



**Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni**

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

# Provincial Gazette Extraordinary

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# Buitengewone Provinsiale Koerant

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### Provincial Notice

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Any person or organisation wishing to comment on the Draft Bill or draft regulations is requested to lodge the comments in writing before or on 11 July 2022—

- (a) by posting the comments to:  
Ms Claire Horton  
Provincial Treasury  
Private Bag X9165  
Cape Town 8000;
- (b) by emailing the comments to:  
Claire.Horton@westerncape.gov.za;
- (c) by faxing the comments to:  
Fax no. 021 483 4680; or
- (d) by delivering the comments to:  
Ms Claire Horton  
Provincial Treasury  
Room 307 (3rd Floor)  
Provincial Building  
7 Wale Street  
Cape Town 8001.

The name, telephone, email and/or fax number, and address of the person submitting the comment should be clearly indicated.

For queries contact Ms Claire Horton at 021 483 6037.

**The Afrikaans and Xhosa translations of the Draft Bills and draft regulations will be published at a later date.**

The following Provincial Notices are published for comment.

DR H.C. MALILA,  
DIRECTOR-GENERAL

Provincial Legislature Building,  
Wale Street,  
Cape Town.

## PROVINCIAL NOTICE

P.N. 69/2022

10 June 2022

### 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.

### DRAFT WESTERN CAPE TWENTIETH GAMBLING AND RACING AMENDMENT BILL, 2022

To amend the Western Cape Gambling and Racing Act, 1996, so as to insert a new definition; to provide for the Western Cape Gambling and Racing Board to conduct a hearing for certain purposes; to do away with development applications; to do away with environmental, transport and land-use matters; to clarify the types of applications that a member of the public may object to or comment on; to regulate anew the amendment of licences; to provide for the correction of errors in a licence and the change of details of certain premises; to regulate anew the relocation of businesses or activities; to do away with exclusivity; to make further provision for regulations and rules; to effect certain textual improvements; and to provide for matters incidental thereto.

**BE IT ENACTED** by the Provincial Parliament of the Western Cape, as follows:—

**Amendment of section 1 of Act 4 of 1996, as amended by section 4 of Act 4 of 1997, section 1 of Act 10 of 1997, section 1 of Act 4 of 1999, section 1 of Act 11 of 2000 and sections 1 and 3 of Act 4 of 2006**

1. Section 1 of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) (the principal Act), is amended in subsection (1)—

- (a) by the deletion of the definition of “Development application”; and
- (b) by the insertion after the definition of “Province” of the following definition:  
“ ‘Provincial Government’ means the Western Cape Government;”.

**Amendment of section 18 of Act 4 of 1996, as amended by section 16 of Act 4 of 1997 and section 7 of Act 11 of 1997**

2. Section 18 of the principal Act is amended—

- (a) by the substitution for paragraph (a) of subsection (8) of the following paragraph:  
“(a) investigations into or matters concerning private information in respect of any applicant for a licence or the amendment of a licence;”;

(b) by the substitution for paragraph (d) of subsection (8) of the following paragraph:

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

**Amendment of section 23 of Act 4 of 1996, as amended by section 20 of Act 4 of 1997, section 8 of Act 10 of 1997, section 2 of Act 4 of 1999, section 4 of Act 1 of 2003 and section 1 and 10 of Act 4 of 2006**

**3. Section 23 of the principal Act is amended—**

(a) by the substitution in subsection (1) for subparagraph (i) of paragraph (a) of the following subparagraph:

“(i) an application for a licence, or the amendment of a licence, under this Act;”;

(b) by the substitution in subsection (1) for subparagraph (i) of paragraph (b) of the following subparagraph:

“(i) any applicant for a licence or the amendment of a licence;”;

(c) by the substitution of subsection (2) of the following subsection:

“(2) Notwithstanding subsection (1), [The] the Board shall conduct a hearing in respect of an application for a casino operator licence, an application contemplated in section 41B(1) relating to the relocation of a casino, where any licence is to be revoked or, subject to section 42(3)(b), when a licence is to be suspended.”; and

(d) by the substitution for subsection (5) of the following subsection:

“(5) At any hearing in respect of an application for a licence, or the amendment of a licence, under this Act, the person applying for **[such a]** the licence or amendment and any person objecting to the granting of **[such a]** the licence or amendment shall be entitled to appear before the Board and to call witnesses in support of the application or objection and to cross-examine any other witness.”.

**Repeal of section 32A of Act 4 of 1996, as inserted by section 10 of Act 10 of 1997 and amended by section 1 of Act 4 of 2006**

**4. Section 32A of the principal Act is repealed.**

**Repeal of section 32B of Act 4 of 1996, as inserted by section 10A of Act 10 of 1997**

**5. Section 32B of the principal Act is repealed.**

### **Amendment of section 33 of Act 4 of 1996, as amended by section 1 of Act 4 of 2006**

6. Section 33 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) **[Any body which or]** A person who wishes to object to or comment on any application made **[for a licence]** under this Act, where notice of the application was published in terms of section 32(2)(a), may do so by giving written notice thereof to the Board and setting out the grounds of the objection or comment in the prescribed manner.”.

### **Amendment of section 34 of Act 4 of 1996, as substituted by section 28 of Act 4 of 1997 and amended by section 1 of Act 4 of 2006**

7. Section 34 of the principal Act is amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“By submitting an application **[for a licence]** under this Act, the applicant consents that the Board or any member or authorised officer thereof may—”.

### **Amendment of section 35 of Act 4 of 1996, as amended by section 29 of Act 4 of 1997, section 11 of Act 10 of 1997, section 5 of Act 4 of 1999 and sections 1 and 16 of Act 4 of 2006**

8. Section 35 of the principal Act is amended—

(a) by the substitution in subsection (3) for subparagraph (iii) of paragraph (a) of the following subparagraph:

“(iii) the development is not undesirable within the specific geographical environment, with reference to social, religious, educational, cultural[,]  
and economic], **environmental, transport and land-use** aspects;”;

(b) by the insertion in subsection (3) after subparagraph (iii) of paragraph (a) of the following subparagraph:

“(iiiA) the applicant has the right to occupy the premises in question;”.

### **Insertion of section 35A in Act 4 of 1996**

9. The following section is inserted in the principal Act after section 35:

#### **“Amendment applications, corrections and change of details of certain premises**

**35A.** (1) Subject to subsection (2) and sections 41(1) and 41B(1), (3) and (4), the holder of a licence may apply to the Board for the amendment of any details specified in its licence.

(2) The following may not be amended in terms of subsection (1):

(a) the duration of a licence other than a temporary licence; or

(b) the details of the premises specified in a licence contemplated in section 27(dA), (j), (kA) or 47.

(3) A holder of a licence who applies for the amendment of its licence shall pay the prescribed new licence application fee; provided that the Board may, on good cause shown, exempt the holder of the licence from paying the whole or a portion of such fee.

(4) The provisions of sections 32, and 35(1), (2) and (4) apply, with the necessary changes, to amendment applications, subject to subsection (5) and section 41B(10).

(5) The provisions of section 35(4) do not apply to an application contemplated in section 41B(1) relating to the relocation of a casino.

(6) The Board may correct any error in a licence.

(7) The provisions of subsections (3) and (4) do not apply to the correction of an error in a licence.

(8) Notwithstanding subsection (7), section 35(1) applies, with the necessary changes, to a request by the holder of a licence to the Board to correct an error in its licence.

