

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.

=====

NORTH WEST GAMBLING AMENDMENT ACT No. 5 of 2005

[DATE OF ASSENTMENT _____]

[DATE OF COMMENCEMENT _____]

(English text signed by the Premier)

ACT

To amend the North West Gambling Act, 2001 (Act No. 2 of 2001); to provide for certain powers of the Board; to prohibit the possession of gambling machines without a license; to provide for payment of levies, taxes and license fees; to provide for application for consent for acquisition of financial interest in licensees; to provide for imposition of certain conditions relating to black economic empowerment by licensees; and to provide for matters incidental thereto.

BE IT ENACTED BY the Provincial Legislature of the Province of the North West as follows:

Amendment of section 1 of Act No. 2 of 2001.

1. Section 1 of the North West Gambling Act, 2001 (Act No 2 of 2001) (hereinafter referred to as the Principal Act) is hereby amended by substitution of the following words for the definition of the word “casino”:

“**casino**” means premises where [**casino**] gambling games are played or available to be played for money or other valuable consideration gambled on the possibility of winning a prize;

Amendment of section 4 of Act No. 2 of 2001

2. Section 4 of the principal Act is hereby amended by insertion of the following subparagraphs after subparagraph 1(c)(xxxi):

(xxxii) to enter into agreements with third parties including other provincial gambling boards;

(xxxiii) obtain the assistance of any department or organ of State, including the South African Police Service, to conduct or assist it in conducting its investigations;

Amendment of section 5 of Act No. 2 of 2001

3. The Principal Act is hereby amended by insertion of the following section after section 5:

5A. Exemption from liability

A member of staff of the Board may not be liable in his or her personal capacity for anything done by him or her in good faith in the course of exercising the functions or exercising the powers of the Board in terms of this Act.

Amendment of section 16 of Act No. 2 of 2001

4. The Principal Act is hereby amended by insertion of the following section after section 16:

16A. Committees of the Board

(1) The Board may from time to time and on such terms as it may determine appoint committees to exercise the powers and perform the functions delegated to such committees by the Board.

(2) A committee shall consist of-

(a) such members of the Board as the Board may designate, or

(b) such members of the Board as the Board may designate and such other persons as the Board may co-opt;

provided that no committee shall have less than two members.

(3) The Board shall designate the chairperson of a committee.

(4) A committee shall exercise its powers and perform its functions subject to the provisions of this Act and such directives of the Board as are not in conflict with the Act.

Amendment of section 18 of Act No. 2 of 2001

5. Section 18 of the principal Act is hereby amended by substitution for subsection (1) of the following subsection:

- (1) The Board may, subject to subsection (2), delegate any power or function which it may exercise or perform in terms of this Act to any of its members, committees or employees, whereupon such power or function may be exercised or performed by the delegate on behalf of the Board.

Amendment of section 27 of Act No. 2 of 2001

6. The principal Act is hereby amended by insertion of the following section after section 27:

27A Financial and controlling interests

- (1) Any person who, directly or indirectly procures a controlling interest or a financial interest of five percent or more, or any lesser percentage as may be prescribed, in the business to which a license or a registration in terms of section 60 relates shall, within the prescribed period and in the manner prescribed or determined by the Board, apply for the consent of the Board to hold such interest.
- (2) The Board shall not grant consent under subsection (1) where-
 - (a) in the case of a license the person who is the subject of the application is disqualified in terms of section 26;
 - (b) additionally, in the case of a casino license, that person who is the subject of the application is disqualified in terms of section 26; and
 - (c) in the case of a registration under section 60, the person who is the subject of the application is disqualified in terms of section 26 and 27 as applied with the changes required by the context.

