



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

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PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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IZIQUATHO

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(\*Ushicilelo olutsha lufumaneka kwiGumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

Provincial Notice

Provinsiale Kennisgewing

ISaziso sePhondo

The following draft Bill and draft regulations are published for comment:

Die volgende Konsepwetsontwerp en konsepregulasies word vir kommentaar gepubliseer:

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Any person or organisation wishing to comment on the draft Bill or draft regulations is requested to lodge the comments in writing before or on 11 April 2018—

Enige persoon of organisasie wat kommentaar op die Konsepwetsontwerp of konsepregulasies wil lewer, word versoek om die kommentaar skriftelik in te dien voor of op 11 April 2018—

Nabani na okanye nawuphi na umbutho onqwenela ukunika izimvo kuQulunqo lomthetho osayilwayo okanye kuqulunqo lwemigaqo ucelwa ukuba afake uluvo ngokubhaliweyo phambi okanye ngomhla we-11 kuTshazimpuzi 2018—

- (a) by posting the comments to: Ms Claire Horton Provincial Treasury Private Bag X9165 Cape Town 8000;
(b) by e-mailing the comments to: Claire.Horton@westerncape.gov.za;
(c) by faxing the comments to: Fax no. 021 483 4337; or
(d) by delivering the comments to: Ms Claire Horton Provincial Treasury Room 307 (3rd Floor) Provincial Legislature Building 7 Wale Street Cape Town.

- (a) deur die kommentaar te pos aan: Me. Claire Horton Provinsiale Tesourie Privaatsak X9165 Kaapstad 8000;
(b) deur die kommentaar te e-pos na: Claire.Horton@westerncape.gov.za;
(c) deur die kommentaar te faks na: Faks 021 483 4337; of
(d) deur die kommentaar af te lewer by: Me. Claire Horton Provinsiale Tesourie Kamer 307 (3rde Verdieping) Provinsiale Wetgewer-gebou Waalstraat 7 Kaapstad.

- (a) ngokuposa izimvo ku: Nkszn Claire Horton Provincial Treasury Private Bag X9165 Cape Town 8000;
(b) ngoku imeyilela izimvo ku: Claire.Horton@westerncape.gov.za;
(c) ngokuthumela ifeksi ku: Inombolo yefeksi. 021 483 4337; okanye
(d) ngokusa izimvo ku: Nkszn Claire Horton Provincial Treasury Room 307 (3rd Floor) Provincial Legislature Building 7 Wale Street Cape Town.

The name, telephone number, e-mail and/or fax number, and address of the person submitting the comment should be clearly indicated.

Die naam, telefoonnommer, e-posadres en/of faksnommer, en adres van die persoon wat die kommentaar lewer, moet duidelik aangedui word.

Igama, inombolo yemfonomfono, idilesi yeimeyile kunye/okanye inombolo yefeksi kunye nedilesi yomntu ofake izimvo kufuneka ibhalwe ngokucacileyo.

For queries contact Ms Claire Horton at 021 483 6037.

Vir navrae skakel me. Claire Horton by 021 483 6037.

Ngemibuzo qhakamshelana noNkosazana Claire Horton ku-021 483 6037.



- (b) by the insertion after the definition of “Depository institution” of the following definition:
  - “‘designated group’ means designated group as defined in the Preferential Procurement Regulations, 2017;”;
- (c) by the deletion of the definition of “Development application”; and
- (d) by the insertion after the definition of “Institutional investor” of the following definition:
  - “‘Integral ancillary facilities’, in respect of a casino development, means any facilities that are intended to form an integral part of the development, including hotels, conference centres, restaurants, sports facilities, business facilities, entertainment facilities, residential facilities, holiday accommodation and game parks;”.

**Amendment of section 18 of Act 4 of 1996, as amended by section 16 of Act 4 of 1997 and section 7 of Act 11 of 1997**

- 2. Section 18 of the principal Act is amended—
  - (a) by the substitution for paragraph (a) of subsection (8) of the following paragraph:
    - “(a) investigations into or matters concerning private information in respect of any applicant for a licence or the amendment of a licence;”;
  - (b) by the substitution for paragraph (d) of subsection (8) of the following paragraph:
    - “(d) when deliberating on any matter the publication of which may, in the opinion of the Board, enable any applicant for a licence or the amendment of a licence to procure an unfair advantage over any other applicant.”.

**Amendment of section 23 of Act 4 of 1996, as amended by section 20 of Act 4 of 1997, section 8 of Act 10 of 1997, section 2 of Act 4 of 1999, section 4 of Act 1 of 2003 and sections 1 and 10 of Act 4 of 2006**

- 3. Section 23 of the principal Act is amended—
  - (a) by the substitution in subsection (1) for subparagraph (i) of paragraph (a) of the following subparagraph:
    - “(i) an application for a licence, or the amendment of a licence, under this Act;”;
  - (b) by the substitution in subsection (1) for subparagraph (i) of paragraph (b) of the following subparagraph:
    - “(i) any applicant for a licence or the amendment of a licence;”;
  - (c) by the deletion of subsection (2); and
  - (d) by the substitution for subsection (5) of the following subsection:
    - “(5) At any hearing in respect of an application for a licence, or the amendment of a licence, under this Act, the person applying for [such a] the licence or the amendment of the licence and any person objecting to the granting of [such a] the licence or the amendment of the licence shall be entitled to appear before the Board and to call witnesses in support of the application or objection and to cross-examine any other witness.”.

**Repeal of section 32A of Act 4 of 1996, as inserted by section 10 of Act 10 of 1997 and amended by section 1 of Act 4 of 2006**

- 4. Section 32A of the principal Act is repealed.

**Repeal of section 32B of Act 4 of 1996, as inserted by section 10A of Act 10 of 1997**

- 5. Section 32B of the principal Act is repealed.

**Amendment of section 33 of Act 4 of 1996, as amended by section 1 of Act 4 of 2006**

6. Section 33 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) **[Any body which or]** A person who wishes to object to or comment on any application made **[for a licence]** under this Act that is published in terms of section 32(2)(a) may do so by giving written notice thereof to the Board and setting out the grounds of the objection or comment in the prescribed manner.”.

**Amendment of section 34 of Act 4 of 1996, as substituted by section 28 of Act 4 of 1997 and amended by section 1 of Act 4 of 2006**

7. Section 34 of the principal Act is amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“By submitting an application **[for a licence]** under this Act, the applicant consents that the Board or any member or authorised officer thereof may—”.

**Amendment of section 35 of Act 4 of 1996, as amended by section 29 of Act 4 of 1997, section 11 of Act 10 of 1997, section 5 of Act 4 of 1999 and sections 1 and 16 of Act 4 of 2006**

8. Section 35 of the principal Act is amended by the substitution in subsection (3) for subparagraph (iii) of paragraph (a) of the following subparagraph:

“(iii) the development is not undesirable within the specific geographical environment, with reference to social, religious, educational, cultural, economic, environmental[,] and transport **[and land-use]** aspects;”.

**Insertion of section 35A in Act 4 of 1996**

9. The following section is inserted in the principal Act after section 35:

**“Amendment applications and corrections**

**35A.** (1) Subject to subsection (2) and sections 41(1) and 41B(1), a licence holder may apply to the Board for the amendment of any details specified in the licence held by the licence holder.

(2) The following may not be amended in terms of subsection (1):

- (a) the period of validity of a licence; or
- (b) the details of the premises specified in a licence contemplated in section 27(dA), (j), (kA) or 47.

(3) A licence holder that applies for the amendment of a licence shall pay the prescribed amendment application fee.

(4) The provisions of sections 32, 33 and 35(1), (2) and (4) apply, with the necessary changes, to amendment applications, subject to subsection (5).

(5) The Board may dispense with the requirements of section 32(2) in respect of an amendment application where a decision by the Board in terms of section 35(4) will affect only the applicant.

(6) The Board may correct any errors in a licence.

(7) The provisions of subsections (3), (4) and (5) do not apply to the correction of any errors in a licence.

(8) Notwithstanding subsection (7), section 35(1) applies, with the necessary changes, to a request by a licence holder to the Board to correct any errors in the licence held by the licence holder.

(9) The Board may not impose any fees or charges upon a licence holder for correcting any errors in a licence or issuing an amended licence to the licence holder after correcting the errors.

(10) Where the Board grants an amendment application, or corrects any errors in a licence, the Chief Executive Officer shall cause an amended licence to be issued to the licence holder.

(11) The licence holder shall deliver the current licence to the Board before an amended licence is issued in terms of subsection (10).”.

**Amendment of section 37 of Act 4 of 1996, as amended by section 31 of Act 4 of 1997 and sections 1 and 17 of Act 4 of 2006**

10. Section 37 of the principal Act is amended—

(a) by the insertion in subsection (1) after paragraph (l) of the following paragraph:

“(lA) relating to the relocation of businesses or activities, including the following matters:

- (i) broad-based black economic empowerment in the area to which a casino will relocate or relocates;
- (ii) the provision of economic opportunities by the holder of a casino operator licence in the area to which the casino will relocate or relocates;
- (iii) the mitigation, by the holder of a casino operator licence, of any negative impacts of relocating the casino on the area to or from which the casino will relocate or relocates; and
- (iv) commitments made in terms of section 53 of the National Act;”;

(b) by the deletion of paragraph (m) of subsection (1).

**Amendment of section 41 of Act 4 of 1996, as substituted by section 35 of Act 4 of 1997 and amended by section 10 of Act 11 of 1997, section 7 of Act 4 of 1999, sections 1 and 19 of Act 4 of 2006 and section 5 of Act 7 of 2013**

11. Section 41 of the principal Act is amended by the deletion of subsections (2) and (3).

**Insertion of section 41B in Act 4 of 1996**

12. The following section is inserted in the principal Act after section 41A:

**“Relocation**

**41B.** (1) Subject to subsection (2), if the holder of a licence contemplated in section 27(a), (d), (e), (f), (g), (hB), (i) or (k) or 46 wishes to relocate the business or activities authorised by the licence from the licensed premises to other premises, the licence holder shall apply to the Board in terms of section 35A(1) to amend the details of the premises specified in the licence.

(2) Subsection (1) does not apply to a person who holds a national employment licence as contemplated in the National Act.

(3) If the holder of a licence contemplated in section 27(dA), (j), (kA) or 47 wishes to relocate the business or activities authorised by the licence from the licensed premises to other premises, the licence holder shall apply to the Board for the relevant licence for the proposed premises.

(4) The Board shall not approve an application contemplated in subsection (1) relating to the relocation of a casino unless it is satisfied that—

- (a) the proposed relocation will not be undesirable for the economy of, or the development of job opportunities in, the Province;
- (b) the applicant is of good financial standing and has adequate means to undertake the proposed development or establishment of the relocated casino and any integral ancillary facilities and to sustain the casino and facilities;
- (c) the applicant operates the casino at the current licensed premises in a manner that is consistent with this Act, the conditions of the licence, the National Act and any applicable prescripts made in terms of the National Act;
- (d) the applicant will, to the extent possible, create new jobs at the relocated casino and any integral ancillary facilities;
- (e) the applicant will contribute to broad-based black economic empowerment in the area to which the casino will relocate;

- (f) the applicant will provide economic opportunities for designated groups that reside in the area to which the casino will relocate;
- (g) the applicant will ensure that designated groups hold financial interests in the relocated casino;
- (h) the applicant will undertake measures to facilitate the social or economic development of disadvantaged communities in the areas to and from which the casino will relocate, subject to subsection (5); and
- (i) the applicant will continue to support businesses based in the area from which the casino will relocate, to the extent agreed with the Board.

(5) The holder of a casino operator licence must, for the purposes of subsection (4)(h), provide, at least, sustainable community facilities and any other sustainable infrastructure, in the communities contemplated in that subsection.

(6) The provisions of section 35(3)(a)(ii), (iii), (iv) and (v) apply, with the necessary changes, to an application contemplated in subsection (1) relating to the relocation of a casino.

(7) When a casino relocates, any commitments made by the holder of a casino operator licence as contemplated in section 53(1) of the National Act continue to apply, with the necessary changes, unless the commitments are no longer relevant.

(8) The Board may require the holder of a casino operator licence to mitigate any negative impacts of relocating the casino on the area to or from which the casino will relocate or relocates.

(9) The manner in which the holder of the casino operator licence mitigates the impacts contemplated in subsection (8), and the time frames that apply to the mitigation of the impacts, shall be as approved by the Board.

(10) An application contemplated in subsection (1) relating to the relocation of a casino shall include a report, in the form determined by the Board, that contains at least the following information:

- (a) a list of potential negative impacts of relocating the casino;
- (b) an indication whether any of the negative impacts contemplated in paragraph (a) require mitigation; and
- (c) where an indication has been given that negative impacts contemplated in paragraph (a) require mitigation, proposals regarding the manner in which the negative impacts should be mitigated.

(11) The provisions of subsection (10) do not limit the Board's powers contemplated in subsection (8).

(12) Notwithstanding the granting of an application contemplated in subsection (1) relating to the relocation of a casino, the amendment of the licence concerned takes effect on the date that the holder of the casino operator licence begins operating the relocated casino.

(13) The date of operation contemplated in subsection (12) shall be determined by the holder of the casino operator licence after consultation with the Board.

(14) Notwithstanding the granting of an application contemplated in subsection (1) relating to the relocation of a casino, and notwithstanding subsections (12) and (13), the holder of the casino operator licence may not begin operating the relocated casino until the following requirements have been met:

- (a) the development or establishment of the casino has been completed;
- (b) the holder of the casino operator licence has provided the Board with copies of all relevant approvals or documents that the holder of the casino operator licence is required to obtain from competent authorities in terms of the applicable legislation in relation to the development or establishment of the casino, or the commencement of operations at the casino;
- (c) the Board has inspected the premises of the casino; and
- (d) the Board has approved the commencement of operations at the casino.



(15) Where any integral ancillary facilities are to be developed or established, the provisions of subsection (14) apply, with the necessary changes.

(16) The Board may permit the holder of the casino operator licence to begin operating the relocated casino notwithstanding the fact that some or all of the proposed integral ancillary facilities have not yet been developed or established.

(17) After the requirements of subsection (14) have been met, the holder of the casino operator licence shall deliver the current licence to the Board.

(18) Notwithstanding the effective date contemplated in subsection (12), or the provisions of section 41(4), the holder of the casino operator licence shall cease operating the casino at the current licensed premises when it delivers the current licence to the Board.

(19) Notwithstanding subsection (18), the Board may at any time provide the holder of the casino operator licence with written consent in terms of section 41(4) to cease operating the casino, for the purpose of facilitating the relocation process.

(20) Where the holder of a casino operator licence that has applied for the amendment of its licence for the purpose contemplated in subsection (1) applies for the renewal of its licence in terms of section 40, the application shall relate to the casino at the current licensed premises.”.

**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, section 1 of Act 5 of 1999 and section 6 of Act 7 of 2013**

13. Section 44 of the principal Act is amended by the substitution for subsection (3) of the following subsection:

“(3) The fees contemplated in subsections (1) and (2) shall be payable to the Board.”.

**Repeal of section 44A, as inserted by section 13 of Act 11 of 1997**

14. Section 44A of the principal Act is repealed.

**Repeal of section 44B, as inserted by section 13 of Act 11 of 1997 and amended by section 1 of Act 10 of 2000**

15. Section 44B of the principal Act is repealed.

**Insertion of sections 44D and 44E in Act 4 of 1996**

16. The following sections are inserted in the principal Act after section 44C:

**“Casino operator fees**

**44D.** A casino operator fee, as set out in paragraph 6 of Schedule II, shall be payable to the Board by the holder of a casino operator licence.

**Economic opportunity fees**

**44E.** (1) The holder of a casino operator licence whose application contemplated in section 41B(1) is granted shall pay the prescribed economic opportunity fee.

(2) The economic opportunity fee is payable to the Western Cape Government.

(3) The holder of the casino operator licence shall pay the economic opportunity fee within five days from the date on which the Board informs it that the application has been granted.

(4) The Board shall collect the economic opportunity fee and pay the fee into the Provincial Revenue Fund within five days of collection.”.

**Amendment of section 45 of Act 4 of 1996**

17. Section 45 of the principal Act is amended—

(a) by the substitution for subsection (4) of the following subsection:

“(4) A casino operator licence shall attach to the premises specified in the licence[, **and which shall be developed in accordance with the approved development application**].”;

(b) by the insertion of the following subsection after subsection (4):

“(4A) The premises contemplated in subsection (4) shall be developed in accordance with applicable legislation and any conditions which the Board may impose.”.

**Amendment of section 75 of Act 4 of 1996, as amended by section 61 of Act 4 of 1997, section 16 of Act 10 of 1997, section 15 of Act 11 of 1997, section 4 of Act 8 of 1998, section 2 of Act 10 of 2000, section 6 of Act 1 of 2003 and sections 1 and 33 of Act 4 of 2006**

18. Section 75 of the principal Act is amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) contravenes any condition of a licence [**and in the case of a casino operator licence any condition of the concomitant approved development application**];”.

**Amendment of section 81 of Act 4 of 1996, as amended by section 65 of Act 4 of 1997, section 17 of Act 10 of 1997, section 6 of Act 8 of 1998, section 8 of Act 1 of 2003 and section 1 of Act 4 of 2006**

19. Section 81 of the principal Act is amended—

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

“(b) any matter pertaining to an application for a licence or the renewal or amendment of a licence;”;

(b) by the deletion of paragraph (c) of subsection (1);

(c) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) the maximum [**permissible**] number of licences of any particular kind that may from time to time be granted or held in a particular area;”;

(d) by the deletion of paragraph (f) of subsection (1); and

(e) by the insertion in subsection (1) after paragraph (g) of the following paragraph:

“(gA) the extent of any area contemplated in this Act;”.

**Amendment of section 82 of Act 4 of 1996, as amended by section 66 of Act 4 of 1997, section 18 of Act 10 of 1997, section 9 of Act 1 of 2003 and section 1 of Act 4 of 2006**

20. Section 82 of the principal Act is amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) any matter pertaining to an application for a licence or the renewal or amendment of a licence;”.



**Amendment of Schedule II to Act 4 of 1996, as substituted by section 70 of Act 4 of 1997 and as 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, section 1 of Act 7 of 2009 and section 7 of Act 7 of 2013**

21. Schedule II to the principal Act is amended—

- (a) by the deletion of paragraphs 3 and 4;  
 (b) by the substitution for paragraph 5 of the following paragraph:

“5. The limited gambling machine operator fees payable in terms of section 44C are as follows:

<b>Size of limited gambling machine operator</b>	<b>Limited gambling machine operator fee</b>
Where the number of limited gambling machines does not exceed 500 machines per operator	<b>[R500 000,00]</b> R1,775 million per annum <b>[for a period of ten years]</b> escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time
Where the number of limited gambling machines exceeds 500 machines per operator but does not exceed 1 000 machines per operator	<b>[R1 000 000,00]</b> R3,550 million per annum <b>[for a period of ten years]</b> escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time
Where the number of limited gambling machines exceeds 1 000 machines per operator	<b>[R1 500 000,00]</b> R5,325 million per annum <b>[for a period of ten years]</b> escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time

”; and

- (c) by the addition of the following paragraph after paragraph 5:

“6. The casino operator fees payable in terms of section 44D are as follows:

<b>Value of casino development</b>	<b>Casino operator fee</b>
Where the value of the casino development does not exceed R175,0 million	R2,550 million per annum escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time
Where the value of the casino development exceeds R175,0 million	R6,500 million per annum escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time

”.

**Amendment of Schedule III to Act 4 of 1996, as amended by section 71 of Act 4 of 1997, section 2 of Act 9 of 1998, section 2 of Act 9 of 2001, section 2 of Act 8 of 2002, section 1 of Act 3 of 2003, section 1 of Act 7 of 2003, section 1 of Act 4 of 2006 and section 1 of Act 8 of 2013**

22. Part B of Schedule III to the principal Act is amended by the substitution for subparagraph (a) of paragraph 1 of the following subparagraph:

**“Casino operator licence**

(a) In respect of the taxable revenue in any tax period, an amount of tax calculated in accordance with the table below:

<u>TAXABLE REVENUE</u>	<u>RATES OF TAX IN RESPECT OF CASINO OPERATOR LICENCE</u>
Where the taxable revenue in the tax period—	
does not exceed R36,0 million	8% of each R1 of the taxable revenue
exceeds R36,0 million	R2,880 million plus 19% of the amount by which the taxable revenue exceeds R36,0 million

”.

**Substitution of expression in Act 4 of 1996**

23. The principal Act is amended by the substitution for the expression “Provincial Administration: Western Cape”, wherever it occurs, of the expression “Western Cape Government”.

**Amendment of Arrangement of Sections in Act 4 of 1996, as amended by section 2 of Act 4 of 1997 and section 2 of Act 4 of 2006**

24. The Arrangement of Sections before section 1 of the principal Act is amended—

- (a) by the insertion after the reference to the heading of section 35 of the following item:  
“35A. Amendment applications and corrections”;
- (b) by the insertion after the reference to the heading of section 41A of the following item:  
“41B. Relocation”; and
- (c) by the insertion before the reference to the heading of section 45 of the following items:  
“44D. Casino operator fees  
44E. Economic opportunity fees”.