(9) The Board may not impose any fee or charge upon the holder of a licence for correcting an error in its licence, changing the details of a premises following a request contemplated in section 41B(4) or issuing an amended licence to the holder of the licence after correcting the error or changing the details of the premises following the request contemplated in section 41B(4).

(10) Subsection (9) does not apply to the correction of an error in circumstances where the holder of a licence provided incorrect information to the Board.

(11) Where the Board grants an amendment application, corrects an error in a licence, or receives a request to change the details of a premises as contemplated in section 41B(4), the Chief Executive Officer shall, on production by the holder of the licence of its current licence and subject to section 41B(16), cause an amended licence to be issued to the holder of the licence."

**Amendment of section 37 of Act 4 of 1996, as amended by section 31 of Act 4 of 1997 and sections 1 and 17 of Act 4 of 2006**

**10.** Section 37 of the principal Act is amended—

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

“(f) relating to the premises in or on which gambling activities take place, including the development thereof in terms of time frames agreed to between the Board and the holder of a licence and the utilisation thereof;”;

(b) by the insertion in subsection (1) after paragraph (l) of the following paragraph:

“(lA) relating to the relocation of a business or activity authorised by a licence, including the following matters:

(i) the submission to the Board of reports on—

- (aa) compliance with existing conditions of a casino operator licence contemplated in section 41B(5)(a)(ix);
- (bb) the progress made by the holder of a casino operator licence to relocate a casino;
- (ii) any other matter contemplated in section 41B(5);
- (iii) any matter relevant to the relocation of a business or activity authorised by a licence, that is set out in this subsection;” and
- (c) by the substitution for paragraph (m) of subsection (1) of the following paragraph:
 

“(m) relating to penalties for failure to comply with conditions pertaining to **[a development application]** time frames contemplated in paragraph (f);”.

**Amendment of section 41 of Act 4 of 1996, as substituted by section 35 of Act 4 of 1997 and amended by section 10 of Act 11 of 1997, section 7 of Act 4 of 1999, sections 1 and 19 of Act 4 of 2006 and section 5 of Act 7 of 2013**

11. Section 41 of the principal Act is amended by the deletion of subsections (2) and (3).

**Insertion of sections 41B, 41C and 41D in Act 4 of 1996**

12. The following sections are inserted in the principal Act after section 41A:

**“Relocation**

**41B.** (1) Subject to the provisions of this section, if the holder of a licence contemplated in section 27(a), (e), (f), (g) or (hB) wishes to relocate the business or activities authorised by the licence from one premises to another, the holder of the licence shall apply to the Board in terms of section 35A(1) to amend the details of the premises specified in the licence.

(2) Subsection (1) does not apply to a person who holds a national employment licence as contemplated in the National Act.

(3) If the holder of a licence contemplated in section 27(dA), (j), (kA) or 47 wishes to relocate the business or activities authorised by the licence from one premises to another, it shall apply to the Board for the relevant licence for the proposed premises.

(4) Where the holder of an operator licence other than a casino operator licence relocates its administrative office, it shall—

- (a) inform the Board of the relocation at least three months before the relocation;
- (b) where applicable, request the Board to issue an amended licence to reflect the details of the new premises; and
- (c) ensure that the Board has access to the new premises in order to inspect the premises for compliance with the requirements of this Act and the National Act.

(5) The Board shall not approve an application contemplated in subsection (1) relating to the relocation of a casino—

(a) unless it is satisfied that—

- (i) the proposed relocated casino will promote job opportunities and tourism in the Province;
- (ii) the funding for the proposed relocated casino is provided by a reputable person, body or institution;
- (iii) the proposed premises are or will on completion be suitable for the purpose for which they will be used under the casino operator licence;
- (iv) the proposed development or establishment of the relocated casino is not undesirable within the specific geographical environment, with reference to social, religious, educational, cultural and economic aspects;
- (v) the applicant has the right to occupy the proposed premises;
- (vi) the applicant is of good financial standing and has adequate means to undertake the proposed development or establishment of the relocated casino within time frames proposed by the applicant and to sustain the casino;
- (vii) the applicant operates the casino at the current licensed premises in a manner that complies with this Act, the conditions of the licence, the National Act and any applicable prescripts made in terms of the National Act;
- (viii) the applicant will continue to comply with the existing conditions of its casino operator licence at the proposed premises, to the extent that the conditions are appropriate to the proposed premises or the area to which the casino is to be relocated;
- (ix) the applicant will continue to comply with the existing conditions of its casino operator licence relating to contributions to—
  - (aa) black economic empowerment as contemplated in section 53 of the National Act; and
  - (bb) corporate social investment,that apply in the area from which the casino is to be relocated, for a period to which the applicant and the relevant beneficiaries agree, failing which, a period of two years, calculated from the date on which the relocated casino commences operations contemplated in subsection (12);
- (x) the applicant has, in the application submitted to the Board, made full and frank disclosure of all matters prescribed or determined by the Board, and the relevant information in respect of the application was made available for public scrutiny;
- (xi) granting the application is not against the public interest and is in accordance with the policy and objectives of this Act; and

(xii) the applicant qualifies in terms of section 29 and is not disqualified in terms of section 30; and

(b) if in the Board's opinion the possibility exists that the grant of the application may cause a monopolistic situation to arise or be aggravated.

(6) Notwithstanding subsection (5), when considering an application contemplated in subsection (1) relating to the relocation of a casino, the Board may consider any matter that is relevant to the application and that falls within the policy and objectives of this Act.

(7) After consideration of an application contemplated in subsection (1) relating to the relocation of a casino and, if applicable, any objections thereto or any hearing, investigation or enquiry in connection therewith, the Board may—

(a) refuse an application;

(b) grant an application; or

(c) postpone the consideration of an application,

subject to any terms and conditions it may see fit.

(8) The Board shall inform the applicant in writing of its decision contemplated in subsection (7).

(9) Subject to section 37, the Board may amend the existing conditions of a casino operator licence or impose further conditions on the licence, to address matters relating to the relocation of a casino.

(10) Notwithstanding section 32(1)(b), an application contemplated in subsection (1) relating to the relocation of a casino shall include at least the prescribed documents and information to enable the Board to satisfy itself regarding the matters contemplated in subsection (5).

(11) Notwithstanding the granting of an application contemplated in subsection (1) relating to the relocation of a casino or the issuing of an amended licence in terms of section 35A(11), the amendment of the licence concerned takes effect on the date upon which the holder of the casino operator licence commences operating the relocated casino.

(12) Subject to subsection (13), the date on which the relocated casino commences operations contemplated in subsection (11) shall be determined by the holder of the casino operator licence after consultation with the Board.

(13) The holder of a casino operator licence whose application contemplated in subsection (1) relating to the relocation of its casino was granted under subsection (7) must commence operating the relocated casino within 18 months from the date on which the Board granted the application.

(14) If the holder of a casino operator licence contemplated in subsection (13) does not commence operating the relocated casino by the date contemplated in subsection (13), the Board may revoke the granting of the application, and the provisions of section 42 apply, with the necessary changes.

