

(5 September 2012 – to date)

NATIONAL GAMBLING ACT 7 OF 2004

(Gazette No. 26670, Notice No. 960. Commencement date: 1 November 2004 [Proc. No. R51, Gazette No. 26958])

NATIONAL GAMBLING REGULATIONS

*Published under Government Notice R1342 in Government Gazette 26994 dated 12 November 2004.
Commencement date: 15 November 2004.*

as amended by:

Amendments to the National Gambling Regulations - Government Notice R89 in Government Gazette 29592 dated 2 February 2007. Commencement date: 2 February 2007.

*Amendment of regulations regarding gambling advertising and exclusions register – Government Notice R386 in Government Gazette 35349 dated 15 May 2012. Commencement date: 15 May 2012 - **Government Notice R386 withdrawn by General Notice 722 in Government Gazette 35659 dated 5 September 2012. Commencement date: 5 September 2012.***

In terms of section 87 read with Item 8 of the Schedule to the National Gambling Act, Act 7 of 2004, I, Mandisi Mphahla, Minister of Trade and Industry, hereby promulgate the accompanying regulations.

MANDISI MPAHLWA

MINISTER: TRADE AND INDUSTRY

REGULATIONS

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In partnership with:



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Chapter 1

1. Definitions

In these regulations,

- (a) any expression defined in the Act has the meaning assigned to it in that Act;
- (b) a reference to a section or sub-section by number refers to the corresponding section or sub-section of the Act;
- (c) a reference to a regulation or sub-regulation by number refers to the corresponding item of these Regulations; and
- (d) gross gaming revenue in respect of limited pay-out machines equals metered win or loss.

Chapter 2

Prohibited gambling, restricted activities and status of gambling debt

2. Excluded persons

- (1) The national register of excluded persons contemplated in section 14(7) shall contain at least the following information in respect of each excluded person -
 - (a) full names, including other names used or known by;
 - (b) date of birth;
 - (c) identity number or passport number;

- (d) residential address;
 - (e) telephone and cellular numbers, where applicable;
 - (f) e-mail address, where applicable;
 - (g) gender;
 - (h) height;
 - (i) weight;
 - (j) hair colour;
 - (k) eye colour; and
 - (l) visible distinguishing marks.
- (2) A notice to be submitted to the Board by a person wishing to register as an excluded person shall be in the form of Form NGB 1/1 and shall, at a minimum, contain a passport size colour photograph of that person, and that person's particulars as listed in sub-regulation (1).
- (3) A notice to cancel registration as an excluded person contemplated in section 14(2) shall be in the form of Form NGB 1/2 and shall contain at least -
- (a) the name or names under which the exclusion is registered;
 - (b) date of birth and/or identity number of the excluded person;
 - (c) the registration exclusion number assigned to such person by the Board;
 - (d) the current residential address and telephone numbers of the excluded person; and
 - (e) documentary proof that the excluded person has complied with all requirements of any rehabilitation programme.
- (4) Within seven days after receiving a notice contemplated in sub-regulation (2) or (3), the Board shall transmit a copy of the notice to all licence holders and provincial licensing authorities.
- (5) Within seven days after receiving a copy of the notice referred to in sub-regulation (4), each recipient shall forward written confirmation of receipt thereof to the Board.

- (6) A notice contemplated in sub-regulation (2) or (3) shall take effect upon the date of written confirmation of receipt contemplated in sub-regulation (5).
- (7) The measures to be taken by a licence holder in terms of section 14(11)(a) to determine whether a person is an excluded person, shall, at a minimum, be -
- (a) to place at each entrance to any designated area, a member of staff whose duty shall be to monitor and control the entry of persons into the designated area;
 - (b) to provide the member of staff contemplated in paragraph (a) with sufficient prior access to the information contained in the database maintained by the Board, reasonably to enable identification of excluded persons; and
 - (c) to provide its members of staff, whose duties in the ordinary course entail the surveillance of persons in any designated area, with sufficient prior access to the information contained in the database maintained by the Board, reasonably to enable identification of excluded persons.

