



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 8094

Regulasiekoerant

Vol. 473

Pretoria, 12 November 2004

No. 26994



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

CONTENTS • INHOUD

No.

*Page
No. Gazette
 No.*

GOVERNMENT NOTICE

Trade and Industry, Department of

Government Notice

R. 1342 National Gambling Act (7/2004): National Gambling Regulations 3 26994

GOVERNMENT NOTICE

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 1342

12 November 2004

NATIONAL GAMBLING REGULATIONS

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

MANDISI MPAHLWA
MINISTER: TRADE AND INDUSTRY

REGULATIONS

Chapter 1 Definitions

1. 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

Excluded persons

2.(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.

Advertisements

3. (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.

Credit extension

4. (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.

Prohibited transactions by licensed operator

5. (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.

Unlawful winnings

6. (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

Standards for premises

7. (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

Exempted machines and devices

8. (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.

Record by manufacturer

9. 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.

National registry

10. (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.

Registration of devices

11. 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.

Transfer of devices

12. (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.

Limited pay-out machines

13. (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.

National central electronic monitoring system

14. (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**

Oversight function of Board

15. 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.

Information sharing

16. 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.

Limitation on prizes for amusement games

- 17.** 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

Employment licences

- 18. (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.

Temporary licences**19. (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 licence, 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**Application for national licence**

20. (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.

National licence procedures

21. 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.

Evaluation of proposed licence

22. (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**Disqualifications for licences or holding of financial interest**

23. 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 R 3 000 in the circumstances contemplated in sections 49(1)(f) or 50(2)(i).

Disqualification after licence issued

24. 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.

External probity reports and national probity register

25. 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.

Transfer of or acquisition of controlling interest in licence

26. (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.

Surrender of licence

27. 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**Fees in respect of national licences**

28.(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.

Investigation costs in respect of national licences

29. 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 subparagraph (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.

Procedure in respect of application for renewal of national licences

30. An application for renewal of a national licence shall be in the relevant form of Form NGB 5/1 and shall be submitted to the provincial licensing authority which issued that licence, provided that if-

- (a) the location at which the licence holder performs the activities authorised by the licence; or
- (b) the licence holder's primary place of business or residence

no longer falls within the area of jurisdiction of the provincial licensing authority which issued the licence, the licence holder must apply to the provincial licensing authority within whose area of jurisdiction the criteria contemplated in paragraphs (a) or (b) are satisfied for renewal of the licence.

Duration of national licences

31. 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.

Accountability, audits and reports

32.(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.

Administrative procedures

33.(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.

General

34. 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.

Short title and commencement

35. 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%

NATIONAL RESPONSIBLE GAMBLING PROGRAMME TOLL FREE 0800 006 008

INSTRUCTIONS

This form is prescribed for use in terms of regulation 2(2) of the National Gambling Regulations, 2004

In terms of regulation 2 of the National Gambling Regulations, 2004 this notice remains in force until cancelled by completion of form NGB 1/2 as contemplated in Regulation 2(3).

This form has 06 pages (including this page). There is no fee for filing this form.

Contacting the National Gambling Board

National Gambling Board
The dti Campus
2nd Floor, Building E, Uuzaji
77 Meintjie St.
Sunnyside 0002
Private Bag X27, Hatfield, 0028.
Republic of S.A.
Tel: (012) 394 3800
Fax: (012) 394 4800
e-mail: info@ngb.org.za
website: www.ngb.org.za



National Gambling Board

a member of the dti group

FORM NGB 1/1

APPLICATION TO BE INCLUDED IN THE NATIONAL REGISTER OF EXCLUDED PERSONS

APPLICANT'S SIGNATURE

DATE

This form is prescribed by the Minister of Trade and Industry in terms section 14(1) of the National Gambling Act, 2004 (Act No. 7 of 2004)

Dear Applicant to the Voluntary Exclusion Programme,

I would also like to encourage you to utilize (or continue to utilize) the free treatment services for people who have a problem with gambling. The National Responsible Gambling Programme (NRGP) is funded by the gambling industry to promote responsible gambling and offer treatment to those already afflicted by problem gambling.

