

- (i) to whom the applicant has a duty of care; and
- (ii) whose behaviour manifests symptoms of addictive or compulsive gambling.

(5) If, in the circumstances of an application in terms of subsection (4), the court considers it reasonable and just to prevent the person concerned from engaging in any gambling activity, the court may order the registration of that person as an excluded person. 5

(6) An excluded person affected by an order in terms of subsection (5) may apply to the court that made the order at any time to set aside the order, and the court may do so if, after considering the grounds for making the original order and any new evidence before it, the court is satisfied that it is no longer reasonable and just to prevent that person from engaging in any gambling activity. 10

(7) The board must—

- (a) establish and maintain a national register of excluded persons in the prescribed manner and form; and 15
- (b) make the information in the register continuously available to—
 - (i) each provincial licensing authority; and
 - (ii) every person who is licensed to make a gambling activity available to the public.

(8) The board may not charge a fee for registering a person as an excluded person. 20

(9) The Minister, by regulation made in accordance with section 87, may prescribe—

- (a) forms, standards and procedures for the registration of persons on, and cancellation of registrants from, the register of excluded persons;
- (b) fees for services in connection with the maintenance and access to the register of excluded persons, other than the registration of excluded persons; or 25
- (c) standards to be employed by licensees in giving effect to subsections (10) and (11).

(10) A licensee, licensed employee, or person in control of licensed premises or a gambling machine or gambling device, must not knowingly permit an excluded person to— 30

- (a) enter or remain in a designated area within those premises;
- (b) operate that gambling machine or gambling device;
- (c) conduct or make available a restricted gambling activity, or an activity licensed as social gambling, within those premises; or
- (d) engage in social gambling or a restricted gambling activity within those premises. 35

(11) A person referred to in subsection (10)—

- (a) must take the prescribed measures to determine accurately whether or not a person is an excluded person, before permitting that person to do anything contemplated in subsection (10)(a) to (d); and 40
- (b) is not liable under this Act or any other civil or criminal law for admitting an excluded person provided the licensee has taken the prescribed measures.

(12) Every licensee authorised to make a gambling activity available to the public must—

- (a) make available at all of its licensed premises— 45
 - (i) the prescribed form to be used by a person wishing to register as an excluded person in terms of subsection (1); and
 - (ii) a directory of local recognised counselling, treatment or education services addressing the problems of compulsive and addictive gambling; and 50
- (b) prominently post a notice advertising the availability of those materials, in the prescribed manner and form, at every entry to those premises.

Restrictions on advertising and promotion of gambling activities and granting of discounts

15. (1) A person must not advertise or promote—
- (a) any gambling activity—
 - (i) in a false or misleading manner; or 5
 - (ii) that is unlawful in terms of this Act or applicable provincial law; or
 - (b) a gambling activity, other than an amusement game, in a manner intended to target or attract minors.
- (2) Any advertisement of a gambling machine or device, a gambling activity, or licensed premises at which gambling activities are available— 10
- (a) must include a statement, in the prescribed manner and form, warning against the dangers of addictive and compulsive gambling; and
 - (b) must not include any element that directly or indirectly promotes or encourages the removal of a person from the register of excluded persons.
- (3) A person must not advertise or promote any gambling or related activity as being available to the public free of charge or at a discounted rate contrary to this Act, as an inducement for gambling. 15
- (4) The Minister may by regulation in accordance with section 87 exempt any specific type of advertising or advertising media from the application of this section if the Minister is satisfied that the advertising is not targeted to the general public. 20

Enforceability of gambling debts and forfeiture of unlawful winnings

16. (1) Despite any provision of the common law, or any other law other than this Act—
- (a) a debt incurred by a person, other than an excluded person, subject to paragraph (d)(ii), or a minor, in the course of a gambling activity that is licensed in terms of this Act or provincial law, is enforceable in law; 25
 - (b) a debt incurred by a person other than an excluded person, subject to paragraph (d)(ii), or a minor, in the course of a gambling activity that is lawful but not required to be licensed, in terms of this Act or provincial law, is enforceable in law only to the extent that it is enforceable in terms of the common law or another law; 30
 - (c) a debt incurred by a person in the course of any gambling activity that is unlawful in terms of this Act or applicable provincial law is not enforceable in law;
 - (d) a debt incurred in the course of a gambling activity— 35
 - (i) by a minor is not enforceable in law; or
 - (ii) by an excluded person is not enforceable in law, unless that excluded person gained access to that gambling activity by fraudulently claiming to be a different person; and
 - (e) an informal bet is not enforceable in law. 40
- (2) A person must not knowingly pay any winnings from a gambling activity to— 45
- (a) a minor;
 - (b) an excluded person; or
 - (c) any other person who won those winnings in a gambling activity that is unlawful in terms of this Act.
- (3) Any person who is prevented from paying winnings referred to in subsection (2) must remit those winnings to the board in the prescribed manner and form, to be held by the board in trust, pending a decision in terms of subsection (4).

