n oortreding van artikel 67(1)(c)—

- 5                 (a) alle geldde, munte, tjeks, wissels of promesses of ander dokumentasie wat sekuriteit stel vir of as bewys dien van 'n onderneming ter betaling van geld wat gevind is in of op enige ongelisensieerde perseel of op enige persoon wat in of op sodanige perseel was;
- 10                (b) alle boeke, lyste, kaarte, dokumente of ander stukke, of enige instrument, masjien of ander ding wat betrekking het op of gebruik word of gebruik kan word in verband met dobbelary en wat gevind is in of op sodanige perseel of op enige persoon wat in of op sodanige perseel was, of
- 15                (c) enige voertuig, vaartuig of vliegtuig in verband met die misdryf gebruik,  
aan die Provinsie verbeurd verklaar, en daarna is die bepalings van die Strafproseswet, 1977 (Wet 51 van 1977), met die nodige veranderings van toepassing op enigiets ingevolge hierdie artikel verbeurd verklaar.”.

### Wysiging van artikel 84 A van Wet 4 van 1996

20                18. Artikel 84A van die Wet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Sodanige permit verval—

- 25                (a) ten opsigte van elke slotmasjien waarvan bevind word dat dit nie aan die toepaslike norme en standarde voldoen nie, twee maande na die inkennisstelling van die permithouer deur die Raad van dié nie-voldoening; met dien verstande dat indien die [eiennaar van sodanige slotmasjien sy of haar] permithouer sodanige slotmasjien wysig voor die twee maande tydperk verval en sodanige slotmasjien daarna voldoen aan die gepaste norme en standarde, die bepalings van paragraaf (e) sal geld.
- 30                (b) indien die persoon aan wie die permit toegestaan word, versuim om, soos beoog in subartikel (3)(c), aansoek om 'n lisensie te doen by verstryking van die tydperk in daardie subartikel bedoel;
- 35                (c) ten opsigte van enige slotmasjien wat nie binne die tydperk beoog in subartikel (3)(a) vir toetsing voorgelê is nie, by verstryking van daardie tydperk;
- 40                (d) by die toestaan van 'n lisensie beoog in subartikel (3)(c) [, of];  
                      (e) binne twee maande ná die datum van weierung van 'n lisensie beoog in subartikel (3)(c)[.] , en  
                      (f) op wegdoening deur die permithouer van die dobbeltoestelle ten opsigte waarvan 'n permit aan hom of haar toegestaan is ingevolge hierdie artikel.”.

### Wysiging van Bylae II van Wet 4 van 1996

19. Bylae II van die Wet word hierby gewysig—

45                (a) deur na paragraaf 2 die volgende paragraaf in te voeg:

“3. Die eksklusiwiteitsgeld betaalbaar ingevolge artikel 44A(1)(a) is soos volg:

Waarde van casino-ontwikkeling	Eksklusiwiteitsgeld
50                Waar die waarde van die casino-ontwikkeling nie R175 miljoen oorskry nie	R570 000,00 per jaar vir 'n tydperk van tien jaar, jaarliks verhoog met die rentekoers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
55	

**"Forfeiture"**

- 77.** (1) A court may, upon conviction of a person for any offence in terms of section 67 or 69 and shall, in the event of a contravention of section 67(1)(c), declare to be forfeited to the Province—
- (a) all monies, coins, cheques, bills or promissory notes or other documentation securing or evidencing an undertaking for the payment of money found in or on any unlicensed premises or on any person who was in or on such premises; 5
- (b) all books, lists, cards, documents or other papers, or any instrument, machine or thing relating to or used or capable of being used in connection with gambling found in or on such premises or on any person who was in or on such premises, or 10
- (c) any vehicle, vessel or aircraft used in connection with the offence, whereupon the provisions of section 35 of the Criminal Procedure Act, 1977 (Act 51 of 1977), shall apply, with the necessary changes, to any thing 15 forfeited in terms of this section.”.