(Regulation 2 amended by regulation 2 of Government Notice R386 in Government Gazette 35349 dated 15 May 2012)

(Amendments to regulation 2 by Government Notice R386 withdrawn by General Notice 722 in Government Gazette 35659 dated 5 September 2012)

3. Advertisements

(Heading of regulation 3 substituted by regulation 3 of Government Notice R386 in Government Gazette 35349 dated 15 May 2012)

(Amendments to the heading of regulation 3 by Government Notice R386 withdrawn by General Notice 722 in Government Gazette 35659 dated 5 September 2012)

- (1) Advertising in respect of gambling must not -
- (a) contain any lewd or indecent language, images or actions;
 - (b) portray excessive play;
 - (c) imply or portray any illegal activity;
 - (d) present any game, directly or indirectly, as a potential means of relieving financial or personal difficulties;
 - (e) exhort gambling as a means of recovering past gambling or other financial losses;

- (f) contain claims or representations that persons who gamble are guaranteed personal, financial or social success;
 - (g) represent or imply that -
 - (i) gambling is an alternative to employment or a means of acquiring financial security;
 - (ii) winning is the probable outcome of gambling;
 - (iii) gambling primarily involves skill;
 - (iv) gambling is a form of investment;
 - (v) the more or longer one gambles, the greater the chances of winning; or
 - (vi) that gambling is likely to make players' dreams a reality;
 - (h) portray or contain persons or characters engaged in gambling who are, or appear to be, under the age of eighteen years;
 - (i) be placed -
 - (i) in media primarily directed at persons under the age of eighteen years;
 - (ii) at venues where the majority of the audience may reasonably be expected to be under the age of eighteen years; or
 - (iii) on outdoor displays directed at schools, youth centres, technikons or university campuses.
- (2) Each advertisement of a gambling machine or device, gambling activity or licensed premises at which gambling activities are available, must -
- (a) include a statement warning against the dangers of addictive and compulsive gambling, which shall -
 - (i) in respect of any printed or electronic mail advertisement, be in a font of at least the same size as the font used for the body of the advertisement and shall incorporate, at a minimum -
 - (aa) the name, toll-free number, and slogan of the National Responsible Gambling Programme; and

- (bb) a reference to the fact that only persons of the age of eighteen years or older may lawfully participate in gambling;
 - (ii) in respect of any video or television advertisement -
 - (aa) incorporate at a minimum the information contemplated in sub-paragraph (i); and
 - (bb) be published in visual format so that each slogan appears in a legible and noticeable format for at least three seconds;
 - (iii) in respect of any radio advertisement or voice message on a telephone sent to the public -
 - (aa) incorporate at a minimum the information contemplated in sub-paragraph (i); and
 - (bb) be in a clearly audible format;
 - (iv) in respect of any hold message on the telephone system of a licensee -
 - (aa) incorporate at a minimum the information contained in sub-paragraph (i);
 - (bb) be broadcast at least once every 3 minutes; and
 - (cc) be in a clearly audible format;
 - (v) in respect of any text message service on a cellular telephone or similar device utilised predominantly for voice communication incorporate at a minimum the information contemplated in sub-paragraph (i);
 - (vi) in the case of advertisements appearing on billboards, web pages or multi-page pamphlets, contain at a minimum the information contemplated in sub-paragraph (i), which shall be displayed on at least ten percent of the surface of the billboard, the home page of the web page or the front page of a multi-page pamphlet;
 - (b) contain such other information as may be required in terms of applicable provincial legislation; and
 - (c) all promotions of gambling activities shall comply with the requirements of the relevant provincial legislation.
- (3) The provisions of sub-regulation (2) shall not apply in respect of any advertisement of -

- (a) gambling devices placed in trade publications targeted at the licensed gambling industry;
- (b) facilities or amenities located or offered in or on licensed premises but which are unrelated to a gambling activity, provided that such advertisement does not make reference to gambling activities;
- (c) promotional items which have been exempt in terms of relevant provincial legislation; and
- (d) any promotional material manufactured before the effective date.