**Short title and commencement**

25. (1) This Act is called the Western Cape Nineteenth Gambling and Racing Amendment Act, 2018, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

(2) Notwithstanding subsection (1), the deletion of the words “for a period of ten years” from paragraph 5 of Schedule II to the principal Act, as contemplated in section 21(b) of this Act, is regarded as having come into operation on 1 January 2014.

**MEMORANDUM ON THE OBJECTS OF THE  
DRAFT WESTERN CAPE NINETEENTH GAMBLING AND RACING  
AMENDMENT BILL, 2018**

**1. BACKGROUND**

- 1.1 In 1997 the Western Cape Provincial Cabinet issued Policy Determinations (published under Provincial Notice 304/1997 in *Provincial Gazette* 5170 of 29 August 1997) to be adhered to by the Western Cape Gambling and Racing Board (the Board) in establishing the licensed gambling industry in the Western Cape.
- 1.2 The Policy Determinations provide, among other things, that the five casino operator licences allocated to the Western Cape are to be distributed one each to five geographically distinct regions.
- 1.3 The Policy Determinations provide further that casino operator licences are exclusive for a period of ten years and that exclusivity fees are to be paid for that period.
- 1.4 The Policy Determinations also list certain factors that the Board must have regard to when considering applications for casino operator licences. Furthermore, there was the requirement for each casino operator licence holder to make contributions to sustainable community projects in the particular area in which they were located. The casino operator licensed in the Cape Metropolitan region was required to make a financial contribution of R135 million for a world-class convention centre.
- 1.5 There are currently five casinos operating in the Western Cape. When the casinos were established, they were each granted a licence to operate a casino exclusively within a demarcated geographic area for a ten-year period. The allocation of the five casinos, one in each region, was aligned with the five municipal districts as follows: Cape Metropolitan area, Overberg, West Coast, Southern Cape and Breede River. The Policy Determinations provided for the Cape Metropolitan casino to have a 75-kilometre exclusivity radius calculated from the City Hall of Cape Town.
- 1.6 The exclusivity periods have now expired. Going forward, the exclusivity regime for casino operators as contemplated above will not apply. Relocation is now possible, however, a maximum of three casinos may be located in the Cape Metropolitan area.
- 1.7 Casinos will continue to pay annual licence and investigation fees. Casino operator fees will also be payable. Further, a revised tax structure will apply and, in the case where the Board permits the relocation of a casino, certain economic opportunity fees will be payable.
- 1.8 Given the above, the Policy Determinations will be withdrawn in due course.

**2. OBJECTS OF BILL**

- 2.1 The main objective of the Draft Western Cape Nineteenth Gambling and Racing Amendment Bill, 2018 (the Bill), is to amend the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996)(the Act), in order to provide for the system that will replace the exclusivity regime described. This requires a number of technical and substantive amendments to be made to the Act.
- 2.2 Further, the Bill introduces measures to promote the financial self-sustainability of the Board. A new casino operator fee is introduced. The fee was calculated based on what the casinos would have been required to pay should the exclusivity period not have expired. Furthermore, the casino operator fee is linked to the original value of the casino development, distinguishing between where the value of the casino development was below the threshold value of R175 million or exceeded R175 million. This fee will be levied annually and is introduced to ensure consistency with the operator fee levied upon limited gambling machine operators

and to contribute towards the financial self-sustainability of the Board. The levying of this fee is in line with the principle that the industry pays for its regulation.

- 2.3 The Bill sees the replacement of the six-band progressive tax structure with a two-band tax structure. The revised tax structure is based on the following three principles: (1) there should not be a net loss of aggregate tax revenue to the Province following any changes to the spatial distribution of casinos across the Province, (2) the tax structure should not influence the commercial decisions of casinos to relocate to the Cape Metropolitan area, and (3) any non-relocating casinos should not face an increased tax burden. Taking these considerations into account, any changes to provincial tax collections are a function of Gross Gambling Revenue and not as a result of the change in the tax structure.
- 2.4 The Bill sees the introduction of economic opportunity fees. An economic opportunity fee is the additional value that will accrue to the holder of a casino operator licence as a direct result of a casino relocation versus the status quo and is linked to the anticipated increase in annual Gross Gambling Revenue estimates. The economic opportunity fees are prescribed and are payable by the casino operators within five days of the approval by the Board of the amendment application relating to the change in premises.
- 2.5 Further, the Bill seeks to revise certain provisions relating to limited gambling machine operator fees. The payment of these fees contributes towards promoting the financial self-sustainability of the Board as well as the principle of ensuring that the industry pays for its regulation.
- 2.6 A further objective of the Bill is to remove from the Act provisions regarding development applications and other planning matters that are dealt with by municipalities or the Department of Environmental Affairs and Development Planning and not the Board.

### 3. CONTENTS OF BILL

- 3.1 **Clause 1** of the Bill amends section 1 of the Act by inserting new definitions that are relevant to the relocation of casinos.

Further, it deletes the definition of “Development application” from section 1 of the Act. This is a consequential amendment arising from the repeal of section 32A of the Act.

- 3.2 **Clause 2** of the Bill makes consequential amendments to section 18(8) of the Act as a result of the insertion of sections 35A and 41B.
- 3.3 **Clause 3** of the Bill makes consequential amendments to section 23(1) and (5) of the Act as a result of the insertion of sections 35A and 41B.

Further, it deletes section 23(2) in order to afford the Board flexibility regarding whether it conducts hearings. This is consistent with the wording of section 23(1)(a).

- 3.4 **Clause 4** of the Bill repeals section 32A of the Act. Development applications are dealt with by municipalities or the Department of Environmental Affairs and Development Planning and not by the Board.
- 3.5 **Clause 5** of the Bill repeals section 32B of the Act. Land-use aspects, in the sense contemplated in section 32B of the Act, are dealt with by municipalities and not by the Board.
- 3.6 **Clause 6** of the Bill amends section 33(1) of the Act by restricting the types of applications on which a member of the public may comment. The public will only be able to comment on those applications that are published for public comment in terms of section 32(2)(a).

- 3.7 **Clause 7** of the Bill widens the scope of section 34(2) of the Act. The intention is that the provisions of section 34(2) apply to all kinds of applications and not only to licence applications.
- 3.8 **Clause 8** of the Bill amends section 35(3)(a)(iii) of the Act by removing the reference to land-use aspects. Land-use aspects, in the sense contemplated in section 35(3)(a)(iii) of the Act, will be considered by the applicable municipalities.
- 3.9 **Clause 9** of the Bill inserts section 35A into the Act. Section 35A sets out the procedure for the amendment and correction of licences. When the holders of certain licences, including the holder of a casino operator licence, wish to relocate the business or activities authorised by the licence, they must apply in terms of section 35A for the amendment of the licence.
- 3.10 **Clause 10** of the Bill amends section 37 of the Act by providing for the Board to impose conditions relating to the relocation of businesses or activities.
- Further, it deletes section 37(1)(m) of the Act. This is a consequential amendment arising from the repeal of section 32A.
- 3.11 **Clause 11** of the Bill deletes section 41(2) and (3) of the Act. This is a consequential amendment arising from the insertion of sections 35A and 41B.
- 3.12 **Clause 12** of the Bill inserts section 41B into the Act. Section 41B sets out the procedure that applies should the holders of certain licences, including the holder of a casino operator licence, wish to relocate the business or activities authorised by the licences.
- 3.13 **Clause 13** of the Bill substitutes section 44(3) of the Act. It provides for certain fees to be paid to the Board. These fees will no longer be paid to the Western Cape Government.
- 3.14 **Clause 14** of the Bill repeals section 44A of the Act. Section 44A relates to exclusivity fees to be paid by the holders of casino operator licences. These fees are no longer applicable.
- 3.15 **Clause 15** of the Bill repeals section 44B of the Act. Section 44B relates to bid fees, which are no longer applicable.
- 3.16 **Clause 16** of the Bill inserts sections 44D and 44E into the Act.
- Section 44D provides for casino operator fees to be paid by the holder of a casino operator licence.
- Section 44E provides for economic opportunity fees to be paid by the holder of a casino operator licence whose application contemplated in section 41B(1) (an application for the amendment of the licence for the purpose of changing the details of the premises) is granted.
- 3.17 **Clause 17** of the Bill amends section 45 of the Act by removing certain words relating to development applications. It also provides for the manner in which casino premises are to be developed. These are consequential amendments arising from the repeal of section 32A.
- 3.18 **Clause 18** of the Bill makes consequential amendments to section 75(1)(b) of the Act as a result of the repeal of section 32A.
- 3.19 **Clause 19** of the Bill makes consequential amendments to section 81(1) of the Act as a result of the insertion of sections 35A and 41B and the repeal of section 32A of the Act.
- 3.20 **Clause 20** of the Bill makes consequential amendments to section 82(1)(a) of the Act as a result of the insertion of sections 35A and 41B.

- 3.21 **Clause 21** of the Bill makes consequential amendments to Schedule II to the Act as a result of the repeal of sections 44A and 44B of the Act.

Further, it amends the paragraph relating to limited gambling machine operator fees. It also adds a paragraph that sets out the casino operator fees to be paid in terms of section 44D.

- 3.22 **Clause 22** of the Bill amends Part B of Schedule II to the Act by providing for a revised tax structure applicable to casino operator licences. There will now be two tax brackets instead of six.

- 3.23 **Clause 23** of the Bill substitutes an expression in the Act.

- 3.24 **Clause 24** of the Bill provides for the amendment of the Arrangement of Sections of the Act.

- 3.25 **Clause 25** of the Bill provides for the short title and commencement of the Act. It also provides for the commencement of the deletion of certain words.

#### **4. LEGISLATIVE COMPETENCE**

The Provincial Minister responsible for financial matters in the Province is satisfied that the provisions of the Bill fall within the legislative competence of the Province.

#### **5. CONSULTATION**

Western Cape Gambling and Racing Board

Department of the Premier: Legal Services

Casino operators were consulted regarding the system to be put in place after the expiry of the exclusivity periods.

#### **6. FINANCIAL IMPLICATIONS**

The financial implications are as set out in the Bill, inclusive of revisions to the casino tax schedule, the introduction of new fees and the inflationary adjustment of certain fees.

#### **7. PERSONNEL IMPLICATIONS**

None





- (c) deur ná die omskrywing van “Institusionele belegger” die volgende omskrywing in te voeg:  
 “‘Integrale bykomstige fasiliteite’, ten opsigte van ’n casino-ontwikkeling, enige fasiliteite wat bedoel is om ’n integrale deel van die ontwikkeling uit te maak, met inbegrip van hotelle, konferensiesentrums, restaurante, sportfasiliteite, besigheidsfasiliteite, vermaaklikheidsfasiliteite, wooneenhede, vakansie-akkommodasie en wildparke;”; en
- (d) deur die omskrywing van “Ontwikkelingsaansoek” te skrap.

**Wysiging van artikel 18 van Wet 4 van 1996, soos gewysig by artikel 16 van Wet 4 van 1997 en artikel 7 van Wet 11 van 1997**

2. Artikel 18 van die Hoofwet word gewysig—
- (a) deur paragraaf (a) van subartikel (8) deur die volgende paragraaf te vervang:  
 “(a) ondersoek na of sake in verband met privaat inligting oor enige aansoeker om ’n lisensie of die wysiging van ’n lisensie;”; en
- (b) deur paragraaf (d) van subartikel (8) deur die volgende paragraaf te vervang:  
 “(d) wanneer hy beraadslaag oor enige saak waarvan die publikasie, na die mening van die Raad, enige aansoeker om ’n lisensie of die wysiging van ’n lisensie in staat mag stel om ’n onregverdigde voordeel bo enige ander aansoeker te verkry.”.

**Wysiging van artikel 23 van Wet 4 van 1996, soos gewysig by artikel 20 van Wet 4 van 1997, artikel 8 van Wet 10 van 1997, artikel 2 van Wet 4 van 1999, artikel 4 van Wet 1 van 2003 en artikel 10 van Wet 4 van 2006**

3. Artikel 23 van die Hoofwet word gewysig—
- (a) deur in subartikel (1) subparagraaf (i) van paragraaf (a) deur die volgende subparagraaf te vervang:  
 “(i) ’n aansoek om ’n lisensie, of die wysiging van ’n lisensie, kragtens hierdie Wet;”;
- (b) deur in subartikel (1) subparagraaf (i) van paragraaf (b) deur die volgende subparagraaf te vervang:  
 “(i) enige aansoeker om ’n lisensie of die wysiging van ’n lisensie;”;
- (c) deur subartikel (2) te skrap; en
- (d) deur subartikel (5) deur die volgende subartikel te vervang:  
 “(5) By enige ondersoekverhoor met betrekking tot ’n aansoek om ’n lisensie, of die wysiging van ’n lisensie, kragtens hierdie Wet is die persoon wat om **[sodanige]** die lisensie of die wysiging van die lisensie aansoek doen en enige persoon wat beswaar maak teen die toestaan van **[sodanige]** die lisensie of die wysiging van die lisensie, geregtig daarop om voor die Raad te verskyn en getuies op te roep ter ondersteuning van die aansoek of beswaar en om ander getuies te kruisvra.”.

**Herroeping van artikel 32A van Wet 4 van 1996, soos ingevoeg by artikel 10 van Wet 10 van 1997**

4. Artikel 32A van die Hoofwet word herroep.

**Herroeping van artikel 32B van Wet 4 van 1996, soos ingevoeg by artikel 10A van Wet 10 van 1997**

5. Artikel 32B van die Hoofwet word herroep.

**Wysiging van artikel 33 van Wet 4 van 1996**

6. Artikel 33 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang.  
 “(1) **[Enige liggaam of persoon]** ’n Persoon wat beswaar wil maak teen of kommentaar wil lewer op enige aansoek **[om ’n lisensie]** kragtens hierdie Wet gedoen wat ingevolge artikel 32(2)(a) gepubliseer is, kan dit doen deur die Raad

skriftelike kennis daarvan te gee en die gronde vir die beswaar of kommentaar op die voorgeskrewe wyse uiteen te sit.”.

**Wysiging van artikel 34 van Wet 4 van 1996, soos vervang by artikel 28 van Wet 4 van 1997**

7. Artikel 34 van die Hoofwet word gewysig deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“Deur ’n aansoek [**om ’n lisensie**] kragtens hierdie Wet in te dien, stem die aansoeker daartoe in dat die Raad of enige lid of gemagtigde beampte daarvan—”.

**Wysiging van artikel 35 van Wet 4 van 1996, soos gewysig by artikel 29 van Wet 4 van 1997, artikel 11 van Wet 10 van 1997, artikel 5 van Wet 4 van 1999 en artikel 16 van Wet 4 van 2006**

8. Artikel 35 van die Hoofwet word gewysig deur in subartikel (3) subparagraaf (iii) van paragraaf (a) deur die volgende subparagraaf te vervang:

“(iii) die ontwikkeling binne die spesifieke geografiese gebied, met verwysing na die sosiale-, godsdienstige-, opvoedkundige-, kulturele-, ekonomiese-, omgewings-[,] en vervoer- [**en grondgebruik**] aspekte, nie onwenslik is nie;”.

**Invoeging van artikel 35A in Wet 4 van 1996**

9. Die volgende artikel word ná artikel 35 van die Hoofwet ingevoeg:

**“Wysigingsaansoeke en regstellings**

**35A.** (1) Behoudens subartikel (2) en artikels 41(1) en 41B(1) kan ’n lisensiehouer by die Raad aansoek doen om die wysiging van enige besonderhede wat in die lisensie gehou deur die lisensiehouer vermeld word.

(2) Die volgende mag nie ingevolge subartikel (1) gewysig word nie:

(a) die geldigheidstydperk van ’n lisensie; of

(b) die besonderhede van die perseel vermeld in die lisensie beoog in artikel 27(dA), (j), (kA) of 47.

(3) ’n Lisensiehouer wat aansoek doen om die wysiging van ’n lisensie moet die voorgeskrewe wysigingsaansoekgelde betaal.

(4) Die bepalinge van artikels 32, 33 en 35(1), (2) en (4) is, met die nodige veranderings, van toepassing op wysigingsaansoeke, behoudens subartikel (5).

(5) Die Raad kan afsien van die vereistes van artikel 32(2) ten opsigte van ’n wysigingsaansoek waar ’n besluit deur die Raad ingevolge artikel 35(4) slegs die aansoeker sal raak.

(6) Die Raad kan enige foute in ’n lisensie regstel.

(7) Die bepalinge van subartikels (3), (4) en (5) is nie van toepassing op die regstelling van enige foute in ’n lisensie nie.

(8) Ondanks subartikel (7) is artikel 35(1), met die nodige veranderings, van toepassing op ’n versoek van ’n lisensiehouer aan die Raad om enige foute in ’n lisensie gehou deur die lisensiehouer reg te stel.

(9) Die Raad mag geen gelde of vordering op ’n lisensiehouer oplê vir die regstelling van enige foute in ’n lisensie of die uitreiking van ’n gewysigde lisensie aan die lisensiehouer nadat die foute reggestel is nie.

(10) Waar die Raad ’n wysigingsaansoek toestaan of enige foute in ’n lisensie regstel moet die Hoof Uitvoerende Beampte ’n gewysigde lisensie aan die lisensiehouer laat uitreik.

(11) Die lisensiehouer moet die huidige lisensie aan die Raad oorgee voordat ’n gewysigde lisensie ingevolge subartikel (10) uitgereik word.”.

**Wysiging van artikel 37 van Wet 4 van 1996, soos gewysig by artikel 31 van Wet 4 van 1997 en artikel 17 van Wet 4 van 2006**

10. Artikel 37 van die Hoofwet word gewysig—

(a) deur in subartikel (1) ná paragraaf (l) die volgende paragraaf in te voeg:

“(lA) met betrekking tot die verplasing van besighede of aktiwiteite, met inbegrip van die volgende sake:

- (i) breëbasis- swart ekonomiese bemagtiging in die gebied waarna die casino verplaas sal word of verplaas word;
- (ii) die verskaffing van ekonomiese geleenthede deur die houër van ’n casino-operateurlisensie in die gebied waarna die casino verplaas sal word of verplaas word;
- (iii) die versagting, deur die houër van ’n casino-operateurlisensie, van enige negatiewe uitwerkings van die verplasing van die casino op die gebied waarheen of waarvandaan die casino verplaas sal word; en
- (iv) verbintenisse wat ingevolge artikel 53 van die Nasionale Wet gemaak is;” en

(b) deur paragraaf (m) van subartikel (1) te skrap.

**Wysiging van artikel 41 van Wet 4 van 1996, soos vervang by artikel 35 van Wet 4 van 1997 en gewysig by artikel 10 van Wet 11 van 1997, artikel 7 van Wet 4 van 1999, artikel 19 van Wet 4 van 2006 en artikel 5 van Wet 7 van 2013**

11. Artikel 41 van die Hoofwet word gewysig deur subartikels (2) en (3) te skrap.

**Invoeging van artikel 41B in Wet 4 van 1996**

12. Die volgende artikel word ná artikel 41A van die Hoofwet ingevoeg:

**“Verplasing**

**41B.** (1) Behoudens subartikel (2), indien die houër van ’n lisensie beoog in artikel 27(a), (d), (e), (f), (g), (hB), (i) of (k) of 46 die besigheid of aktiwiteit gemagtig deur die lisensie vanaf die gelisensieerde perseel na ’n ander perseel wil verplaas, moet die lisensiehouër ingevolge artikel 35A(1) by die Raad aansoek doen om die besonderhede van die perseel vermeld in die lisensie te wysig.

(2) Subartikel (1) is nie van toepassing op ’n persoon wat ’n nasionale werklisensie soos beoog in die Nasionale Wet hou nie.

(3) Indien die houër van ’n lisensie beoog in artikel 27(dA), (j), (kA) of 47 die besigheid of aktiwiteit gemagtig deur die lisensie vanaf die gelisensieerde perseel na ’n ander perseel wil verplaas, moet die lisensiehouër by die Raad aansoek doen om die tersaaklike lisensie vir die voorgestelde perseel.

(4) Die Raad mag nie ’n aansoek beoog in subartikel (1) met betrekking tot die verplasing van ’n casino goedkeur nie, tensy hy oortuig is dat—

- (a) die voorgestelde verplasing nie onwenslik sal wees vir die ekonomie van, of die ontwikkeling van werksgeleenthede in, die Provinsie nie;
- (b) die aansoeker ’n goeie finansiële reputasie het en voldoende middele het om die voorgestelde ontwikkeling of stigting van die verplaaste casino en enige integrale bykomstige fasiliteite te onderneem en die casino en fasiliteite te dra;
- (c) die aansoeker die casino by die huidige gelisensieerde perseel op ’n wyse bedryf wat bestaanbaar is met hierdie Wet, die voorwaardes van die lisensie, die Nasionale Wet en enige toepaslike voorskrifte gemaak ingevolge die Nasionale Wet;
- (d) die aansoeker, so ver as moontlik, nuwe werk by die verplaaste casino en enige integrale bykomstige fasiliteite sal skep;

- (e) die aansoeker sal bydra tot breëbasis- swart ekonomiese bemagtiging in die gebied waarna die casino verplaas sal word;
- (f) die aansoeker ekonomiese geleenthede sal bied aan aangewese groepe wat woon in die gebied waarheen die casino verplaas sal word;
- (g) die aansoeker sal verseker dat aangewese groepe finansiële belange in die verplaaste casino sal hou;
- (h) die aansoeker maatreëls sal tref om die maatskaplike of ekonomiese ontwikkeling van benadeelde gemeenskappe in die gebiede waarna en waarvandaan die casino verplaas sal word, te verseker, behoudens subartikel (5); en
- (i) die aansoeker sal voortgaan om besighede in die gebied waarvandaan die casino verplaas sal word, te ondersteun in die mate ooreengekom met die Raad.

