

Prohibition in respect of gambling and presumptions relating thereto

67. (1) No person shall without the appropriate licence-
- (a) conduct or permit any gambling activity in or on any premises under his or her control or in his or her charge; or
[Paragraph (a) amended by s 30 of Act 4 of 2006 w e f 1 December 2006]
 - (b) be directly or indirectly involved-
 - (i) in the operation of any gambling business or establishment;
[Subparagraph (i) substituted by s 14(a) of Act 10 of 1997 w e f 29 August 1997.]
 - (ii) in the manufacture, assembly, maintenance, repair or alteration of any slot machine or gambling device (other than playing cards or dice) or any component thereof, and
 - (iii) in the importation, acquisition, distribution, marketing, leasing or selling of any gambling device (other than playing cards or dice) or any component thereof; or
[Subparagraph (iii) amended by s 56(b) of Act 4 of 1997 w e f 29 August 1997.]
 - (c) possess a gambling device other than playing cards or dice, provided that the possession of gambling devices without a licence shall not be an offence where the possessor thereof possesses such gambling devices for the sole purpose of demonstration, promotion within the industry, social gambling as contemplated in section 1, or such further similar purpose as the Board may, prior to such possession and upon application by such intended possessor, authorise in writing, and further provided that such gambling devices may be lawfully possessed in terms of this paragraph only for such period and in or on such premises as stipulated by the Board in such authorisation.
[Paragraph (c) added by s 56(c) of Act 4 of 1997 w e f 29 August 1997 and substituted by s20(a) of Act 4 of 1999 w e f 1 April 1999 and by s 10 of Act 11 of 2000 w e f 15 September 2000.] [Subsection (1) amended by s 56(a) of Act 4 of 1997 w e f 29 August 1997.]
- (2) No person shall without the approval of the Board have any direct or indirect financial interest of five per cent or more in any licensed gambling business or establishment within the Province.
[Subsection (2) substituted by s 56(d) of Act 4 of 1997 w e f 29 August 1997.]
- (3) No person shall, without the appropriate licence or without the prior approval of the Board, in any manner share directly or indirectly in the profits of any gambling; provided that where a company or a close corporation is a licensee the shareholders or members of such licensee shall not be precluded from receiving dividends from such licensee as a consequence of their shareholding therein or membership thereof.
[Subsection (3) substituted by s 20(b) of Act 4 of 1999 w e f 1 April 1999.]
- (4) No person other than a member of the Board, an authorised officer or a police officer acting in the performance of his or her duties under this Act shall play any gambling game or take part in any betting in or on, or visit, with the object of playing any gambling game or taking

part in any betting, any premises which are not licensed under this Act.

[Subsection (4) substituted by s 56(e) of Act 4 of 1997 w e f 29 August 1997.]

- (5) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding two million rand or imprisonment for a period of not more than ten years or to both such fine and such imprisonment; provided that, in the event of a second or subsequent conviction, the court may impose a penalty not exceeding twice the amount of such fine.

[Subsection (5) substituted by s 14(b) of act 10 of 1997 w e f 29 August 1997.]

- (6) Any person supervising or directing or assisting at or acting as a banker, dealer, croupier or in any like capacity at the playing of any gambling game or the conducting of any betting in or on any premises, other than licensed premises, and any person acting as porter, doorkeeper or servant or holding any other office in or on any such premises where any gambling game is played or betting is conducted shall be deemed to be in control or in charge of such premises.

(7) [Subsection (7) added by s 14(c) of Act 10 of 1997 w e f 20 August 1997 and deleted by s 20(c) of Act 4 of 1999 w e f 1 April 1999.]