3(A)

(Regulation 3(A) inserted by regulation 4 of Government Notice R386 in Government Gazette 35349 dated 15 May 2012)

(Insertion of regulation 3(A) by Government Notice R386 withdrawn by General Notice 722 in Government Gazette 35659 dated 5 September 2012)

(3)(B)

(Regulation 3(B) inserted by regulation 5 of Government Notice R386 in Government Gazette 35349 dated 15 May 2012)

(Insertion of regulation 3(B) by Government Notice R386 withdrawn by General Notice 722 in Government Gazette 35659 dated 5 September 2012)

4. Credit extension

- (1) The holder of a casino licence, a bookmaker licence or a totalisator operator licence may extend credit to a patron only after obtaining sufficient information regarding the patron's identity, credit history and financial capabilities in terms of the credit being requested.
- (2) The holder of a licence contemplated in sub-regulation (1) may extend credit to a patron only in respect of a gambling activity authorised by that licence.
- (3) All credit extensions shall be evidenced by a credit instrument signed at the time of credit extension by the patron who receives the credit.
- (4) A credit instrument referred to in sub-regulation (3) shall contain -
 - (a) sufficient information to allow for the collection of the debt following the receipt of the instrument; and
 - (b) such other details as may be required in terms of the relevant provincial legislation.

- (5) Failure by a licence holder to deposit a negotiable instrument for collection by the close of the banking day following the receipt of the negotiable instrument or the banking day following the completion of a continuous and uninterrupted residence by the patron concerned in the accommodation facilities located at the same licensed premises of the licensee, whichever is the later, shall, for the purposes of these regulations, be deemed to be an extension of credit.

5. Prohibited transactions by licensed operator

- (1) A licence holder shall not exchange cash for cash except to enable a patron to participate in gambling where cash is used as the stake, or for the purpose of converting cash won by the patron while participating in gambling for different denominations of cash.
- (2) A licence holder shall not -
- (a) issue a cheque or other negotiable instrument; or
 - (b) transfer any funds to or on behalf of a patron, in exchange for cash, chips, tokens or other value instruments, unless the licence holder is satisfied that the patron has genuinely participated in gambling.

6. Unlawful winnings

- (1) Unlawful winnings remitted to the Board in terms of section 16(3) shall be forwarded to the Board in the form of Form NGB 2, under cover of a memorandum which shall reflect, at a minimum -
- (a) the name of the player to whom the winnings accrued;
 - (b) the name and licence number of the licence holder of the premises at which the winning bet was struck;
 - (c) the grounds on which it is alleged that the winnings cannot lawfully be paid to the player;
 - (d) the amount of the winnings concerned; and
 - (e) where applicable, proof of payment of the amount contemplated in paragraph (d) into the banking account of the Board.
- (2) A licence holder who remits winnings to the Board in terms of section 16 must provide any further information reasonably required by the Board to satisfactorily conclude an investigation contemplated in section 16(4).

Gambling premises

7. Standards for premises

- (1) No cash dispensing machine may be placed or operated within 5 metres of any point of unobstructed public access to a designated area, or anywhere in or on such designated area.
- (2) No cash dispensing machine may be visible to the patrons from the designated area.
- (3) No direction signs to cash dispensing machines may be placed anywhere in or on designated areas.
- (4) A licence holder must, in respect of gambling activity -
 - (a) affix visible and legible signage warning of the dangers of addictive or compulsive gambling on the front of every gambling machine and at all points of purchase on licensed premises utilised by a bookmaker or the operator of a totalisator, in the format determined by the relevant provincial licensing authority;
 - (b) prominently display posters, as determined by the relevant provincial licensing authority, of at least A3 format notifying persons of the availability of assistance with regard to problem gambling, as contemplated in section 14(12)(b);
 - (c) have available for the public pamphlets or written manuals which educate members of the public on the issues of problem gambling.
- (5) The pamphlets or written manuals contemplated in sub-regulation (4)(c) must:
 - (a) contain:
 - (i) a description of the National Responsible Gambling Programme's aims and activities;
 - (ii) an indication of the types of treatment available, and the extent to which these are free of charge; and
 - (iii) all available contact details in respect of the National Responsible Gambling Programme;
 - (b) be located in such a manner as to be easily accessible to the public in all areas in which gambling takes place.
- (6) A licence holder shall display information signs outside any entrance that leads onto or passes by a designated area which shall, at a minimum, carry a warning that gambling activities take place through such entrance, and, where available, directions to alternate entrances that do not lead onto or pass by designated areas.