(4) Upon receiving any winnings under subsection (3), the board must investigate the circumstances of the relevant gambling activity, and either—

- (a) deliver the winnings to the person who won them, if the board is satisfied that the gambling activity was lawful, and the winner was not a minor or excluded person at the time of the activity; or
- (b) apply to the High Court for an order declaring the winnings forfeit to the State.

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Part C

Gambling premises

Standards for gambling premises

17. (1) No person may place or operate a cash dispensing machine contrary to this Act— 10

- (a) within a designated area; or
- (b) within a prescribed distance from such a designated area.

(2) Every licensee operating licensed premises at which a gambling activity is conducted must post a notice, in the prescribed manner and form, warning of the dangers of compulsive and addictive gambling. 15

(3) A person licensed to engage in, conduct, or make available licensed activities in, on or from particular licensed premises must comply with prescribed standards for the design, use and maintenance of such licensed premises in which gambling activities may take place. 20

Sites

18. (1) A provincial licensing authority may—

- (a) license a person as a site operator to operate limited pay-out machines in or on specific named premises; and
- (b) determine the hours of operation for that site which may be the same as, different from or outside the normal hours of operation of the primary business conducted at that site. 25

(2) The operation of limited pay-out machines must be incidental to and not be the primary business conducted in any premises licensed as a site, if that site falls within an incidental use category determined by the Minister in terms of section 26(1)(b). 30

(3) A site operator may be linked to a particular route operator or may be independent, if provided for in terms of applicable provincial laws.

(4) A site operator who is linked to a route operator may—

- (a) keep limited pay-out machines owned by the route operator on the site; and
- (b) make those machines available to be played by members of the public. 35

(5) An independent site operator has the same rights, powers and duties as—

- (a) a route operator in terms of section 26; and
- (b) a site operator in terms of subsection (4)(b).

(6) Only a juristic person may be licensed to own or operate more than five limited pay-out machines as an independent site operator. 40

(7) A licensed site operator or independent site operator must—

- (a) prominently display at the entrance to the designated area—
 - (i) the licence issued to that operator;
 - (ii) a copy of the licence issued to the relevant route operator, if applicable; and

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- (b) maintain adequate control and supervision of all limited pay-out machines at the site during the licensed hours of operation.

Part D**Registration and certification of machines and devices****Gambling machines or gambling devices**

19. (1) Every gambling machine or gambling device must be registered in accordance with this Act unless it is of a category exempted in terms of subsection (3). 5

(2) Every gambling machine or gambling device made available for play by the public in the Republic of South Africa must be certified in accordance with the requirements of this Act as complying with the relevant standards for such a device, as determined in terms of the Standards Act, 1993 (Act No. 29 of 1993).

(3) The Minister, by regulation made in accordance with section 87, may exempt 10 categories of gambling machines or gambling devices from the application of any or all of the provisions of this Part.

Identification of gambling machines and devices

20. (1) A manufacturer must keep a record in the prescribed manner and form of every gambling machine or gambling device that the manufacturer acquires, manufactures, 15 sells or otherwise distributes.

(2) A manufacturer of a gambling machine or gambling device manufactured in, or imported into, the Republic must incorporate into the design of that machine or device a mechanism that permanently identifies—

- (a) the name of the manufacturer; 20
- (b) a unique serial number of the machine or device; and
- (c) the date of manufacture of the machine or device.

(3) A person must not remove, alter, disfigure, obscure or destroy an identification mechanism that is required in terms of this section.