(5) Die houer van 'n casino-operateurlisensie moet, vir die doeleindes van subartikel (4)(h), ten minste volhoubare gemeenskapsfasiliteite en enige ander volhoubare infrastruktuur in die gemeenskappe beoog in daardie subartikel verskaf.

(6) Die bepalings van artikel 35(3)(a)(ii), (iii), (iv) en (v) is, met die nodige veranderings, van toepassing op 'n aansoek beoog in subartikel (1) met betrekking tot die verplasing van 'n casino.

(7) Wanneer 'n casino verplaas word, is enige verbintenis wat deur die houer van 'n casino-operateurlisensie gemaak is soos beoog in artikel 53(1) van die Nasionale Wet steeds van toepassing, met die nodige veranderinge, tensy die verbintenis nie meer relevant is nie.

(8) Die Raad kan van die betrokke houer van 'n casino-operateurlisensie vereis om enige negatiewe uitwerkings van die verplasing van die betrokke casino op die gebied waarheen of waarvandaan die casino verplaas sal word of verplaas word, te versag.

(9) Die wyse waarop die houer van die casino-operateurlisensie die uitwerkings beoog in subartikel (8) versag, en die tydraamwerke van toepassing op die versagting van die uitwerkings, moet wees soos goedgekeur deur die Raad.

(10) 'n Aansoek beoog in subartikel (1) met betrekking tot die verplasing van 'n casino moet 'n verslag insluit, in die vorm bepaal deur die Raad, wat minstens die volgende inligting bevat:

- (a) 'n lys van die moontlike negatiewe uitwerkings van die verplasing van die casino;
- (b) 'n aanduiding of enige van die negatiewe uitwerkings beoog in paragraaf (a) versagting benodig; en
- (c) waar aangedui is dat negatiewe uitwerkings beoog in paragraaf (a) versagting benodig, voorstelle vir die wyse waarop die negatiewe uitwerkings versag behoort te word.

(11) Die bepalings van subartikel (10) beperk nie die Raad se bevoegdhede beoog in subartikel (8) nie.

(12) Ondanks die toestaan van 'n aansoek beoog in subartikel (1) met betrekking tot die verplasing van 'n casino, tree die wysiging van die betrokke lisensie in werking op die datum waarop die houer van die casino-operateurlisensie die verplaaste casino begin bedryf.

(13) Die datum van inwerkingtreding beoog in subartikel (12) word bepaal deur die houer van die casino-operateurlisensie ná oorleg met die Raad.

(14) Ondanks die toestaan van 'n aansoek beoog in subartikel (1) met betrekking tot die verplasing van 'n casino, en ondanks subartikels (12) en (13), mag die houer van die casino-operateurlisensie nie die verplaaste casino begin bedryf totdat daar aan die volgende vereistes voldoen is nie:

- (a) die ontwikkeling of stigting van die casino moet voltooi wees;
- (b) die houer van die casino-operateurlisensie moet afskrifte van alle tersaaklike goedkeurings of dokumente wat die houer van die casino-operateurlisensie ingevolge die toepaslike wetgewing van bevoegde owerhede moet bekom in verband met die ontwikkeling

- of stigting van die casino of die aanvang van bedrywighede by die casino aan die Raad verskaf;
- (c) die Raad moet die perseel van die casino inspekteer; en
- (d) die Raad moet die aanvang van bedrywighede by die casino goedkeur.
- (15) Waar enige integrale bykomstige fasiliteite ontwikkel of gestig sal word, is die bepalings van subartikel (14), met die nodige veranderings, van toepassing.
- (16) Die Raad kan die houer van die casino-operateurlisensie toelaat om die verplaaste casino in bedryf te stel ondanks die feit dat sommige of al die voorgestelde integrale bykomstige fasiliteite nog nie ontwikkel of gestig is nie.
- (17) Nadat daar aan die vereistes van subartikel (14) voldoen is, moet die houer van die casino-operateurlisensie die huidige lisensie aan die Raad oorgee.
- (18) Ondanks die datum van inwerkingtreding beoog in subartikel (12) of die bepalings van artikel 41(4) moet die houer van die casino-operateurlisensie die casino by die huidige gelisensieerde perseel buite bedryf stel wanneer hy die huidige lisensie aan die Raad oorgee.
- (19) Ondanks subartikel (18) kan die Raad te eniger tyd aan die houer van die casino-operateurlisensie skriftelike toestemming ingevolge artikel 41(4) gee om op te hou om die casino te bedryf ten einde die verplasingsproses te fasiliteer.
- (20) Waar die houer van 'n casino-operateurlisensie wat aansoek gedoen het om die wysiging van sy lisensie vir die doeleindes beoog in subartikel (1), aansoek doen om die hernuwing van sy lisensie ingevolge artikel 40, moet die aansoek betrekking hê op die casino by die huidige gelisensieerde perseel.”.

**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, artikel 1 van Wet 5 van 1999 en artikel 6 van Wet 7 van 2013**

13. Artikel 44 van die Hoofwet word gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die lisensiegelde beoog in subartikels (1) en (2) word aan die Raad betaal.”.

**Herroeping van artikel 44A, soos ingevoeg by artikel 13 van Wet 11 van 1997**

14. Artikel 44A van die Hoofwet word herroep.

**Herroeping van artikel 44B, soos ingevoeg by artikel 13 van Wet 11 van 1997 en gewysig by artikel 1 van Wet 10 van 2000**

15. Artikel 44B van die Hoofwet word herroep.

**Invoeging van artikels 44D en 44E in Wet 4 van 1996**

16. Die volgende artikels word ná artikel 44C in die Hoofwet ingevoeg:

**“Casino-operateurgelde**

**44D.** Casino-operateurgelde, soos uiteengesit in paragraaf 6 van Bylae II, moet deur die houer van 'n casino-operateurlisensie aan die Raad betaal word.

**Ekonomiesegeleentheidgelde**

**44E.** (1) Die houer van 'n casino-operateurlisensie wie se aansoek beoog in artikel 41B(1) toegestaan is, moet die voorgeskrewe ekonomiesegeleentheidgelde betaal.



(2) Die ekonomiese geleentheidgelde is betaalbaar aan die Wes-Kaapse Regering.

(3) Die houer van die casino-operateurlisensie moet die ekonomiese geleentheidgelde betaal binne vyf dae vanaf die datum waarop die Raad hom inlig dat die aansoek toegestaan is.

(4) Die Raad moet die ekonomiese geleentheidgelde invorder en die gelde binne vyf dae vanaf invordering in die Provinsiale Inkomstefonds stort.”.

**Wysiging van artikel 45 van Wet 4 van 1996, soos gewysig by artikel 39 van Wet 4 van 1997**

17. Artikel 45 van die Hoofwet word gewysig—

(a) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) ’n Casino-operateurlisensie is gekoppel aan die perseel in die lisensie gespesifiseer **[en wat in ooreenstemming met die goedgekeurde ontwikkelingsaansoek ontwikkel is]**.”; en

(b) deur die volgende subartikel ná subartikel (4) in te voeg:

“(4A) Die perseel beoog in subartikel (4) moet ooreenkomstig die toepaslike wetgewing en enige voorwaardes wat die Raad kan oplê, ontwikkel word.”.

**Wysiging van artikel 75 van Wet 4 van 1996, soos gewysig by artikel 61 van Wet 4 van 1997, artikel 16 van Wet 10 van 1997, artikel 15 van Wet 11 van 1997, artikel 4 van Wet 8 van 1998, artikel 2 van Wet 10 van 2000, artikel 6 van Wet 1 van 2003 en artikel 33 van Wet 4 van 2006**

18. Artikel 75 van die Hoofwet word gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) afwyk van enige voorwaarde van ’n lisensie **[en, in die geval van ’n casino-operateurlisensie, enige voorwaardes ten opsigte van die gepaardgaande goedgekeurde ontwikkelingsaansoek]**.”.

**Wysiging van artikel 81 van Wet 4 van 1996, soos gewysig by artikel 65 van Wet 4 van 1997, artikel 17 van Wet 10 van 1997, artikel 6 van Wet 8 van 1998 en artikel 8 van Wet 1 van 2003**

19. Artikel 81 van die Hoofwet word gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) enige saak met betrekking tot ’n aansoek om ’n lisensie of die hernuwing of wysiging van ’n lisensie;”;

(b) deur paragraaf (c) van subartikel (1) te skrap;

(c) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) die maksimum **[toelaatbare]** getal lisensies van enige spesifieke soort wat van tyd tot tyd in ’n spesifieke gebied toegestaan of gehou mag word;”;

(d) deur paragraaf (f) van subartikel (1) te skrap; en

(e) deur in subartikel (1) ná paragraaf (g) die volgende paragraaf in te voeg:

“(gA) die omvang van enige gebied beoog in hierdie Wet;”.

**Wysiging van artikel 82 van Wet 4 van 1996, soos gewysig by artikel 66 van Wet 4 van 1997, artikel 18 van Wet 10 van 1997 en artikel 9 van Wet 1 van 2003**

20. Artikel 82 van die Hoofwet word gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) enige saak met betrekking tot ’n aansoek om ’n lisensie of die hernuwing of wysiging van ’n lisensie;”.

**Wysiging van Bylae II by 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, artikel 1 van Wet 7 van 2009 en artikel 7 van Wet 7 van 2013**

21. Bylae II by die Hoofwet word gewysig—

- (a) deur paragrawe 3 en 4 te skrap;  
 (b) deur paragraaf 5 deur die volgende paragraaf te vervang:

“5. Die beperktedobbelmasjien-operateurgeld betaalbaar ingevolge artikel 44C is soos volg:

Grootte van beperktedobbelmasjienoperateur	Beperktedobbelmasjien-operateur-geld
Waar die getal beperkte dobbelmasjiene nie 500 masjiene per operateur oorskry nie	[R500 000,00] R1,775 miljoen per jaar [vir 'n tydperk van tien jaar,] jaarliks verhoog teen die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
Waar die getal beperkte dobbelmasjiene 500 masjiene per operateur oorskry, maar nie 1 000 masjiene per operateur oorskry nie	[R1 000 000,00] R3,550 miljoen per jaar [vir 'n tydperk van tien jaar] jaarliks verhoog teen die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
Waar die getal beperkte dobbelmasjiene 1 000 masjiene per operateur oorskry	[R1 500 000,00] R5,325 miljoen per jaar [vir 'n tydperk van tien jaar] jaarliks verhoog teen die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal

”; en

- (c) deur die volgende paragraaf na paragraaf 5 by te voeg:

“6. Die casino-operateurgelde wat ingevolge artikel 44D betaal moet word, is soos volg:

Waarde van casino-ontwikkeling	Casino-operateurgelde
Waar die waarde van die casino-ontwikkeling nie R175,0 miljoen oorskry nie	R2,550 miljoen per jaar wat jaarliks verhoog met die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
Waar die waarde van die casino-ontwikkeling R175,0 miljoen oorskry	R6,500 miljoen per jaar wat jaarliks verhoog met die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal

”.

**Wysiging van Bylae III by Wet 4 van 1996, soos gewysig by artikel 71 van Wet 4 van 1997, artikel 2 van Wet 9 van 1998, artikel 2 van Wet 9 van 2001, artikel 2 van Wet 8 van 2002, artikel 1 van Wet 3 van 2003, artikel 1 van Wet 7 van 2003 en artikel 1 van Wet 8 van 2013**

22. Deel B van Bylae III by die Hoofwet word gewysig deur subparagraaf (a) van paragraaf 1 deur die volgende subparagraaf te vervang:

**“Casino-operateurlisensie**

(a) Ten opsigte van die belasbare inkomste in enige belastingtydperk, ’n bedrag aan belasting bereken ooreenkomstig die tabel hieronder:

<u>BELASBARE INKOMSTE</u>	<u>BELASTINGKOERSE TEN OPSIGTE VAN CASINO-OPERATEURLISENSIE</u>
Waar die belasbare inkomste in die belastingtydperk—	
<u>nie R36,0 miljoen oorskry nie</u>	<u>8% present van elke R1 van die belasbare inkomste</u>
<u>R36,0 miljoen oorskry</u>	<u>R2,880 miljoen plus 19% van die bedrag waarmee die belasbare inkomste R36,0 miljoen oorskry</u>

”.

**Vervanging van uitdrukking in Wet 4 van 1996**

23. Die Hoofwet word gewysig deur die uitdrukking “Provinsiale Administrasie: Wes-Kaap”, waar dit ook al voorkom, deur die uitdrukking “Wes-Kaapse Regering” te vervang.

**Wysiging van Rangskikking van Artikels in Wet 4 van 1996, soos gewysig by artikel 2 van Wet 4 van 1997 en artikel 2 van Wet 4 van 2006**

24. Die Rangskikking van Artikels voor artikel 1 van die Hoofwet word gewysig—
- (a) deur ná die verwysing na die opskrif van artikel 35 die volgende item in te voeg:
 

“35A. Wysigingsaansoeke en regstellings”;
  - (b) deur ná die verwysing na die opskrif van artikel 41A die volgende item in te voeg:
 

“41B. Verplasing”; en
  - (c) deur voor die verwysing na die opskrif van artikel 45 die volgende items in te voeg:
 

“44D. Casino-operateurgelde  
44E. Ekonomiesegeleentheidgelde”.

**Kort titel en inwerkingtreding**

25. (1) Hierdie Wet heet die Wes-Kaapse Neëntiende Wysigingswet op Dobbelay en Wedrenne, 2018, en tree in werking op ’n datum bepaal deur die Premier by proklamasie in die *Provinsiale Koerant*.

(2) Ondanks subartikel (1) word die skraping van die woorde “vir ’n tydperk van tien jaar” uit paragraaf 5 van Bylae II by die Hoofwet, soos beoog in artikel 21(b) van hierdie Wet, geag in werking te getree het op 1 Januarie 2014.

**MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE  
NEËNTIENDE KONSEPWYSIGINGSWETSONTWERP OP  
DOBBELARY EN WEDRENNE, 2018**

**1. AGTERGROND**

- 1.1 In 1997 het die Wes-Kaapse Provinsiale Kabinet Beleidsbepalings uitgereik (gepubliseer onder Provinsiale Kennisgewing 304/1997 in *Provinsiale Koerant* 5170 van 29 Augustus 1997) waaraan die Wes-Kaapse Raad op Dobbelary en Wedrenne (die Raad) moes voldoen by die vestiging van die gelisensieerde dobbelbedryf in die Wes-Kaap.
- 1.2 Die Beleidsbepalings bepaal, onder meer, dat die vyf casino-operateurlisensies wat aan die Wes-Kaap toegeken is, in een elk van vyf geografies afsonderlike streke versprei moet wees.
- 1.3 Die Beleidsbepalings bepaal verder dat casino-operateurlisensies vir 'n tydperk van tien jaar eksklusief is en dat eksklusiwiteitsgelde vir daardie tydperk betaal moet word.
- 1.4 Die Beleidsbepalings lys ook sekere faktore wat die Raad in ag moet neem by die oorweging van aansoeke om casino-operateurlisensies. Verder was daar die vereiste dat elke casino-operateurlisensiehouer bydraes moet maak tot volhoubare gemeenskapsprojekte in die bepaalde gebied waar hulle geleë was. Daar is van die casino-operateur wat in die Kaapse Metropolitaanse streek gelisensieer is, vereis om 'n finansiële bydrae van R135 miljoen tot 'n wêreldklaskonferensiesentrum te maak.
- 1.5 Daar is tans vyf casino's wat in die Wes-Kaap bedryf word. Toe die casino's gestig is, is 'n lisensie aan elkeen toegeken om 'n casino binne 'n afgebakende geografiese gebied vir 'n tienjaartydperk eksklusief te bedryf. Die toekenning van die vyf casino's, een in elke streek, het ooreengestem met die vyf munisipale distrikte soos volg: Kaapse Metropolitaanse gebied, Overberg, Weskus, Suid-Kaap en Breederivier. Die Beleidsbepalings het bepaal dat die Kaapse Metropolitaanse casino 'n 75 kilometer-eksklusiwiteitsradius het, bereken vanaf die Stadsaal van Kaapstad.
- 1.6 Die eksklusiwiteitstydperke het nou verval. In die toekoms sal 'n eksklusiwiteitsregime vir casino-operateurs soos hierbo beoog nie van toepassing wees nie. Verskuiwing is nou moontlik, alhoewel 'n maksimum van drie casino's in die Kaapse Metropolitaanse gebied toegelaat sal word.
- 1.7 Casino's sal voortgaan om jaarlikse lisensie- en ondersoekgelde te betaal. Casino-operateurgelde moet ook betaal word. Verder sal 'n hersiene belastingstruktuur van toepassing wees en, in die geval waar die Raad die verskuiwing van 'n casino toelaat, sal sekere ekonomiesegeleentheidgelde betaal moet word.
- 1.8 Gesien die bogenoemde sal die Beleidsbepalings te gelegener tyd ingetrek word.

**2. OOGMERKE VAN WETSONTWERP**

- 2.1 Die hoofdoelwit van die Wes-Kaapse Neëntiende Konsepwysigingswetsontwerp op Dobbelary en Wedrenne, 2018 (die Wetsontwerp), is om die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996)(die Wet), te wysig ten einde voorsiening te maak vir die stelsel wat die eksklusiwiteitsregime reeds beskryf sal vervang. Dit vereis dat 'n aantal tegniese en wesenlike wysigings aan die Wet gemaak word.
- 2.2 Verder lei die Wetsontwerp maatreëls in om die finansiële selfvolhoubaarheid van die Raad te bevorder. Nuwe casino-operateurgelde word ingestel. Die gelde is bereken volgens wat casino's sou moes betaal sou die eksklusiwiteitstydperk nie verval het nie. Verder is die casino-operateurgelde ook gekoppel aan die

oorspronklike waarde van die casino-ontwikkeling, met 'n onderskeid tussen 'n casino-ontwikkeling met 'n waarde onder die drempel van R175 miljoen en waar dit R175 miljoen oorskry het. Hierdie gelde sal jaarliks gehef word en word ingestel om konsekwentheid met die operateurgelde wat aan beperktedobbelmasjien-operateurs opgelê word, te verseker en om by te dra tot die finansiële selfvolhoubaarheid van die Raad. Die heffing van hierdie gelde stem ooreen met die beginsel dat die bedryf vir sy eie regulering betaal.

- 2.3 Die Wetsontwerp vervang die seskategorie- progressiewe belastingstruktuur met 'n tweekategoriebelastingstruktuur. Die hersiene struktuur berus op die volgende drie beginsels: (1) daar behoort nie 'n netto verlies van totale belastinginkomste vir die Provinsie te wees as gevolg van enige veranderinge aan die ruimtelike verspreiding van casino's oor die Provinsie nie, (2) die belastingstruktuur behoort nie die kommersiële besluite van casino's om na die Kaapse Metropolitaanse gebied te verskuif te beïnvloed nie en (3) casino's wat nie skuif nie behoort nie 'n vergrote belastinglas te dra nie. Met hierdie oorwegings in ag geneem is enige veranderinge aan provinsiale belastingvordering 'n funksie van Bruto Dobbelinkomste en nie die gevolg van 'n verandering in die belastingstruktuur nie.
- 2.4 Die Wetsontwerp stel ekonomiesegeleentheidgelde in. Ekonomiesegeleentheidgelde is die bykomende waarde wat aan die houer van 'n casino-operateurlisensie toeval as 'n direkte gevolg van die verskuiwing van 'n casino teenoor die status quo en word aan die verwagte verhoging in jaarlikse Bruto Dobbelinkomste-ramings gekoppel. Die ekonomiesegeleentheidgelde word voorgeskryf en moet betaal word binne vyf dae vanaf die goedkeuring deur die Raad van die wysigingsaansoek met betrekking tot die verandering van perseel.
- 2.5 Verder het die Wetsontwerp ten doel om sekere bepalinge rakende beperktedobbelmasjien-operateurgelde te hersien. Die betaling van hierdie gelde dra by tot die finansiële selfvolhoubaarheid van die Raad asook tot die beginsel dat die bedryf vir sy eie regulering betaal.
- 2.6 'n Verdere doelwit van die Wetsontwerp is om bepalinge rakende ontwikkelingsaansoeke en ander beplanningsaangeleenthede wat deur munisipaliteite of die Departement van Omgewingsake en Ontwikkelingsbeplanning en nie die Raad nie hanteer word, uit die Wet te verwyder.

### 3. INHOUD VAN WETSONTWERP

- 3.1 **Klousule 1** van die Wetsontwerp wysig artikel 1 van die Wet deur nuwe woordomsrywings in te voeg wat tersaaklik is tot die verskuiwing van casino's.

Verder skrap dit die woordomsrywing van "Ontwikkelingsaansoek" uit artikel 1 van die Wet. Dit is 'n gevolglike wysiging na aanleiding van die herroeping van artikel 32A van die Wet.