- (7) The provisions of section 17(1) shall not apply to devices accessed by means of an integrated circuit card issued to a patron by a casino operator, by means of which -
- (a) funds are deposited by such patron to the credit of such card; and
 - (b) funds standing to the credit of such card are withdrawn or redeemed by such patron.

Registration and certification of machines and devices

8. Exempted machines and devices

- (1) Playing cards and dice are exempted from the application of sections 9(1)(a) and (b).
- (2) All categories of gambling machine or device are exempt from the application of section 9(1)(b) with the exception of -
- (a) gambling machine cabinets;
 - (b) tables manufactured for the purpose of gambling games or are capable in all material respects of being used in the conduct of such games;
 - (c) roulette wheels;
 - (d) bingo drawing devices; and
 - (e) card shufflers,

provided that a licence holder may, for a period of five days prior to submitting an imported or newly manufactured machine or device for certification, take possession of such machine or device.

- (3) The following gambling machines or devices are exempt from the application of section 9(1)(b) and Part D of Chapter 2 of the Act -
- (a) A gambling machine or device that -
 - (i) is located upon a cruise ship visiting the Republic;
 - (ii) has been seized in the Republic as a result of alleged criminal activity, and is in the possession of the South African Police Service, or any provincial licensing authority or authorised agent thereof;

- (iii) is in transit in bond, as contemplated in section 18 of the Customs and Excise Act (Act 91 of 1964), through the Republic for the sole purpose of delivery to another country;
 - (iv) has been submitted to a licensed testing agent solely for testing;
 - (v) has been manufactured within the Republic solely for export and is possessed in compliance with the relevant provincial legislation;
 - (vi) is located within the Republic solely for temporary exhibition on the prior written authorisation of the relevant provincial licensing authority; or
 - (vii) is in the possession of a provincial licensing authority or the authorised agent thereof; and
- (b) Any other gambling machine or device, except a machine or device of a category listed in sub-regulation (2).
- (4) Where the standard applicable to a gambling machine or device is amended or substituted, any type, variation or model of gambling device certified as complying to the former standard may be exposed for play for a maximum of three years after such substitution or amendment and, if it is to continue to be exposed for play after such period, must be certified against the amended or substituted standard.
- (5) All gambling machines or devices that were approved by a provincial licensing authority and exposed for play prior to the effective date are exempt from the provisions of sections 9(1)(b), 19(1) and (2), 21, 22(2), 23(6) and 25, until a date to be determined by the Minister by notice in the *Government Gazette*, and may continue to be exposed for play subject to compliance with the relevant provincial legislation.
- (6) All gambling machines or devices submitted for testing prior to the effective date shall be exempt from the provisions of sections 9(1)(b), 19(1) and (2), 21, 22(2), 23(6), 24 and 25, until a date to be determined by the Minister by notice in the *Government Gazette*, provided that they are approved and registered in accordance with the relevant provincial legislation.
- (7) All gambling machines or devices are exempt from the provisions of Part D of Chapter 2, with the exception of sections 26 and 27, until a date to be determined by the Minister by notice in the *Government Gazette*, provided that such machines or devices comply with the relevant provincial legislation.
- (8) A holder of a manufacturer, distributor or supplier licence issued by a provincial licensing authority prior to the effective date is exempt from the provisions of section 9, until a date to be determined by the Minister by notice in the *Government Gazette*, provided that such licence holder complies with the relevant provincial legislation.

9. Record by manufacturer

The record of gambling machines and devices to be kept by a manufacturer in terms of section 20(1) shall, at a minimum, contain the information contemplated in Form NGB 3.

