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GENERAL NOTICE

NOTICE 1974 OF 2004

Department of Trade and Industry

NATIONAL GAMBLING REGULATIONS Draft

In terms of Item 8 of the Schedule to the National Gambling Act, Act 7 of 2004, the Minister of Trade and Industry, hereby publishes the following proposed regulations, to be made in terms of section 87 of the Act, for public information and comment.

Any person may comment on the proposed regulations in writing no later than :
28 October 2004 to:-

The Director: Legal Support
Consumer and Corporate Regulation Division
Department of Trade and Industry
Private Bag X84
Pretoria
0001

FOR ATTENTION: Mr. Nithyan Rama

PROPOSED REGULATIONS

Chapter 1

Definitions

1. In these regulations,
 - (a) any expression defined in the Act has the meaning assigned to it in that Act;
 - (b) a reference to a section or sub-section by number refers to the corresponding section of the Act;
 - (c) a reference to a regulation or sub-regulation by number refers to the corresponding item of these Regulations;

Chapter 2

Prohibited gambling, restricted activities and status of gambling debt

Exempted machines and devices

2. (1) Playing cards and dice are exempted from the application of sections 9(1)(a) and (b).
- (2) All categories of gambling machine or device are exempted from the application of section 9(1)(b) with the exception of:
 - (a) gambling machine cabinets;
 - (b) tables manufactured for the purpose of gambling games or are capable in all material respects of being used in the conduct of such games;
 - (c) roulette wheels;
 - (d) bingo drawing devices, and
 - (e) card shufflers.
- (3) The following gambling machines or devices are exempt from the application of Part D of Chapter 2 of the Act:
 - (a) A gambling machine or device that-
 - (i) is located upon a cruise ship visiting the Republic;
 - (ii) has been seized in the Republic as a result of alleged criminal activity, and is in the possession of the South African Police Service, or any provincial licensing authority;
 - (iii) is in transit through the Republic for the sole purpose of delivery to another country;
 - (iv) has been submitted to a licensed testing agent solely for testing for compliance with foreign standards;
 - (v) has been manufactured within the Republic solely for export; or
 - (vi) is located within the Republic solely for temporary exhibition; and

- (b) Any other gambling machine or device, except a machine a machine or device of a category listed in sub-regulation 2 (2).
- (4) Where the standard applicable to a gambling device is amended or substituted, any type, variation or model of gambling device certified as complying to the former standard may be exposed for play for a maximum of three years after such substitution or amendment and, if it is to continue to be exposed for play after such period, must be certified against the amended or substituting standard

Excluded persons

- 3. (1) The national register of excluded persons contemplated in section 14(7) shall contain at least the following information in respect of each excluded person:
 - (a) full registered names, including other names used and or known by;
 - (b) date of birth;
 - (c) identity number or passport number;
 - (d) residential address;
 - (e) telephone and cellular numbers, as applicable;
 - (f) e-mail address, if applicable;
 - (g) gender;
 - (h) height;
 - (i) weight;
 - (j) hair colour;
 - (k) eye colour, and
 - (l) visible distinguishing marks.
- (2) A notice to be submitted to the Board by a person wishing to register as an excluded person shall be in the prescribed form and shall, at a minimum contain a passport size colour photograph of that person, and that person's particulars as listed in sub-regulation 1.
- (3) A notice to cancel registration as an excluded person contemplated in section 14(2) shall be in the prescribed form and shall contain at least the excluded person's –
 - (a) name or names under which the exclusion is registered;
 - (b) date of birth and or identity number, and
 - (c) registration exclusion number assigned to such person by the Board.
- (4) Within seven days after receiving a notice contemplated in sub-regulation (2) or (3), the Board shall transmit a copy of the notice to all affected licence holders.
- (5) Within seven days after receiving a copy of the notice referred to in sub-regulation (4), each relevant licence holder shall forward written confirmation of receipt thereof to the Board.

- (6) A notice contemplated in sub-regulation (2) or (3) shall take effect upon the date of written confirmation of receipt contemplated in sub-regulation (5).
- (7) The measures to be taken by a licence holder in terms of section 14(11)(a) to determine whether a person is an excluded person, shall, at a minimum, be-
- (a) to place at each entrance to any designated area, a member of staff or a device approved by the relevant licencing authority manned by a member of staff, at a location determined by the licence holder, whose duty shall be to monitor and control the entry of persons into the designated area; and
 - (b) to provide the member of staff contemplated in sub-paragraph (a) with sufficient prior access to the information contained in the database maintained by the Board to enable reasonable identification of excluded persons.
- (8) An exclusion, other than an exclusion ordered by a court, shall not be canceled until-
- (a) a period of at least twelve months has elapsed from the date of that exclusion, and
 - (b) the excluded person provides reasonable evidence of having attended suitable rehabilitation programmes to address the problem that led to the exclusion.

Advertisements

4. (1) Advertising in respect of gambling must not:
- (a) contain any lewd or indecent language, images or actions;
 - (b) portray excessive play;
 - (c) imply or portray any illegal activity;
 - (d) present any game, directly or indirectly, as a potential means of relieving financial or personal difficulties;
 - (e) exhort gambling as a means of recovering past gambling or other financial losses;
 - (f) contain claims or representations that persons who gamble are guaranteed personal, financial or social success;
 - (g) represent or imply that:
 - (i) gambling is an alternative to employment or a means of acquiring financial security;
 - (ii) winning is the probable outcome of gambling;
 - (iii) gambling involves skill;
 - (iv) gambling play is a form of investment;
 - (v) the more or longer one gambles, the greater the chances of winning;
 - or
 - (vi) that gambling may make the players dreams a reality;