(15) Notwithstanding the granting of an application contemplated in subsection (1) relating to the relocation of a casino, and notwithstanding subsections (11) and (12),



and subject to subsection (13), the holder of the casino operator licence may not commence operating the relocated casino until the following requirements have been met:

- (a) the development or establishment of the relocated casino has been completed;
- (b) the Board has inspected the premises of the relocated casino;
- (c) the Board is satisfied that the gambling machines, gambling devices and equipment to be used for gambling, racing or related activities at the relocated casino meet the applicable requirements of this Act or the National Act; and
- (d) the Board has approved the commencement of operations at the relocated casino after the requirements of paragraphs (a), (b) and (c) have been met.

(16) The Chief Executive Officer may not cause an amended licence to be issued in terms of section 35A(11) to the holder of a casino operator licence whose application contemplated in subsection (1) relating to the relocation of its casino was granted if the Board has informed the Chief Executive Officer that the requirements of subsection (15) have not been met.

(17) Notwithstanding the provisions of subsections (11) and (12) or section 41(4), the holder of a casino operator licence whose application contemplated in subsection (1) relating to the relocation of its casino has been granted shall cease operating the casino at the current premises when it produces the current licence to the Board.

(18) Notwithstanding subsection (17), the Board may at any time provide the holder of the casino operator licence with written consent in terms of section 41(4) to cease operating the casino for the purpose of facilitating the relocation process.

(19) Where the holder of a casino operator licence has submitted to the Board an application contemplated in subsection (1) relating to the relocation of its casino, and wishes to renew its licence in terms of section 40, the renewal of the licence shall relate to the casino at the current premises.

(20) Where the holder of a casino operator licence has submitted to the Board an application contemplated in subsection (1) relating to the relocation of its casino, the Board shall notify every holder of a casino operator licence in the Province, in writing, of the notice of the application published in terms of section 32(2)(a).

(21) If a holder of a casino operator licence who has been notified in terms of subsection (20) wishes to submit an application contemplated in subsection (1) relating to the relocation of its casino, and the proposed area for relocation is the same as the one set out in the application referred to in subsection (20), then the holder of the casino operator licence may submit such application to the Board within the commenting period applicable to the application contemplated in subsection (20), and the provisions of subsection (20) shall apply, with the necessary changes.

(22) Where the Board receives more than one application contemplated in subsection (1) relating to the relocation of a casino, and the proposed areas for relocation are the same, the Board shall consider the applications concurrently.

(23) When determining which application contemplated in subsection (22) is preferable, the Board shall consider which application, on the whole, best fulfils the objectives of the Act, including the potential to socially and economically contribute to the Province.

(24) The responsible Member may make regulations contemplated in sections 41C and 41D in order to address the geographical distribution of casinos in the Province generally, or for the purposes of relocation.

(25) For the purpose of subsection (5)(a)(ix)(bb) “contributions to corporate social investment” means the applicant’s monetary and non-monetary contributions to society and the local community that fall outside of its regular business activities.

#### **Maximum number of licences granted or held in area**

**41C.** (1) Notwithstanding the proviso to section 81(1), the responsible Member may prescribe by regulation the maximum permissible number of licences of any particular kind that may from time to time be granted or held in a particular area, after consultation with—

- (a) the Board;
- (b) organised local government contemplated in section 154(2) of the Constitution of the Republic of South Africa, 1996;
- (c) municipalities affected by the regulations; and
- (d) the relevant members of the Executive Council responsible for the following matters in the Province:
  - (i) local government;
  - (ii) social development; and
  - (iii) economic opportunities and tourism.

(2) In determining the matters contemplated in subsection (1), the responsible Member shall consider at least the following matters:

- (a) the existing number of relevant licences and the geographical distribution of the licences in the Province or a particular area in the Province, and the duration of the licences;
- (b) the desirability of expanding gambling in the Province, having regard to the following matters:
  - (i) the principle of not overstimulating gambling in any part of the Province;
  - (ii) social, religious, educational, cultural and economic aspects, including—
    - (aa) addressing the incidence and social consequences of compulsive and addictive gambling in the Province;

- (bb)* the impact of gambling and racing on the residents of any area in the Province;
  - (cc)* limiting the exposure of vulnerable groups to gambling and racing;
  - (dd)* the potential of gambling and racing to contribute to the economy of the Province;
  - (ee)* promoting job creation within the gambling industry; and
  - (ff)* preserving the stability of the provincial tax revenue raised in terms of this Act;
- (iii) promoting competition within the gambling industry;
  - (iv) diversity of ownership within the gambling industry;
  - (v) promoting black economic empowerment; and
  - (vi) promoting the public interest, and the policy and objectives of this Act.

(3) A regulation contemplated in subsection (1) may apply for a particular period determined by the responsible Member.

#### **Proximity of premises**

**41D.** (1) Notwithstanding the proviso to section 81(1), the responsible Member may prescribe by regulation the proximity of premises on which gambling or racing takes place under the authority of a licence to other premises on which these activities take place under the authority of a licence, after consultation with the parties referred to in section 41C(1).

(2) In determining the proximity contemplated in subsection (1), the responsible Member shall consider at least the following matters:

- (a)* the existing number of premises on which gambling or racing takes place under the authority of a licence and the geographical distribution of these premises in the Province or a particular area in the Province, and the duration of the licences authorising the activities at the premises;
- (b)* the principle of not overstimulating gambling in any part of the Province;
- (c)* social, religious, educational, cultural and economic aspects, including—
  - (i) addressing the incidence and social consequences of compulsive and addictive gambling in the Province;
  - (ii) the impact of gambling and racing on the residents of any area in the Province;
  - (iii) limiting the exposure of vulnerable groups to gambling and racing;
  - (iv) the potential of gambling and racing to contribute to the economy of the Province; and
  - (v) preserving the stability of the provincial tax revenue raised in terms of this Act;
- (d)* promoting competition within the gambling industry; and

- (e) promoting the public interest, and the policy and objectives of this Act.
- (3) A regulation contemplated in subsection (1) may apply for a particular period determined by the responsible Member.”

**Repeal of section 44A, as inserted by section 13 of Act 11 of 1997**

13. Section 44A of the principal Act is repealed.

**Amendment of section 45 of Act 4 of 1996**

14. Section 45 of the principal Act is amended—

(a) by the substitution for subsection (4) of the following subsection:

“(4) A casino operator licence shall attach to the premises specified in the licence[, **and which shall be developed in accordance with the approved development application**].”; and

(b) by the insertion after subsection (4) of the following subsection:

“(4A) The premises contemplated in subsection (4) shall be developed in accordance with applicable legislation and any conditions that the Board may impose.”.

**Amendment of section 75 of Act 4 of 1996, as amended by section 61 of Act 4 of 1997, section 16 of Act 10 of 1997, section 15 of Act 11 of 1997, section 4 of Act 8 of 1998, section 2 of Act 10 of 2000, section 6 of Act 1 of 2003 and sections 1 and 33 of Act 4 of 2006**

15. Section 75 of the principal Act is amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) contravenes any condition of a licence [**and in the case of a casino operator licence any condition of the concomitant approved development application**];”.

**Amendment of section 81 of Act 4 of 1996, as amended by section 65 of Act 4 of 1997, section 17 of Act 10 of 1997, section 6 of Act 8 of 1998, section 8 of Act 1 of 2003 and section 1 of Act 4 of 2006**

16. Section 81 of the principal Act is amended—

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

“(b) any matter pertaining to an application for a licence or the renewal or amendment of a licence;”;

(b) by the deletion of paragraphs (c), (d) and (f) of subsection (1); and

(c) by the insertion in subsection (1) after paragraph (g) of the following paragraph:

“(gA) the relocation of a business or activity authorised by a licence;”.

