
PROVINCE OF THE WESTERN CAPE

**WESTERN CAPE SEVENTEENTH
GAMBLING AND RACING
AMENDMENT ACT, 2013**

PROVINSIE WES-KAAP

**WES-KAAPSE SEWENTIENDE
WYSIGINGSWET OP DOBBELARY EN
WEDRENNE, 2013**

IPHONDO LENTSHONA KOLONI

**UMTHETHO WOLUNGISO WESHUMI
ELINESIXHENXE WONGCAKAZO
NEMIDYARHO WENTSHONA KOLONI,
2013**

No 7, 2013

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

AMENDMENT ACT

To amend the Western Cape Gambling and Racing Act, 1996, so as to provide for certain fees to be prescribed by regulation; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Substitution of section 6 of Act 4 of 1996

1. The following section is substituted for section 6 of the Western Cape Gambling and Racing Act, 1996 (the principal Act): 5

“(1) Subject to subsection (2), **[A]** a member of the Board shall hold office for such period, not exceeding four years, as the Executive Council may determine at the time of his or her appointment to the Board, and a member of the Board shall be eligible for reappointment at the termination of his or her term of office.

(2) The Executive Council may extend the term of office of a member of the Board for a period not exceeding one year.” 10

Amendment of section 32 of Act 4 of 1996, as substituted by section 27 of Act 4 of 1997 and amended by section 9 of Act 11 of 1997 and section 3 of Act 11 of 2000

2. Section 32 of the principal Act is amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: 15

“(b) be accompanied by the documents and information determined by the Board and by the prescribed new licence application fee or annual licence and investigation fees **[specified in paragraph 1 or 2 of Schedule II]**, as the case may be, which shall not be refundable, and”.

Amendment of section 36 of Act 4 of 1996, as amended by section 30 of Act 4 of 1997 and section 1 of Act 4 of 2006 20

3. Section 36 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The Board may, subject to the provisions of this Act, the payment of the relevant prescribed new licence application fee **[set out in paragraph 1 of Schedule II]** and such conditions as it may impose, issue a temporary licence and for the purposes of such licence may approve the use of premises on a temporary basis.”. 25

Amendment of section 40 of Act 4 of 1996, as substituted by section 34 of Act 4 of 1997 and amended by section 6 of Act 4 of 1999 and by section 1 of Act 4 of 2006

4. Section 40 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) A licence other than a temporary licence shall, subject to the provisions of this Act and the conditions under which it was granted, be issued for a period of twelve months and shall, subject to compliance with the provisions of this Act, be renewed annually by the Board on production of the licence for the preceding year and on payment of the prescribed annual licence and investigation fees [**set out in paragraph 2 of Schedule II**].”.

Amendment of section 41 of Act 4 of 1996, as substituted by section 35 of Act 4 of 1997 and amended by section 7 of Act 4 of 1999 and section 19 of Act 4 of 2006

5. Section 41 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) If there is a change in the circumstances in which or, in the case of any licence holder other than the holder of a premises licence, the place at which the holder of a licence wishes to perform the activities authorised thereby which would require the conditions of the licence to be amended, the holder thereof shall apply to the Chief Executive Officer for the amendment of the licence, which application shall be accompanied by the prescribed new licence application fee [**as set out in paragraph 1 of Schedule II**]; provided that the Board may, on good cause shown, exempt a licence holder from paying the whole or a portion of such fee and provided further that the Board may, if it deems it necessary, require that the procedure contemplated in section 32(2) be complied with before considering such an application.”.

Amendment of section 44 of Act 4 of 1996, as amended by section 38 of Act 4 of 1997, section 12 of Act 11 of 1997 and section 1 of Act 5 of 1999

6. Section 44 of the principal Act is amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The prescribed new licence application fees [**set out in paragraph 1 of Schedule II**] shall be paid by every applicant for a licence on submission of a new licence application.”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) The prescribed annual licence and investigation fees [**set out in paragraph 2 of Schedule II**] shall be paid by a licence holder upon issue of the licence and thereafter annually before renewal thereof.”.

Amendment of Schedule II to Act 4 of 1996, as substituted by section 70 of Act 4 of 1997, and amended by section 18 of Act 11 of 1997, section 4 of Act 5 of 1999, section 4 of Act 10 of 2000, section 1 of Act 9 of 2001 and section 1 of Act 7 of 2009

7. Schedule II to the principal Act is amended—

(a) by the substitution for the heading of the following heading:

“**[Application, licence and investigation fees] Fees and fines payable by an applicant or a licence holder in respect of the kinds of licences referred to below**”; and

(b) by the deletion of paragraphs 1 and 2.