- 3.2 **Klousule 2** van die Wetsontwerp maak gevolglike wysigings aan artikel 18(8) van die Wet as gevolg van die invoeging van artikels 35A en 41B.
- 3.3 **Klousule 3** van die Wetsontwerp maak gevolglike wysigings aan artikel 23(1) en (5) van die Wet as gevolg van die invoeging van artikels 35A en 41B.

Verder skrap dit artikel 23(2) ten einde aan die Raad buigsaamheid te gee ten opsigte van die hou van verhoor al dan nie. Dit is bestaanbaar met die bewoording van artikel 23(1)(a).

- 3.4 **Klousule 4** van die Wetsontwerp herroep artikel 32A van die Wet. Ontwikkelingsaansoeke word deur munisipaliteite of die Departement van Omgewingsake en Ontwikkelingsbeplanning en nie deur die Raad nie hanteer.
- 3.5 **Klousule 5** van die Wetsontwerp herroep artikel 32B van die Wet. Grondgebruikaspekte, in die sin beoog in artikel 32B van die Wet, word deur munisipaliteite en nie deur die Raad nie hanteer.

- 3.6 **Klousule 6** van die Wetsontwerp wysig artikel 33(1) van die Wet deur die soorte aansoeke waarop 'n lid van die publiek kommentaar mag lewer, te beperk. Die publiek sal slegs op die aansoeke wat ingevolge artikel 32(2)(a) vir openbare kommentaar gepubliseer word, kommentaar kan lewer.
- 3.7 **Klousule 7** van die Wetsontwerp verbreed die trefwydte van artikel 34(2) van die Wet. Die oogmerk is dat die bepalings van artikel 34(2) van toepassing is op alle soorte aansoeke en nie net op lisensie-aansoeke nie.
- 3.8 **Klousule 8** van die Wetsontwerp wysig artikel 35(3)(a)(iii) van die Wet deur die verwysing na grondgebruikaspekte te verwyder. Grondgebruikaspekte, in die sin beoog in artikel 35(3)(a)(iii) van die Wet, sal deur die toepaslike munisipaliteite oorweeg word.
- 3.9 **Klousule 9** van die Wetsontwerp voeg artikel 35A in die Wet in. Artikel 35A sit die prosedure vir die wysiging en regstelling van lisensies uiteen. Wanneer die houers van sekere lisensies, ook die houer van 'n casino-operateurlisensie, die besigheid of aktiwiteite gemagtig deur die lisensie wil verskuif, moet hulle ingevolge artikel 35A aansoek doen om die wysiging van die lisensie.
- 3.10 **Klousule 10** van die Wetsontwerp wysig artikel 37 van die Wet deur voorsiening te maak vir die Raad om voorwaardes op te lê in verband met die verskuiwing van besighede of aktiwiteite.

Verder skrap dit artikel 37(1)(m) van die Wet. Dit is 'n gevolglike wysiging na aanleiding van die herroeping van artikel 32A.

- 3.11 **Klousule 11** van die Wetsontwerp skrap artikel 41(2) en (3) van die Wet. Dit is 'n gevolglike wysiging na aanleiding van die invoeging van artikels 35A en 41B.
- 3.12 **Klousule 12** van die Wetsontwerp voeg artikel 41B in die Wet in. Artikel 41B sit die prosedure uiteen wat van toepassing sal wees as die houers van sekere lisensies, ook die houer van 'n casino-operateurlisensie, die besigheid of aktiwiteite gemagtig deur die lisensies wil verskuif.
- 3.13 **Klousule 13** van die Wetsontwerp vervang artikel 44(3) van die Wet. Dit bepaal dat sekere gelde aan die Raad betaal moet word. Hierdie gelde sal nie meer aan die Wes-Kaapse Regering betaal word nie.
- 3.14 **Klousule 14** van die Wetsontwerp herroep artikel 44A van die Wet. Artikel 44A handel oor eksklusiwiteitsgelde wat die houers van casino-operateurlisensies moet betaal. Hierdie gelde is nie meer van toepassing nie.
- 3.15 **Klousule 15** van die Wetsontwerp herroep artikel 44B van die Wet. Artikel 44B handel oor bodfooie, wat nie meer van toepassing is nie.
- 3.16 **Klousule 16** van die Wetsontwerp voeg artikels 44D en 44E in die Wet in.

Artikel 44D maak voorsiening vir casino-operateurgelde wat deur die houer van 'n casino-operateurlisensie betaal moet word.

Artikel 44E bepaal dat ekonomiesegeleentheidgelde betaal moet word deur die houer van 'n casino-operateurlisensie wie se aansoek beoog in artikel 41B(1) ('n aansoek om die wysiging van die lisensie met die doel om die besonderhede van die perseel te verander) toegestaan is.



- 3.17 **Klousule 17** van die Wetsontwerp wysig artikel 45 van die Wet deur sekere woorde in verband met ontwikkelingsaansoeke te verwyder. Dit maak ook voorsiening vir die wyse waarop casinopersele ontwikkel moet word. Hierdie bepalings is gevolglike wysigings na aanleiding van die herroeping van artikel 32A.
- 3.18 **Klousule 18** van die Wetsontwerp maak gevolglike wysigings aan artikel 75(1)(b) van die Wet as gevolg van die herroeping van artikel 32A.
- 3.19 **Klousule 19** van die Wetsontwerp maak gevolglike wysigings aan artikel 81(1) van die Wet as gevolg van die invoeging van artikels 35A en 41B en die herroeping van artikel 32A van die Wet.
- 3.20 **Klousule 20** van die Wetsontwerp maak gevolglike wysigings aan artikel 82(1)(a) van die Wet as gevolg van die invoeging van artikels 35A en 41B.
- 3.21 **Klousule 21** van die Wetsontwerp maak gevolglike wysigings aan Bylae II by die Wet as gevolg van die herroeping van artikels 44A en 44B van die Wet.

Verder wysig dit die paragraaf in verband met beperktedobbelmasjien-operateurgelde. Dit voeg ook 'n paragraaf by wat die casino-operateurgelde uiteensit wat ingevolge artikel 44D betaal moet word.

- 3.22 **Klousule 22** van die Wetsontwerp wysig Deel B van Bylae II by die Wet deur voorsiening te maak vir 'n hersiene belastingstruktuur wat op casino-operateurlisensies van toepassing is. Voortaan sal daar twee belastingkategorieë in plaas van ses wees.
- 3.23 **Klousule 23** van die Wetsontwerp vervang 'n uitdrukking in die Wet.
- 3.24 **Klousule 24** van die Wetsontwerp wysig die Rangskikking van Artikels van die Wet.
- 3.25 **Klousule 25** van die Wetsontwerp maak voorsiening vir die kort titel en inwerkingtreding van die Wet. Dit maak ook voorsiening vir die inwerkingtreding van die skraping van sekere woorde.

#### **4. WETGEWENDE BEVOEGDHEID**

Die Provinsiale Minister verantwoordelik vir finansiële aangeleenthede in die Provinsie is oortuig dat die bepalings van die Wetsontwerp onder die wetgewende bevoegdheid van die Provinsie ressorteer.

#### **5. OORLEGPLING**

Wes-Kaapse Raad op Dobbelay en Wedrenne

Departement van die Premier: Regsdienste

Casino-operateurs is geraadpleeg oor die stelsel wat ná die verval van die eksklusiwiteitstydperke ingestel sal word.

#### **6. FINANSIËLE IMPLIKASIES**

Die finansiële implikasies word uiteengesit in die Wetsontwerp, met inbegrip van hersienings aan die casinobelastingbylae, die instelling van nuwe gelde en die inflasionêre aanpassing van sekere gelde.

#### **7. PERSONEELIMPLIKASIES**

Geen

## ISAZISO SEPHONDO

I.S. 28/2018

28 kweyoMdumba 2018

## INGCACISO-GABALALA:

[ ] Amagama abhalwe ngqindilili kwizibiyeli ezisikwere abonakalisa oko kuye kwasuswa kwimithetho esele iphunyeziwe.

Amagama akrwelelwe umgca ongqindilili ngaphantsi abonakalisa oko kufakelweyo kumthetho osele uphunyeziwe.

**UQULUNQO LOMTHETHO OSAYILWAYO WEZILUNGISO  
WESHUMI ELINESITHOBA WONGCAKAZO NEMIDYARHO  
WENTSHONA KOLONI, 2018**

Ukwenza izilungiso kuMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996, kukufaka iinkcazelo ezintsha, ukususa izicelo zophuhliso; ukulawula izilungiso zelayisenisi; ukucima ulungiselelo olufuna iBhodi yoNgcakazo neMidyarho yeNtshona Koloni ibambe iingxoxo ngeenjongo ezithile; ukubhangisa ulungiselelo lolawulo lokusetyenziswa komhlaba kubhangiso zezicelo okanye ukupheliswa kwelayisenisi yekhasino yokusebenza; uluntu olunokuzichasa okanye olunokuvakalisa izimvo zalo kuzo; ukwenza eminye imigaqo yokutshintshwa kweelayisenisi; ukwenza eminye imigaqo, ukucutha uhlobo lwezicelo ezenziwa ngamalungu oluntu olunokuthi luzichase okanye lufake uluvo; nokulawula ulwabiwo kwakhona loshishino okanye imisebenzi; ukunika ukuba iintlawulo ezithile zakuhlalulwa kwiBhodi leyo endaweni yeNgxowa yeNgeniso yePhondo; ukubhangisa ulungiselelo oluhambelana nemirhumo ekhethekileyo kunye nemirhumo yokubheja; ukunika imirhumo yekhasino yokusebenza; ukunika imirhumo yamathuba ezoqoqosho ngokuhambelana nolwabiwo kwakhona lwekhasino; ukwenza olunye ulungiselelo lokwenza imithetho kunye nolawulo kwiShedyuli II ebhekiselele ekucuthweni kwemirhumo yoomatshini bokungcakaza abasebenzayo; ukubuyisela ubume berhafu obulungele iilayisenisi zekhasino zokusebenza; ukuqalisa ngoqinisekiso kuphuculo lokubhaliweyo; nokunika imiba ehambelana nezehlo ezo.

**U**ZA KWENZIWA USEBENZE yiPalamente yePhondo leNtshona Koloni, ngolu hlobo:—

Ukwenziwa kwezilungiso kwicandelo 1 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 4 loMthetho 4 ka-1997, icandelo 1 loMthetho 10 ka-1997, icandelo 1 loMthetho 4 ka-1999, icandelo 1 loMthetho 11 ka-2000 namacandelo 1 no-3 loMthetho 4 ka-2006

1. Icandelo 1 loMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (UMthetho 4 ka-1996)(uMthethongqangi), lenziwa izilungiso kwicandelwana (1)—

(a) ngokufakela emva kwenkcazelo ye-“layisenisi yeBhingo” kwale nkcazelo ilandelayo:

“‘Uxhobiso lwezoqoqosho lwabamnyama’ luthetha uxhobiso lwezoqoqosho lwabamnyama’ njengoko luchaziwe kumthetho iBroad-Based Black Economic Empowerment Act, 2003 (Umthetho 53 ka-2003);”;

(b) ngokufakela emva kwenkcazelo “Umtyalimali kwiziko” kwale nkcazelo ilandelayo:

“‘iqela elikhethiweyo’ lithetha iqela elikhethiweyo njengoko lichazwe kuMgaqo oKhethiweyo wezeNtengo, 2017;”;

- (c) ngokucima inkcazelo ye “isicelo soPhuhliso”; kunye  
 (d) ngokufakela emva kwenkcazelo “umtyali mali kwiziko” lalenkcazelo ilandelayo:  
 “‘Izibonelelo ezilulutho nezingundoqo’ kulwakhiwo lwekhasino, zibhekisa kuzo naziphi na izibonelelo ezenzelwe ukuba zibe yinxalenye engundoqo yolwakhiwo okanye uphuhliso lwekhasino, kubandakanywa iihotele, amaziko eenkomfa, iiresty, izibonelelo zemidlalo, izibonelelo zoshishino, iindawo zokuhlala, iindawo zokulala ngeholidi neepaki zezilwanyana.’”.

**Ukwenziwa kwezilungiso kwicandelo 18 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 16 loMthetho 4 ka-1997 necandelo 7 loMthetho 11 ka-1997**

2. Icandelo 18 loMthetho-ngqangi lenziwa izilungiso—  
 (a) ngokufaka endaweni yomhlathi (a) wecandelwana (8) lalo mhlathi ulandelayo:  
 “(a) uphando malunga neenkukacha ezingafanelanga wonke umntu ezimalunga nawuphi na umfaki-sicelo welayisenisi okanye ukutshintshwa kwelayisenisi.”; kunye  
 (b) nangokufaka endaweni yomhlathi (d) wecandelwana (8) lo mhlathi ulandelayo:  
 “(d) xa kuxoxwa nawuphi na umcimbi olunokuthi upapasho lwawo, ngokokubona kweBhodi, luncede nawuphi na umfaki-sicelo welayisenisi okanye umntu otshintsha ilayisenisi ukuba ahoyeke kunaye nawuphi na omnye umfaki-sicelo.”.

**Ukwenziwa kwezilungiso kwicandelo 23 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 20 loMthetho 4 ka-1997, icandelo 8 loMthetho 10 ka-1997, icandelo 2 loMthetho 4 ka-1999, icandelo 4 loMthetho 1 ka-2003 namacandelo 1 nele 10 loMthetho 4 ka-2006**

3. Icandelo 23 loMthethongqangi lenziwa izilungiso—  
 (a) ngokwenza utshintsho kwicandelwana (1) lomhlathana (i) womhlathi (a) kufakelwe lo mhlathana ulandelayo:  
 “(i) isicelo selayisenisi okanye ukutshintshwa kwelayisenisi phantsi kwalo Mthetho;”;  
 (b) ngokwenza utshintsho kwicandelwana (1) lomhlathana (i) womhlathi (b) kufakelwe lo mhlathana ulandelayo:  
 “(i) nawuphi na umfaki-sicelo welayisenisi okanye ukutshintshwa kwelayisenisi.”;  
 (c) ngokucinywa kwecandelwana (2); kunye  
 (d) nokwenza utshintsho kwicandelwana (5) leli candelwana lilandelayo:  
 “(5) Kuyo nayiphi na ingxoxo emalunga nesicelo selayisenisi okanye ukutshintshwa kwelayisenisi phantsi kwalo Mthetho, loo mntu wenza isicelo [salo] layisenisi okanye ukutshintshwa kwelayisenisi kunye nawuphi na umntu ochasa ukunikezwa [kwalo] layisenisi okanye ukutshintshwa kwelayisenisi uya kuthi abe nelungelo lokucela phambi kweBhodi nelokubiza amangqina okuza kuxhasa isicelo okanye isichaso nelokuba afake imibuzo kulo naliphi na ingqina.”.

**Ukubhangiswa kwecandelo 32A loMthetho 4 ka-1996, nanjengokuba lingenelwe licandelo 10 loMthetho 10 ka-1997 laze lenziwa izilungiso licandelo 1 loMthetho 4 ka-2006**

4. Icandelo 32A loMthethongqangi liyabhangiswa.

**Ukubhangiswa kwecandelo 32B loMthetho 4 ka-1996, nanjengokuba lingenelwe licandelo 10A loMthetho 10 ka-1997**

5. Icandelo 32B loMthetho-ngqangi liyabhangiswa.

**Ukwenziwa kwezilungiso kwicandelo 33 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 1 loMthetho 4 ka-2006**

6. Icandelo 33 loMthethongqangi lenziwa izilungiso ngokwenza utshintsho kwicandelwana (1) leli candelwana lilandelayo:

“(1) [Nawuphi na umntu okanye] Umntu onqwenela ukuchasa nasiphi na isicelo selayisenisi okanye ukuvakalisa uluvo kuso nasiphi na isicelo esenziweyo [selayisenisi] phantsi kwalo Mthetho opapashwe ngokwemiqathango yecandelo 32(2)(a), angakwenza oko ngokuthi anike iBhodi inothisi ebhaliweyo achaze nemihlaba asichasela phezu kwayo okanye aluvakalisela phezu kwayo olo luvo, ekwenza oko ngendlela ebekiweyo.”.

**Ukwenziwa kwezilungiso kwicandelo 34 loMthetho 4 ka-1996, njengoko litshintshwe licandelo 28 loMthetho 4 ka-1997 laze lenziwa izilungiso licandelo 1 loMthetho 4 ka-2006**

7. Icandelo 34 loMthethongqangi lenziwa izilungiso ngokwenza utshintsho kwicandelwana (2) kumagama aphambi komhlathi (a) kufakwe la magama alandelayo:

“Ngokufaka isicelo [selayisenisi] phantsi kwalo Mthetho, umfaki-sicelo uyavuma ukuba iBhodi okanye naliphi na ilungu okanye igosa eligunyazisiweyo lingathi—”.

**Ukwenziwa kwezilungiso kwicandelo 35 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 29 loMthetho 4 ka-1997, icandelo 11 loMthetho 10 ka-1997, icandelo 5 loMthetho 4 ka-1999 namacandelo 1 no-16 loMthetho 4 ka-2006**

8. Icandelo 35 loMthethongqangi lenziwa izilungiso ngokwenza utshintsho kwicandelwana (3) lomhlathana (iii) womhlathi (a) ze kufakelwe lo mhlathana ulandelayo:

“(iii) ulwakhiwo olo asilolwakhiwo lungayifanelanga indawo leyo luqhutywa kuyo, ngokuphathelele kwinkalo yentlalo, eyenkonz, eyemfundo, eyenkubeko, eyoqoqosho, eyokusingqongileyo[,] kunye neyothutho neyeendlela [zokusetyenziswa komhlaba];”.

**Ukufakelwa kwecandelo 35A kuMthetho 4 ka-1996**

9. Eli candelo lilandelayo liyafakelwa kuMthethongqangi emva kwecandelo 35:

**“Izicelo zokwenziwa kwezilungiso**

**35A.** (1) Kulandelwa icandelwana (2) namacandelo 41(1) no-41B(1), umnini-layisenisi angafaka isicelo kwiBhodi sokwenza izilungiso kuzo naziphi na iinkcukacha ezikwilayisenisi ekumnini-layisenisi.

(2) Oku kulandelayo akunakulungiswa ngokwecandelwana (1):

(a) isithuba sokusebenza kwelayisenisi; okanye

(b) iinkcukacha zendawo ebhalwe kwilayisenisi echaza indawo ekusetyenzelwa kuyo esaqwalaselwa kwicandelo 27(dA), (j), (kA) okanye 47.

(3) Umnini-layisenisi ofaka isicelo sokwenziwa kwezilungiso kwilayisenisi uya kuhlawula imali yesicelo sezilungiso ebekiweyo.

(4) Kusebenza imiqathango yamacandelo 32, 33, no-35(1), (2) no-(4), notshintsho oludingekayo, kwizicelo zokwenziwa kwezilungiso, kulandelwa icandelwana (5).

(5) IBhodi ingaziyeka iimfuno zecandelo 32(2) kwisicelo sezilungiso apho isigqibo seBhodi ngokwemiqathango yecandelo 35(4) siza kuchaphazela kuphela umfaki-sicelo.

(6) IBhodi ingalungisa naziphi iimpazamo ezikwilayisenisi.

(7) Imiqathango yamacandelwana (3), (4) no-(5) ayisebenzi ekulungisweni kweempazamo ezikwilayisenisi.

(8) Noxa kukho icandelwana (7), icandelo 35(1) lisebenzisana, notshintsho oludingekayo, kwisicelo esenziwe ngumnini-layisenisi kwiBhodi kwisicelo sokulungisa naziphi iimpazamo ezikwilayisenisi ekumnini-layisenisi.

(9) IBhodi ayinakuhlululisa mali okanye mirhumo kumnini-layisenisi ngokulungisa naziphi iimpazamo ezikwilayisenisi okanye ngokunikeza ilayisenisi etshintshiweyo kumnini-layisenisi emva kokulungisa iimpazamo.

(10) Apho iBhodi ivumela isicelo sezilungiso, okanye ilungisa naziphi iimpazamo ezikwilayisenisi, iGosa leSigqeba eliLawulayo liya kwenza ukuba ilayisenisi etshintshiweyo inikwe umnini-layisenisi.

(11) Umnini-layisenisi uya kusa ilayisenisi anayo ngoku kwiBhodi phambi kokuba anikwe ilayisenisi etshintshiweyo ngokwemiqathango yecandelwana (10).”.

**Ukwenziwa kwezilungiso kwicandelo 37 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 31 loMthetho 4 ka-1997 namacandelo 1 no-17 loMthetho 4 ka-2006**

**10. Icandelo 37 loMthetho-ngqangi lenziwa izilungiso—**

(a) ngokufakelwa kwicandelwana (1) emva komhlathi (l) kwalo mhlathi ulandelayo:

“(lA) ephathelele kwimiba yokusiwa kwamashishisi okanye kwemisebenzi kwezinye iindawo, kubandakanywa le miba ilandelayo:

- (i) uxhobiso lwezoqoqosho lwabamnyama ngokubanzi kwindawo ethuthela kuyo ikhasino, okanye ekuyo;
- (ii) ukubonelelwa kwamathuba ezoqoqosho ngumnini welayisenisi yokusebenza yekhasino kwindawo ethuthela kuyo ikhasino, okanye ekuyo; okanye ukuba umnini welayisenisi yokusebenza yekhasino, anqande naliphi ifuthe elibi lokuya kumisa ikhasino kule ndawo ithuthela kuyo okanye ikuyo;
- (iii) ukuthomalaliswa, ngumnini welayisenisi yokusebenza, nayiphi na impembelelo embi ekuthuthweni kwekhasino kulondawo ikuyo isiwa kwenye indawo; kunye
- (iv) ukuzinikela okwenziwe ngokwecandelo 53 loMthetho kaZwelonke;”;

(b) nangokucinywa komhlathi (m) wecandelwana (1).