**Amendment of section 82 of Act 4 of 1996, as amended by section 66 of Act 4 of 1997, section 18 of Act 10 of 1997, section 9 of Act 1 of 2003 and section 1 of Act 4 of 2006**

17. Section 82 of the principal Act is amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) any matter pertaining to an application for a licence or the renewal or amendment of a licence”.

**Amendment of Schedule II to Act 4 of 1996, as substituted by section 70 of Act 4 of 1997 and as amended by section 18 of Act 11 of 1997, section 4 of Act 5 of 1999, section 4 of Act 10 of 2000, section 1 of Act 9 of 2001, section 1 of Act 7 of 2009 and section 7 of Act 7 of 2013**

18. Schedule II to the principal Act is amended by the deletion of paragraph 3.

**Substitution of expression in Act 4 of 1996**

19. The principal Act is amended by the substitution for the expression “Provincial Administration: Western Cape”, wherever it occurs, of the expression “Provincial Government”.

**Amendment of Arrangement of Sections in Act 4 of 1996, as amended by section 2 of Act 4 of 1997 and section 2 of Act 4 of 2006**

20. The Arrangement of Sections before section 1 of the principal Act is amended—

(a) by the insertion after the reference to the heading to section 35 of the following item:

“35A. Amendment applications, corrections and change of details of certain premises”; and

(b) by the insertion after the reference to the heading to section 41A of the following items:

“41B. Relocation

41C. Maximum number of licences granted or held in area

41D. Proximity of premises”.

**Short title and commencement**

21. This Act is called the Western Cape Twentieth Gambling and Racing Amendment Act, 2022, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE  
DRAFT WESTERN CAPE TWENTIETH GAMBLING AND RACING  
AMENDMENT BILL, 2022**

**1. BACKGROUND**

- 1.1 In 1997 the Western Cape Provincial Cabinet issued Policy Determinations to be adhered to by the Western Cape Gambling and Racing Board (the Board) when establishing the licensed gambling industry in the Western Cape. The Policy Determinations were published under Provincial Notice 304/1997 in *Provincial Gazette* 5170 dated 29 August 1997 and have since been amended.
- 1.2 The Policy Determinations provide, among other things, that the five casino operator licences allocated to the Western Cape are to be distributed one each to five geographically distinct regions.
- 1.3 The Policy Determinations provide further that casino operator licences are exclusive for a period of ten years and that exclusivity fees are to be paid for that period.
- 1.4 The Policy Determinations also list certain factors to which the Board must have regard when considering applications for casino operator licences. Furthermore, there was the requirement for each casino operator licence holder to make contributions to sustainable community projects in the particular area in which they were located. For example, the casino operator licensed in the Cape Metropolitan region was required to make a financial contribution of R135 million for a world-class convention centre.
- 1.5 There are currently five casinos operating in the Western Cape. When the casinos were established, they were each granted a licence to operate a casino exclusively within a demarcated geographical area for a period of ten years. The allocation of the five casinos, one to each region, was aligned with the Province's five municipal districts, namely the Cape Metropolitan area, Overberg, West Coast, Southern Cape and Breede River. The Policy Determinations provided for the Cape Metropolitan casino to have a 75-kilometre exclusivity radius, calculated from Cape Town City Hall.
- 1.6 The exclusivity periods referred to above have expired. Going forward, the exclusivity regime described will not apply.
- 1.7 A revised legislative framework relating to the relocation of businesses and activities and the amendment of licences is set out in the Draft Western Cape Twentieth Gambling and Racing Amendment Bill, 2022 (the Draft Bill).
- 1.8 Further, the provisions of the Policy Determinations that relate to casinos will be withdrawn.

## 2. OBJECTS OF DRAFT BILL

- 2.1 The main objective of the Draft Bill is to amend the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) (the Act), to provide a revised legislative framework for the relocation of businesses or activities authorised under a licence contemplated in the Act, including casinos, and the amendment of licences. In order to put in place the revised legislative framework, a number of technical and substantive amendments must be made to the Act.
- 2.2 Further objectives of the Draft Bill are as follows:
- 2.2.1 to update certain terminology used in the Act;
  - 2.2.2 to do away with development applications and land-use, transport and environmental matters;
  - 2.2.3 to clarify the types of applications that a member of the public may object to or comment on;
  - 2.2.4 to provide for the correction of errors in a licence and the change of details of certain premises;
  - 2.2.5 to do away with exclusivity;
  - 2.2.6 to make further provision for regulations and rules;
  - 2.2.7 to effect certain textual improvements; and
  - 2.2.8 to provide for incidental matters.

## 3. CONTENTS OF DRAFT BILL

- 3.1 **Clause 1** of the Draft Bill amends section 1 of the Act by deleting the definition for “Development application”. This is a consequential amendment to the proposed repeal of section 32A of the Act, which relates to development applications. Further, a definition for “Provincial Government” is provided, so that updated terminology may be used in the Act.
- 3.2 **Clause 2** of the Draft Bill makes consequential amendments to section 18(8) of the Act, which will now also refer to the amendment of a licence.
- 3.3 **Clause 3** of the Draft Bill makes consequential amendments to section 23(1) and (5) of the Act as a result of the insertion of the proposed sections 35A and 41B. Section 23(1) and (5) of the Act will now also refer to the amendment of a licence.  
Further, clause 3 amends section 23(2) of the Act by providing for the Board also to conduct a hearing in respect of an application contemplated in section 41B(1) relating to the relocation of a casino.
- 3.4 **Clause 4** of the Draft Bill repeals section 32A of the Act, which relates to development applications. Development applications must be dealt with by the relevant organ of state and not the Board.
- 3.5 **Clause 5** of the Draft Bill repeals section 32B of the Act. Land-use aspects are dealt with by the relevant organ of state.

- 3.6 **Clause 6** of the Draft Bill amends section 33(1) of the Act by clarifying that members of the public may comment on applications where notice thereof was published in terms of section 32(2)(a) of the Act. Clause 6 also makes textual improvements to section 33(1) of the Act.
- 3.7 **Clause 7** of the Draft Bill broadens the scope of section 34(2) of the Act in order for it to apply to all kinds of applications and not only licence applications.
- 3.8 **Clause 8** of the Draft Bill amends section 35(3)(a)(iii) of the Act by removing the reference to environmental, transport and land-use aspects. These aspects are to be dealt with by the relevant organs of state and not the Board.  
Further, clause 8 inserts a new subparagraph in section 35(3)(a) of the Act. The Board must be satisfied that the applicant has the right to occupy the premises in question.
- 3.9 **Clause 9** of the Draft Bill inserts the proposed section 35A into the Act. The proposed section 35A sets out the procedure for the amendment and correction of licences and the change of details of certain premises.
- 3.10 **Clause 10** of the Draft Bill amends section 37(1) of the Act by providing for the Board to impose conditions relating to various matters, including the relocation of businesses or activities.
- 3.11 **Clause 11** of the Draft Bill deletes section 41(2) and (3) of the Act. The amendment is consequential to the insertion of the proposed sections 35A and 41B.
- 3.12 **Clause 12** of the Draft Bill inserts the proposed sections 41B, 41C and 41D into the Act.  
The proposed section 41B sets out the procedure that applies should the holders of certain licences, including the holders of casino operator licences, wish to relocate the businesses or activities authorised by their licences to new premises.  
  