Short title and commencement

8. This Act is called the Western Cape Seventeenth Gambling and Racing Amendment Act, 2013, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

Wysiging van artikel 40 van Wet 4 van 1996, soos vervang by artikel 34 van Wet 4 van 1997 en gewysig by artikel 6 van Wet 4 van 1999 en artikel 1 van Wet 4 van 2006

4. Artikel 40 van die Hoofwet word gewysig deur subartikel (1) met die volgende subartikel te vervang: 5

“(1) Behoudens die bepalings van hierdie Wet en die voorwaardes waarop ’n lisensie, uitgesonderd ’n tydelike lisensie, toegestaan is, word ’n lisensie vir ’n tydperk van twaalf maande uitgereik en word dit, onderworpe aan die voldoening aan die bepalings van hierdie Wet, jaarliks deur die Raad hernieu by voorlegging van die lisensie vir die vorige jaar en teen betaling van die voorgeskrewe jaarlikse lisensie- en ondersoekgelde [in paragraaf 2 van Bylae II uiteengesit].”. 10

Wysiging van artikel 41 van Wet 4 van 1996, soos vervang by artikel 35 van Wet 4 van 1997 en gewysig by artikel 7 van Wet 4 van 1999 en artikel 19 van Wet 4 van 2006

5. Artikel 41 van die Hoofwet word gewysig deur subartikel (2) met die volgende subartikel te vervang: 15

“(2) As daar ’n verandering is in die omstandighede waarin of, in die geval van ’n lisensiehouer uitgesonderd die houer van ’n perseellisensie, die plek waar die houer van ’n lisensie die aktiwiteite daardeur gemagtig wil uitvoer, wat sou vereis dat die voorwaardes van die lisensie gewysig moet word, moet die houer daarvan by die Hoof Uitvoerende Beampte aansoek doen om die wysiging van die lisensie, welke aansoek vergesel moet gaan van die [aansoekgeld soos uiteengesit in paragraaf 1 van Bylae II] voorgeskrewe nuwe lisensie-aansoekgelde; met dien verstande dat die Raad die betaling van sodanige geld of ’n gedeelte daarvan by die aanvoering van goeie redes kan kwytskeld en met dien verstande voorts dat die Raad, indien hy dit nodig ag, mag vereis dat die prosedure uiteengesit in artikel 32(2), nagekom word alvorens so ’n aansoek oorweeg sal word.”. 20 25

Wysiging van artikel 44 van Wet 4 van 1996, soos gewysig by artikel 38 van Wet 4 van 1997, artikel 12 van Wet 11 van 1997 en artikel 1 van Wet 5 van 1999

6. Artikel 44 van die Hoofwet word gewysig— 30

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die voorgeskrewe nuwe lisensie-aansoekgelde [uiteengesit in paragraaf 1 van Bylae II] moet deur elke aansoeker om ’n lisensie betaal word op die indiening van sodanige nuwe lisensie aansoek.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang: 35

“(2) Die voorgeskrewe jaarlikse lisensie- en ondersoekgelde [uiteengesit in paragraaf 2 van Bylae II] moet deur ’n lisensiehouer tydens die uitreiking van die lisensie en daarna jaarliks tydens hernuwing daarvan betaal word.”.

Wysiging van Bylae II van Wet 4 van 1996, soos vervang by artikel 70 van Wet 4 van 1997 en gewysig by artikel 18 van Wet 11 van 1997, artikel 4 van Wet 5 van 1999, artikel 4 van Wet 10 van 2000, artikel 1 van Wet 9 van 2001 en artikel 1 van Wet 7 van 2009

7. Bylae II van die Hoofwet word gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang: 45

“**[Aansoek-, lisensie- en ondersoekgelde] Gelde en boetes betaalbaar deur ’n aansoeker of ’n lisensiehouer ten opsigte van die soorte lisensies hieronder genoem**”; en

(b) deur paragrawe 1 en 2 te skrap.

Kort titel en inwerkingtreding 50

8. Hierdie Wet heet die Wes-Kaapse Sewentiende Wysigingswet op Dobbelay en Wedrenne, 2013, en tree in werking op ’n datum wat deur die Premier by proklamasie in die *Provinsiale Koerant* vasgestel sal word.