National register of gambling machines and devices 25

21. (1) The board must—

- (a) establish and maintain, in the prescribed manner and form, a national registry of every gambling machine or gambling device manufactured within or imported into the Republic;
- (b) assign a permanent and unique registration number for each such machine or 30 device, which number is co-related to—
 - (i) the name of the manufacturer or importer of that machine or device;
 - (ii) the date of manufacture of that machine or device; and
 - (iii) the unique serial number assigned to that machine or device by the 35 manufacturer;
- (c) for each such machine or device, record the name, licence number and other prescribed particulars of—
 - (i) the registered owner; and
 - (ii) any other person who has leased that machine or device, or to whom 40 registered possession of the machine or device has been transferred; and
- (d) provide the information in its registry under this section to all the provincial licensing authorities in the prescribed manner and form.

(2) If a gambling machine is networked with other machines or systems of machines, each machine in that network is deemed to be a separate gambling machine for the 45 purpose of this Act.

Gambling machines and devices to be registered

22. (1) A person who imports a gambling machine or gambling device into the Republic, or who manufactures such a machine or device within the Republic, must register that machine or device by providing the information required in terms of section 20(2) in the prescribed manner and form to the board. 50

(2) The board must not register a gambling machine or gambling device unless that type of machine or device has been certified in accordance with the requirements of this

Act as complying with the relevant standards for such a machine or device, as determined in terms of the Standards Act, 1993 (Act No. 29 of 1993).

(3) The person who registers a machine or device in accordance with subsection (1) is deemed to be the registered owner of that machine or device, subject to any transfer of registered ownership in terms of this Part. 5

(4) The registered owner of a gambling machine or gambling device must ensure that the possession, use, maintenance and certification of that machine or device complies with this Act, subject to any registered transfer of possession in terms of this Part.

Transfer of registered ownership or possession

23. (1) A person who proposes to transfer registered ownership of a gambling machine or gambling device to another person must apply in the prescribed manner and form to a provincial licensing authority for approval to transfer registered ownership of that machine or device. 10

(2) Subject to subsections (3) and (4), a person who proposes to lease, or transfer possession of a gambling machine or gambling device to another person, while retaining legal title to that machine or device, must apply in the prescribed manner and form to a provincial licensing authority for approval to lease or transfer possession of that machine or device. 15

(3) A registered owner of a gambling machine or gambling device who repossesses that machine or device from a lessee or other person to whom possession had been transferred in terms of this section is not required to apply for approval in terms of this section, but must notify the licensing authority who approved the lease or transfer of possession that the machine or device has been repossessed. 20

(4) A person is not required to apply for approval in terms of this section before transferring a gambling machine or gambling device to another person solely for purpose of— 25

- (a) transporting it from one place to another; or
- (b) performing essential maintenance work on, or repairing, that gambling machine or device.

(5) An application in terms of subsection (1) or (2)— 30

- (a) for a transfer or lease to a person who has a provincial licence, must be made to the provincial licensing authority that issued that licence; or
- (b) for a transfer to a person who has a national licence, must be made to the provincial licensing authority of the province in which the proposed transferee intends to locate or use that gambling machine or device. 35

(6) A provincial licensing authority may approve a transfer of ownership, a lease or transfer of possession of a gambling machine or gambling device only if—

- (a) the proposed transferor is the registered owner of that machine or device;
- (b) the machine or device has been certified in terms of this Act and the certification has not expired; and 40

(c) the proposed transferee—

- (i) holds a valid licence of a manufacturer, supplier or maintenance provider permitting that person to possess that category of gambling machine or gambling device, or has concurrently applied for such a licence;
- (ii) holds a valid licence, issued by the applicable licensing authority in terms of a provincial law to engage in or conduct gambling or to make available gambling activities that include the operation of that category of gambling machine or gambling device, or has concurrently applied for such a licence; or 45

(iii) is otherwise authorised to possess that category of prescribed gambling machine or device in terms of a provincial licence, or applicable provincial law. 50

(7) A provincial licensing authority—

- (a) may approve a lease, a transfer of ownership or possession of a gambling machine or gambling device concurrently with the issuing of a licence to the transferee; 55

(b) must not refuse a lease or a transfer of ownership or possession of a gambling machine or gambling device on any grounds other than those set out in subsection (6); and

(c) must advise the board in the prescribed manner and form when it has— 60

- (i) approved a lease or a transfer of ownership or possession of a gambling machine or gambling device; or
- (ii) been notified of the repossession of a prescribed gambling machine or device by a registered owner.