- (3) Where consent is not granted, the person concerned shall, within the period and in the manner prescribed or determined by the board, dispose of the interest in question.
- (4) The provisions of sections 29 to 38 shall, unless the Board determines otherwise apply to a person who wishes to procure an interest as contemplated in subsection (1);
- (5) A person may not procure an interest contemplated in subsection (1) as a nominee or agent of, or otherwise on behalf of, any principal or beneficiary if that person has not informed the holder of the license concerned and the Board in writing of the identity of such principal or beneficiary.
- (6) If the holder of an interest of a kind contemplated in subsection (1) at any time becomes disqualified from holding such interest in terms of section 27 the Board may, after giving such person an opportunity to be heard suspend such person's ownership right or order such person to dispose of such interest within the period prescribed or determined by the Board and order that such person may not dispose of such interest for more than he or she paid for it or such greater amount as the board may approve.
- (7) From the date the Board issues an order contemplated in subsection (3) or (6) on the applicant, license holder or person concerned, he or she shall not exercise, whether directly or through any trustee or nominee, any voting right conferred by the ownership of his or her interest in the licensee until such suspension is terminated or such interest disposed of, as the case may be.
- (8) A contravention of subsection (1),(3),(5) or (7) or an order made by the Board in terms of subsection (6) shall constitute an offence.

Amendment of section 42 of Act No.2 of 2001

7. Section 42 of the principal Act is hereby amended by the insertion of the following paragraph after paragraph (i):

(j) relating to black economic empowerment within a company, close corporation or any other entity which has made an application to the Board for a license or registration or which holds a license or is registered in terms of this Act.

Amendment of section 42 of Act No.2 of 2001

8. Section 42 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

(3) Where the Board intends to impose, suspend, withdraw or amend any condition as contemplated in this section, the Board shall serve a written notice on the licensee stating-

(a) that the Board intends to impose, suspend, withdraw or amend such condition, as the case may be;

(b) that the licensee may, within 30 days after the date of the written notice, make written representations or notify the Board in writing of the licensee's intention to make oral representations to the Board on the matter;

Amendment of section 42 of Act No.2 of 2001

9. Section 42 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

(4) If, within the period mentioned in subsection (3)(b), the Board receives neither written representations nor written notification of the applicant's intention to make oral representations, the Board may impose, suspend, withdraw or amend the condition with immediate effect.

Amendment of section 44 of Act No. 2 of 2001

10. Section 44 of the principal Act is hereby amended by insertion of the following subsection after subsection (4):

(5) When the application has been granted the chief executive officer shall cause the name of the holder of the license to be changed on the license.

Amendment of section 45 of Act No. 2 of 2001

11. The principal Act is hereby amended by insertion of the following section after section 45:

45A. Amendment of license

(1) The holder of a license may at any time make application for the amendment of the license.

(2) The provisions of sections 29 to 38 shall, unless the Board determines otherwise, apply, with the changes required by the context, in relation to an application contemplated in subsection (1).

(3) Where the application has been granted the chief executive officer shall cause an amended license to be issued to the license holder.

Amendment of section 46 of Act No. 2 of 2001

12. Section 46 of the principal Act is hereby amended by the substitution for paragraphs (e) and (f) of the following paragraphs:

- (e) the holder of a license fails to pay any levy, tax or license fee payable in terms of this Act in the manner and within the time required by the relevant provisions of this Act;
- (f) the holder of a license has, without the prior written consent of the board, failed to carry on business under the license for a period of at least 3 consecutive months;

Amendment of section 46 of Act No. 2 of 2001

13. Section 46 of the principal Act is hereby amended by the insertion of the following subsections after subsection (2):

- (3) Where the Board intends to revoke a license, it shall serve written notice on the licensee stating -
 - (a) that the board intends to revoke the license;
 - (b) grounds for the intended revocation;
 - (c) that the licensee may, within 30 days after the date of the written notice, make written representations to the board or notify the board in writing that the licensee intends to make oral representations to the board about the matter;
 - (d) the effect of subsection (4).

- (4) If, within the period mentioned in subsection (3)(c), the board receives no written representations nor written notification of intention by the licensee to make oral representations, the revocation shall take effect at the end of that period.