INQAKWANA LOKUCACISA NGOKUBANZI:

[] Amagama abhalwe ngqindilili kwizibiyeli ezisisikwere abonisa loo magama ashiyweyo kwimithetho ekhoyo ngoku.

Amagama akwelwe ngaphantsi ngomgca ongqindilili abonisa oko kuye kwafakelwa kwimithetho ekhoyo ngoku.

UMTHETHO WOLUNGISO

Ofakela izilungiso kuMthetho woLungiso woNgcakazo neMidyarho weNtshona Koloni ka-1996, ukuze kulungiselelwe ukwenziwa kwemiqathango yeentlawulo ezithile; nokuqwalasela neminye imiba enxulumene noku.

KUWISWA UMTHETHO ke ngoko yiNdlu yoWiso-mthetho yePhondo leNtshona Koloni ngolu hlobo lulandelayo:—

Ukufakwa kokunye endaweni yecandelo 6 loMthetho 4 ka-1996

1. Endaweni yeli candelo lilandelayo kufakwa kuMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (uMthetho watanci): 5

“(1) Kuxhomekeke kwicandelwana (2), [A] ilungu leBhodi liya kuba lilungu isithuba esingekho ngaphezulu kweminyaka emine, ngokokugqiba kweBhunga eliLawulayo ngexesha lokutyunjwa kwalo njengelungu leBhodi, yaye ilungu leBhodi lisenokuphinda linyulwe njengelungu leBhodi ekupheleni kwesithuba salo sobulungu kwibhodi. 10

(2) ISigqeba esiLawulayo singasongeza isithuba sobulungu bomntu kwiBhodi kangangesithuba esingekho ngaphezulu konyaka omnye.”. 10

Ukwenziwa kwezilungiso kwicandelo 32 loMthetho 4 ka-1996, njengoko latshintshwa ngecandelo 27 loMthetho 4 ka-1997 laze lenziwa izilungiso ngecandelo 9 loMthetho 11 ka-1997 necandelo 3 loMthetho 11 ka-2000 15

2. Icandelo 32 loMthetho watanci liyalungiswa ngokuthi endaweni yomhlathi (b) wecandelwana (1) kufakwe lo mhlathi ulandelayo:

“(b) ikhatshwe ngamaxwebhu neenkukacha ezigqitywe yiBhodi kwakunye nomrhumo omtsha wesicelo selayisenisi obekiweyo okanye imirhumo yelayisenisi neyophando yonyaka [echazwe kumhlathi 1 nowe-2 kwiShedyuli II], kuxhomekeke ukuba yeyiphi efanele ukusebenza, mali leyo ingasayi kubuyiswa, kananjalo”. 20

Ukwenziwa kwezilungiso kwicandelo 36 loMthetho 4 ka-1996, njengoko wenziwa izilungiso ngecandelo 30 loMthetho 4 ka-1997 necandelo 1 loMthetho 4 ka-2006

3. Icandelo 36 loMthetho watanci liyalungiswa ngokuthi endaweni yecandelwana (1) kufakelwe eli candelwana lilandelayo: 25

“(1) IBhodi inokuthi, kuxhomekeke kwemiqathango yalo Mthetho, kumba wentlawulo yomrhumo wokufaka isicelo selayisenisi entsha ebekiweyo, [echazwe kumhlathi 1 kaShedyuli II] nemiqathango ebekiweyo, ingathi inikeze ilayisenisi

yethutyana yaye ngokwaloo layisenisi ingavumela ukuba kusetyenziswe isakhiwo esithile okwethutyana.”.

Ukwenziwa kwezilungiso kwicandelo 40 loMthetho 4 ka-1996, njengoko latshintshwa ngecandelo 34 loMthetho 4 ka-1997 laze lenziwa izilungiso ngecandelo 6 loMthetho 4 ka-1999 nangecandelo 1 loMthetho 4 ka-2006 5

4. Icandelo 40 loMthetho watanci liyalungiswa ngokuthi endaweni yecandelwana (1) kufakwe eli candelwana lilandelayo:

“(1) Ilayisenisi ngaphandle kwelayisenisi yethutyana, iya kuthi, phantsi kwale miqathango yalo Mthetho nangokwemiqathango ebikhutshwe phantsi kwayo, ikhutshelwe iinyanga ezilishumi elinesibini, ze ngokuxhomekeka ekubeni ibe ithotyelwe imiqathango yalo Mthetho, imane ihlaziywa qho ngonyaka yiBhodi xa kuvezwe ilayisenisi yonyaka odlulileyo naxa kuhlawulwe imirhumo yonyaka yelayisenisi neyophando ebekiweyo [echazwe kumhlathi 2 kaShedyuli II].”.