The proposed section 41B also envisages that the responsible Member as defined in the Act may make regulations contemplated in the proposed sections 41C and 41D, to address the geographical distribution of casinos in the Province generally, or for the purposes of relocation.  
  
The proposed sections 41C and 41D provide for the responsible Member as defined in the Act to make regulations relating to the maximum number of licences of any particular kind that may be granted or held in a particular area, and the proximity of gambling and racing premises to one another. The proposed sections provide for consultation with various parties and set out the criteria that the responsible Member must consider in determining the relevant matters.
- 3.13 **Clause 13** of the Draft Bill repeals section 44A of the Act, which deals with certain matters relating to exclusivity.
- 3.14 **Clause 14** of the Draft Bill amends section 45 of the Act by removing certain words relating to development applications. It also provides for the manner in which casino premises are to be developed. These are consequential amendments arising from the proposed repeal of section 32A of the Act.



- 3.15 **Clause 15** of the Draft Bill makes consequential amendments to section 75(1)(b) of the Act as a result of the proposed repeal of section 32A of the Act.
- 3.16 **Clause 16** of the Draft Bill makes consequential amendments to section 81(1) of the Act as a result of the insertion of the proposed sections 35A, 41B, 41C and 41D, and the repeal of sections 32A and 44A of the Act.
- 3.17 **Clause 17** of the Draft Bill makes consequential amendments to section 82(1)(a) of the Act as a result of the insertion of the proposed sections 35A and 41B.
- 3.18 **Clause 18** of the Draft Bill makes a consequential amendment to Schedule II to the Act as a result of the proposed repeal of section 44A of the Act. Clause 18 deletes paragraph 3 of Schedule II to the Act, which relates to exclusivity fees.
- 3.19 **Clause 19** of the Draft Bill amends the Act by substituting the expression “Provincial Administration: Western Cape”, wherever it occurs, with the expression “Provincial Government”. The intention is to update the terminology used in the Act.
- 3.20 **Clause 20** of the Draft Bill provides for the amendment of the Arrangement of Sections of the Act to include the headings of the new proposed sections 35A, 41B, 41C and 41D.
- 3.21 **Clause 21** of the Draft Bill provides for the short title and date of commencement.

#### **4. FINANCIAL IMPLICATIONS**

The Draft Bill provides for the imposition of prescribed new licence application fees for the amendment of licences.

The Board may need to obtain the services of an external service provider to provide the necessary expertise to assist it in making its determination regarding the potential relocation of a casino. This will result in the Board’s incurring costs, which can be offset through the recovery of costs as envisaged in the Western Cape Gambling and Racing Regulations (Fees and Costs), 2016.

The publication costs of the Draft Bill are covered within the Provincial Treasury’s current budget.

#### **5. PERSONNEL IMPLICATIONS**

None

#### **6. LEGISLATIVE COMPETENCE**

The Provincial Minister responsible for financial matters in the Province is satisfied that the provisions of the Draft Bill fall within the legislative competence of the Province.

**PROVINCIAL NOTICE**

P.N. 70/2022

10 June 2022

**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.

**DRAFT WESTERN CAPE TWENTY-FIRST GAMBLING AND RACING  
AMENDMENT BILL, 2022**

**To amend the Western Cape Gambling and Racing Act, 1996, so as to provide for an economic opportunity tax; and to provide for matters incidental thereto.**

**BE IT ENACTED** by the Provincial Parliament of the Western Cape, as follows:—

**Insertion of section 64A in Act 4 of 1996**

1. The following section is inserted in the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) (the principal Act), after section 64:

**“Economic opportunity tax**

**64A.** (1) If the responsible Member has prescribed a part of the Helderberg area of the City of Cape Town as an area in respect of which a casino may be relocated, and the Board has granted an application contemplated in section 41B(1) relating to the relocation of a casino to that area, the holder of the casino operator licence whose application was granted shall pay an economic opportunity tax as follows:

(a) an advance cash payment; and

(b) subsequent monthly cash payments for a period of 10 years,

as set out in Part C of Schedule IV.

(2) The holder of a casino operator licence referred to in subsection (1) shall make the advance cash payment contemplated in subsection (1)(a) to the Board within 14 days from the date on which the Board grants the application contemplated in section 41B(1) relating to the relocation of the casino.

(3) The Board shall pay the amount received in respect of the advance cash payment contemplated in subsection (1)(a) into the Provincial Revenue Fund within seven days of receiving it from the holder of the casino operator licence.

(4) The provisions of section 64 apply, with the necessary changes, to the economic opportunity tax.

(5) The practical arrangements relating to the payment of the monthly economic opportunity tax contemplated in subsection (1)(b) by the holder of the casino operator

licence to the Board, and the payment thereof by the Board into the Provincial Revenue Fund, shall be prescribed.

(6) For the purposes of this section “City of Cape Town” means the geographical area of the City of Cape Town, a metropolitan municipality as defined in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), established in terms of Provincial Notice 479/2000 in *Provincial Gazette* 5588 dated 22 September 2000, as amended, which area was determined by the Municipal Demarcation Board in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998).”.

**Amendment of Schedule IV of Act 4 of 1996, as substituted by section 5 of Act 10 of 2000 and amended by section 3 of Act 8 of 2002**

2. Schedule IV to the principal Act is amended—

(a) by the substitution for the heading of the following heading:

**“SCHEDULE IV**  
**Betting and economic opportunity tax**  
*(Sections 64 and 64A)”;*

(b) by the substitution for the heading to Part A of the following heading:

**“Part A**  
**Tax on [Betting] betting [(sec 64)]**  
*(Section 64)”;*

(c) by the substitution for the heading to Part B of the following heading:

**“Part B**  
**Betting levy**  
*(Section 64)”; and*

(d) by the addition after Part B of the following Part:

**“Part C**  
**Economic opportunity tax**  
*(Section 64A)*

1. The advance cash payment in respect of the economic opportunity tax contemplated in section 64A(1)(a) is R75 million, escalating annually from the date of commencement of the Western Cape Twenty-First Gambling and Racing Amendment Act, 2022, at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time.

2. The monthly cash payment in respect of the economic opportunity tax contemplated in section 64A(1)(b) is 1% for each R1 of the taxable revenue, payable monthly for a period of ten years, commencing one month from the date of commencement of the operations of the relocated casino.”.

**Amendment of Arrangement of Sections in Act 4 of 1996, as amended by section 2 of Act 4 of 1997, section 2 of Act 4 of 2006 and section 20 of Western Cape Twentieth Gambling and Racing Amendment Act, 2022**

3. The Arrangement of Sections before section 1 of the principal Act is amended by the insertion after the reference to the heading to section 64 of the following item:

“64A. Economic opportunity tax”.

**Short title and commencement**

4. This Act is called the Western Cape Twenty-First Gambling and Racing Amendment Act, 2022, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE  
DRAFT WESTERN CAPE TWENTY-FIRST GAMBLING AND RACING  
AMENDMENT BILL, 2022**

**1. BACKGROUND**

- 1.1 With the original roll-out of casinos in the Western Cape, the Provincial Government levied bid fees for the access to the Western Cape economy the operators of the casinos would enjoy. In addition, every operator was required to pay exclusivity fees to operate a casino exclusively within a demarcated geographical area for a ten-year period.
- 1.2 The exclusivity periods have now expired. Going forward, the exclusivity regime described will no longer apply and the opportunity exists for casinos to relocate, subject to certain restrictions.
- 1.3 The Draft Western Cape Twenty-First Gambling and Racing Amendment Bill, 2022 (the Draft Bill), introduces a new economic opportunity tax, which is payable by the casino operator whose application to amend its licence for relocation to a prescribed part of the Helderberg area is granted.
- 1.4 The tax structure applicable to casinos remains unchanged at this stage, but is subject to revision should potential risks emerge which undermine the stability of provincial tax revenue raised in terms of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) (the Act).