10. National registry

- (1) The national register of gambling machines and devices to be maintained by the Board in terms of section 21(1)(a), shall, at a minimum, contain the information contemplated in Form NGB 3.
- (2) The Board shall provide provincial licensing authorities with ongoing access to the information contained in the national register contemplated in sub-regulation (1).
- (3) The information to be provided in terms of sub-regulation (1) shall be as contemplated in Form NGB 3.

11. Registration of devices

The information to be provided to the Board in terms of section 22(1) shall, at a minimum, include the information prescribed by regulation 9 and shall be in the form of Form NGB 3.

12. Transfer of devices

- (1) An application for approval of transfer of ownership of a gambling machine or device in terms of section 23(1) shall be in the form of Form NGB 3, and shall, at a minimum, contain the information prescribed by regulation 9, and the name and licence number of the transferee.
- (2) A provincial licensing authority shall, in the form of Form NGB 3, advise the Board of an approval, transfer of ownership or possession contemplated in section 23(7)(c) in writing within ten working days after the date of such approval or the date on which such repossession came to its notice.

13. Limited pay-out machines

- (1) The programme for the gradual introduction of limited pay-out machines in the Republic in terms of section 26(2)(a) shall be divided into the following phases -
 - (a) Phase 1, in terms of which a provincial licensing authority may roll out no more than fifty percent of the total number of limited payout machines allocated to the Province;
 - (b) Phase 2, which shall not commence in a Province until the criteria contemplated in sub-regulation (2) have been met in that Province to the satisfaction of the Minister, and in terms of which the relevant provincial licensing authority may roll out no more than a further thirty five percent of the total number of limited payout machines allocated to the Province; and

- (c) Phase 3, which shall not commence in a Province until the criteria contemplated in sub-regulation (2) have again been met in that Province to the satisfaction of the Minister, and in terms of which the relevant provincial licensing authority may roll out the outstanding number of limited payout machines allocated to the Province.
- (2) Before any successive phase of the programme contemplated in sub-regulation (1) may be proceeded with in a Province, the Board, having been requested thereto by the relevant provincial licensing authority and after consultation with such authority, must commission and fund a study in respect of the socio-economic impact of the licensed limited pay-out gambling machine industry in that Province, having specific regard, but not limited, to the -
- (a) actual impact of licensed operations on the social and economic well-being of the Province; and
 - (b) projected impact of the introduction of the further prescribed allocation of limited pay-out machines on the social and economic well-being of the relevant Province,
- and submit the results of such study to the Minister and the relevant Member of the Executive Council responsible for gambling in that province.
- (3) Upon receipt and consideration of the study referred to in sub-regulation (2), the Minister may -
- (a) without calling for further information, approve the implementation of the next phase of the programme in the relevant Province;
 - (b) postpone the making of a decision regarding the implementation of the next phase of the programme in the relevant Province, pending the receipt of such further information as he or she may deem necessary; or
 - (c) refuse to grant approval for the implementation of the next phase of the programme in the relevant Province.

14. National central electronic monitoring system

- (1) The national central electronic monitoring system must be capable of analysing and reporting data in accordance with the requirements of the standards determined in respect of such system in terms of the Standards Act, 1993, (Act 29 of 1993).
- (2) The monitoring fees to be paid by a licensee in relation to limited payout machines shall be as set out in Schedule 2.

- (3) A licensed operator of limited payout machines shall be afforded ongoing access to all information on the national central electronic monitoring system, which relate to the operations of that licensee.

Chapter 3 Jurisdiction

15. Oversight function of Board

A provincial licensing authority must, within a period of not more than ninety days after receiving an evaluation report contemplated in section 34(4)(a), submit a written response in respect thereof to the Chief Executive Officer.

16. Information sharing

A provincial licensing authority shall submit the report contemplated in section 35(2) of the Act to the Board on a quarterly basis in the form of Form NGB 4.

17. Limitation on prizes for amusement games

Any prize offered in respect of a single amusement game shall -

- (a) be limited to a non-cash prize with a market value of no more than fifty rand;
- (b) not be capable of being exchanged for cash; and
- (c) comply with such other restrictions as the relevant provincial legislation may determine.