**Ukwenziwa kwezilungiso kwicandelo 41 loMthetho 4 ka-1996, njengoko litshintshwe licandelo 35 loMthetho 4 ka-1997 laze lenziwa izilungiso licandelo 10 loMthetho 11 ka-1997, icandelo 7 loMthetho 4 ka-1999, amacandelo 1 no-19 oMthetho 4 ka-2006 necandelo 5 loMthetho 7 ka-2013**

**11. Icandelo 41 loMthethongqangi lenziwa izilungiso ngokucinywa kwamacandelwana (2) no-(3).**

**Ukufakelwa kwecandelo 41B kuMthetho 4 ka-1996**

**12. Eli candelo lilandelayo liyafakelwa kuMthethongqangi emva kwecandelo 41A:**

**“Ukuya kwenye indawo**

**41B.** (1) Kulandelwa icandelwana (2), ukuba umnini welayisenisi oxelwe kwicandelo 27(a), (d), (e), (f), (g), (hB), (i) okanye (k), okanye 46 ufuna ukuhambisa ishishini lakhe okanye imisebenzi egunyaziswe yilayisenisi kumasango agunyazisiweyo kwilayisenisi esiya kwamanye amasango, umnini-layisenisi uya kufaka isicelo kwiBhodi ngokwemiqathango yecandelo 35A(1) ukuba kulungiswe iinkcukacha zamasango abhalwe kwilayisenisi.

(2) Icandelwana (1) alibhekisi kumntu onelayisenisi yokuqesha yelizwe exelwe kuMthetho weLizwe.

(3) Ukuba umnini welayisenisi ngokuqwalasela kwicandelo 27(*dA*), (*j*), (*kA*) okanye 47 ufuna ukuhambisa ishishini lakhe okanye imisebenzi egunyaziswe yilayisenisi egunyazisiweyo kwilayisenisi esiya kwamanye amasango, umnini-layisenisi uya kufaka isicelo kwiBhodi selayisenisi yalo masango athuthela kuwo.

(4) IBhodi ayisayi kwamkela isicelo esixelwe kwicandelwana (1) sokusiwa kwenye indawo kwekhasino ngaphandle kokuba izanelisile ukuba—

- (a) indawo ephakanyisiweyo ishishini liya kuyo ayisayi kukhabana noqoqosho, okanye nokuvezwa kwamathuba emisebenzi kwiPhondo;
- (b) umfaki-sicelo ume kakuhle ngokwasezimalini yaye unemali eyaneleyo yokokha ikhasino kuloo ndawo aya kuyo kunye naziphi na ezinye izinto ezingundoqo ezihambelana nekhasino, yaye uza kukwazi ukuyigcina isebenza ikhasino nezibonelelo zayo;
- (c) umfaki-sicelo unekhasino kwesi sakhiwo sinelayisenisi ngoku ehambelana nemigaqo yalo Mthetho, nemiqathango yelayisenisi yayo, neyoMthetho weLizwe kunye naziphi na ezinye izixhobo ezenziwe kulandelwa uMthetho weLizwe;
- (d) umfaki-sicelo uya kuba negalelo kuxhobiso ngokwemisebenzi emitsha kulondawo eliziko lingundoqo limanyeneyo;
- (e) umfaki sicelo uyakuba negalelo kwezoqoqosho lwabamnyama kummandla eya kuwo ikhasino;
- (f) umfaki-sicelo uya kubonelela ngamathuba ezoqoqosho kumaqela abantu abakhethiweyo, abahlala kuloo mmandla ikhasino ethuthela kuwo;
- (g) umfaki-sicelo uyakuqinisekisa ukuba amaqela akhethiweyo ayaziqwalasela iimeko zemali zabo xa kuhanjiswa ikhasino;
- (h) umfaki-sicelo uyakwenza kangangoko ukuqwalasela ukuphucula ubandakanyeko loluntu okanye olwezoqoqosho kwabo bahlelelekileyo abasuka kwindawo ebe inekhasino kunye nabo bakwindawo ekuyo ikhasino, ngokwecandelwana (5); kunye
- (i) Umfaki-sicelo uyakuqhubeka ngokuxhasa ezoshishino ngokuqwalasela indawo esuka kuyo ikhasino ngokwendlela evunywe yi Bhodi.

(5) Umnini welayisenisi yokusebenza kufuneka, ngokwenjongo yecandelwana (4)(*h*), linika uzinzo kwizakhiwo zoluntu kwakunye neziseko ezinozinzo, kuluntu ngokuqwalaselwa kulamgaqwana.

(6) Ulungiselelo lwecandelo 35(3)(*a*)(ii), (iii), (iv) kunye no (v) uyakusebenza, ngotshintsho oludingekayo, ngokwesicelo esisaqwalaselwa kwelacandelwana (1) nokusiwa kwenye indawo kwekhasino.

(7) Xa ikhasino isiya kwenye indawo, naziphi na iimbophelelo ezenziwe ngumnini khasino yokusebenza njengoko ixeliwe kwicandelo 53(1) loMthetho weLizwe iyakuqhubeka ukufaka isicelo, kunye notshintsho oludingekayo, ngaphandle kokuba iimbophelelo azisahambelani noko.

(8) IBhodi ingafuna ukuba umnini welayisenisi yokusebenza yekhasino anqande naliphi ifuthe elibi lokuya kumisa ikhasino kule ndawo ithuthela kuyo okanye ikuyo.

(9) Indlela umnini welayisenisi yokusebenza yekhasino aya kuthi anqande ngayo ifuthe elixelwe kwicandelwana (8), namaxesha abekelwe ukunqanda elo futhe aya kuba ngalawo abekwe yiBhodi.

(10) Isicelo esixelwe kwicandelwana (1) nokusiwa kwenye indawo kwekhasino siya kubandakanya ingxelo, engendlela ebekwe yiBhodi, enezi nkcukacha zilandelayo:

- (a) uludwe lwezinto ezinokuba nefuthe elibi ngokuhanjiswa kwekhasino;
- (b) inkcazelo yokuba ingaba eli futhe libi elixelwe kumhlathi (*a*) lidinga ukunqandwa na; yaye
- (c) apho kunikwe inkcazelo yokuba ifuthe elibi elixelwe kumhlathi (*a*) lifuna ungenelelo, makufakwe iziphakamiso zendlela eliza kunqandwa ngayo elo futhe libi.



(11) Ukulungiselela icandelwana (10) akufuneki ukucutha igunya leBhodi ngokwecandelwana (8).

(12) Noxa kuphunyezwe isicelo esixelwe kwicandelwana (1) nokusiwa kwenye indawo kwekhasino, ukutshintshwa kwelayisenisi kuqala ukusebenza ngomhla umnini welayisenisi yokusebenza yekhasino eqala ukushishina ekhasino esiwe kwenye indawo.

(13) Umhla wokuqala ukusebenza oxelwe kwicandelwana (12) uya kugqitywa ngumnini welayisenisi yokusebenza yekhasino emva kokubonisana neBhodi.

(14) Noxa kuphunyezwe isicelo esixelwe kwicandelwana (1) nokusiwa kwenye indawo kwekhasino, noxa icandelwana (12) kunye no (13) umnini welayisenisi yokusebenza yekhasino akanakuqala ikhasino esiwe kwenye indawo ade abe uphumeze zonke ezi mfuno zilandelayo:

(a) ulwakhiwo okanye umiselo lwekhasino sele lugqityiwe;

(b) umnini welayisenisi yokusebenza yekhasino unike iBhodi iikopi zazo zonke iimvume ezidingekayo okanye amaxwebhu ekufuneka umnini-khasino ewafumene koogunyaziwe ngokwemithetho echaphazela uphuhliso okanye ulwakhiwo kuloo ndawo ikuyo ikhasino, okanye ukuqala kokusebenza kwekhasino;

(c) iBhodi isihlolile isakhiwo sekhasino; yaye

(d) iBhodi ivumile ukuba ingaqala isebenze ikhasino.

(15) Apho kuza kwakhiwa ezinye izibonelelo ezisebenzisana nekhasino, kuyakusebenza imiqathango yecandelwana (14) notshintsho oludingekayo.

(16) IBhodi ingavumela umnini welayisenisi yokusebenza yekhasino aqale ukusebenza kwikhasino esiwe kwenye indawo noxa zisenokuba azikagqitywa ezinye izibonelelo ezisebenza kunye nekhasino leyo okanye zibe azikamiselwa.

(17) Emva kokuba kuthotyelwe iimfuno ngokwecandelwana (14), umnini welayisenisi yokusebenza yekhasino uya kusa le layisenisi anayo ngoku kwiBhodi.

(18) Noxa kukho umhla obekiweyo oxelwe kwicandelwana (12), okanye imiqathango yecandelo 41(4), umnini welayisenisi yokusebenza yekhasino uya kuyiyeka ikhasino kwesi sakhiwo sinelayisenisi ngoku emva kokuba ehambise le layisenisi anayo ngoku kwiBhodi de afumane imvume yesakhiwo esitsha.

(19) Noxa kukho icandelwana (18), iBhodi ingathi nanini na inike umnini welayisenisi yokusebenza yekhasino imvume ebhaliweyo, ngokwemiqathango yecandelo 41(4), yokuba ayeke ukushishina ngekhasino, ngenjongo yokuququzelela inkqubo yokuya kwenye indawo.

(20) Apho umnini welayisenisi yokusebenza yekhasino, ofake isicelo sokulungiswa kwelayisenisi yakhe ngenjongo exelwe kwicandelwana (1), efaka isicelo sohlaziyo lwelayisenisi yayo ngokwemiqathango yecandelo 40, isicelo siya kuba malunga nekhasino kwesi sakhiwo sinelayisenisi ngoku.”.

**Ukwenziwa kwezilungiso kwicandelo 44 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 38 loMthetho 4 ka-1997, icandelo 12 loMthetho 11 ka-1997, icandelo 1 loMthetho 5 ka-1999 necandelo 6 loMthetho 7 ka-2013**

13. Icandelo 44 loMthethongqangi lenziwa izilungiso ngokwenza utshintsho kwicandelwana (3) leli candelwana lilandelayo:

“(3) Imirhumo exelwe kumacandelwana (1) no-(2) ihlawulwa kwiBhodi.”.

**Ukubhangiswa kwecandelo 44A, nanjengokuba linganelwe licandelo 13 loMthetho 11 ka-1997**

14. Icandelo 44A loMthethongqangi liyabhangiswa.



**Ukubhangiswa kwecandelo 44B, nanjengokuba linganelwe licandelo 13 loMthetho 11 ka-1997 laze lenziwa izilungiso licandelo 1 loMthetho 10 ka-2000**

15. Icandelo 44B loMthethongqangi liyabhangiswa.

**Ukufakelwa kwamacandelo 44D kunye no 44E kuMthetho 4 ka-1996**

16. La macandelo alandelayo ayakufakelwa kuMthethongqangi emva kwecandelo 44C:

**“Umrhumo womsebenzisi wekhasino**

**44D.** Umrhumo womsebenzisi wekhasino, njengoko kuchaziwe kumhlathi 6 weShedyuli II iyakuhlulwa kwiBhodi ngumnini welayisenisi yokusebenzisa ikhasino.

**Imirhumo yamathuba ezoqoqosho**

**44E.** (1) Xa umnini welayisenisi yokusebenza yekhasino wesicelo esixelwe kwicandelo 41B(1) evunyelwe ukuba aqhube, uya kuhlawula umrhumo obekiweyo wamathuba oqoqosho.

(2) Umrhumo wamathuba oqoqosho uhlawulwa kuRhulumente weNtshona Koloni.

(3) Umnini welayisenisi yokusebenza yekhasino uya kuhlawula umrhumo wamathuba oqoqosho kwiintsuku ezintlanu ukususela kumhla axelelwe ngawo ukuba iBhodi isamkele isicelo sakhe.

(4) IBhodi iya kulanda umrhumo wamathuba oqoqosho, ze ihlawule loo mali kwiNgxowamali yeNgeniso yePhondo kwiintsuku ezintlanu zokuyifumana.”.

**Ukwenziwa kwezilungiso kwicandelo 45 loMthetho 4 ka-1996**

17. Icandelo 45 loMthethongqangi lenziwa izilungiso—

(a) ngokwenza utshintsho kwicandelwana (4) leli candelwana lilandelayo:

“(4) A Ilayisenisi yomnini wekhasino iya kubandakanya naloo masango athe akhankanywa kwilayisenisi leyo[ **naya kuthi akhiwe ngokwalaa ndlela iye yavunywa kwisicelo solwakhiwo**].”; kunye

(b) nangokufakela eli candelwana lilandelayo emva kwecandelwana (4):

“(4A) Amasango axelwe kwicandelwana (4) aya kwakhiwa kulandelwa imithetho echaphazela loo ndawo kunye nayo nayiphi na imiqathango ebekwe yiBhodi.”.

**Ukwenziwa kwezilungiso kwicandelo 75 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 61 loMthetho 4 ka-1997, icandelo 16 loMthetho 10 ka-1997, icandelo 15 loMthetho 11 ka-1997, icandelo 4 loMthetho 8 ka-1998, icandelo 2 loMthetho 10 ka-2000, icandelo 6 loMthetho 1 ka-2003 namacandelo 1 no-33 loMthetho 4 ka-2006**

18. Icandelo 75 loMthethongqangi lenziwa izilungiso ngokufaka endaweni yomhlathi (b) kwecandelwana (1) lalo mhlathi ulandelayo:

“(b) atyeshele nawuphi na umqathango welayisenisi [**kwaye kumntu ongumnini welayisenisi yekhasino, nawo nawuphi na umqathango ohamba nesicelo esivunyiweyo solwakhiwo**];”.

**Ukwenziwa kwezilungiso kwicandelo 81 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 65 loMthetho 4 ka-1997, icandelo 17 loMthetho 10 ka-1997, icandelo 6 loMthetho 8 ka-1998, icandelo 8 loMthetho 1 ka-2003 necandelo 1 loMthetho 4 ka-2006**

19. Icandelo 81 loMthethongqangi lenziwa izilungiso—

(a) ngokufaka endaweni yomhlathi (b) wecandelwana (1) lalo mhlathi ulandelayo:

“(b) nawuphi na umba omalunga nesicelo selayisenisi okanye uhlaziyo okanye ukulungiswa kwelayisenisi;”;

- (b) ngokucinywa komhlathi (c) wecandelwana (1);
- (c) ngokufaka endaweni yomhlathi (d) wecandelwana (1) lalo mhlathi ulandelayo:  
“(d) ezona layisenisi zininzi [zivumelekileyo] zalo naluphi uhlobo ezikhutshwe kumaxesha ngamaxesha okanye zaloo mmandla;”;
- (d) ngokucinywa komhlathi (f) wecandelwana (1); kunye
- (e) nangokufakela kwicandelwana (1) emva komhlathi (g) kwalo mhlathi ulandelayo:  
“(gA) ubungakanani bommandla oxelwe kulo Mthetho;”.

**Ukwenziwa kwezilungiso kwicandelo 82 loMthetho 4 ka-1996, njengoko lenziwe izilungiso licandelo 66 loMthetho 4 ka-1997, icandelo 18 loMthetho 10 ka-1997, icandelo 9 loMthetho 1 ka-2003 necandelo 1 loMthetho 4 ka-2006**

20. Icandelo 82 loMthethongqangi lenziwa izilungiso ngokufaka endaweni yomhlathi (a) kwecandelwana (1) lalo mhlathi ulandelayo:

- “(a) nawuphi na umba omalunga nesicelo selayisenisi okanye uhlaziyo okanye ukulungiswa kwelayisenisi;”.

**Isilungiso seShedyuli II soMthetho 4 ka-1996, njengoko utshintshiwe licandelo 70 loMthetho 4 ka-1997 yaye nanjengokuba wenziwe izilungiso licandelo 18 loMthetho 11 ka-1997, icandelo 4 loMthetho 5 ka-1999, icandelo 4 loMthetho 10 ka-2000, icandelo 1 loMthetho 9 ka-2001, icandelo 1 loMthetho 7 ka-2009, kunye necandelo 7 loMthetho 7 ka-2013**

21. IShedyuli II soMthethongqangi senziwa izilungiso—

- (a) ngokucinywa komhlathana 3 no-4;
- (b) ngokutshintshwa komhlathi 5 walomhlathi ulandelayo:

“5. Ukucuthwa kwemirhumo yomatshini bongcakazo ngokwecandelo 44C ngoluhlobo lulandelayo:

Ubungakanani nokucuthwa komatshini bongcakazo osebenzayo	Ukucuthwa kwemirhumo yomatshini bongcakazo
Apho inani lomatshini bokungcakaza licuthiweyo ngokungedluli koomatshini abayi 500 ngomsebenzisi ngamnye	[R500 000,00] R1,775 yezigidi zeerandi ngonyaka [kanganexesha eliyiminyaka elishumi] inyuka ngonyaka ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile
Apho inani lomatshini bokungcakaa licuthiweyo lidlula ku 500 ngokomsebenzisi ngamnye kodwa lingedluli koomatshini abayi 1000 ngomsebenzisi ngamnye	[R1 000 000,00] R3,550 yezigidi zeerandi ngonyaka [kanganexesha eliyiminyaka elishumi] inyuka ngonyaka ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile
Apho inani loomatshini bokungcakaza licuthiweyo lidlula ku koomatshini abayi 1000 ngomsebenzisi ngamnye	[R1 500 000,00] R5,325 yezigidi zeerandi ngonyaka [kanganexesha eliyiminyaka elishumi] inyuka ngonyaka ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile

”; yaye

(c) ngokwengeza lomhlathi ulandelayo emva komhlathi 5:

“6. Irhafu yekhasino yokusebenza ihlawulwa ngokwecandelo 44D ngoluhlobo lulandelayo:

<u>Ixabiso lophuhliso lwekhasino</u>	<u>Imirhumo yekhasino yokusebenza</u>
<u>Apho ixabiso lophuhliso lwekhasino lungedlulanga kwi-R175,0 yezigidi zeerandi</u>	<u>I-R2, 550 yezigidi ngonyaka enyuka minyaka le ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile</u>
<u>Apho ixabiso lophuhliso lwekhasino ludlule kwi-R1750,0 yezigidi zeerandi</u>	<u>I-R6,500 yezigidi ngonyaka enyuka minyaka le ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile</u>

”.

**Isilungiso seShedyuli III soMthetho 4 ka-1996, njengoko ulungisiwe licandelo 71 loMthetho 4 ka-1997, icandelo 2 loMthetho 9 ka 1998, icandelo 2 loMthetho 9 ka 2001, icandelo 2 loMthetho 8 ka 2002, icandelo 1 loMthetho 3 ka 2003, icandelo 1 loMthetho 7 ka 2003, icandelo 1 loMthetho 4 ka 2006 kunye necandelo 1 loMthetho 8 ka 2013**

**22.** Isigaba B seShedyuli III yoMthethongqangi wenziwa izilungiso ngokutshintsha ibinzana (a) lebinzana 1 lelibinzana lilandelayo:

“Ilayisenisi yekhasino yokusebenza

(a) Ngokuhambelana nengeniso yerhafu nakuluphi na ixesha lerhafu, ixabiso lerhafu ebaliweyo ngokwale tafle ingezantsi:

<u>INGENISO YERHAFU</u>	<u>UBUNGAKANANI BERHAFU NGOKWELAYISENISI YEKHASINO YOKUSEBENZA</u>
<u>Apho irhafu yengeniso ngexesha Lerhafu—</u>	
<u>ingedluli kwiR36,0 yezigidi zeerandi</u>	<u>I-8 yeepesenti nge R1 nganye kwingeniso yerhafu</u>
<u>idlule kwi R36,0 yezigidi zeerandi</u>	<u>R2,880 yezigidi zeerandi kunye ne 19 yeepesenti zesixa mali esiyakuba nerhafu yengeniso edlule kwi-R36,0 yezigidi zeerandi</u>

”.

**Ukutshintshwa koluvo kuMthetho 4 ka 1996**

**23.** Ukwenziwa kwezilungiso kuMthethongqangi ngokutshintsha uluvo “ULawulo lwePhondo: leNtshona Koloni”, kuzo zonke iindawo elivela kuzo, ze kufakwe uluvo “uRhulumente weNtshona Koloni”.