**Amendment of section 84A of Law 4 of 1996**

**18.** Section 84A of the Law is hereby amended by the substitution for subsection (4) of the following subsection:

- “(4) Such a permit shall expire—
- (a) in respect of every slot machine which was found not to comply with the relevant norms and standards, two months after [being notified] the notification of the permit holder by the Board of such non-compliance; provided that, if the [owner of such slot machine] permit holder modifies [his or her] such slot machine before the expiry of the two month period and such slot machine thereafter complies with the relevant norms and standards, the provisions of paragraph (e) shall apply. 20 25
- (b) if the person to whom the permit is granted fails to apply for a licence, as contemplated in subsection (3)(c), on expiry of the period referred to in that subsection; 30
- (c) in respect of any slot machine not submitted for testing within the period contemplated in subsection (3)(a), upon expiry of the period referred to in that subsection;
- (d) on the granting of a licence as contemplated in subsection (3)(c) [, or]; 35
- (e) two months after the date of refusal of a licence contemplated in subsection (3)(c) [, and]
- (f) upon disposal by the permit holder of the gambling devices in respect of which a permit has been granted to him or her in terms of this section.”.

**Amendment of Schedule II of Law 4 of 1996**

**19.** Schedule II of the Law is hereby amended—

- (a) by the insertion after paragraph 2 of the following paragraph:  
“3. The exclusivity fees payable in terms of section 44A are as follows:

Value of casino development	Exclusivity Fee
Where the value of the casino development does not exceed R175 million	R570 000,00 per annum for a period of ten years increased annually at the interest rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time

	Waarde van casino-ontwikkeling	Eksklusiwiteitsgeld
5	Waar die waarde van die casino-ontwikkeling R175 miljoen oorskry	R1 140 000,00 per jaar vir 'n tydperk van tien jaar, jaarliks verhoog teen die rentekoers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal

(b) deur na paragraaf 3 die volgende paragraaf in te voeg:  
"4. Die bodfooie betaalbaar ingevolge artikel 44B is soos volg:

	Waarde van casino-ontwikkeling	Bodfooi
10	Waar die waarde van die casino ontwikkeling nie R175 oorskry nie	R5,7 miljoen
15	Waar die waarde van die casino ontwikkeling R175 oorskry	R11,4 miljoen
	In die geval van die Metropolitaanse casino	R135 miljoen

(c) deur na paragraaf 4 die volgende artikel in te voeg:  
"5. Die beperketedobbelmasjien-operateurgeld betaalbaar ingevolge artikel 44C is soos volg:

	Grootte van beperkte dobbelmasjien operateur	Beperketedobbelmasjien-operateurgeld
20	Waar die getal beperkte dobbelmasjiene nie 500 masjiene per operateur oorskry nie	R570 000,00 per jaar vir 'n tydperk van tien jaar, jaarliks verhoog teen die rentekoers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
25	Waar die getal beperkte dobbelmasjiene 500 masjiene per operateur oorskry, maar nie 1 000 masjiene per operateur oorskry nie	R1 140 000,00 per jaar vir 'n tydperk van tien jaar teen die rentekoers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
30	Waar die getal beperkte dobbelmasjiene 1 000 masjiene per operateur oorskry	R1 710 000,00 per jaar vir 'n tydperk van tien jaar teen die rentekoers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
35		

40 , en  
(d) deur die uitdrukking "3" deur die uitdrukking "6" te vervang.

<b>Value of casino development</b>	<b>Exclusivity Fee</b>
Where the value of the casino development exceeds R175 million	R1 140 000.00 per annum for a period of ten years increased annually at the interest rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time

5

- (b) by the insertion after paragraph 3 of the following paragraph:  
"4. The bid fees payable in terms of section 44B are as follows:

<b>Value of casino development</b>	<b>Bid Fee</b>
Where the value of the casino development does not exceed R175 million	R5,7 million
Where the value of the casino development exceeds R175 million	R11,4 million
In respect of the Metropolitan casino development	R135 million

10

15

- (c) by the insertion after paragraph 4 of the following paragraph:  
"5. The limited gambling machine operator fees payable in terms of section 44C are as follows:

<b>Size of limited gambling machine operator</b>	<b>Limited gambling machine operator fee</b>
Where the number of limited gambling machines does not exceed 500 machines per operator	R570 000,00 per annum for a period of ten years increased annually at the interest rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time
Where the number of limited gambling machines exceeds 500 machines per operator but does not exceed 1 000 machines per operator	R1 140 000,00 per annum for a period of ten years increased annually at the interest rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time
Where the number of limited gambling machines exceeds 1 000 machines per operator	R1 710 000,00 per annum for a period of ten years increased annually at the interest rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time

20

25

30

35

40

, and

- (d) by the substitution for the expression "3" of the expression "6".

