
GENERAL RULES: 01 August 2003

The latest amendment to the General Rules were published in the Provincial Gazette on Friday, 1 August 2003. Rule 2.2 has been amended by the insertion of sub-rules (6) and (7).

WESTERN CAPE GAMBLING AND RACING BOARD**R U L E S**

In terms of section 82 of the Western Cape Gambling and Racing Law, Law 4 of 1996, as amended, the Western Cape Gambling and Racing Board hereby makes the following Rules:

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CHAPTER I DEFINITIONS

1.1. Definitions

In these Rules any word or expression to which a meaning has been assigned in the Western Cape Gambling and Racing Law, Law 4 of 1996, as amended, shall have the meaning so assigned to it, and, unless the context indicates otherwise-

“Law” means the Western Cape Gambling and Racing Law, Law 4 of 1996, as amended;

“licensed employer” means any legal person licensed by the Board to conduct any activity in relation to gambling or racing, which has in its employ any persons licensed by the Board as key employees or gambling employees.

CHAPTER II LICENSING

2.1. 2.1. Employee Records

Every licensed employer shall-

- (a) keep up-to-date employee records, reflecting the personal particulars of each of its licensed employees, including, at a minimum:
 - (i) (i) the employee’s employee number;
 - (ii) (ii) details of the position occupied by the employee, and
 - (iii) (iii) the employee’s current licence type and licence number, reflecting the date of expiry of such licence;
- (b) keep, on the employment record of a licensed employee, a copy of the current licence issued to such employee by the Board, and
- (c) (c) within five working days thereof, inform the Board of all terminations of employment or changes in personal particulars in respect of licensed employees.

2.2. Applications for renewal of licences

- (1) Every licence holder shall, on or before the date stipulated by the Board in a written renewal notification, but, in any event, no later

than three calendar months prior to the expiry of its current licence and irrespective of whether it has received a written renewal notification, submit to the Office of the Board-

- (a) (a) a written notification of its intention not to renew the relevant licence, should the licence holder wish to allow such licence to lapse, or
 - (b) (b) a complete application for the renewal of the relevant licence, in the manner and form determined by the Board, should the licence holder wish to renew such licence.
- (2) Should any application for the renewal of a licence submitted pursuant to sub-rule (1)(b) be incomplete in any respect, the application may be remitted to the licence holder for rectification.
- (3) In the event that an application for renewal of a licence is not submitted to the Board on or before the date contemplated in sub-rule (1), the penalties contemplated in Schedule A to these Rules shall be imposed in respect of each working day after the date referred to in sub-rule (1) for which the application remains outstanding; provided that, in respect of outstanding applications in relation to key and gambling employees, such penalty shall be doubled for every working day in excess of five working days after the date referred to in sub-rule (1) for which the application remains outstanding.
- (4) The provisions of sub-rule (3) shall apply *mutatis mutandis* in respect of incomplete licence applications remitted to the licence holder in terms of sub-rule (2), unless the application requires only minor rectification of a formal nature.
- (5) (5) For the purposes of this Rule, the expression "working day" shall include any part of a working day.
- (6) Where a licence issued to a person expires due to the failure to apply for renewal of such licence and such person, within six months of the expiry of such licence, applies to the Board for a new licence of the same type, such person shall, notwithstanding the expiry of such licence, be liable for-
- (a) the new licence application fee, and
 - (b) the penalty contemplated in sub-rule (7).
- (7) A person contemplated in sub-rule (6) shall be liable for the penalties contemplated in Schedule A to these Rules, calculated from the date contemplated in sub-rule (1) until the date of expiry of the licence, unless such person proves that -
- (a) he or she supplied the Board with written notification of his or her intention not to renew the previous licence in terms of sub-rule (1)(a);
 - (b) he or she had, upon the expiry of the previous licence, immediately and permanently ceased all activities authorised

- by such licence, and had performed all acts reasonably incidental thereto, and
- (c) the application for a new licence had been occasioned by changed circumstances which could not reasonably have been foreseen at the time of expiry of the previous licence.

CHAPTER III COMPLIANCE

3.1. Advertising criteria

- (1) (1) The holder of a licence issued by the Board which procures or permits the publication of any advertisement dealing wholly or in part with any aspect of gambling or betting on its licensed premises, shall ensure that the following information is incorporated into such advertisements:
- (a) (a) that no persons under the age of 18 years are permitted to gamble;
- (b) (b) that the operator is licensed by the Western Cape Gambling and Racing Board, and
- (c) (c) the National Responsible Gambling Programme Telephone number 0800 006 008 and slogan "Gamble with your head and not your heart".
- (2) (2) The information contemplated in sub-rule (1) shall be incorporated into all printed advertisements and advertisements displayed on the Internet or otherwise on computer equipment in the following manner:
- (a) all printed advertisements shall display the information in font of the same size as the font used for the body of the advertisement, and
- (b) all billboards, web pages and multi-page pamphlets shall display the information 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.
- (3) (3) Notwithstanding the provisions of sub-rule (1), the Board may-
- (a) determine generic requirements for radio and television advertisements or individual advertising drives, with which all such advertisements or drives shall conform, and
- (b) may, at any time, require a licence holder to submit to it any information in respect of advertisements or proposed advertisements pertaining to gambling or betting.