Licensing of persons employed in the gambling industry

18. Employment licences

- (1) The categories of work that are subject to the requirements of section 28 pertain to -
- (a) every director of a licence holder;
 - (b) every person who is employed at or by a gambling business who is directly involved in the conduct of gambling operations and required to be licensed in terms of provincial legislation;
 - (c) every person who may exercise control over gambling operations or the exercise of their functions by the persons contemplated in paragraph (b);

- (d) every employee of a licence holder who, by virtue of his or her functions may reasonably be in a position -
 - (i) to influence the outcome of a gambling game; or
 - (ii) to make representations regarding the liability for tax of any licence holder; and
- (e) such other categories of persons as may be required to be licensed as employees in terms of provincial legislation.

(2) A licence holder, shall, within fourteen days after a licensed employee has -

- (a) become employed by it pursuant to a national employment licence;
- (b) been assigned a different job description or position;
- (c) to its knowledge, become disqualified to continue in its employ; or
- (d) left its employment,

inform the relevant provincial licensing authority thereof in writing.

19. Temporary licences

(1) Where a provincial licensing authority -

- (a) is satisfied that -
 - (i) the operations of the holder of a licence will be seriously prejudiced or disadvantaged by a delay in the employment of an applicant for an employment licence; and
 - (ii) the commencement of the employment of the person concerned will not prejudice the integrity and proper operation of the licensee concerned; and
- (b) has already received an application for the permanent licensing of that employee, where required in terms of provincial legislation, the provincial licensing authority may issue a temporary licence to that employee in terms of this Act or the applicable provincial legislation, pending the outcome of such application for a permanent licence.

(2) Where a provincial licensing authority refuses an application for the licensing of a person who holds a temporary license, the employer concerned shall summarily terminate the employment of that person in any position in respect of which licensing is a requirement.

- (3) The provisions of sub-regulation (2) shall be a condition of employment.

National Licences

20. Application for national licence

- (1) An application for a national licence in terms of section 38(3) shall be in writing in the relevant form of Form NGB 5/1, and must be accompanied by the fee stipulated in Schedule 1 in respect of such category of national licence.
- (2) A notification by a provincial licensing authority to issue a national licence certificate shall be in the form of Form NGB 5/2.

21. National licence procedures

The investigations to be carried out in terms of section 40(1)(b) shall, at a minimum, report on the information contained in Form NGB 5/1.

22. Evaluation of proposed licence

- (1) A notice of intent to evaluate a proposed licence contemplated in section 42(2) shall be in the form of Form NGB 6/1.
- (2) The Chief Executive Officer shall inform the relevant parties of the outcome of the oversight evaluation in the form of Form NGB 6/2.

Licensing norms and standards

23. Disqualifications for licences or holding of financial interest

A person shall be disqualified for an employment or other licence or to hold a financial interest in a licence if that person has been sentenced to a fine exceeding R3 000 in the circumstances contemplated in sections 49(1)(f) or 50(2)(i).

24. Disqualification after licence issued

A person who becomes disqualified as contemplated in section 51(2)(a) must, within ten working days after having become aware of the disqualification, deliver a written notice of that disqualification to the relevant licensee and the licensing authority which issued the licence.

25. External probity reports and national probity register

The national probity register to be compiled by the board in terms of section 57(3) shall be in the relevant form of Form NGB 7 and shall be accessible to all provincial licensing authorities.

26. Transfer of or acquisition of controlling interest in licence

- (1) The investigations to be conducted by a provincial licensing authority before granting a transfer of a licence or approving an acquisition in terms of section 59(3) shall include, at a minimum, the conduct of such investigations as are necessary to ensure compliance with section 50(2) of the Act.
- (2) The provincial licensing authority granting a transfer or approving an acquisition of a licence shall notify the Board of such transfer or approval.

27. Surrender of licence

Upon receiving a notice to surrender a licence, the provincial licensing authority shall notify the Board of such notice.