**Ukwenziwa kwezilungiso kuLandelwaniso lwamaCandelo kuMthetho 4 ka-1996, njengoko enziwe izilungiso licandelo 2 loMthetho 4 ka-1997 necandelo 2 loMthetho 4 ka-2006**

**24.** Ulandelwaniso lwamacandelo aphambi kwecandelo 1 loMthethongqangi lwenziwa izilungiso—

- (a) ngokufakela emva kwento ebhekisa kwisihloko esikwicandelo 35 kwalo mba ulandelayo:  
“35A. Izicelo zokwenziwa kwezilungiso”;
- (b) ngokufakela emva kwento ebhekisa kwisihloko esikwicandelo 41A kwalo mba ulandelayo:  
“41B. Ukuya kwenye indawo”; kunye
- (c) ngokufakela phambi kwento ebhekisa kwisihloko esikwicandelo 45 kwalo mba ulandelayo:  
“44D. Umrhumo weKhasino yokusebenza  
44E. Umrhumo wamathuba oqoqosho”.

**Isihloko esifutshane nokuqala ukusebenza**

**25.** Lo Mthetho ubizwa ngokuba nguMthetho weZilungiso woNgcakazo weShumi elinesiThoba neMidyarho weNtshona Koloni, 2018 yaye uya kuqala ukusebenza ngomhla ogqitywe yiNkulumbuso ngesibhengezo esiya kwenziwa kwi*Gazethi yePhondo*.

(2) Nangona amacandelwana (1), ukucinywa kwamagama “kangangexesha leminyaka elishumi” ukusuka kumhlathi 5 weShedyuli II ukuya kuMthethongqangi, njengoko kuchaziwe kwicandelo 21(b) lwaloMthetho, ngokubhekiselele ekuzeni kuqala ukusebenza ngomhla we 1 kweyoMqungu 2014.

**IMEMORANDAM YEENJONGO ZOMTHETHO WEZILUNGISO  
OSAYILWAYO WONGCAKAZO NEMIDYARHO WENTSHONA  
KOLONI WESHUMI ELINESITHOBA, 2018**

**1. INTSUKAPHI**

- 1.1 Ngo-1997 iKhabhinethi yePhondo leNtshona Koloni ikhuphe iMiqathango yeMigaqonkqubo (epapashwe ngeSaziso sePhondo 304/1997 kwiGazethi yePhondo 5170 yowe-29 Agasti 1997) ukuze ithotyelwe yiBhodi yoBekoliso kuNgcakazo neMidyarho eNtshona Koloni (iBhodi) ekumiseleni ushishino longcakazo olunelayisenisi eNtshona Koloni.
- 1.2 IMiqathango yeMigaqonkqubo ibonelela, phakathi kwezinye izinto, ngokuba iilayisenisi zokusebenza kweekhasino ezintlanu ezinikwe iiNtshona Koloni kufuneka zabelwe ummandla wesithili ngasinye kwimimandla emihlanu yephondo.
- 1.3 IMiqathango yeMigaqonkqubo ikwabonelela kwakhona ngokuba iilayisenisi zokusebenza kweekhasino zisebenze kuphela kuloo mimandla iminyaka elishumi yaye kufuneka kuhlululwe imirhumo yokusebenza kulo mimandla kweso sithuba.
- 1.4 IMiqathango yeMigaqonkqubo ikwadwelisa imiba ethile iBhodi ekufuneka iyijongile xa iqwalasela izicelo zeelayisenisi zokusebenza kweekhasino. Ngaphezu koko, kukho umqathango wokuba umnini welayisenisi yokusebenza kweekhasino makabe negalelo analo kwiiprojekthi zendawo ekummandla ikhasino ekuwo. Umnini-khasino onelayisenisi yekhasino ekwiNqila yeKapa kuye kwafunekaancedise ngeR135 miliyoni kwiziko lokubamba iingqungquthela (convention centre) elikumgangatho wehlabathi.
- 1.5 Ngoku zintlanu ikhasino ezisebenzayo eNtshona Koloni. Ngokuya zazimiselwa, ikhasino nganye yanikwa ilayisenisi yokusebenza kuphela kummandla esikelwe wona isithuba esiyiminyaka elishumi. Ulwabiwo lweekhasino ezintlanu, enye kummandla ngamnye, bekuhambelana nezithili zoomasipala ezintlanu ezizezi: Cape Metropolitan, Overberg, West Coast, Southern Cape neBreede River. IMiqathango yeMigaqonkqubo yenze umgaqo othi ikhasino ekwiCape Metropolitan mayibe kungama oziikhilomitha eziyi-75 ukusuka kwiCity Hall yaseKapa.
- 1.6 Ezi zithuba zemiqathango eyodwa yokusebenza kwimimandla ethile ziphelelwe ngoku. Ukuya phambili, imiqathango yeelayisenisi zabanini-zikhasino, njengoko kuchazwe apha ngentla, ayisayi kusebenza. Umntu ngoku angayisusa ikhasino kwindawo ebikuyo, kodwa ubuninzi zikhasino ezintathu kuphela ezinokuvunyelwa kummandla weCape Metropolitan.
- 1.7 Iikhasino ziza kuqhubeka nokuhlululwa iilayisenisi zonyaka neendleko zophando. Imirhumo yokusebenza kweekhasino iya kuhlululwa. Ngaphezu koko, kuza kusebenza irhafu ehlaziyiweyo yaye apho iBhodi ivumela ukuhanjiswa kweekhasino iye kwenye indawo, kuya kuhlululwa imirhumo yamathuba athile oqoqosho.
- 1.8 Kuthathelwa ingqalelo oku kungentla, iMiqathango yeMigaqonkqubo iya kuthi irhoxiswe ekuhambeni kwethuba.

**2. IINJONGO ZOMTHETHO OSAYILWAYO**

- 2.1 Injongo eziPhambili zoMthetho weShumi elinesiThoba woNgcakazo neMidyarho weNtshona Koloni, 2018 (uMthetho oSayilwayo), kukwenza izilungiso kwiWestern Cape Gambling and Racing Act, 1996 (Umthetho 4 ka-1996) (uMthetho), ukubonelela ngenkqubo eza kungena endaweni yemigaqo eyodwa yokusebenza kwimimandla ethile esele ichaziwe. Oku kufuna izilungiso eziteknikali nezivakalayo emazeniwe kuMthetho.

- 2.2 Ngaphezu koko, lo Mthetho uSayilwayo ubeka amanyathelo amakathathwe ukuze iBhodi ikwazi ukuhlala inemali. Kufakwe umrhumo omtsha wokuba nekhasino. Lo mrhumo ubalwa kujongwa into yokuba yintoni ebiza kudingeka ukuba ihlawulwe ziikhasino ukuba bekungaphelanga esi sithuba semiqathango yokusebenza kwimimandla ethile. Ngaphezu koko, imali yokusebenza kwekhasino inxulunyaniswa nexabiso lokuqala lokuphuhlisa kwekhasino, apho kwahlulwa phakathi kokuba ingaba ixabiso lophuhliso lekhasino belingaphantsi kweR175 miliyoni okanye belingaphezulu kweR175 miliyoni. Le mali iza kuhlawulwa qho ngonyaka yaye iqalwe ukuze kuqinisekise ukuba kwenziwa into efanayo kwimirhumo yokusebenza ehlawulisa abanini-zindawo zokungcakaza kunye nokuqinisekisa ukuba iBhodi ihlala inemali yokusebenza. Ukuhlawulisa kwalo mrhumo kuhambelana nomgaqo othi eli shishini kufuneka lihlawulele ulawulo lwalo.
- 2.3 UMthetho oSayilwayo wenza ukuba kususwe irhafu yamanqwanqwa amathandathu ze endaweni yayo kungene enamanqwanqwa amabini. Le rhafu ihlaziyiweyo isekelwe kule migaqo-siseko mithathu ilandelayo: (1) makungabikho lahleko kwingeniso yerhafu engumyinge obekiweyo kwiPhondo emva kokutshintsha iindawo ezikuzo iikhasino kwiPhondo lonke, (2) ubume berhafu mabungachaphazeli izigqibo zoqoqosho zeekhasino ukuba zithuthele kummandla weNqila yeKapa, (3) iikhasino ezingasukiyo kwiindawo ezikuzo mazinganyuselwa rhafu. Kuthathelwa ezi zinto ingqalelo, naluphi utshintsho kuqokelelo lweerhafu zephondo ngumsebenzi weNgeniso yeRhafu iYonke, ongenzeki ngenxa yotshintsho lobume berhafu.
- 2.4 UMthetho uSayilwayo uza nemirhumo emitsha yamathuba oqoqosho. Irhafu yamathuba oqoqosho lixabiso elongezelelekileyo eliza kuhlawulwa ngumnini welayisenisi yokusebenza kwekhasino ngokuhambisa ikhasino yakhe kunaxa ibihleli kwindawo ekuyo yaye ihambelana neNgeniso yeRhafu iYonke eqikelelwayo yonyaka. Imirhumo yamathuba oqoqosho ibekwa ngokwemiqathango yaye ihlawulwa ngabanini-zikhasino kwiintsuku ezintlanu zokwamkelwa kwesicelo sotshintsho kumasango ekhasino yiBhodi.
- 2.5 Ngaphezu koko, lo Mthetho uSayilwayo uhlaziya imiqathango ethile emalunga nemirhumo yoomatshini bokungcakaza. Intlawulo yale mirhumo ikhuthaza ukuba iBhodi ikwazi ukuhlala inemali kwanokuba eli shishini kufuneka lihlawulele ulawulo lwalo.
- 2.6 Enye injongo yalo Mthetho oSayilwayo kukususa kuMthetho imiqathango emalunga nezicelo zophuhliso neminye imiba yocwangciso ehoywa ngoomasipala okanye liSebe leMicimbi yokusiNgqongileyo noCwangciso, hayi yiBhodi.

### 3. IZINTO EZIQULETHWE NGULO MTHETHO USAYILWAYO

- 3.1 **Isolotya 1** loMthetho oSayilwayo lenza izilungiso kwicandelo 1 loMthetho ngokufakela iinkcazelo ezintsha ezihambelana nokuthutha kweekhasino.

Ngaphezu koko, licima inkcazelo yebinzana “isicelo sophuhliso” kwicandelo 1 loMthetho. Esi sisilungiso esinefuthe esidalwe lutshitshiso lwecandelo 32A loMthetho.

- 3.2 **Isolotya 2** loMthetho oSayilwayo lenza izilungiso ezinefuthe kwicandelo 18(8) loMthetho ngenxa yokufakelwa kwamacandelo 35A no-41B.

- 3.3 **Isolotya 3** loMthetho oSayilwayo lenza izilungiso ezinefuthe kwicandelo 23(1) no-(5) loMthetho ngenxa yokufakelwa kwamacandelo 35A no-41B.

Ngaphezu koko, licima icandelo 23(2) ukuze iBhodi ikwazi ukumana ukwenza isigqibo ngokuba kufuneka yenze iindibano zomamelo-zimvo na. Oku kuhambelana nesigama esikwicandelo 23(1)(a).

- 3.4 **Isoloty 4** loMthetho osaYilwayo libhangisa icandelo 32A loMthetho. Izicelo zophuhliso zihoywa ngoomasipala okanye liSebe leMicimbi yokusiNgqongileyo noCwangciso, azijongwa yiBhodi.
- 3.5 **Isoloty 5** loMthetho osaYilwayo libhangisa icandelo 32B loMthetho. Imiba yosetyenziso lwemihlaba, kwimeko exelwe kwicandelo 32B loMthetho, ihoywa ngoomasipala, ayijongwa yiBhodi.
- 3.6 **Isoloty 6** loMthetho osaYilwayo lenza izilungiso kwicandelo 33(1) loMthetho ngokucutha iintlobo zezicelo uluntu olunovakalisa izimvo kuzo. Uluntu lungavakalisa izimvo kuphela kwizicelo ezipapashelwe ukuba uluntu luvakalise izimvo kuzo ngokwecandelo 32(2)(a).
- 3.7 **Isoloty 7** loMthetho osaYilwayo linabisa umhlaba wecandelo 34(2) loMthetho. Injongo kukuba imiqathango yecandelo 34(2) isebenze kuzo zonke izicelo, hayi kuphela kwizicelo zeelayisenisi.
- 3.8 **Isoloty 8** loMthetho osaYilwayo lenza izilungiso kwicandelo 35(3)(a)(iii) loMthetho ngokususa izinto ezibhekisa kwimiba yosetyenziso-mhlaba. Imiba yosetyenziso-mhlaba, kwimeko exelwe kwicandelo 35(3)(a)(iii) loMthetho, iya kuqwalasewa ngoomasipala abachaphazelekayo.
- 3.9 **Isoloty 9** loMthetho osaYilwayo lifaka icandelo 35A kuMthetho. Icandelo 35A libeka inkqubo yokwenza izilungiso kwiilayisenisi. Xa abanini beelayisenisi ezithile, kubandakanywa umnini weelayisenisi yokusebenza kwekhasino, efuna ukuhambisa imisebenzi yeshishini lakhe egunyaziswe yilayisenisi yakhe, kufuneka afake isicelo elandela icandelo 35A sokwenza izilungiso kwilayisenisi.
- 3.10 **Isoloty 10** loMthetho osaYilwayo lenza izilungiso kwicandelo 37 loMthetho ngokulungiselela iBhodi ukuba ibeke imiqathango yokuhanjiswa kwamashishini okanye izinto ezenziwa kuwo.
- Ngaphezu koko, libhangisacima icandelo 37(1)(m) loMthetho. Esi sisilungiso esinefuthe sidalwe lubhangiso lwecandelo 32A.
- 3.11 **Isoloty 11** loMthetho osaYilwayo licima icandelo 41(2) no-(3) loMthetho. Esi sisilungiso esinefuthe sidalwe kukufakelwa kwamacandelo 35A no-41B.
- 3.12 **Isoloty 12** loMthetho osaYilwayo lifaka icandelo 41B kuMthetho. Icandelo 41B libeka inkqubo elandelwayo xa abanini beelayisenisi ezithile, kubandakanywa umnini-layisenisi yokusebenza kwekhasino, efuna ukuhambisa imisebenzi yeshishini lakhe egunyaziswe yilayisenisi yakhe.
- 3.13 **Isoloty 13** loMthetho osaYilwayo lingena endaweni yecandelo 44(3) loMthetho. Libeka imiqathango yemirhumo ethile emayihlawulwe kwiBhodi. Le mirhumo ayisayi kuhlawulwa kuRhulumente weNtshona Koloni.
- 3.14 **Isoloty 14** loMthetho osaYilwayo libhangisa icandelo 44A loMthetho. Icandelo 44A lithetha ngemirhumo eyodwa ehlawulwa ngabanini-ziilayisenisi zokusebenza kwekhasino. Le mirhumo iyekiwe.
- 3.15 **Isoloty 15** loMthetho osaYilwayo libhangisa icandelo 44B loMthetho. Icandelo 44B limalunga nemirhumo yokungenela intengiso ethile. Le mirhumo iyekiwe.
- 3.16 **Isoloty 16** loMthetho osaYilwayo lifaka amacandelo 44D no-44E kuMthetho.
- Icandelo 44D libonelela ngemirhumo yokusebenza kwekhasino ehlawulwa ngabanini-ziilayisenisi.
- Icandelo 44E libeka imiqathango yemirhumo yamathuba oqoqosho ehlawulwa ngabanini-ziilayisenisi yelayisenisi yokusebenza kwekhasino esicelo sayo sixelwe kwicandelo 41B(1) (isicelo sokutshintshwa kwelayisenisi ukuze kutshintshwe iinkcukacha zamasango).



- 3.17 **Isoloty 17** loMthetho osaYilwayo lenza izilungiso kwicandelo 45 loMthetho ngokususa amagama athile kwizicelo zophuhliso. Likwabonelela ngendlela ekuphuhliswa ngayo amasango ekhasino. Ezi zizilungiso ezinefuthe ngenxa yotshitshiso lwecandelo 32A.
- 3.18 **Isoloty 18** loMthetho osaYilwayo lenza izilungiso ezinefuthe kwicandelo 75(1)(b) loMthetho ngenxa yokubhangiswa kwecandelo 32A.
- 3.19 **Isoloty 19** loMthetho osaYilwayo lenza izilungiso ezinefuthe kwicandelo 81(1) loMthetho ngenxa yokufakelwa kwamacandelo 35A no-41B notshitshiso lwecandelo 32A loMthetho.
- 3.20 **Isoloty 20** loMthetho osaYilwayo lenza izilungiso ezinefuthe kwicandelo 82(1)(a) loMthetho ngenxa yokufakelwa kwamacandelo 35A no-41B.
- 3.21 **Isoloty 21** loMthetho osaYilwayo lenza izilungiso ezinefuthe kwiShedyuli II yoMthetho ngenxa yobhangiso lwamacandelo 44A no-44B loMthetho.
- Ngaphezu koko, lenza izilungiso kumhlathi omalunga nemirhumo yoomatshini bokungcakaza.
- Likongeza nomhlathi obeka imirhumo yokusebenza kwekhasino emayihlawulwe ngokwecandelo 44D.
- 3.22 **Isoloty 22** loMthetho osaYilwayo lenza izilungiso kwiSiquendu B seShedyuli II yoMthetho ngokubonelela ngerhafu ehlaziyiweyo echaphazela iilayisenisi zokusebenza kweekhasino. Ngoku kuza kubakho iirhafu ezimbini endaweni yeerhafu ezintandathu.
- 3.23 **Isoloty 23** loMthetho osaYilwayo lingena endaweni yenkcazelo ekuMthetho.
- 3.24 **Isoloty 24** loMthetho osaYilwayo libonelela ngokwenziwa kweZilungiso kuLandlewaniso lwaMacandelo oMthetho.
- 3.25 **Isoloty 25** loMthetho osaYilwayo libonelela ngesihloko esifutshane nokuqala ukusebenza koMthetho. Libonelela ngokucinywa kwamagama athile.

#### **4. UKUHAMBELANA NEMITHETHO**

Umphathiswa wePhondo ojongene nemiba yezemali kwiPhondo uzanelisile ukuba imiqathango yalo Mthetho usaYilwayo ihambelana nemithetho yePhondo.

#### **5. EKUBONISWENE NABO**

Ibhodi yoNgcakazo neMidyarho yeNtshona Koloni

ISebe leNkulumbuso: Iinkonzo zoMthetho

Kuboniswa nabanini-zikhasino malunga nenkqubo emayilandelwe emva kokuphela kwesithuba semiqathango yekhasino emazibe kwiindawo ezithile kuphela.

#### **6. IFUTHE KWIMALI**

Ifuthe kwimali lelo likuMthetho uSayilwayo, kubandakanywa nohlaziyo lweshedyuli yerhafu yeekhasino, ukusebenza kwerhafu ezintsha nohlengahlengiso lwemirhumo ethile.

#### **7. IFUTHE KUBASEBENZI**

Alikho

**PROVINCIAL NOTICE**

P.N. 29/2018

28 February 2018

**WESTERN CAPE GAMBLING AND RACING ACT, 1996 (ACT 4 OF 1996)  
WESTERN CAPE GAMBLING AND RACING REGULATIONS, 1996: DRAFT  
AMENDMENT, 2018**

The Provincial Minister of Finance, in terms of section 81 of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996), intends to make the regulations set out in the Schedule.

**SCHEDULE****Definition**

1. In these regulations “the Regulations” means the Western Cape Gambling and Racing Regulations, 1996, as published under Provincial Notice 239/1996 dated 7 June 1996 and as amended by Provincial Notices 440/1996 (dated 11 October 1996), 458/1996 (dated 30 October 1996), 303/1997 (dated 29 August 1997), 446/1997 (dated 12 December 1997), 50/1998 (dated 23 January 1998), 285/1998 (dated 29 May 1998), 331/1998 (dated 19 June 1998), 334/1998 (dated 26 June 1998), 363/2000 (dated 16 August 2000), 24/2001 (dated 2 February 2001), 11/2002 (dated 18 January 2002), 358/2002 (dated 8 November 2002), 265/2003 (dated 8 August 2003), 396/2003 (dated 21 November 2003), 291/2013 (dated 2 September 2013) and 96/2016 (dated 31 March 2016).

**Amendment of Arrangement of Regulations**

2. The Arrangement of Regulations before regulation 1 is amended—
- (a) by the substitution for the reference to the heading to Chapter 4 of the following item:

**“CHAPTER 4****LICENSING, AMENDMENT APPLICATIONS AND  
MATTERS RELATING TO CERTAIN LICENCES”;**

- (b) by the insertion after the reference to the heading to regulation 13 of the following items:
- “13A. Application of provisions to amendment of licences  
13B. Maximum number of casino operator licences in Cape Metropole  
13C. Extent of areas”; and
- (c) by the deletion of the references to the headings to regulations 27, 27A, 27B and 28.

**Amendment of regulation 1**

3. Regulation 1 of the Regulations is amended by the insertion of the following definition after the definition of “amusement machine”:

“(1A) ‘Cape Metropole’ means the area of the City of Cape Town Metropolitan Municipality;”.

#### **Substitution of heading to Chapter 4**

4. The following heading is substituted for the heading to Chapter 4 of the Regulations:

**“CHAPTER 4  
LICENSING, AMENDMENT APPLICATIONS AND MATTERS  
RELATING TO CERTAIN LICENCES”.**

#### **Amendment of regulation 9**

5. Regulation 9 of the Regulations is amended—

(a) by the deletion of subregulation (2); and

(b) by the substitution for subregulation (3) of the following subregulation:

“(3) The Chief Executive Officer shall not transmit any information in terms of subregulation (1) which in his or her opinion is confidential or irrelevant for purposes of comment.”.