Criteria for issuing testing agent licence

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24. A person may be licensed as a testing agent only if the provincial licensing authority considering the application has determined that the applicant meets the requirements of this Act, and—

- (a) satisfies the minimum norms and standards for testing agents prescribed in terms of this Act; 10
- (b) is currently accredited for technical competency by the South African National Accreditation System, in terms of ISO / IEC 17025 and ISO 9000;
- (c) is able to conduct tests and perform calibrations to ensure compliance with standards established by the South African Bureau of Standards in terms of the Standards Act, 1993 (Act No. 29 of 1993); 15
- (d) is able to conduct tests and perform calibrations in an objective and impartial manner; and
- (e) is independent of—
 - (i) any other licensee in the gambling industry;
 - (ii) any regulatory authority; and 20
 - (iii) the South African Bureau of Standards.

Calibration and certification of gambling machines or gambling devices

25. (1) When called upon to test a gambling machine or gambling device in terms of this Part, a licensed testing agent must—

- (a) test that gambling machine or device for compliance with the applicable standard; 25
- (b) record all test results; and
- (c) issue a report of the test results to—
 - (i) the person requesting the certification;
 - (ii) the applicable provincial licensing authority; 30
 - (iii) the board; and
 - (iv) the South African Bureau of Standards.

(2) Upon receiving a test report in terms of this section, the South African Bureau of Standards must analyse the test results relative to the standards referred to in section 24(c), and applicable standards for the machine or device concerned, and if the machine or device complies with the applicable standards, issue a letter of certification in respect of the machine or device to—

- (a) the person requesting the certification;
- (b) the applicable provincial licensing authority; and
- (c) the board. 40

(3) A contravention of subsection (1) is a breach of licence, subject to administrative sanctions in terms of this Act, or applicable provincial law.

Limited pay-out machines

26. (1) Cognisant of the potentially detrimental socio-economic impact of a proliferation of limited pay-out machines, the Minister must regulate the limited pay-out machine industry in accordance with this section. 45

(2) The Minister, by regulation made in accordance with section 87, must—

- (a) establish a program for the gradual introduction of limited pay-out machines in the Republic, in clearly defined and delineated phases;
- (b) establish a mechanism for ongoing socio-economic impact assessment of the use of limited pay-out machines in the Republic; 50

- (c) establish criteria which, on the basis of the assessments contemplated in paragraph (b), must be satisfied before the commencement of each successive phase of the program to introduce limited pay-out machines in the Republic;
- (d) prescribe a limit on the maximum number of licensed limited pay-out machines that may be introduced in each phase— 5
- (i) within the Republic;
 - (ii) within any particular province; and
 - (iii) at any one site, and may prescribe different site maximums applicable in different circumstances;
- (e) after consulting the Board, determine the circumstances in which a site may be licensed, and for that purpose, may establish different categories of sites, and different requirements with respect to each such category; and 10
- (f) prescribe a limit on the maximum—
- (i) aggregate stake permitted to commence and complete a limited pay-out gambling game; 15
 - (ii) single pay-outs allowed from a limited pay-out machine; and
 - (iii) aggregate pay-out in respect of each game played.
- (3) In addition to the requirements of subsection (2), the Minister, by regulation made in accordance with section 87, may prescribe minimum standards concerning applications for licences with regard to limited pay-out gambling machines, including— 20
- (a) standard information to be required from applicants;
 - (b) minimum evaluation criteria to be applied by licensing authorities;
 - (c) evaluation procedures to be followed by licensing authorities;
 - (d) compliance standards for limited pay-out machines, including the maximum number of single game cycles over a particular period of time; 25
 - (e) the methods by which a prize won on a limited pay-out machine may be paid;
 - (f) any essential or defining elements of a limited pay-out gambling game;
 - (g) the procedures that constitute the start and end of a single game on a limited pay-out machine;
 - (h) the accounting standards that must be met, and accounting records that must be kept, by route operators, site operators and independent site operators; 30
 - (i) minimum information to be provided by licensees concerning the sourcing, distribution, movements, conversions and disposal of limited pay-out machines; or
 - (j) measures to limit the potentially negative socio-economic consequences of access to gambling opportunities, including public notices at licensed premises. 35
- (4) A person must not—
- (a) distribute a limited pay-out machine to a site operator or independent site operator, or allow such a machine to be made available for play unless that machine has been registered in accordance with this Part; or 40
 - (b) move a limited pay-out machine from one site to another without the prior approval of, and subject to monitoring and control by, the provincial licensing authority that registered that machine.
- (5) A route operator— 45
- (a) must not make available for play—
 - (i) more limited pay-out machines than the maximum number for which the operator is licensed; or
 - (ii) on any particular site, more limited pay-out machines than that site is licensed to accommodate; 50 - (b) must maintain the limited pay-out machines owned and operated by that route operator; and
 - (c) must collect money from those machines and pay any applicable provincial taxes or levies in respect of those machines.
- (6) In any province, provincial law may provide for a smaller number of limited pay-out machines to be licensed— 55
- (a) in that province, than the number prescribed by the Minister in terms of subsection (2)(d)(ii); or
 - (b) at any one site in that province, than the number prescribed by the Minister in terms of subsection (2)(d)(iii). 60