**2. OBJECTS OF DRAFT BILL**

- 2.1 The main objective of the Draft Bill is to amend the Act in order to provide for an economic opportunity tax that will be payable by the holder of a casino operator licence for the relocation of its casino to a prescribed part of the Helderberg area of the City of Cape Town.
- 2.2 The economic opportunity tax relates to the additional value that will accrue to the holder of the casino operator licence referred to above as a direct result of the relocation versus the *status quo* and is linked to the expected increase in annual Gross Gambling Revenue estimates. The economic opportunity tax consists of an advance cash payment of R75 million, plus an additional 1 per cent of monthly Gross Gambling Revenue for a period of ten years. The advance economic opportunity tax is payable once by the casino operator within fourteen days from the date on which the Western Cape Gambling and Racing Board (the Board) grants the licence amendment application relating to the relocation of the casino. The monthly payments start one month from the date of commencement of operations of the relocated casino.

### 3. CONTENTS OF DRAFT BILL

- 3.1 **Clause 1** of the Draft Bill inserts the proposed section 64A in the Act. The proposed section 64A deals with the economic opportunity tax. It sets out the circumstances in which the economic opportunity tax is payable, the manner of payment, the period within which the advance cash payment must be made by the holder of the casino operator licence, and the period within which the advance cash payment must be paid by the Board into the Provincial Revenue Fund. Further, it provides that section 64 of the Act applies, with the necessary changes, and that the practical arrangements relating to the payment of the monthly economic opportunity tax by the holder of the casino operator licence, and the payment thereof by the Board into the Provincial Revenue Fund, must be prescribed. It also clarifies the meaning of the term “City of Cape Town” that is used in the Draft Bill.
- 3.2 **Clause 2** of the Draft Bill amends Schedule IV to the Act by providing for the economic opportunity tax. The advance cash payment of R75 million will escalate annually from the date of commencement of the Western Cape Twenty-First Gambling and Racing Amendment Act, 2022, at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time, in order to preserve its real economic value. The details relating to the monthly cash payment are also stipulated. Further, consequential amendments and textual improvements are made to the headings in Schedule IV to the Act.
- 3.3 **Clause 3** of the Draft Bill provides for the amendment of the Arrangement of Sections of the Act to include a reference to the proposed new section 64A.
- 3.4 **Clause 4** of the Draft Bill provides for the short title and date of commencement.

### 4. FINANCIAL IMPLICATIONS

A new economic opportunity tax is imposed on a casino operator whose licence amendment application relating to the relocation of its casino to the prescribed part of the Helderberg area of the City of Cape Town is granted.

The Provincial Treasury may need to obtain the services of an external service provider to provide expert analysis on the comments the Draft Bill may elicit. The publication costs of the Draft Bill are covered within the Provincial Treasury’s current budget.

### 5. PERSONNEL IMPLICATIONS

None

### 6. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for financial matters in the Province is satisfied that the provisions of the Draft Bill fall within the legislative competence of the Province.

**PROVINCIAL NOTICE**

P.N. 71/2022

10 June 2022

**WESTERN CAPE GAMBLING AND RACING ACT, 1996 (ACT 4 OF 1996)  
WESTERN CAPE GAMBLING AND RACING REGULATIONS, 1996: DRAFT  
AMENDMENT, 2022**

The Provincial Minister of Finance, in terms of section 81 of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996), intends to make the regulations set out in the Schedule.

**SCHEDULE****Definition**

1. In these regulations “the Regulations” means the Western Cape Gambling and Racing Regulations, 1996, as published under Provincial Notice 239/1996 dated 7 June 1996 and as amended by Provincial Notices 440/1996 (dated 11 October 1996), 458/1996 (dated 30 October 1996), 303/1997 (dated 29 August 1997), 446/1997 (dated 12 December 1997), 50/1998 (dated 23 January 1998), 285/1998 (dated 29 May 1998), 331/1998 (dated 19 June 1998), 334/1998 (dated 26 June 1998), 363/2000 (dated 16 August 2000), 24/2001 (dated 2 February 2001), 11/2002 (dated 18 January 2002), 358/2002 (dated 8 November 2002), 265/2003 (dated 8 August 2003), 396/2003 (dated 21 November 2003), 291/2013 (dated 2 September 2013) and 96/2016 (dated 31 March 2016).

**Amendment of Arrangement of Regulations**

2. The Arrangement of Regulations before regulation 1 is amended—
  - (a) by the substitution for the reference to the heading to Chapter 4 of the following item:

**“CHAPTER 4****LICENSING, AMENDMENT APPLICATIONS AND  
MATTERS RELATING TO CERTAIN LICENCES”;**

- (b) by the insertion after the reference to the heading to regulation 13 of the following items:
      - “13A. Regulations applicable to amendment of licences
      - 13B. Maximum number of casino operator licences in City of Cape Town and radius between casinos
      - 13C. Information for application contemplated in section 41B(1) relating to relocation of casino
      - 13D. Payment of monthly economic opportunity tax”; and
    - (c) by the deletion of the references to the headings to regulations 27 and 28.

**Substitution of heading to Chapter 4**

3. The following heading is substituted for the heading to Chapter 4 of the Regulations:

**“CHAPTER 4  
LICENSING, AMENDMENT APPLICATIONS AND MATTERS RELATING TO CERTAIN  
LICENCES”.**

**Amendment of regulation 9**

4. Regulation 9 of the Regulations is amended—
- (a) by the deletion of subregulation (2); and
  - (b) by the substitution for subregulation (3) of the following subregulation:  
“(3) The Chief Executive Officer shall not transmit any information in terms of subregulation (1) which in his or her opinion is confidential or irrelevant for purposes of comment.”.

**Insertion of regulations 13A, 13B, 13C and 13D**

5. The following regulations are inserted after regulation 13 of the Regulations:

**“Regulations applicable to amendment of licences**

**13A.** Regulations 6, 7, 8, 9, 10, 11, 12 and 13 apply, with the necessary changes, to an application for the amendment of a licence contemplated in section 35A(1) of the Act.

**Maximum number of casino operator licences in City of Cape Town and radius between casinos**

- 13B.** (1) The maximum number of casino operator licences that may be granted or held in the City of Cape Town is two.
- (2) A casino may not be situated within a 30-kilometre radius from another casino, except as otherwise provided for in the maps in Schedule 2.
  - (3) Where the existing casino in the City of Cape Town remains at the location in which it was established prior to the commencement of the Western Cape Twentieth Gambling and Racing Amendment Act, 2022, a casino that relocates to the City of Cape Town shall be situated in the part of the Helderberg area that falls outside the radius contemplated in subregulation (2) applicable to the existing casino in the City of Cape Town, which areas are set out in the maps in Schedule 2.
  - (4) Subject to subregulations (1), (2) and (3), a casino may not be situated in the 77-kilometre radius calculated from the Cape Town City Hall shown in Part A of the map in Schedule 2.
  - (5) The maximum number of casino operator licences that may be granted or held in the City of Cape Town contemplated in subregulation (1), and the radius referred to in subregulation (4), lapses 10 years from the date on



which the relocated casino in the City of Cape Town contemplated in subregulation (3) commences operations, or 18 months from the date on which the application contemplated in section 41B(1) of the Act relating to the relocation of the casino was granted by the Board under section 41B(7) of the Act, whichever occurs first.

