
PROVINCE OF WESTERN CAPE

**WESTERN CAPE
NINETEENTH GAMBLING AND
RACING AMENDMENT ACT, 2021**

PROVINSIE WES-KAAP

**WES-KAAPSE
NEËNTIENDE WYSIGINGSWET
OP DOBBELARY EN WEDRENNE,
2021**

IPHONDO LENTSHONA KOLONI

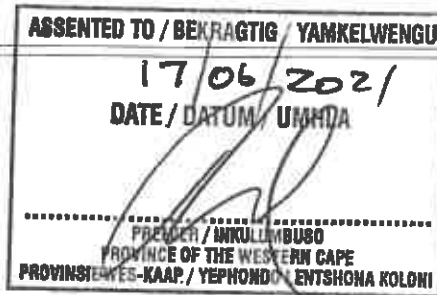
**UMTHETHO WOLUNGISO
WONGCAKAZO NEMIDYARHO
WESHUMI ELINESITHOBA
WENTSHONA KOLONI, 2021**

No 3, 2021

GENERAL EXPLANATORY NOTE:

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

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

**AMENDMENT ACT**

To amend the Western Cape Gambling and Racing Act, 1996, so as to provide that certain fees are to be paid to the Western Cape Gambling and Racing Board instead of into the Provincial Revenue Fund; to provide for casino operator fees; to amend the provisions in Schedule II relating to limited gambling machine operator fees; and to provide for matters incidental thereto.

B E IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

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

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1. Section 44 of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) (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.”.

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Insertion of section 44D in Act 4 of 1996

2. The following section is inserted in the principal Act after section 44C:

“Casino operator fees

44D. A casino operator fee, as set out in paragraph 5A of Schedule II, shall be payable to the Board by the holder of a casino operator licence.”.

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Amendment of Schedule II to Act 4 of 1996, as substituted by section 70 of Act 4 of 1997 and amended by section 18 of Act 11 of 1997, section 4 of Act 5 of 1999, section 4 of Act 10 of 2000, section 1 of Act 9 of 2001, section 1 of Act 7 of 2009 and section 7 of Act 7 of 2013

3. Schedule II to the principal Act is amended— 5
 (a) 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:

Size of limited gambling machine operator	Limited gambling machine operator fee	
Where the number of limited gambling machines does not exceed 500 machines per operator	[R500 000,00] R1.953 million per annum [for a period of ten years] 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	10
Where the number of limited gambling machines exceeds 500 machines per operator but does not exceed 1 000 machines per operator	[R1 000 000,00] R3.905 million per annum [for a period of ten years] 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	15
Where the number of limited gambling machines exceeds 1 000 machines per operator	[R1 500 000,00] R5.858 million per annum [for a period of ten years] 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	20
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”; and

(b) by the addition of the following paragraph after paragraph 5:

“5A. The casino operator fees payable in terms of section 44D are as follows:

Original value of casino development	Casino operator fee	
Where the original value of the casino development did not exceed R175.0 million	R2.805 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	30
Where the original value of the casino development exceeded R175,0 million	R7.150 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	35

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Amendment of Arrangement of Sections of Act 4 of 1996, as amended by section 2 of Act 4 of 1997 and section 2 of Act 4 of 2006 40

4. The Arrangement of Sections before section 1 of the principal Act is amended by the insertion before the reference to the heading of section 45 of the following item:
 “44D. Casino operator fees”.

Short title and commencement 45

5. This Act is called the Western Cape Nineteenth Gambling and Racing Amendment Act, 2021, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vetdruk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

WYSIGINGSWET

Tot wysiging van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996, ten einde te bepaal dat sekere gelde aan die Wes-Kaapse Raad op Dobbelary en Wedrenne betaal moet word in stede van in die Provinsiale Inkomstefonds in; om voorsiening te maak vir casino-operateurgeld; om die bepalings in Bylae II met betrekking tot beperktedobbelmasjien-operateurgeld te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

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 5

1. Artikel 44 van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996)(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.”. 10

Invoeging van artikel 44D in Wet 4 van 1996

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

“Casino-operateurgeld

44D. Casino-operateurgeld, soos uiteengesit in paragraaf 5A van Bylae II, moet deur die houer van 'n casino-operateurlisensie aan die Raad betaal word.”. 15

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

3. Bylae II by die Hoofwet word gewysig—

(a) deur paragraaf 5 deur die volgende paragraaf te vervang:

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

Grootte van beperktedobbelmasjiën-operateur	Beperktedobbelmasjiën-operateurgeld	
Waar die getal beperkte dobbelmasjiëne nie 500 masjiëne per operateur oorskry nie	[R500 000,00] R1 953 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	10 15
Waar die getal beperkte dobbelmasjiëne 500 masjiëne per operateur oorskry, maar nie 1 000 masjiëne per operateur oorskry nie	[R1 000 000,00] R3,905 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	20
Waar die getal beperkte dobbelmasjiëne 1 000 masjiëne per operateur oorskry	[R1 500 000,00] R5,858 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	25

”; en

(b) deur die volgende paragraaf ná paragraaf 5 by te voeg:

“5A. Die casino-operateurgeld wat ingevolge artikel 44D betaal moet word, is soos volg:

Oorspronklike waarde van casino-ontwikkeling	Casino-operateurgeld	
Waar die oorspronklike waarde van die casino-ontwikkeling nie R175,0 miljoen oorskry het nie	R2,805 miljoen per 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	30 35
Waar die oorspronklike waarde van die casino-ontwikkeling R175,0 miljoen oorskry het	R7,150 miljoen per 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	40

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

4. Die Rangskikking van Artikels voor artikel 1 van die Hoofwet word gewysig deur die volgende item voor die verwysing na die opskrif van artikel 45 in te voeg:

“44D. Casino-operateurgeld”.