Amendment of section 61 of Act No.2 of 2001

14. Section 61 of the Principal Act is hereby amended by the insertion of the following subsection after subsection (3):

- (3A) An application for registration shall not be granted if the applicant is subject to any disqualification contemplated in sections 26 and 27;

Amendment of section 61 of Act No.2 of 2001

15. Section 61 of the Principal Act is hereby amended by the substitution for subsections (4) to (9) of the following subsections:

- (4) The provisions of sections 29 to 38 shall unless the Board otherwise determines, apply with the changes required by the context, to an application for registration in terms of this section.
- (5) Where the Board grants an application for registration, the Board shall issue to the applicant a certificate of registration for the respective purpose in the prescribed form.
- (6) A person who has been registered for a specific period may apply for the extension of such period and if the Board grants such extension, the Board shall amend the certificate of registration.

- (7) The Board shall keep and maintain a register of the names and prescribed particulars of persons to whom a certificate of registration has been issued in terms of this section.
- (8) In determining whether or not a person is a key employee, the Board shall not be restricted by the job title or designation of such person, but may consider the functions and responsibilities of such person in making its decision.
- (9) A licensee shall, within a specified period of termination of the employment of a key employee, notify the Board in writing of such termination and reasons thereof.

Amendment of section 62 of Act No.2 of 2001

14. Section 62 of the Principal Act is hereby amended by the substitution for subsections (5) and (6) of the following subsection:

- (5) An application for registration shall not be granted if the applicant is subject to any disqualification contemplated in section 26;
- (6) The provisions of section 61 except for subsection (1) and (2) shall apply, with the changes required by the context, to an application for registration in terms of this section.

Amendment of section 62 of Act No.2 of 2001

15. The Principal Act is hereby amended by the insertion of the following sections after section 62:

62A. Place of gambling and settling of gambling debts

(1) A person shall not gamble or make or place a bet at any place other than on appropriately licensed premises: Provided that gambling by means of the place of a voice or data telephone bet on a lawful sporting event where the holder of a license accepts and records the bet at the licensed premises shall be deemed to have occurred at the licensed premises.

(2) A gambling debt may only be settled at-

(a) licensed premises;

(b) a place and in a manner authorized by the board on application by the holder of the license concerned;

(c) a place where a debt is ordinarily paid in such circumstances when the debt is paid pursuant to a court order or the terms of settlement of legal proceedings instituted for its recovery;

(d) in the case of a debt owed by a holder of a totalisator license or bookmaker license or a member of the public to the holder of a totalisator license or bookmaker license-

(i) at a place contemplated in paragraph (a),(b)or(c); or

(ii) by crossed cheque marked not transferable sent by post to the holder of the totalisator or bookmaker license concerned; or

(iii) by way of electronic funds transfer.

(e) in the case of a debt owed by the holder of a totalisator license or a bookmaker license to a member of the public-

- (i) in a manner contemplated in paragraph (a),(b) or (c);or
- (ii) by crossed cheque marked not transferable sent by post to the physical address of the winning person concerned.

(3) A license holder contemplated in this section shall not knowingly accept a bet from-

- (a) a person under the age of 18 years;
- (b) any person whose name is included in the list of excluded persons as contemplated by the Regulations, which has been delivered to such license holder in the manner prescribed; or
- (c) any person by way of voice or data telephone transmission if the placing of such bet by such person will constitute a crime by such person in the jurisdiction from which the bet is so placed.

(4) A person physically present in the Province shall not participate in a gambling game by way of telephone, telefax, interactive television, electronic mail or internet transmission or any such communications medium.

(5) A person shall not, in relation to any person whom he or she knows to be physically present in the Province or should reasonably suspect is so present, invite such person to participate in a gambling game or enter into a gambling game with such person if the gambling game concerned is conducted wholly or partially by way of telephone, telefax, interactive, television, electronic mail or internet transmission or any such communications medium.