Fees, costs, application for and duration of licences

28. Fees in respect of national licences

- (1) In respect of national licences -
 - (a) the licence application fee in respect of a new national licence of the type set out in Column 1 of the table contained in Schedule 1 shall be as specified alongside such licence type in Column 2 thereof, and shall be payable by the applicant to the relevant provincial licensing authority on submission of an application for a new national licence; and
 - (b) the fee in respect of the annual renewal of a national licence of the type set out in Column 1 of the table contained in Schedule 1 shall be as specified alongside such licence type in Column 3 thereof, and shall be payable by the applicant to the relevant provincial licensing authority upon submission of the application for renewal of the licence.
- (2) All fees contemplated in this regulation are not refundable and are exclusive of Value Added Tax.

29. Investigation costs in respect of national licences

In respect of national licences -

- (a) all reasonable costs incurred by a provincial licensing authority in investigating and probing an application for a licence or the renewal thereof shall be paid by the applicant in the manner

prescribed in this regulation, provided that, in the case of an employment licence, all such fees shall be paid by the employer or proposed employer of such applicant;

- (b) the costs to be incurred during the course of probity investigations conducted by a provincial licensing authority in respect of an application for a licence or the renewal thereof must be estimated by the provincial licensing authority, which shall require the applicant to pay such deposit in respect of such costs as it may deem appropriate before commencing such investigation;
- (c) all costs incurred by a provincial licensing authority during the course of a probity investigation conducted by it shall be recouped by that authority from time to time from the deposit contemplated in sub-paragraph (b);
- (d) a provincial licensing authority may, at any stage during the investigation of an application, require the applicant to pay such additional deposits in respect of investigative costs as may be necessary;
- (e) upon completion of its investigation, a provincial licensing authority shall, upon request, supply the applicant with a detailed account of investigative costs incurred, and any balance standing to the credit of the account held on behalf of the applicant must be maintained in such account, or refunded, as the case may be; and
- (f) a provincial licensing authority shall not take final action on any application unless all investigative costs have been paid in full.

30. Procedure in respect of application for renewal of national licenses

- (1) An application for renewal of a national licence shall be:
 - (a) in writing in the form of Form NGB 5/1;
 - (b) accompanied by the fee stipulated in Schedule 1 in respect of the applicable category of national licence; and
 - (c) submitted to the provincial licensing authority which issued that licence, provided that if the -
 - (i) location at which the licence holder performs the activities authorized by the licence; or
 - (ii) licence holder's primary place of business or residence,

no longer falls within the area of jurisdiction of the provincial licensing authority that issued the licence, the licence holder must apply to the provincial licensing authority within whose area of jurisdiction the criteria contemplated in paragraphs (i) and (ii), are satisfied for renewal of the licence.

- (2) After the initial issue of a licence -
- (a) Form NGB 5/1 (d) or (e), as the case may be, shall be used to apply for the renewal of such licence for each of the following two consecutive years, and
 - (b) Form NGB 5/1 (a), (b) or (c), as the case may be, shall be used to apply for the renewal of such licence after every three years.

(Regulation 30 substituted by regulation 2 of Government Notice R89 in Government Gazette 29592 dated 2 February 2007)

31. Duration of national licences

All national licences shall be valid from the date of issue until 31st March of the succeeding year, subject to compliance with all applicable legislation, and shall be renewable on an annual basis.

32. Accountability, audits and reports

- (1) The holder of a national licence, other than an employment licence, must, in accordance with generally accepted accounting practices, standards or principles -
- (a) keep such records as the provincial licensing authority which issued the licence may require;
 - (b) at the end of each financial year prepare financial statements; and
 - (c) appoint a person registered as an accountant or auditor in terms of section 15 of the Public Accountants' and Auditors' Act, 1991 (Act 80 of 1991), to audit its financial statements.
- (2) The auditor contemplated in sub-regulation (1)(c) shall not be appointed for a period longer than 5 years, and such appointment shall not be renewable within a period of 10 years after the expiration of the initial period of appointment.