National central electronic monitoring system

27. (1) The board must establish and maintain a national central electronic monitoring system capable of—
- (a) detecting and monitoring significant events associated with any limited pay-out machine that is made available for play in the Republic; and 5
 - (b) analysing and reporting that data in accordance with the prescribed requirements.
- (2) The board may contract with any person to supply any or all of the products or services required to fulfil its obligations in terms of subsection (1), but any such contractor must not be a person who, or firm that, is disqualified as a licensee in terms of section 50. 10
- (3) The Minister may, in consultation with the Council and by regulation made in accordance with section 87, prescribe—
- (a) standards for—
 - (i) the operation of the national electronic monitoring system; and 15
 - (ii) the collection and analysis of data through that system;
 - (b) the frequency and nature of reports to be produced by the board in respect of the operation of the system; and
 - (c) other matters related to the functioning of the national central electronic monitoring system. 20
- (4) Every limited pay-out machine that is made available for play must be electronically linked to the national central electronic monitoring system, and the licensee of that machine must pay the prescribed monitoring fees in relation to that machine.
- (5) The national central electronic monitoring system must allow— 25
- (a) the provincial licensing authority of each province access to all data on the system that originated in that province, without charge by the board; and
 - (b) the licensee of each limited pay-out machine linked to the system access to prescribed data on the system that originated from that machine.
- (6) A contravention of subsection (4) is a breach of licence, subject to administrative sanctions in terms of this Act or the applicable provincial law. 30

Part E***Licensing of persons employed in gambling industry*****Gambling industry employees to be licensed**

28. (1) A person must not engage in any work within the gambling industry in terms of this Act or applicable provincial law unless that person has a valid— 35
- (a) national employment licence permitting that work; or
 - (b) provincial employment licence permitting that work issued by the provincial licensing authority in the province in which the person proposes to work, or works. 40
- (2) A licensee must not employ a person, or permit an existing employee to engage in any work within the gambling industry unless that employee has satisfied the requirements of subsection (1).
- (3) An employer of a person who is licensed in terms of this section must within the prescribed time disclose to the applicable licensing authority any prescribed information that concerns a licensed employee or agent of the employer. 45
- (4) The Minister may, by regulation made in accordance with section 87, determine any specific category of work to be subject to the requirements of this section.

Conditions of employment licensing

29. A licence granted, and the license certificate issued, to a person in terms of section 28 is not transferable to another person. 50

CHAPTER 3

JURISDICTION AND LICENSING

Part A

*Jurisdiction***Jurisdiction of provincial licensing authorities** 5

30. (1) Each provincial licensing authority has exclusive jurisdiction within its province, to the extent provided in provincial law, to—

- (a) investigate and consider applications for, and issue—
 - (i) provincial licences in respect of casinos, racing, gambling or wagering, other than for an activity or purpose for which a national licence is required in terms of this Act; and 10
 - (ii) subject to Part B of this Chapter, national licences for any activity or purpose for which a national licence is required or optional in terms of this Act;
- (b) conduct inspections to ensure compliance with— 15
 - (i) this Act;
 - (ii) applicable provincial law; and
 - (iii) the conditions of—
 - (aa) national licences, subject to sections 33 and 34; or
 - (bb) provincial licences issued by it; 20
- (c) impose on licensees administrative sanctions in accordance with this Act or applicable provincial law; and
- (d) issue offence notices in respect of offences in terms of this Act or applicable provincial law.