- (6) The provisions of this regulation do not confer on the Board the power to grant more than the maximum number of casino operator licences applicable in the Province.
- (7) For the purposes of this regulation—
  - (a) “City of Cape Town” has the meaning contemplated in section 64A(6) of the Western Cape Twenty-First Gambling and Racing Amendment Act, 2022;
  - (b) “existing casino in the City of Cape Town” means the casino in the City of Cape Town that was established before the date of commencement of the Western Cape Twentieth Gambling and Racing Amendment Act, 2022; and
  - (c) “Helderberg area” means the Helderberg area of the City of Cape Town.

**Information for application contemplated in section 41B(1) relating to relocation of casino**

**13C.** (1) Notwithstanding regulation 7(1), an application contemplated in section 41B(1) relating to the relocation of a casino shall include at least the following documents and information:

- (a) reports from independent experts that set out the impact or potential impact of the proposed relocation on—
  - (i) the area from which the casino will relocate, including the impact on—
    - (aa) employees of the casino;
    - (bb) local suppliers of goods and services to the casino;
    - (cc) beneficiaries of contributions contemplated in section 41B(5)(a)(ix) of the Act; and
    - (dd) residents of the area; and
  - (ii) the specific geographical environment to which the casino is to be relocated, with reference to social, religious, educational, cultural and economic aspects;
- (b) the impact or potential impact of the proposed relocation on the applicant’s shareholding structure;
- (c) the projected customer client base of the proposed relocated casino and the economic status of the residents of the area to which the casino is to be relocated, measured by average household income;

- (d) a written motivation, with supporting documents or information, regarding which existing conditions of the current licence would not be appropriate to the proposed premises or the area to which the casino is to be relocated;
  - (e) details of the contributions to black economic empowerment and corporate social investment that the applicant will provide in the area to which the casino is to be relocated;
  - (f) the tourism, job creation and economic benefits of the proposed relocation for the area to which the casino is to be relocated and the Province;
  - (g) the proposed time frames for the development or establishment of the relocated casino;
  - (h) details of the financial standing and means of the applicant in order to satisfy the Board regarding the matters contemplated in section 41B(5)(a)(vi) of the Act;
  - (i) a copy of the title deed or lease agreement relating to the proposed premises, if available;
  - (j) a copy of a map or plan setting out the area to which the casino is to be relocated and the proposed location of the casino in that area, including the geographical coordinates of the proposed location of the relocated casino;
  - (k) details of the proximity of the proposed premises to any other licensed premises, residential areas, educational institutions, religious institutions, or any other similar institutions; and
  - (l) a copy of the floor plan for the proposed relocated casino, including the details of any ancillary facilities in relation to the casino floor or gambling area.
- (2) Notwithstanding subregulation (1), the Board may request an applicant to provide it with further documents or information it requires in order to satisfy itself regarding the matters contemplated in section 41B(5) of the Act.

#### **Payment of monthly economic opportunity tax**

- 13D.** The provisions of regulation 68 apply, with the necessary changes, to the payment of the monthly economic opportunity tax contemplated in section 64A of the Act by the holder of the casino operator licence to the Board and the payment thereof by the Board into the Provincial Revenue Fund.”.

**Amendment of regulation 26****6. Regulation 26 of the Regulations is amended—**

(a) by the substitution for subregulation (1) of the following subregulation:

“(1) If an application for a licence, or an application for the amendment of a licence for the purpose contemplated in section 41B(1) of the Act, is granted by the Board in respect of premises not yet erected or completed, the applicant shall furnish the Board with any guarantee of completion of the premises required by the Board.”; and

(b) by the substitution for subregulation (2) of the following subregulation:

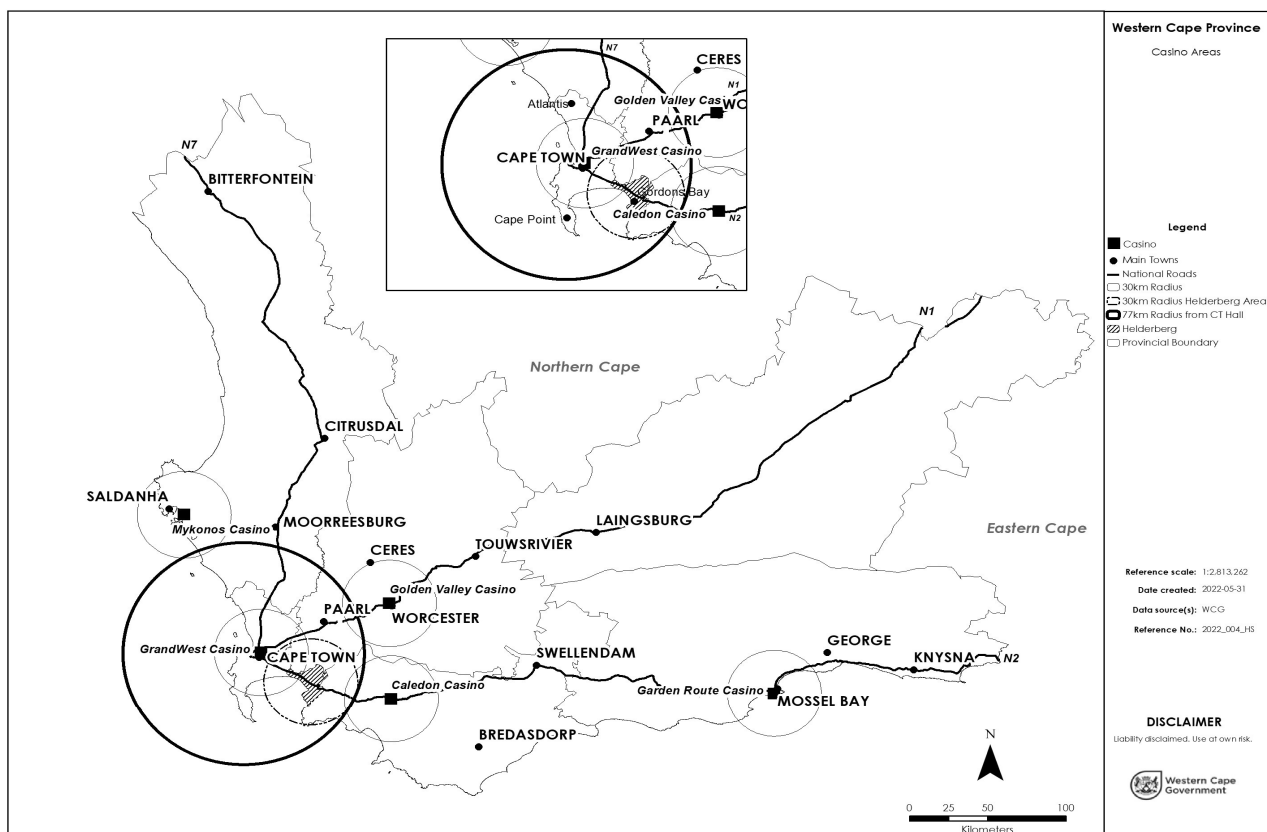
“(2) If the premises contemplated in subregulation (1) or any stages of development thereof have not been substantially completed within time frames contemplated in section 37(1)(f) of the Act, the licence may be revoked in terms of section 42 of the Act, or in the case of the relocation of a casino, the granting of the application under section 41B(7) of the Act may be revoked.”.