Ukwenziwa kwezilungiso kwicandelo 41 loMthetho 4 ka-1996, njengoko latshintshwa ngecandelo 35 loMthetho 4 ka-1997 laze lenziwa izilungiso ngecandelo 7 loMthetho 4 ka-1999 necandelo 19 loMthetho 4 ka-2006 15

5. Icandelo 41 loMthetho watanci liyalungiswa ngokuthi endaweni yecandelwana (2) kufakwe eli candelwana lilandelayo:

“(2) Ukuba ngaba kukho utshintsho kwimeko yomnini-layisenisi, ngaphandle kwalowo unelayisenisi yesakhiwo, xa ngaba ufuna ukutshintsha indawo enzela kuyo umsebenzi lowo awunikelwe ilayisenisi, nto leyo eya kunyanzelisa ukuba imiqathango yelayisenisi ilungiswe, umnini-layisenisi uya kuthi afake isicelo kwiGosa eliyiNgqonyela ukuze ilayisenisi yakhe ilungiswe, yaye eso sicelo kufuneka sikhathshwe yintlawulo yomrhumo wokufaka isicelo selayisenisi entsha ebekiweyo, [echazwe kumhlathi 1 kaShedyuli II]; ngaphandle kokuba iBhodi, inokunika izizathu ezivakalayo zokuba umnini-layisenisi makangawuhlawuli wonke lo mrhumo okanye inxalenye yawo, kananjalo ukuba iBhodi ibona kuyimfuneko, iya kunyanzelisa ukuba inkqubo echazwe kwicandelo 32(2) mayithotyelwe phambi kokuqwalasela eso sicelo.”.

Ukwenziwa kwezilungiso kwicandelo 44 loMthetho 4 ka-1996, njengoko wenziwa izilungiso ngecandelo 38 loMthetho 4 ka-1997, icandelo 12 loMthetho 11 ka-1997 necandelo 1 loMthetho 5 ka-1999 30

6. Icandelo 44 loMthetho watanci liyalungiswa—

(a) ngokuthi endaweni yecandelwana (1) kufakelwe eli candelwana lilandelayo:

“(1) Imirhumo emitsha yokufaka isicelo ebekiweyo, [echazwe kumhlathi 1 kaShedyuli II] iya kuhlawulwa ngabo bonke abafakizicelo beelayisenisi xa bengenisisa izicelo ezitsha zelayisenisi.”; kananjalo

(b) ngokuthi endaweni yecandelwana (2) kufakelwe eli candelwana lilandelayo:

“(2) Imirhumo emitsha yokufaka isicelo ebekiweyo [echazwe kumhlathi 2 kaShedyuli II] iya kuhlawulwa ngumnini-layisenisi xa enikwa ilayisenisi ze emva koko ihlaziywe qho ngonyaka.”.

Ukwenziwa kwezilungiso kwiShedyuli II yoMthetho 4 ka-1996, njengoko latshintshwa ngecandelo 70 loMthetho 4 ka-1997, yaze yenziwa izilungiso ngecandelo 18 loMthetho 11 ka-1997, icandelo 4 loMthetho 5 ka-1999, icandelo 4 loMthetho 10 ka-2000, icandelo 1 loMthetho 9 ka-2001 necandelo 1 loMthetho 7 ka-2009 45

7. Ishedyuli II kuMthetho watanci yenziwa izilungiso—

(a) ngokuthi endaweni yesihloko esikhoyo kufakelwe esi sihloko silandelayo:

Imirhumo “[yokufaka isicelo, eyelayisenisi kunye neyophando] [f] kunye namatyala ekufuneka ehlawulwe ngumfaki-sicelo okanye ngumnini-layisenisi elayisenisi ekubhekiswe kuyo apha ngezantsi”; kwakunye

(b) nokucinywa kwemihlathi 1 nowe-2.

Isihloko esifutshane nomhla wokuqalisa

8. Lo Mthetho ubizwa ngokuba nguMthetho woLungiso weShumi elineSixhenxe woNgcakazo neMidyarho weNtshona Koloni, 2013, kwaye uya kuqalisa ukusebenza ngaloo mhla uye wabekwa yiNkulumbuso yePhondo ngompoposho oya kukhutshwa kwi*Gazethi yePhondo*.