(2) Each provincial licensing authority has jurisdiction within its province to the extent provided in provincial law to— 25

- (a) monitor the functions of each gambling machine that is required to be connected to the national central electronic monitoring system in terms of section 27; and
- (b) ensure compliance with, conduct investigations and issue offence notices under the Financial Intelligence Centre Act to the extent required by that legislation, in so far as it applies to the gambling industry. 30

Responsibilities of provincial licensing authorities

31. (1) Within its jurisdiction, each provincial licensing authority is responsible—

- (a) to ensure— 35
 - (i) that unlawful activities related to casinos, racing, gambling and wagering and unlicensed gambling activities are prevented or detected and prosecuted;
 - (ii) that undertakings made by licensees holding a provincial licence issued by it are carried out; 40
 - (iii) that undertakings made by national licensees are carried out to the extent that those licensees are operating within that province;
 - (iv) that employees within the gambling industry are licensed to the extent required by this Act or applicable provincial law;
 - (v) that each gambling machine or gambling device being used, or made available for use, by a licensee is registered and certified in terms of this Act; and 45
 - (vi) complete and timely collection and remittance of taxes, levies and fees;
- (b) to inspect premises within the relevant province—
 - (i) that are operated in terms of a provincial licence issued by that licensing authority; 50
 - (ii) that are operated in terms of a national licence; or

- (iii) in or on which any activity takes place that is permitted in terms of—
 - (aa) a provincial licence issued by that licensing authority;
 - (bb) applicable provincial law, without being licensed; or
 - (cc) a national licence;
 - (c) to inspect gambling machines or gambling devices used for any activity that is permitted in terms of— 5
 - (i) a provincial licence issued by that licensing authority; or
 - (ii) a national licence to the extent that the licensee is operating within that province;
 - (d) to enforce this Act and applicable provincial law in respect of— 10
 - (i) premises, activities or prescribed devices—
 - (aa) licensed by that licensing authority; or
 - (bb) within the jurisdiction of that licensing authority; and
 - (ii) offences in terms of this Act or applicable provincial law;
 - (e) to supervise and enforce compliance by licensees with the obligations of accountable institutions in terms of the Financial Intelligence Centre Act, to the extent required by that law, in so far as it applies to the gambling industry; 15
 - (f) to review licences and the activities of licensees in accordance with this Act and applicable provincial law; and
 - (g) to suspend or revoke any— 20
 - (i) provincial licence issued by that licensing authority; or
 - (ii) national licence—
 - (aa) for a cause arising within that province; or
 - (bb) otherwise, as set out in section 43(1)(a) and (b).
- (2) Subject to any requirements set out in applicable provincial law, a provincial licensing authority may, by agreement with the board or with another provincial licensing authority, delegate to the board or to that other provincial licensing authority any power or duty that is to be exercised or performed by the provincial licensing authority in terms of this Act or applicable provincial law, in the manner contemplated in section 238 of the Constitution. 30

Jurisdiction of board

32. In accordance with this Act and subject to the direction of the Council provided for in Chapter 4, the board may exercise the powers and perform the duties assigned to it in terms of this Act.

Responsibilities of board 35

33. The board is responsible to—
- (a) evaluate—
 - (i) the issuing of national licences by provincial licensing authorities; and
 - (ii) the compliance monitoring of licensees by provincial licensing authorities; 40
 - (b) conduct oversight evaluations of the performance of provincial licensing authorities in the manner envisaged in section 34, so as to ensure that the national norms and standards established by this Act are applied uniformly and consistently throughout the Republic; and
 - (c) assist provincial licensing authorities to ensure that unlicensed gambling activities are detected in the manner envisaged in section 66(2) and (3), 45 as provided for in Part B of this Chapter.

Oversight function of board

34. (1) The board must ensure that its functions and those of the Chief Executive Officer set out in this section are exercised in a manner consistent with the requirements of section 41(1)(e), (g) and (h) of the Constitution. 50

(2) The board may direct the Chief Executive Officer to carry out an oversight evaluation of the exercise by a provincial licensing authority of its responsibilities and functions in terms of this Act.

(3) Before conducting an evaluation in terms of subsection (2), the Chief Executive Officer must notify the relevant provincial licensing authority, in writing, of— 5

- (a) a direction given by the board; and
- (b) generally, the scope and methodology of the proposed evaluation.

(4) The Chief Executive Officer must—

- (a) provide a copy of an evaluation report to the relevant provincial licensing authority; and 10
- (b) invite the provincial licensing authority to submit a written response in respect of that evaluation within the prescribed time.