The National Responsible Gambling Programme offers:

- a) a toll free helpline 24 hours a day (0800 006 008);
- b) free consultations with a Counselor; and
- c) in patient treatment.

Once you have completed a valid application for placement on the National Register of Excluded Persons, you will have excluded yourself from all designated areas nationally.

APPLICATION FOR PLACEMENT ON THE NATIONAL REGISTER OF EXCLUDED PERSONS

Instructions

- Establish whether applicant understands English, (If the answer is "no" establish applicant's preferred language and arrange for an interpreter). English Other (Specify) _____
- Establish whether the applicant is presently under the influence of any alcoholic beverages, controlled substances or prescription medication that would prevent her / him from making a rational and informed decision regarding whether or not to execute this application? (If answer is "yes" terminate the interview and re-schedule the interview). Yes No
- Establish whether the applicant is completing the form in her / his own free will. (An answer of "no" terminates the interview, as the applicant is not eligible for placement on the National Register of Excluded Persons). Yes No
- Print the answers to questions in **black** ink.
- Initial pages in the bottom right-hand corner.
- Attach a copy of applicant's most recent Driver's License or identification document.
- Attach a recent passport size colour photograph (taken within the last 12 months). Print applicant's name at the back of the photograph.

I, _____ (full names) hereby apply to the Board to be added to the National Register of Excluded Persons for exclusion from designated areas.

Please note:

1. Your name and address must be printed on the back of the photograph.
2. Photograph must be taken not more than 1 month before submission of this application.
3. Do not paste the photograph onto this form. Please use a stapler.

2. Does your employment require that you enter designated areas? Yes No

If yes, please furnish proof:

Employer: _____

Job Title/Description: _____

Location(s) at which access is needed: _____

3. My details are as follows:

FULL NAMES:			
DO YOU HAVE ANY OTHER NAMES OR ALIASES?		YES <input type="checkbox"/>	NO <input type="checkbox"/>
IF YES, LIST THESE NAMES OR ALIASES:			
DATE OF BIRTH:		IDENTITY NUMBER:	
ADDRESS:	Physical	Postal	
POSTAL CODE:			
TELEPHONE NO.:	(HOME)	(WORK)	
	(CELL)		
E-MAIL ADDRESS:			
GENDER:	M <input type="checkbox"/>	F <input type="checkbox"/>	
HEIGHT:		WEIGHT:	
HAIR COLOUR:		EYE COLOUR:	
DISTINGUISHING MARKS:			

If required I shall also allow the licence holder/Regulatory Authority to photograph me in digital format for purposes only of allowing such licence holder/Regulatory Authority to comply with my request.

1	Yes	No	Have you read the application provided to you, and do you understand its contents?
2	Yes	No	Do you understand that by asking to be placed on the National Register of Excluded Persons that you are accepting that you are a problem gambler and that you are unable to gamble responsibly?
3	Yes	No	Do you understand that the licence holder/Regulatory Authority recommends that you seek treatment for your gambling problem?
4	Yes	No	Do you understand that if you are placed on the National Register of Excluded Persons, it will be your responsibility to stay out of designated areas?
5	Yes	No	Do you understand that, notwithstanding the provisions contained in the legislation, according to the terms of the application before you, it is your responsibility to not enter designated areas?
6	Yes	No	Do you understand that, if you complete the application before you, the consequence of you being discovered in designated areas is that you will be arrested for trespassing?
7	Yes	No	Do you understand that, if you complete the application before you, a further consequence of you being discovered in a designated area is that you will not be eligible to win a gambling game and therefore will be denied winnings you may attempt to claim while visiting designated areas?
8	Yes	No	Do you understand that by completing the application before you, you are authorising a licence holder / regulatory authority to release the contents of your application – including your name and ID number – to all regulatory authorities, licensed operators, their agents and affiliates? (This information can be used only to enforce the provisions of the exclusion policy. No one else may access the information in your application including your family members, employer, or prospective employer).
9	Yes	No	Do you understand that releasing the information in your application to the licence holder/regulatory authority may result in your being denied service at designated areas nationally?
10	Yes	No	Do you understand that you may receive mailings from licence holders for several weeks after completing this application? (Licence holders generally print these mailings several weeks prior to distribution. However, your name will be removed from the mailing list following notification of your placement on the National Register and you will not be included in future printings.)
11	Yes	No	Do you understand that by completing the application before you, you are requesting to be placed on the National Register of Excluded Persons and that such placement is valid until such time that an application to revoke the exclusion has been received and approved?
12	Yes	No	Is it clear to you that you are agreeing to stay off all designated areas until approval to revoke the exclusion is granted, and the consequence of you violating this agreement is that you will be arrested for trespassing and you will forfeit any winnings in your possession at the time of your arrest?