#### **Insertion of regulations 13A, 13B and 13C**

6. The following regulations are inserted after regulation 13 of the Regulations:

**“Application of provisions to amendment of licences**

**13A.** The provisions of regulations 7(1), (2), (3), (4), (5) and (6), 8, 9 and 10 apply, with the necessary changes, to an application for the amendment of a licence contemplated in section 35A(1) of the Act.

**Maximum number of casino operator licences in Cape Metropole**

**13B.** (1) Subject to subregulations (2) and (3), the maximum number of casino operator licences that may be granted or held in the Cape Metropole is three.

(2) The areas in the Cape Metropole in which casino operator licences may be granted or held, and the maximum number of licences that may be granted or held in those areas, are as set out in Schedule 2.

(3) Subregulations (1) and (2) do not confer on the Board the power to grant more than the maximum number of casino operator licences applicable in the Province.

**Extent of areas**

**13C.** The extent of the areas contemplated in Schedule 2 are as set out in Schedule 3.”.

#### **Amendment of regulation 26**

7. Regulation 26 of the Regulations is amended—

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

“(1) If an application for a licence, or an application for the amendment of a licence for the purpose contemplated in section 41B(1) of the Act, is granted by the Board in respect of premises not yet erected or completed, the applicant shall furnish the Board with any guarantee of completion of the premises required by the Board.”; and

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

“(2) If the premises or any stages of development thereof have not been substantially completed within the period determined as a condition of the licence, the licence may be revoked in terms of section 42 of the Act.”.

**Addition of Schedules 2 and 3**

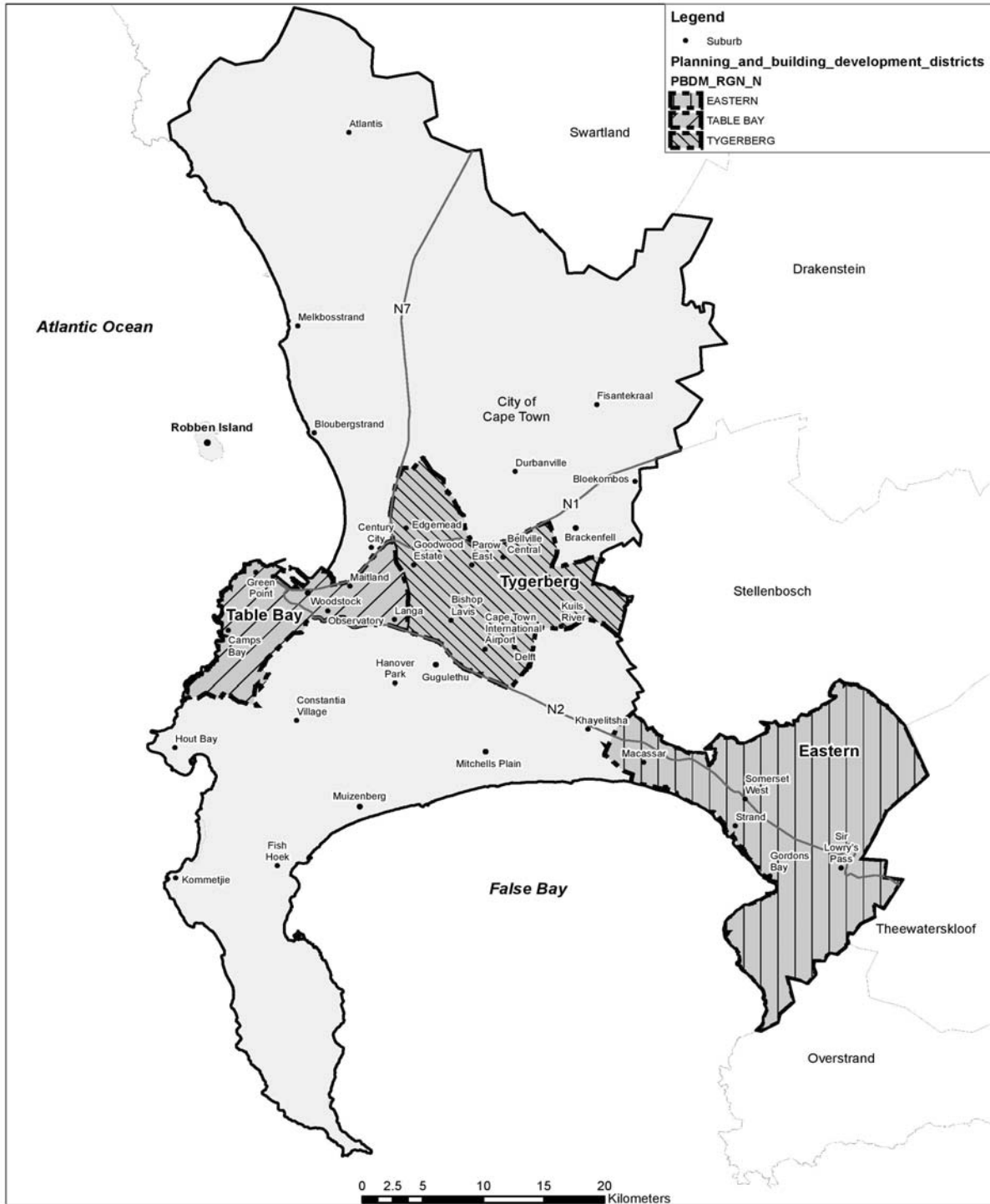
8. The following Schedules are added after Schedule 1 to the Regulations:



**“SCHEDULE 2****MAXIMUM NUMBER OF CASINO OPERATOR LICENCES IN  
CAPE METROPOLE**

*(Section 81(1)(d) of the Act and regulation 13B)*

<b>Area in Cape Metropole</b>	<b>Number of licences</b>
Eastern	One
Table Bay	One
Tygerberg	One

**SCHEDULE 3**  
**EXTENT OF AREAS**  
*(Section 81(1)(gA) of the Act and regulation 13C)*



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**Substitution of expressions**

9. The Regulations are amended—

- (a) by the substitution for the expression “Provincial Administration of the Western Cape”, wherever it occurs, of the expression “Western Cape Government”;
- (b) by the substitution for the expression “Provincial Administration: Western Cape” in the title block of Schedule 1 to the Regulations, below the word “Confidential”, of the expression “Western Cape Government”;
- (c) by the substitution in the second paragraph of the Explanatory Notes of Schedule 1 to the Regulations for the expression “Provincial Administration: Western Cape (PAWC)” of the expression “Western Cape Government”; and
- (d) by the substitution in the third paragraph of the Explanatory Notes of Schedule 1 to the Regulations for the expression “PAWC’s” of the expression “Western Cape Government’s”.

**Short title and commencement**

10. These regulations are called the Western Cape Gambling and Racing Regulations, 1996: Amendment, 2018, and come into operation on the date of commencement of the Western Cape Nineteenth Gambling and Racing Amendment Act, 2018.

**PROVINSIALE KENNISGEWING**

P.K. 29/2018

28 Februarie 2018

**WES-KAAPSE WET OP DOBBELARY EN WEDRENNE, 1996 (WET 4 VAN 1996): WES-KAAPSE REGULASIES OP DOBBELARY EN WEDRENNE, 1996: KONSEPWYSIGING, 2018**

Die Provinsiale Minister van Finansies is van voorneme om, ingevolge artikel 81 van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996), die regulasies uiteengesit in die Bylae te maak.

**BYLAE****Woordomskrywing**

1. In hierdie regulasies beteken “die Regulasies” die Wes-Kaapse Regulasies op Dobbelary en Wedrenne, 1996, soos gepubliseer onder Provinsiale Kennisgewing 239/1996 van 7 Junie 1996 en soos gewysig by Provinsiale Kennisgewings 440/1996 (van 11 Oktober 1996), 458/1996 (van 30 Oktober 1996), 303/1997 (van 29 Augustus 1997), 446/1997 (van 12 Desember 1997), 50/1998 (van 23 Januarie 1998), 285/1998 (van 29 Mei 1998), 331/1998 (van 19 Junie 1998), 334/1998 (van 26 Junie 1998), 363/2000 (van 16 Augustus 2000), 24/2001 (van 2 Februarie 2001), 11/2002 (van 18 Januarie 2002), 358/2002 (van 8 November 2002), 265/2003 (van 8 Augustus 2003), 396/2003 (van 21 November 2003), 291/2013 (van 2 September 2013) en 96/2016 (van 31 Maart 2016).

**Wysiging van Rangskikking van Regulasies**

2. Die Rangskikking van Regulasies voor regulasie 1 word gewysig—
- (a) deur die verwysing na die opskrif van Hoofstuk 4 deur die volgende item te vervang:

**“HOOFSTUK 4****LISENSIËRING, WYSIGINGSAANSOEKE EN SAKE WAT OP SEKERE  
LISENSIES BETREKKING HET”;**

- (b) deur ná die verwysing van die opskrif van regulasie 13 die volgende items in te voeg:
- “13A. Toepassing van bepalings op wysiging van lisensies  
13B. Maksimum getal casino-operateurlisensies in Kaapse Metropool  
13C. Omvang van gebiede”; en
- (c) deur die verwysings na die opskrifte van regulasies 27, 27A, 27B en 28 te skrap.

**Wysiging van regulasie 1**

3. Regulasie 1 van die Regulasies word gewysig deur die volgende omskrywing ná die omskrywing van “dobbelskyfie” in te voeg:

“(4A) ‘Kaapse Metropool’ die gebied van die Stad Kaapstad Metropolitaanse Munisipaliteit;”.



#### Vervanging van opskrif van Hoofstuk 4

4. Die opskrif van Hoofstuk 4 van die Regulasies word deur die volgende opskrif vervang:

#### “HOOFSTUK 4

#### LISENSIËRING, WYSIGINGSAANSOEKE EN SAKE WAT OP SEKERE LISENSIES BETREKKING HET”.

#### Wysiging van regulasie 9

5. Regulasie 9 van die Regulasies word gewysig—

- (a) deur subregulasie (2) te skrap; en
- (b) deur subregulasie (3) deur die volgende subregulasie te vervang:
 

“(3) Die Hoof Uitvoerende Beampte mag geen inligting ingevolge subregulasie (1) deurstuur wat na sy of haar mening vertroulik is of vir die doeleindes van kommentaar ontoepaslik is nie.”.

#### Invoeging van regulasies 13A, 13B en 13C

6. Die volgende regulasies word ná regulasie 13 van die Regulasies ingevoeg:

#### “Toepassing van bepalings op wysiging van lisensies

**13A.** Die bepalings van regulasies 7(1), (2), (3), (4), (5) en (6), 8, 9 en 10 is, met die nodige veranderings, van toepassing op ’n aansoek om die wysiging van ’n lisensie beoog in artikel 35A(1) van die Wet.

#### Maksimum getal casino-operateurlisensies in Kaapse Metropool

**13B.** (1) Behoudens subregulasies (2) en (3) is die maksimum getal casino-operateurlisensies wat in die Kaapse Metropool toegestaan of gehou kan word, drie.

(2) Die gebiede in die Kaapse Metropool waarin casino-operateurlisensies toegestaan of gehou kan word, en die maksimum getal lisensies wat in daardie gebiede toegestaan of gehou kan word, is soos uiteengesit in Bylae 2.

(3) Subregulasies (1) en (2) verleen nie aan die Raad die bevoegdheid om meer as die maksimum getal casino-operateurlisensies van toepassing in die Provinsie toe te staan nie.

#### Omvang van gebiede

**13C.** Die omvang van die gebiede beoog in Bylae 2 is soos uiteengesit in Bylae 3.”.

#### Wysiging van regulasie 26

7. Regulasie 26 van die Regulasies word gewysig—

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang:
 

“(1) Indien ’n aansoek om ’n lisensie, of ’n aansoek om die wysiging van ’n lisensie vir die doeleindes beoog in artikel 41B(1) van die Wet, deur die Raad toegestaan word ten opsigte van ’n perseel wat nog nie opgerig of voltooi is nie, moet die aansoeker die Raad voorsien van enige waarborg soos wat die Raad vereis dat die perseel voltooi sal word.”; en
- (b) deur subregulasie (2) deur die volgende subregulasie te vervang:
 

“(2) Indien die perseel of enige stadiums van ontwikkeling daarvan nie wesenlik voltooi is binne die tydperk wat as ’n voorwaarde van die lisensie bepaal is nie, kan die lisensie ingevolge artikel 42 van die Wet ingetrek word.”.

**Byvoeging van Bylaes 2 en 3**

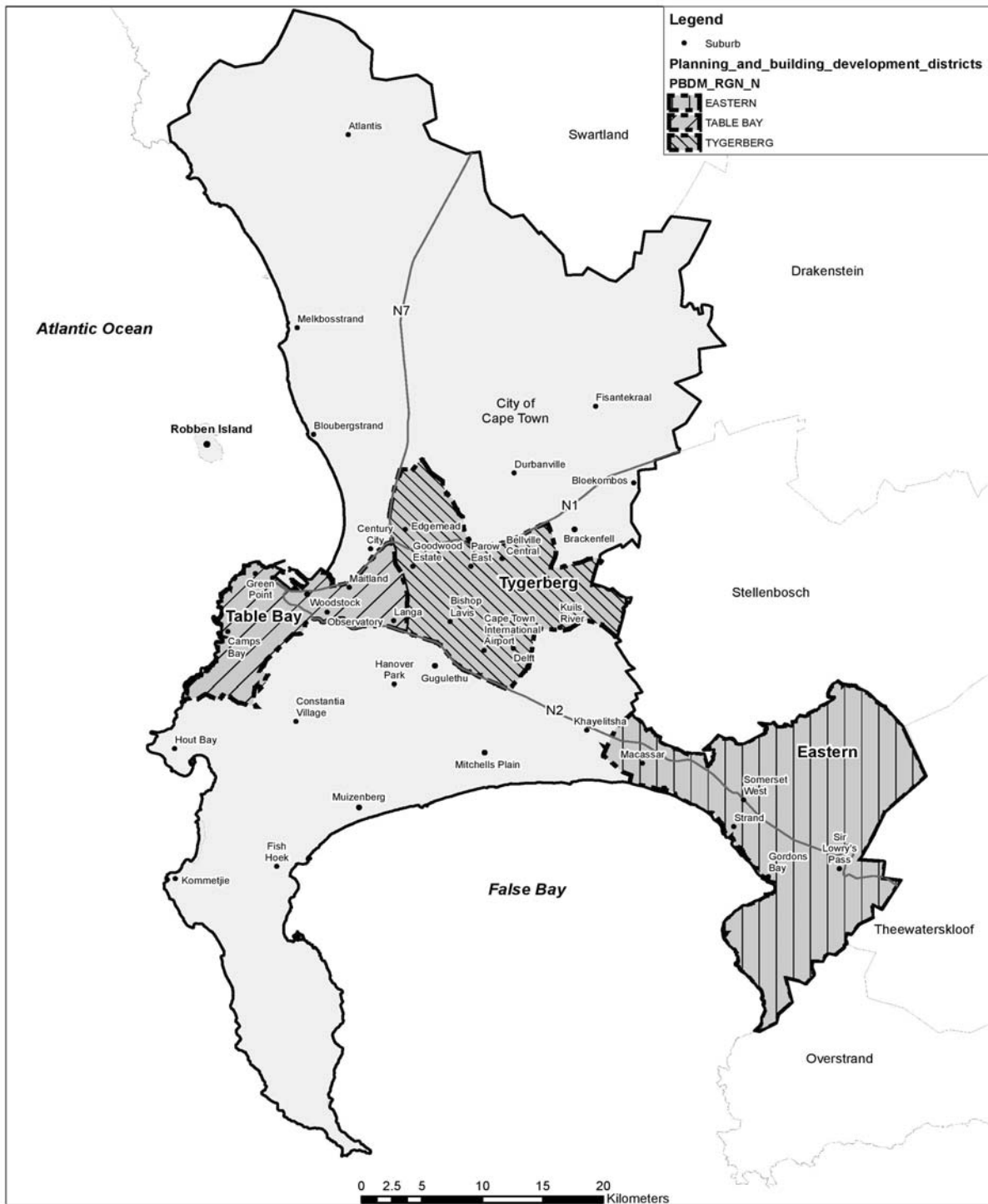
8. Die volgende Bylaes word ná Bylae 1 by die Regulasies bygevoeg:

**“BYLAE 2****MAKSIMUM GETAL CASINO-OPERATEURLISENSIES IN  
KAAPSE METROPOOL**

*(Artikel 81(1)(d) van die Wet en regulasie 13B)*

<b>Gebied in Kaapse Metropol</b>	<b>Getal lisensies</b>
Oostelik	Een
Tafelbaai	Een
Tygerberg	Een

**BYLAE 3**  
**OMVANG VAN GEBIEDE**  
*(Artikel 81(1)(gA) van die Wet en regulasie 13C)*



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**Vervanging van uitdrukkings**

**9.** Die Regulasies word gewysig—

- (a) deur die uitdrukking “Provinsiale Administrasie: Wes-Kaap”, waar dit ook al voorkom, deur die uitdrukking “Wes-Kaapse Regering” te vervang;
- (b) deur die uitdrukking “Provinsiale Administrasie: Wes-Kaap” in die titelblok van Bylae 1 by die Regulasies, onder die woord “Vertroulik”, deur die uitdrukking “Wes-Kaapse Regering” te vervang;
- (c) deur in die tweede paragraaf van die Verklarende Aantekeninge van Bylae 1 by die Regulasies die uitdrukking “Provinsiale Administrasie: Wes-Kaap (PAWK)” deur die uitdrukking “Wes-Kaapse Regering” te vervang; en
- (d) deur in die derde paragraaf van die Verklarende Aantekeninge van Bylae 1 die uitdrukking “PAWK” deur die uitdrukking “Wes-Kaapse Regering” te vervang.

**Kort titel en inwerkingtreding**

**10.** Hierdie regulasies heet die Wes-Kaapse Regulasies op Dobbelary en Wedrenne, 1996: Wysiging, 2018, en tree in werking op die datum van inwerkingtreding van die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne, 2018.

**ISAZISO SEPHONDO**

I.S. 29/2018

28 kweyoMdumba 2018

**UMTHETHO WONGCAKAZO NEMIDYARHO WENTSHONA KOLONI, 1996  
(UMTHETHO 4 KA-1996)  
IMIGAQO YONGCAKAZO NEMIDYARHO YENTSHONA KOLONI, 1996:  
UQULUNQO LWEZILUNGISO, 2018**

UMphathiswa wezeMali wePhondo, ngokwecandelo 81 loMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (uMthetho 4 ka-1996), uneenjongo zokwenza iMigaqo echazwe kwiShedyuli.

**ISHEDYULI****Inkcazelo**

1. Kule migaqo, “iMigaqo” ibhekisa kwiMigaqo yoNgcakazo neMidyarho yeNtshona Koloni, 1996, njengoko ipapashiwe phantsi kweSaziso sePhondo 239/1996 somhla we-7 Juni 1996 njengoko senziwe izilungiso ziZaziso 440/1996 (somhla we-11 Oktobha 1996), 458/1996 (somhla we-30 Oktobha 1996), 303/1997 (somhla we-29 Agasti 1997), 446/1997 (esomhla we-12 Disemba 1997), 50/1998 (somhla we-23 Janyuwari 1998), 285/1998 (somhla we-29 Meyi 1998), 331/1998 (somhla we-19 Juni 1998), 334/1998 (somhla we-26 Juni 1998), 363/2000 (somhla we-16 Agasti 2000), 24/2001 (somhla we-2 Februwari 2001), 11/2002 (somhla we-18 Janyuwari 2002), 358/2002 (somhla we-8 Novemba 2002), 265/2003 (somhla we-8 Agasti 2003), 396/2003 (somhla we-21 Novemba 2003) nesingu-291/2013 (somhla we-2 Septemba 2013) no-96/2016 (somhla we-31 Matshi 2016).

**Ukwenziwa kweZilungiso kuLandelelwaniso lweMigaqo**

2. Ulandelelwaniso lweMigaqo phambi komgaqo 1 lwenziwa izilungiso—  
(a) ngokutshintsha kwezinto ezibhekisa kwisihloko seSahluko 4 kulo mba ulandelayo:

**“ISAHLUKO 4**

**UKUKHUTSHWA KWEELAYISENISI, UKUSETYENZISWA  
KWEZILUNGISO NEMIMANDLA EMALUNGA  
NEELAYISENISI EZITHILE”;**

- (b) ngokufakela emva kwezinto ezibhekisa kwisihloko somgaqo 13 kwale miba ilandelayo:  
“13A. Ukusebenza kwemiqathango yezilungiso kwiilayisenisi  
13B. Elona nani liphezulu leelayisenisi zokusebenza kweekhasino kwiSixeko esiMbaxa seKapa  
13C. Ubungakanani bemimandla”; kunye  
(c) nangokucinywa kwezinto ezibhekisa kwisihloko semigaqo 27, 27A, 27B no-28.

**Ukwenziwa kweZilungiso kumgaqo 1**

3. Umgaqo 1 weMigaqo wenziwa izilungiso ngokufakela le nkcazelo ilandelayo emva kwenkcazelo yebinzana “umatshini wokuzonwabisa”:  
“(1A) ‘iSixeko esiMbaxa seKapa’ sithetha ummandla weSixeko ophantsi kolawulo loMasipala oMbaxa weSixeko saseKapa;”.