33. Administrative procedures

- (1) The holder of a national licence, other than an employment licence, must establish and maintain administrative and accounting procedures for the purpose of exercising effective control over its internal financial affairs.

- (2) The procedures contemplated in sub-regulation (1) must be designed to ensure that -
- (a) assets are safeguarded;
 - (b) financial records are accurate and reliable;
 - (c) transactions are performed in accordance with management's general or specific authorisation;
 - (d) transactions are adequately recorded to permit proper reporting of revenue, fees and taxes; and
 - (e) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent and qualified personnel.
- (3) The holder of a national licence contemplated in sub-regulation (1) must -
- (a) establish a compliance committee, which must meet a minimum of once every quarter, to facilitate compliance with control standards as contained in the relevant provincial legislation; and
 - (b) maintain an audit committee, which shall comprise at least three members, the majority of whom shall be independent of management.

34. General

Notwithstanding any of the provisions of this regulation, the Board may request any further or additional information reasonably required for the purpose of considering any application or notification in terms of the Act.

35. Short title and commencement

These regulations are called the National Gambling Regulations, 2004, and shall commence on 15 November 2004.

**SCHEDULE 1
LICENCE APPLICATION AND RENEWAL FEES**

Licence Type	New licence application fee	Annual renewal fee
Employment licence	R 4 000	R 2 000
Manufacturer licence	R 120 000	R 80 000
Testing agent licence	R 100 000	R 50 000

**SCHEDULE 2
MONITORING FEES FOR INSTALLED LIMITED PAYOUT MACHINES CALCULATED AS A
PERCENTAGE OF GROSS GAMING REVENUE**

Up to 15 000	6%
Up to 20 000	5,61%
Up to 25 000	5,21%
Up to 35 000	4,42%
Up to 42 000	3,87%
More than 42 000	3,24%

FORMS

(Please note that copies of the forms listed below will be provided upon request. Kindly refer to our website for our contact details.)

FORM NGB 1/1

APPLICATION TO BE INCLUDED IN THE NATIONAL REGISTER OF EXCLUDED PERSONS

FORM NGB 1/2

APPLICATION FOR CANCELLATION OF REGISTRATION AS AN EXCLUDED PERSON

FORM NGB 2

REMITTANCE OF UNLAWFUL WINNINGS

FORM NGB 3

**RECORD BY MANUFACTURER / NATIONAL REGISTRY / REGISTRATION / TRANSFER OF
GAMBLING MACHINE OR DEVICES**

**FORM NGB 4
INFORMATION SHARING**

**FORM NGB 5/1(a)
APPLICATION FOR / RENEWAL OF MANUFACTURER'S / TEST AGENT LICENCE**

**FORM NGB 5/1(b)
APPLICATION FOR KEY EMPLOYEE LICENCE**

**FORM NGB 5/1(c)
APPLICATION FOR OTHER EMPLOYEE LICENCE**

**FORM NGB 5/1(d)
APPLICATION FOR RENEWAL OF BUSINESS ENTITY LICENCE**
(Form NGB 5/1(d) inserted by Government Notice R89 in Government Gazette 29592 dated 2 February 2007)

**FORM NGB 5/1(e)
APPLICATION FOR RENEWAL OF EMPLOYMENT LICENCE**
(Form NGB 5/1(e) inserted by Government Notice R89 in Government Gazette 29592 dated 2 February 2007)

**FORM NGB 5/2
NOTICE BY PROVINCIAL LICENSING AUTHORITY OF INTENTION TO ISSUE A NATIONAL LICENCE
(CORPORATE ENTITY/EMPLOYEE)**

**FORM NGB 6/1
NOTICE OF INTENT TO EVALUATE PROPOSED NATIONAL LICENCE**

**FORM NGB 6/2
OUTCOME OF EVALUATION OF PROPOSED NATIONAL LICENCE**

**FORM NGB 7/1
NATIONAL PROBITY REGISTER FORM (CORPORATE ENTITY)**

**FORM NGB 7/2
NATIONAL PROBITY REGISTER FORM (EMPLOYEES)**