## Addition of Schedule 2

7. The following Schedule is added after Schedule 1 to the Regulations:

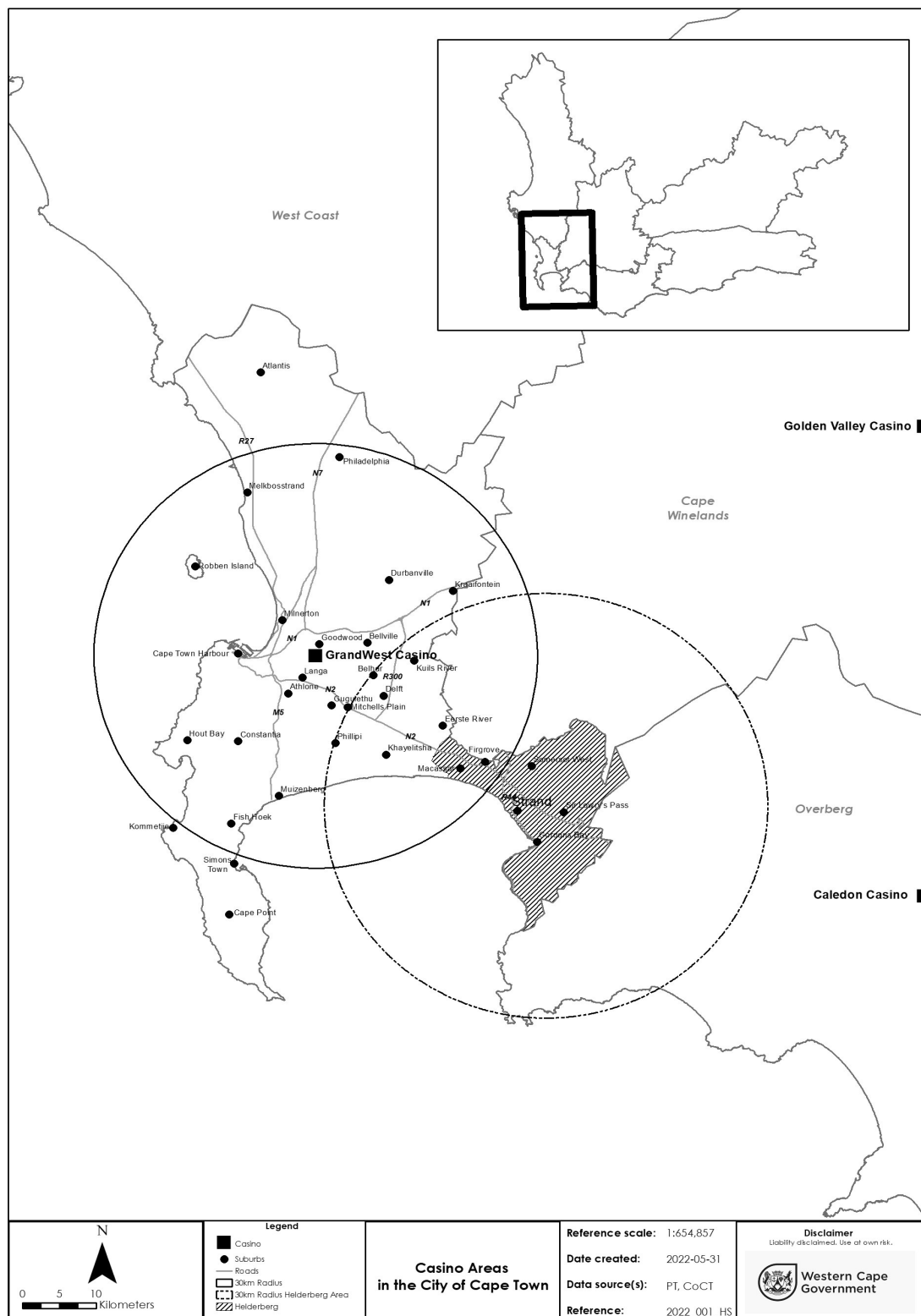
### “SCHEDULE 2 CASINO AREAS IN PROVINCE AND CITY OF CAPE TOWN (Regulation 13B(2), (3) and (4))

#### Part A Casino areas in Province



## Part B

### Casino areas in City of Cape Town



**Substitution of expressions**

8. The Regulations are amended—
- (a) by the substitution for the expression “Provincial Administration of the Western Cape”, wherever it occurs, of the expression “Provincial Government”;
  - (b) by the substitution for the expression “Provincial Administration: Western Cape” in the title block of Schedule 1 to the Regulations, below the word “Confidential”, of the expression “Provincial Government”;
  - (c) by the substitution in the second paragraph of the Explanatory Notes of Schedule 1 to the Regulations for the expression “Provincial Administration: Western Cape (PAWC)” of the expression “Provincial Government”; and
  - (d) by the substitution in the third paragraph of the Explanatory Notes of Schedule 1 to the Regulations for the expression “PAWC’s” of the expression “Provincial Government’s”.

**Short title and commencement**

9. These regulations are called the Western Cape Gambling and Racing Regulations, 1996: Amendment, 2022, and come into operation on the date of commencement of the Western Cape Twentieth Gambling and Racing Amendment Act, 2022, except for the insertion of regulation 13D, which comes into operation on the date of commencement of the Western Cape Twenty-First Gambling and Racing Amendment Act, 2022.

**PROVINCIAL NOTICE****P.N. 72/2022****10 June 2022**

**WESTERN CAPE GAMBLING AND RACING ACT, 1996 (ACT 4 OF 1996)  
WESTERN CAPE GAMBLING AND RACING REGULATIONS (FEES AND COSTS), 2016:  
DRAFT SECOND AMENDMENT, 2022**

The Provincial Minister of Finance, in terms of section 81 of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996), intends to make the regulations set out in the Schedule.

**SCHEDULE**

**Definition**

1. In these regulations “the Regulations” means the Western Cape Gambling and Racing Regulations (Fees and Costs), 2016, published under Provincial Notice 97/2016 dated 31 March 2016 and amended by Provincial Notices 81/2017 (dated 24 March 2017), 45/2018 (dated 26 March 2018), 36/2019 (dated 26 March 2019), 28/2020 (dated 25 March 2020), 37/2021 (dated 9 April 2021) and 39/2022 (dated 30 March 2022).

**Amendment of regulation 6**

2. Regulation 6 of the Regulations is amended by the insertion of the following subregulation after subregulation (1):

“(1A) In subregulation (1), the words “any hearing, investigation or enquiry other than a hearing, investigation or enquiry for the granting or renewal of a licence” includes any hearing, investigation or enquiry relating to the relocation of a business or activity contemplated in section 41B(1) of the Act.”.

**Short title and commencement**

3. These regulations are called the Western Cape Gambling and Racing Regulations (Fees and Costs), 2016: Second Amendment, 2022, and come into operation on the date of commencement of the Western Cape Twentieth Gambling and Racing Amendment Act, 2022.