**Isihloko esingena endaweni yeso sikwiSahluko 4**

4. Esi sihloko silandelayo singena endaweni yeso sikwiSahluko 4 seMigaqo:

**“ISAHLUKO 4**

**UKUKHUTSHWA KWEELAYISENISI, UKUSETYENZISWA  
KWEZILUNGISO NEMIMANDLA EMALUNGA NEELAYISENISI  
EZITHILE”.**

## Ukwenziwa kweZilungiso kumgaqo 9

### 5. Umgaqo 9 weMigaqo wenziwa izilungiso—

- (a) ngokucinywa komgaqwana (2); kunye
- (b) nokutshintshwa komgaqwana (3) kufakwe lo mgaqwana ulandelayo:
  - “(3) IGosa leSigqeba eliLawulayo alisayi kuhambisa zinkcukacha elizibona ziyimfihlo ukuze abantu banike uluvo ngazo ngokomgaqwana (1).”.

## Ukufakelwa kwemigaqo 13A, 13B no-13C

### 6. Le migaqo ilandelayo ifakwa emva komgaqo 13 weMigaqo:

#### “Ukusebenza kwemiqathango yezilungiso kwiilayisenisi

**13A.** Kusebenza imiqathango yeMigaqo 7(1), (2), (3), (4), (5) no-(6), 8, 9 no-10, kunye notshintsho oludingekayo, kwisicelo sokwenziwa kwezilungiso kwilayisenisi exelwe kwicandelo 35A(1) loMthetho.

#### **Elona nani liphezulu lelayisenisi zokusebenza kwekhasino kwiSixeko esiMbaxa seKapa**

**13B.** (1) Kulandelwa imigaqwana (2) no-(3), ezona layisenisi zininzi zokusebenza kwekhasino kwiSixeko esiMbaxa seKapa zintathu.

(2) Imimandla kwiSixeko esiMbaxa seKapa apho iilayisenisi zokusebenza kwekhasino zinokuthi zinikezwe okanye zibanjwe yaye ezona layisenisi zininzi zokusebenza zinokuthi zinikezwe okanye zibanjwe kuloo mimandla, zinjengokuba zixeliwe kwiShedyuli 2.

(3) Imigaqwana (1) no-(2) ayiniki gunya iBhodi ukuba inikeze ngaphezulu kwezona layisenisi zininzi zokusebenza kwekhasino ezingumqathango obekwe kwiPhondo.

#### **Ubungakanani bemimandla**

**13C.** Ubungakanani bemimandla exelwe kuShedyuli 2 kule Migaqo, bunjengokuba buxeliwe kwiShedyuli 3 kule Migaqo.”.

## Ukwenziwa kweZilungiso kuMgaqo 26

### 7. Umgaqo 26 weMigaqo wenziwa izilungiso—

- (a) ngokutshintshwa komgaqwana (1) kufakwe lo mgaqwana ulandelayo:
  - “(1) Ukuba ngaba isicelo selayisenisi, okanye isicelo sokwenziwa kwezilungiso kwilayisenisi, ngenjongo exelwe kwicandelo 41B(1) loMthetho, siye samkelwa yiBhodi malunga namasango angekakiwa okanye angekagqitywa, umfaki wesicelo uya kuthi anike iBhodi nasiphi na isiqinisekiso sokugqitywa kwaloo masango esifunwa yiBhodi.”; yaye
- (b) ukutshintshwa komgaqwana (2) kufakwe lo mgaqwana ulandelayo:
  - “(2) Ukuba ngaba amasango lawo okanye naziphi na izigaba zolwakhiwo lwawo kusekude kakhulu ukuba agqitywe ngesiya sithuba besiye sabekwa njengomqathango eya kukhutshwa phantsi kwawo ilayisenisi leyo, loo layisenisi isenokuthi itshitshiswe phantsi kwemiqathango yecandelo 42 loMthetho.”.

**Ukufakelwa kweShedyuli 2 neye-3**

8. Ezi Shedyuli zilandelayo zifakwa emva kweShedyuli 1 yeMigaqo:

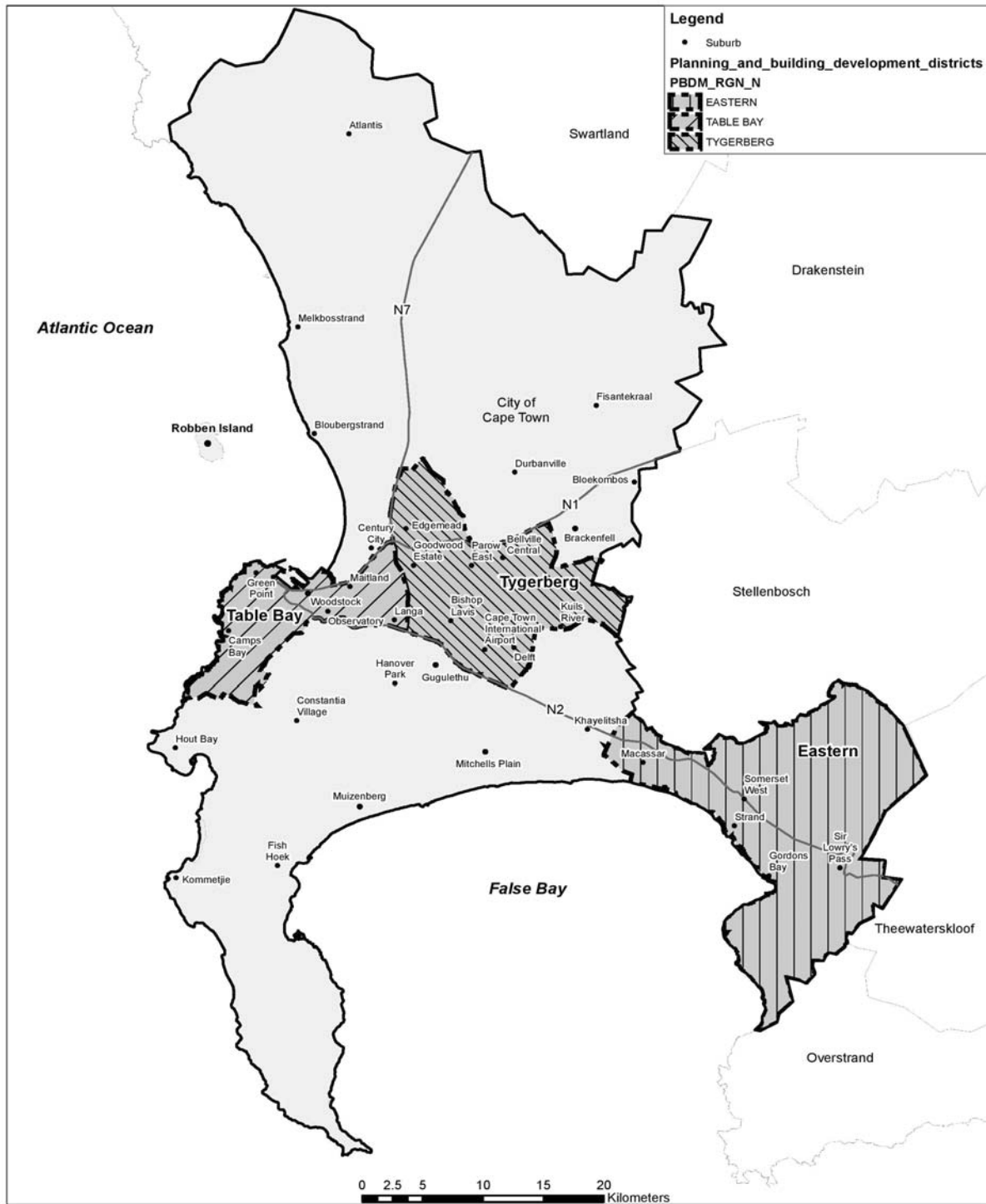
**“ISHEDYULI 2****EZONA LAYISENISI ZININZI ZOKUSEBENZA KWEKHASINO  
KWISIXEKO ESIMBAXA SEKAPA**


*(Icandelo 81(1)(d) loMithetho noMgaqo 13B)*

<b>Ummandla okwiSixeko esiMbaxa seKapa</b>	<b>Inani leelayisenisi</b>
Eastern	Inye
Table Bay	Inye
Tygerberg	Inye



**ISHEDYULI 3**  
**UBUNGAKANANI BEMIMANDLA**  
*(Icandelo 81(1)(gA) loMthetho noMgaqo 13C)*



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”

**Ukutshintshwa kwamabinzana****9. Imigaqo yenziwa izilungiso—**

- (a) ngokutshintsha ibinzana “Ulawulo lwePhondo leNtshona Koloni”, kuzo zonke iindawo elivela kuzo, ze kufakwe ibinzana “uRhulumente weNtshona Koloni”;
- (b) ngokutshintsha ibinzana “Ulawulo lwePhondo: leNtshona Koloni” kwisihloko seShedyuli 1 seMigaqo, ezantsi kwegama “Imfihlo”, ze kufakwe ibinzana “uRhulumente weNtshona Koloni”;
- (c) ngokutshintsha kumhlathi wesibini waManqaku eNgcaciso eShedyuli 1 yeMigaqo ibinzana “Ulawulo lwePhondo: leNtshona Koloni (PAWC)” ze kufakwe ibinzana “uRhulumente weNtshona Koloni”; kunye
- (d) nangokutshintsha kumhlathi wesithathu waManqaku eNgcaciso eShedyuli 1 yeMigaqo ibinzana elithi “eyePAWC” ze kufakwe ibinzana “eyoRhulumente weNtshona Koloni”.

**Isihloko esifutshane nokuqala ukusebenza**

**10.** Le migaqo iya kubizwa ngokuba yiMigaqo yoNgcakazo neMidyarho yeNtshona Koloni, 2016: Izilungiso, 2018, yaye iya kuqala ukusebenza ngomhla wokuqala ukusebenza koMthetho, uMthetho weZilungiso woNgcakazo weShumi elinesiThoba neMidyarho weNtshona Koloni, 2018.

## PROVINCIAL NOTICE

P.N. 30/2018

28 February 2018

**WESTERN CAPE GAMBLING AND RACING ACT, 1996 (ACT 4 OF 1996)  
WESTERN CAPE GAMBLING AND RACING REGULATIONS (FEES AND  
COSTS), 2016: DRAFT SECOND AMENDMENT, 2018**

The Provincial Minister of Finance, in terms of section 81 of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996), intends to make the regulations set out in the Schedule.

**SCHEDULE**

**Definition**

1. In these regulations “the Regulations” means the Western Cape Gambling and Racing Regulations (Fees and Costs), 2016, as published under Provincial Notice 97/2016 dated 31 March 2016 and amended by Provincial Notice 81/2017 (dated 24 March 2017).

**Amendment of regulation 1**

2. Regulation 1 of the Regulations is amended by the insertion of the following definition after the definition of “applicant”:

“‘**Cape Metropole**’ means Cape Metropole as defined in the Western Cape Gambling and Racing Regulations;”.

**Insertion of regulations 5A and 5B**

3. The following regulations are inserted after regulation 5 of the Regulations:

“**Economic opportunity fees**

**5A.** (1) The economic opportunity fees payable in terms of section 44E of the Act are as set out in Annexure D.

(2) The areas referred to in Annexure D are as contemplated in the Western Cape Gambling and Racing Regulations.

**Amendment application fee for amendment of casino operator licence for purpose set out in section 41B(1)**

**5B.** The amendment application fee payable by the holder of a casino operator licence in terms of section 35A(3) when it applies for the amendment of the licence for the purpose set out in section 41B(1) of the Act, is as set out in Annexure E.”.

**Addition of Annexures D and E**

4. The following Annexures are added after Annexure C to the Regulations:

**“ANNEXURE D**

**ECONOMIC OPPORTUNITY FEES**

*(Section 44E of the Act and regulation 5A)*

<b>Area in Cape Metropole to which casino is to be relocated</b>	<b>Economic opportunity fee</b>
Eastern	R177,500 million, escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time
Table Bay	R97,0 million, escalating annually at the rate applicable in respect of debts to the State as determined by the Minister responsible for National Finance from time to time

**ANNEXURE E****AMENDMENT APPLICATION FEE FOR AMENDMENT OF CASINO  
OPERATOR LICENCE FOR PURPOSE SET OUT IN SECTION 41B(1)***(Section 35A(3) of the Act and regulation 5B)*

<b>Kind of licence</b>	<b>Amendment application fee</b>
Casino operator licence	R456 042,00

”.

**Short title and commencement**

**5.** These regulations are called the Western Cape Gambling and Racing Regulations (Fees and Costs), 2016: Second Amendment, 2018, and come into operation on the date of commencement of the Western Cape Nineteenth Gambling and Racing Amendment Act, 2018.

**PROVINSIALE KENNISGEWING**

P.K. 30/2018

28 Februarie 2018

**WES-KAAPSE WET OP DOBBELARY EN WEDRENNE, 1996 (WET 4 VAN 1996)  
WES-KAAPSE REGULASIES OP DOBBELARY EN WEDRENNE (GELDE EN  
KOSTE), 2016: KONSEP- TWEEDE WYSIGING, 2018**

Die Provinsiale Minister van Finansies is van voorneme om, ingevolge artikel 81 van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996), die regulasies uiteengesit in die Bylae te maak.

**BYLAE**

**Woordomskrywing**

1. In hierdie regulasies beteken “die Regulasies” die Wes-Kaapse Regulasies op Dobbelary en Wedrenne (Gelde en Koste), 2016, soos gepubliseer onder Provinsiale Kennisgewing 97/2016 van 31 Maart 2016 en gewysig by Provinsiale Kennisgewing 81/2017 (van 24 Maart 2017).

**Wysiging van regulasie 1**

2. Regulasie 1 van die Regulasies word gewysig deur die volgende omskrywing ná die omskrywing van “die Wet” in te voeg:

“**‘Kaapse Metropool’** die Kaapse Metropool soos omskryf in die Wes-Kaapse Regulasies op Dobbelary en Wedrenne;”.

**Invoeging van regulasies 5A en 5B**

3. Die volgende regulasies word ná regulasie 5 van die Regulasies ingevoeg:

**“Ekonomiesegeleentheidgelde**

**5A.** (1) Die ekonomiesegeleentheidgelde betaalbaar ingevolge artikel 44E van die Wet word in Aanhangsel D uiteengesit.

(2) Die gebiede bedoel in Aanhangsel D is soos beoog in die Wes-Kaapse Regulasies op Dobbelary en Wedrenne.

**Wysigingsaansoekgelde vir wysiging van casino-operateurlisensie vir doel uiteengesit in artikel 41B(1)**

**5B.** Die wysigingsaansoekgelde betaalbaar deur die houer van ’n casino-operateurlisensie ingevolge artikel 35A(3) wanneer hy aansoek doen om die wysiging van die lisensie vir die doel uiteengesit in artikel 41B(1) van die Wet, is soos uiteengesit in Aanhangsel E.”.

**Byvoeging van Aanhangsels D en E**

4. Die volgende Aanhangsels word ná Aanhangsel C by die Regulasies bygevoeg:

**“AANHANGSEL D**

**EKONOMIESEGELEENTHEIDGELDE**

*(Artikel 44E van die Wet en regulasie 5A)*

<b>Gebied in Kaapse Metropool waarheen casino verplaas staan te word</b>	<b>Ekonomiesegeleentheidgelde</b>
Oostelik	R177,500 miljoen, wat jaarliks verhoog met die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal
Tafelbaai	R97,0 miljoen, wat jaarliks verhoog met die koers van toepassing op skuld aan die Staat soos van tyd tot tyd deur die Minister verantwoordelik vir Nasionale Finansies bepaal

**AANHANGSEL E**  
**WYSIGINGSAANSOEGELDE VIR WYSIGING VAN**  
**CASINO-OPERATEURLISENSIE VIR DOEL UITEENGESIT IN**  
**ARTIKEL 41B(1)**

*(Artikel 35A(3) van die Wet en regulasie 5B)*

Soort lisensie	Wysigingsaansoekgelde
Casino-operateurlisensie	R456 042,00

”

**Kort titel en inwerkingtreding**

5. Hierdie regulasies heet die Wes-Kaapse Regulasies op Dobbelry en Wedrenne (Gelde en Koste), 2016: Tweede Wysiging, 2018, en tree in werking op die datum van inwerkingtreding van die Wes-Kaapse Neëntiende Wysigingswetsontwerp op Dobbelry en Wedrenne, 2018.

## ISAZISO SEPHONDO

I.S. 30/2018

28 kweyoMdumba 2018

**UMTHETHO WONGCAKAZO NEMIDYARHO WENTSHONA KOLONI, 1996  
(UMTHETHO 4 KA-1996)  
IMIGAQO YONGCAKAZO NEMIDYARHO YENTSHONA KOLONI  
(IMIRHUMO NEENDLEKO), 2016: UQULUNQO LWEZILUNGISO ZESIBINI,  
2018**

UMphathiswa wezeMali wePhondo, ngokwecandelo 81 loMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (uMthetho 4 ka-1996), uzimisele ukwenza imigaqo echazwe kwiShedyuli.

## ISHEDYULI

**Inkcazelo**

1. Kule migaqo, “iMigaqo” ibhekisa kwiMigaqo yoNgcakazo neMidyarho yeNtshona Koloni (Imirhumo neNdleko), 2016, epapashwe phantsi kweSaziso sePhondo 97/2016 somhla we-31 Matshi 2016 yaze yenziwa izilungiso ngeSaziso sePhondo 81/2017 (somhla we-24 Matshi 2017).

**Ukwenziwa kwezilungiso kumgaqo 1**

2. UMgaqo 1 weZilungiso wenziwa izilungiso ngokufakelwa kwale nkcazelo ilandelayo emva kwenkcazelo “yomfaki-sicelo”:

“**iSixeko esiMbaxa seKapa**’ ithetha iSixeko esiMbaxa seKapa njengoko sichaziwe kwiMigaqo yoNgcakazo neMidyarho yeNtshona Koloni;”.

**Ukufakelwa kwemigaqo 5A no 5B**

3. Le migaqo ilandelayo ifakelwa emva komgaqo 5 weMigaqo:

**“Iindleko zamathuba oqoqosho**

**5A.** (1) Iindleko zamathuba oqoqosho zihlawulwa ngokwecandelo 44E loMthetho zinjengokuba zichaziwe kwiSihlomelo D.

(2) Imiba ekubhekiswe kuyo kwiSihlomelo D injengokuba ixeliwe kwiMigaqo yoNgcakazo neMidyarho yeNtshona Koloni.

**Ukulungiswa kwemirhumo yezicelo ezilungiselelwe ilayisenisi yokusebenzisa ikhasino ngenjongo echaziweyo kwicandelo 41B(1)**

**5B.** Ukulungiswa kwemirhumo emayihlawulelwe isicelo ngumnini welayisenisi yokusebenzisa ikhasino ngokwecandelo 35A(3) xa sele kufuneka ilungiswe ilayisenisi ngenjongo echaziweyo kwicandelo 41B(1) loMthetho, obonakaliswe kwisiHlomelo E.”.

**Ukufakelwa kweZihlomelo D no E**

4. Ezi zihlomelo zilandelayo zifakelwa emva kweSihlomelo C seMigaqo:

**“ISIHLOMELO D****IINDLEKO ZAMATHUBA OQOQOSHO**

*(Icandelo 44E loMthetho nomgaqo 5A)*

<b>Ummandla okwiSixeko esiMbaxa seKapa ekusiwa kuwo ikhasino</b>	<b>Iindleko zaMathuba oQoqosho</b>
Eastern	R177,500 yezigidi, enyuka qho ngonyaka ngokomyinge ofanelekileyo ngokubhekiselele kumatyala kaRhulumente njengoko kuchaziwe nguMphathiswa onoxanduva lwezeMali ku-Zwelonke ngamaxesha athile



Ummandla okwiSixeko esiMbaxa seKapa ekusiwa kuwo ikhasino	Iindleko zaMathuba oQoqosho
Table Bay	R97,0 yezigidi enyuka qho ngonyaka ngokomyinge ofanelekileyo ngokubhekiselele kumatyala kaRhulumente njengoko kuchaziwe nguMphathiswa onoxanduva lwezeMali kuZwelonke ngamaxesha athile

### ISIHLOMELO E

#### UKULUNGISWA KWEMIRHUMO YELAYISENISI YOKUSEBENZISA IKHASINO NGENJONGO ECHAZIWEYO KWICANDELO 41B (1)

(ICandelo 35A(3) loMthetho nemigaqo 5B)

Uhlobo lweleyisenisi	Ukulungiswa kwemirhumo yesicelo
Ilayisenisi yokusebenzisa ikhasino	R456 042,00

#### Isihloko esifutshane nokuqala ukusebenza

5. Le migaqo iya kubizwa ngokuba yiMigaqo yoNgcakazo neMidyarho yeNtshona Koloni (Imirhumo neNdleko), 2016: Izilungiso zeSibini, 2018, yaye iya kuqala ukusebenza ngomhla wokuqala ukusebenza koMthetho, uMthetho weZilungiso woNgcakazo weShumi elinesithoba neMidyarho weNtshona Koloni, 2018.