I acknowledge/accept that I am a problem gambler and that I am unable to gamble responsibly.

_____,²
 (Signature required) (date) (year)

 WITNESS

SIGNED at _____ on this _____ day of _____
 ,²_____

Waiver/Release

I, _____ wish to be placed on the National Register of Excluded Persons and have filed with the licence holder/regulatory authority this application for placement on the National Register of Excluded Persons. By filing such application, I understand that I am a problem gambler and that I am assuming the responsibility of refraining from visiting designated areas nationally. Furthermore, I understand that if I visit a designated area after completing this application and I am discovered, that I will be ejected from such premises.

I also understand that my presence in designated areas constitutes trespassing and the licence holder will request that I be arrested for such. Moreover, I understand that by filing an application for placement on the National Register of Excluded Persons and by signing this Waiver/Release, I agree that I am not eligible to place a legal wager and that I will be denied the winnings based on any wager that I might place.

I authorise any licence holder or its employees to deny me access to a designated area. By signing this release and acknowledging receipt of good and valid consideration thereof, I hereby release, remise, and forever discharge the gambling industry members, agents and employees from any and all manners of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known or unknown, in law or equity, which I, the undersigned, and my heirs, successors, administrators, executors, and assigns ever had, now has, may have, or claim to have against any or all of said entities or individuals arising out of or by reason of the processing, enforcing or other action or omission relating to this application including but not limited to, the release of the contents of my application to any licence holder, its agents or employees.

I understand that a licence holder, in conjunction with my placement on the National Register of Excluded Persons, will submit a plan for approval for removing my name from all mailing lists which may generate marketing offers being sent specifically to me and to deny me credit (if applicable), and any club memberships. I will notify the licence holder of any errant mailing or marketing offer I might receive.

I understand the National Responsible Gambling Programme or its agents or employees may contact me from time to time to conduct research necessary to evaluate the Voluntary Exclusion Programme and determine appropriate methods of addressing problem gambling issues.

I have read this Waiver/Release and understand all its terms. I execute it voluntarily and with full knowledge of its consequences and significance.

APPLICANT **WITNESS**

SIGNED at _____ **on this** _____ **day of** _____,
 2_____.

TO BE COMPLETED BY THE OFFICIAL ASSISTING IN COMPLETION OF THIS APPLICATION:

- (a) I have positively confirmed the identity of the applicant utilising _____ (FILL IN).
- (b) The applicant's appearance accords with the photographs sent herewith.
- (c) The applicant has signed the above form in my presence.
- (d) When signing the application:
 - (i) the applicant appeared to do so voluntarily and without duress; and
 - (ii) the applicant appeared to be in his full and sober senses.