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Kort titel en inwerkingtreding

5. Hierdie Wet heet die Wes-Kaapse Neëntiende Wysigingswet op Dobbelay en Wedrenne, 2021, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

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 kwimithetho ekhoyo.

UMTHETHO WOLUNGISO

Ukwenza izilungiso kuMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996, ukunika ukuba iintlawulo ezithile zakuhlululwa kwiBhodi yoNgcakazo neMidyarho yeNtshona Koloni endaweni yeNgxowa yeNgeniso yePhondo; ukunika imirhumo yomsebenzisi wekhasino; ukwenza olunye ulungiselelo lokwenza imithetho kunye nolawulo kwiShedyuli II ebhekiselele ekucuthweni kwemirhumo yomsebenzisi womatshini wokungcakaza; nokunika imiba ehambelana nezehlo ezo.

UZA KWENZIWA USEBENZE yiPalamente yePhondo leNtshona Koloni, ngolu hlobo:—

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 kunye necandelo 6 loMthetho 7 ka-2013

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1. Icandelo 44 loMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (UMthetho 4 ka-1996)(uMthethongqangi), lenziwa izilungiso kwicandelwana (3) lelicandelwana lilandelayo:

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

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Ukufakelwa kwecandelo 44D kuMthetho 4 ka-1996

2. Eli candelo lilandelayo liyakufakelwa kuMthethongqangi emva kwecandelo 44C:

“Umrhumo womsebenzisi wekhasino

44D. Umrhumo womsebenzisi wekhasino, njengoko kuchaziwe kumhlathi 5A weShedyuli II iyakuhlululwa kwiBhodi ngumnini welayisenisi yomsebenzisi wekhasino.”

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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

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3. IShedyuli II yoMthethongqangi yenziwa izilungiso—

(a) ngokutshintshwa komhlathi 5 walo mhlathi ulandelayo:

“5. Ukucuthwa kwemirhumo yomsebenzisi woomatshini bongcakazo ehlawulwa ngokwecandelo 44C ngolu hlobo lulandelayo:

Ubungakanani nokucuthwa komsebenzisi womatshini wongcakazo	Ukucuthwa kwemirhumo yomsebenzisi womatshini wongcakazo	
Apho inani loomatshini bokungcakaza licuthiweyo ngokungedluli koomatshini abayi-500 ngomsebenzisi ngamnye.	[R500 000,00] R1,953 yezigidi zeerandi ngonyaka [kangangexesha eliyiminyaka elishumi] inyuka ngonyaka ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile	10 15
Apho inani loomatshini bokungcakaza licuthiweyo lidlula ku-500 ngokomsebenzisi ngamnye kodwa lingedluli koomatshini abayi-1000 ngomsebenzisi ngamnye	[R1 000 000,00] R3,905 yezigidi zeerandi ngonyaka [kangangexesha eliyiminyaka elishumi] inyuka ngonyaka ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile	20
Apho inani loomatshini bokungcakaza licuthiweyo lidlula koomatshini abayi-1000 ngomsebenzisi ngamnye	[R1 500 000,00] R5,858 yezigidi zeerandi ngonyaka [kangangexesha eliyiminyaka elishumi] inyuka ngonyaka ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile	25 30

”; yaye

(b) ngokwengeza lo mhlathi ulandelayo emva komhlathi 5:

“5A. Irhafu yomsebenzisi wekhasino ihlawulwa ngokwecandelo 44D ngolu hlobo lulandelayo:

Ixabiso lokuqala lokuphuhliswa kwekhasino	Imirhumo yomsebenzisi wekhasino	
Apho ixabiso lokuqala lokuphuhliswa kwekhasino lingedlulanga kwi-R175,0 yezigidi zeerandi	I-R2,805 yezigidi ngonyaka enyuka minyaka le ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile	35 40
Apho ixabiso lokuqala lokuphuhliswa kwekhasino lidlula kwi-R175,0 yezigidi zeerandi	I-R7,150 yezigidi ngonyaka enyuka minyaka le ngokomyinge onguwo ohambelana namatyala kaRhulumente njengoko echazwe nguMphathiswa onoxanduva lweziMali kuZwelonke ngamathuba athile	45

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

4. UCwangciso lwamaCandelo aphambi kwecandelo 1 loMthethongqangi lwenziwa izilungiso ngokufakela phambi kwento ebhekisa kwisihloko esikwicandelo 45 kwalo mba ulandelayo: 5

"44D. Umrhumo womsebenzisi wekhasino".

Isihloko esifutshane nokuqala ukusebenza

5. Lo Mthetho ubizwa ngokuba nguMthetho woLungiso woNgcakazo neMidyarho weShumi elinesiThoba weNtshona Koloni, 2021, yaye uya kuqala ukusebenza ngomhla 10 ogqitywe yiNkulumbuso ngesibhengezo esiya kwenziwa kwi*Gazethi yePhondo*.