(5) If, as a result of an evaluation conducted in terms of subsection (2), the Chief Executive Officer has reason to believe that a provincial licensing authority has failed to comply with any provision of this Act, the Chief Executive Officer— 15

- (a) may issue a deficiency report to the provincial licensing authority setting out any matters in respect of which the authority has failed to comply with any provision of this Act; and
- (b) must at the same time invite the provincial licensing authority to propose a basis for an agreement that would ensure compliance with all applicable provisions of this Act. 20

(6) If an agreement contemplated in subsection (5)(b) is reached between the provincial licensing authority and the board, the Chief Executive Officer must monitor progress achieved in terms of that agreement, and—

- (i) report to the board at intervals determined by it; and 25
- (ii) issue a further deficiency report and invitation contemplated in subsection (5), if the provincial licensing authority significantly fails to meet any of its commitments in terms of that agreement.

(7) A provincial licensing authority may request the board to set aside all or part of a deficiency report issued by the Chief Executive Officer in terms of subsection (5) or (6). 30

(8) The board may refer the matter to the Council for consideration in terms of section 62(2)(c), if—

- (a) a provincial licensing authority does not respond to a deficiency report issued by the Chief Executive Officer in terms of subsection (5) or (6);
- (b) the provincial licensing authority and the board fail to reach an agreement contemplated in either subsection; or 35
- (c) the provincial licensing authority is persistently in default in terms of that agreement.

Information sharing

35. (1) A provincial licensing authority must keep a register of each person to whom it grants a national licence, or a provincial licence, including— 40

- (a) the activities permitted under each such licence;
- (b) the address of any premises in, on or from which licensed activities may be engaged in, conducted or made available under licences issued by it; and
- (c) the name and identifying information of each person who is known to hold 5% 45 or more of the total financial interest in a licensee.

(2) Each provincial licensing authority must report to the board, at the prescribed intervals, on the prescribed information kept by that licensing authority in terms of subsection (1).

(3) The board must submit upon request to a provincial licensing authority any prescribed information reported to it in terms of subsection (2). 50

(4) A regulatory authority must, on request from another regulatory authority, provide a copy of all prescribed information in its possession concerning a licensee, registrant or applicant for a licence.

Conflicting exercise of concurrent jurisdiction

36. (1) The Council may, as contemplated in section 41(2) of the Constitution, facilitate the settlement of any dispute between the board and one or more provincial licensing authorities concerning the powers and duties to be exercised and performed by them relating to casinos, racing, gambling and wagering. 5

(2) If this Act requires several provincial licensing authorities to perform a particular duty within their respective provinces, and—

(a) within a particular province, no provincial licensing authority has been established; or

(b) the Council concludes that the provincial licensing authority within a particular province is unable to perform that function effectively, 10

the Council may make a recommendation to the Minister advising that steps be taken pursuant to section 100 of the Constitution to ensure the fulfilment of that statutory obligation.

Part B

15

National licences**Authority of national licence**

37. (1) A national licence issued in terms of this Act applies throughout the Republic and authorises the licensee to conduct, engage in, or make available the licensed activities at any place within the Republic. 20

(2) It is a condition of every national licence that the licensee must comply with every applicable provision of—

(a) this Act;

(b) the Financial Intelligence Centre Act; and

(c) applicable provincial law within any province in which the licensee conducts, engages in, or makes available the licensed activities. 25

Applicants for national licence

38. (1) An applicant must apply to a provincial licensing authority for a national licence as a testing agent, to test and calibrate gambling machines or gambling devices.

(2) An applicant may apply to a provincial licensing authority for either a provincial licence in terms of applicable provincial law or a national licence, if the applicant seeks— 30

(a) a licence as a manufacturer, supplier or maintenance provider; or

(b) to work within the gambling industry, to the extent required in terms of section 28. 35

(3) An applicant for a national licence must apply in the prescribed manner and form, and pay the prescribed application fee, to the provincial licensing authority within the province in which—

(a) the applicant ordinarily resides, or in which the applicant intends to take up employment under the licence, if the applicant is an individual; or 40

(b) the applicant's principal place of business is or will be located, in any other case.

Authority to issue national licence

39. A provincial licensing authority may issue a national licence to an applicant who meets the requirements of this Act. 45

National licence procedures

40. (1) Upon receiving an application for a national licence, a provincial licensing authority must—

(a) notify each other regulatory authority of the application;