DESIGNATION:		INTERPRETER:	Yes	No
FULL NAMES:		FULL NAMES:		
ADDRESS:		ADDRESS:		
OFFICE:		OFFICE:		
SIGNATURE:		SIGNATURE:		

Additional Notes by the Interviewer:

NATIONAL RESPONSIBLE GAMBLING PROGRAMME TOLL FREE 0800 006 008

INSTRUCTIONS

This form is prescribed for use in terms of regulation 2(3) of the National Gambling Regulations, 2004

This form has 04 pages (including this page). There is no fee for filling this form.

Contacting the National Gambling Board

National Gambling Board
The dti Campus
2nd Floor, Building E, Uuzaji
77 Meintjie St.
Sunnyside 0002
Private Bag X27, Hatfield, 0028
Republic of S.A.
Tel: (012) 394 3800
Fax: (012) 394 4800
e-mail: info@ngb.org.za
website: www.ngb.org.za



National Gambling Board

a member of the dti group

FORM NGB 1/2

APPLICATION FOR CANCELLATION OF REGISTRATION AS AN EXCLUDED PERSON

APPLICANT'S SIGNATURE _____

DATE

This form is prescribed by the Minister of Trade and Industry in terms section 14(2) of the National Gambling Act, 2004 (Act No. 7 of 2004)

APPLICATION FOR REMOVAL FROM THE NATIONAL REGISTER OF EXCLUDED PERSONS

Instructions

- Establish whether applicant understands English, (If the answer is "no" establish applicant's preferred language and arrange for an interpreter). English Other (Specify) _____
- Establish whether the applicant is presently under the influence of any alcoholic beverages, controlled substances or prescription medication that would prevent her / him from making a rational and informed decision regarding whether or not to execute this application? (If answer is "yes" terminate the interview and re-schedule the interview) Yes No
- Establish whether the applicant is completing the form in her / his own free will. (An answer of "no" terminates the interview, as the applicant is not eligible for removal from the National Register of Excluded Persons). Yes No
- Print the answers to questions in **black** ink.
- Initial pages in the bottom right-hand corner.

I, _____ (full names) hereby apply to the Board to be removed from the National Register of Excluded Persons.

PERSONAL DETAILS

Full names:	
-------------	--

Do you have any other names or aliases?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
If yes, list these names or aliases:			

Date of birth:	ID No:
----------------	--------

	Physical	Postal
Address:		
Postal code:		

Telephone No.:	(Home) <input type="checkbox"/>	(Work) <input type="checkbox"/>
	(Cell) <input type="checkbox"/>	

E-mail address:	
-----------------	--

Gender:	M <input type="checkbox"/>	F <input type="checkbox"/>
Registration No:		

1	Yes	No	Have you read the application provided you and do you understand its contents?
2	Yes	No	Do you understand that by asking to be removed from the National Register of Excluded Persons you are accepting that you are a responsible gambler and will be liable for all the consequences of your gambling?
3	Yes	No	Do you understand that if you are removed from the National Register of Excluded Persons, it will be your responsibility to gamble responsibly?
4	Yes	No	Do you understand that the licence holder/regulatory authority requires that you undergo treatment before being removed from the National Register of Excluded Persons?
5	Yes	No	Have you complied with any requirements of rehabilitation programmes developed for you. (<i>Attach documentary proof thereof</i>)

I acknowledge/accept that I am a now a responsible gambler and have been rehabilitated from all gambling problems I had.

_____, 2_____
 (Signature required) (date) (year)

 WITNESS

SIGNED at _____ on this _____ day of _____,
 2_____.

Waiver/Release

I understand that by filing an application for removal from the National Register of Excluded Persons and by signing this Waiver/Release, I am responsibly for my gambling activities.

I further understand that by signing this form I will not be entitled to pursue legal action against the gambling operator /Board/Provincial Licensing Authority as a result of my participation in gambling.

APPLICANT

WITNESS

SIGNED at _____ on this _____ day of _____,
 , 2_____.

NATIONAL RESPONSIBLE GAMBLING PROGRAMME TOLL FREE 0800 006 008

INSTRUCTIONS

This form is prescribed for use in terms of regulation 6(1) of the National Gambling Regulations, 2004

Attach additional sheet, if necessary, for setting out reasons that winnings are deemed unlawful.