3.2. Advertising standards

- (1) No advertising in respect of gambling or racing shall-
- (a) contain any lewd or indecent language, images or actions;
- (b) portray excessive play;
- (c) (c) imply or portray any illegal activity;

- (d) (d) present any game, directly or indirectly, as a potential means of relieving financial or personal difficulties, or
- (e) (e) exhort gambling as a means of recovering past gambling or other financial losses.
- (2) No advertisement contemplated in these rules (1) shall represent or imply-
 - (a) that gambling is an alternative to employment or a means of acquiring financial security;
 - (b) that winning is the probable outcome of gambling, or
 - (c) (c) that gambling involves skill.
- (3) No advertisement contemplated in these rules shall portray or contain-
 - (a) persons or characters engaged in gambling who are, or appear to be, under the age of eighteen years, or
 - (b) (b) recognised animated characters, symbols, language or other material customarily associated with or designed to appeal to persons under the age of eighteen years.
- (4) (4) No advertisement contemplated in these rules shall be placed-
 - (a) (a) in media primarily directed at persons under the age of eighteen years;
 - (b) (b) at venues where the majority of the audience may reasonably be expected to be under the age of eighteen years, or
 - (c) on outdoor displays adjacent to schools, youth centres, technikons or university campuses.

3.3. Submission of material

- (1) The holder of any licence issued by the Board shall comply with any written instruction issued by or at the instance of the Board-
 - (a) to produce any book, document or thing, or
 - (b) to furnish any material or information in connection with its business or activities

pertaining to any aspect of the Board's regulatory function, within such period as the Board may stipulate in such written instruction.
- (2) If a licence holder which has received a written instruction contemplated in sub-rule (1) is unable to comply with such instruction, such licence holder shall, upon receipt of such instruction, notify the Chief Executive Officer in writing of the inability to comply, setting out the reasons for such inability.

3.4. Compulsive gambling signage

- (1) (1) The notice required in terms of regulation 25(2B) of the Western Cape Gambling and Racing Regulations shall contain the headline "GAMBLING ADDICTION IS NOT SELECTIVE. IT COULD HAPPEN TO YOU." written in capital letters.

- (2) (2) Below the headline referred to in sub-rule (1), the notice shall read "Help is available. If you think you or someone you know may have a problem with gambling, contact the National Responsible Gambling Helpline toll-free on 0800 006 008."
- (3) (3) The total dimensions of the notice referred to in sub-rule (1) shall be at least one metre by six hundred millimetres.
- (4) (4) The pamphlets required in terms of regulation 25(2C) shall contain, at a minimum-
 - (i) (i) a description of the phenomenon of compulsive gambling;
 - (ii) (ii) an outline of the commonest symptoms of compulsive gambling;
 - (iii) (iii) a description of the National Responsible Gambling Programme's aims and activities;
 - (iv) (iv) an indication of the types of treatment available, and the extent to which these are funded by the National Responsible Gambling Programme, and
 - (v) (v) all available contact details in respect of the National Responsible Gambling Programme.
- (5) (5) The pamphlets referred to in sub-rule (4) shall be located in such a manner as to be easily accessible to the public in all areas in which gambling takes place.

3.5. Access by Board to gambling-related areas

The Board and its staff members shall at all times be afforded immediate access to any gambling-related area upon proof of identity.

CHAPTER IV PENALTIES

4.1. Penalties

- (1) A contravention of these Rules by a licence holder shall be punishable with the fines in the maximum amounts set out in Schedule A in respect of the Rules specified therein, or such fines together with such other sanction as the Board may impose in terms of the Law; provided that –
 - (a) (a) where the holder of the operator licence to which a premises relates does not exercise control over the premises, the fines stipulated in Schedule A denoted with an asterisk shall be payable by the person in effective control over the relevant premises;
 - (b) (b) where a fine is imposed pursuant to paragraph (a), the Board may exempt the holder of the operator licence to which the premises relates from paying the fine specified in Schedule A in respect of such licence holder if it is satisfied that that the holder of the operator licence could not reasonably have prevented the contravention, and

- (c) in the event of a second or subsequent contravention, the maximum fine payable shall be doubled.
- (2) For the purposes of this Rule a person exercises “effective control” over a licensed premises if such person has been given authority under contract by the holder of the operator licence to which such premises relates to offer, manage or supervise any gambling-related activity or procedure on the premises.

SCHEDULE A

CATEGORY OF LICENCE	Rule 2.1	Rule 2.2 (penalty per day)	Rules 3.1 & 3.2	Rule 3.3	Rule 3.4	Rule 3.5
Casino operator	R10 000	R10 000	R15 000	R10 000	R15 000	R20 000
Limited gambling machine operator	R10 000	R10 000	R15 000	R10 000	R15 000	R20 000
Limited gambling machine premises	-	R2 000	R1 500*	R1 000*	R1 500*	R2 000*
Bingo	R1 000	R1 000	R1 500	R1 000	R1 500	R2 000
Bingo premises	-	R1 000	R1 500*	R1 000*	R1 500*	R2 000*
Junket agent	R200	R200	-	R200	-	-
Manufacturer	R2 000	R2 000	-	R2 000	-	-
Distributor	R2 000	R2 000	-	R2 000	-	-
Totalisator operator	R10 000	R10 000	R15 000	R10 000	R15 000	R20 000
Totalisator premises	-	R2 000	R1 500*	R1 000*	R1 500*	R2 000*
Bookmaker	R1 000	R1 000	R1 500	R1 000	R1 500	R2 000
Bookmaker premises	-	R200	R1 500*	R1 000*	R1 500*	R2 000*
Key employee	-	R100	-	R200	-	-
Gambling employee	-	R100	-	R100	-	-