Attach proof of deposit of unlawful winnings to the account of the Board.

Contacting the National Gambling Board

National Gambling Board
 The dti Campus
 2nd Floor, Building E, Uuzaji
 77 Meintjie St.
 Sunnyside 0002
 Private Bag X27, Hatfield, 0028.
 Republic of S.A.
 Tel: (012) 394 3800
 Fax: (012) 394 4800
 e-mail: info@ngb.org.za
 website: www.ngb.org.za



National Gambling Board

a member of the dti group

FORM NGB 2

REMITTANCE OF UNLAWFUL WINNINGS

1. Name, Physical Address and Licence Number of Licensee:

2. Full Names of Player: _____

4. Date of Birth and ID No: _____

5. Physical Address and Postal Address: _____

7. Tel No: _____

8. Mobile No: _____

9. Fax No: _____

10. Email Address: _____

10. Amount won: _____

11. Gambling activity (Tables, Slots etc.): _____

12. Reasons for winnings deemed unlawful: _____

AUTHORISED REPRESENTATIVE OF LICENCE HOLDER

DESIGNATION _____

TEL NO. _____

SIGNATURE _____

DATE _____

This form is prescribed by the Minister of Trade and Industry in terms section 16(3) of the National Gambling Act, 2004 (Act No. 7 of 2004)

NATIONAL RESPONSIBLE GAMBLING PROGRAMME TOLL FREE 0800 006 008

INSTRUCTIONS

This form is prescribed for use in terms of regulations 9; 10; 11 and 12 of the National Gambling Regulations, 2004

Indicate in terms of which regulation this form is filed.

Contacting the National Gambling Board

National Gambling Board
The dti Campus
2nd Floor, Building E, Uuzaji
77 Meintjie St.
Sunnyside 0002
Private Bag X27, Hatfield, 0028.
Republic of S.A.
Tel: (012) 394 3800
Fax: (012) 394 4800
e-mail: info@ngb.org.za
website: www.ngb.org.za



**National
Gambling Board**

a member of the dti group

FORM NGB 3

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

1. Name of Manufacturer _____

2. Address _____

3. Full Name and Description of Gambling Machine / Device

4. Serial No. _____

5. Date of Manufacture / Acquisition _____

6. Purpose for Manufacture / Acquisition _____

7. Date of Sale or Other Distribution _____

8. Date of Transfer _____

9. Name, Address and Licence Number of Person Transferring from (where applicable)

10. Name, Address and Licence Number of Person Transferring to (where applicable)

NAME _____ SIGNATURE _____

DESIGNATION _____ DATE _____

This form is prescribed by the Minister of Trade and Industry in terms sections 20(1); 21(1)(a); 22(1) and 23(1) and (7)(c) of the National Gambling Act, 2004 (Act No. 7 of 2004)

NATIONAL RESPONSIBLE GAMBLING PROGRAMME TOLL FREE 0800 006 008

INSTRUCTIONS

This form is prescribed for use in terms of regulation 16 of the National Gambling Regulations, 2004

Provincial Licensing Authority must attach any additional information applicable

Contacting the National Gambling Board

National Gambling Board
The dti Campus
2nd Floor, Building E, Uuzaji
77 Meintjie St.
Sunnyside 0002
Private Bag X27, Hatfield, 0028.
Republic of S.A.
Tel: (012) 394 3800
Fax: (012) 394 4800
e-mail: info@ngb.org.za
website: www.ngb.org.za



National Gambling Board

a member of the dti group

FORM NGB 4

INFORMATION SHARING

1. Name of Provincial Licensing Authority: _____

2. Report: _____

NAME _____ SIGNATURE _____

DESIGNATION _____ DATE _____

This form is prescribed by the Minister of Trade and Industry in terms section 35(2) of the National Gambling Act, 2004 (Act No. 7 of 2004)