62B. Transfer of ownership or possession of gambling machines, gambling devices and amusement machines

- (1) A person who proposes to transfer registered ownership of a gambling machine, gambling device or amusement machine to another person must apply in the prescribed manner and form to the Board to transfer registered ownership of that machine or device.
- (2) Subject to subsection (3), a person who proposes to lease, or transfer possession of a gambling machine, gambling device or amusement machine to another person, while retaining legal title to that machine or device, must apply in the prescribed manner and form to the Board for approval to lease or transfer possession of that machine or device.
- (3) A registered owner of a gambling machine, gambling device or amusement machine who repossesses that machine or device from a lessee or other person to whom possession had been transferred in terms of subsection (2) is not required to apply for approval in terms of this section, but must notify the board that the machine or device has been repossessed.

Amendment of section 66 of Act 2 of 2001

16. The Principal Act is hereby amended by insertion of the following sections after section 66:

66A. Prohibition in respect of gambling

- (1) A person shall not –

(a) conduct or permit the playing of any gambling game or conduct or permit any gambling in or on any premises under his or her control or in his or her charge; or

(b) be directly or indirectly involved in the operation of any gambling business;

without an appropriate license, and this will include transportation of gambling machines or devices or the handling of such without written approval from the Board;

(2) The provisions of subsection (1) shall not be applicable to a member or an authorized officer of the Board or a police officer, acting in the performance of his or her duties under this Act or any person specifically authorized thereto by the chief executive officer to play any gambling game or take part in any betting in or on, or visit, with the object of playing any gambling game or taking part in any betting on any premises which are not appropriately licensed under this Act.

66B. Liability for activities in relation to gambling games and betting

A person shall not be exempt from liability under any provision of this Act in respect of any act or thing done by him or her, or authorized or permitted by him or her to be done in the Province in connection with any gambling game or betting merely by reason of the fact that the management or conducting thereof is in whole or part carried on at some place outside the Province.

66C. Possession, supply or lease of gambling machines, gambling devices and amusement machines

(1) A holder of a licence shall not-

- (a) possess more gambling machines, tables gambling devices or amusement machines than the board has, on application approved to be in the possession of such person;
- (b) supply or lease gambling machines, gambling devices or amusement machines to or repair or modify a gambling machine for any person within the Province who does not hold an appropriate licence or is not registered in terms of section 60, provided that the provisions of this subsection shall not apply to gambling machines, gambling devices or amusement machines being exported to a place outside the Province or which shall be removed from the Province immediately after such repairs or modification;
- (c) supply a gambling device other than a gambling machine or playing cards or dice to or repair or modify such gambling device for any person other than a licence holder, a person registered in terms of section 61(1) or a person authorized by the board to conduct social gambling;
- (d) allow or permit any person to use any gambling machine, gambling device or amusement machine in his or her possession while such gambling device or amusement machine is not on appropriately licensed premises;

- (2) A person wishing to transport any gambling machines, gambling devices or amusement machines in the province or through the province to another province or foreign country shall apply to the Board for permission to transport such machines or devices.

Amendment of section 82 of Act No. 2 of 2001

16. The principal Act is hereby amended by the substitution for section 82 of the following section.

82. Offences and penalties

- (1) A person who-
- (i) contravenes or fails to comply with any provision of this Act or any regulation made under section 84;
 - (ii) makes any false statement in any application or return under this Act;
 - (iii) contravenes any condition of a license;
 - (iv) on any licensed premises conducts gambling [**activity**] activities or keeps any gambling device which is not [**prescribed**] provided for under this Act or conducts any [**prescribed**] gambling game otherwise than in accordance with the rules of such game as provided for in this Act;
 - (v) hinders or obstructs any police officer or inspector in the performance of his or her functions under this Act;

- (vi) gives an explanation or information to a police official or inspector which is false or misleading, knowing it to be false or misleading;
- (vii) falsely represents himself to be an inspector;
- (viii) without the consent in writing of the inspector or police official concerned, removes from the place, or tampers with, destroys or makes alterations to, anything seized by such inspector or police official in the performance of his or her duties under this Act;
- (ix) without sufficient cause fails to attend a hearing or enquiry to which he or she has been summoned by the board in terms of section 37 or fails to remain in attendance at such hearing or enquiry until it is concluded or until he or she is excused by the Board from further attendance;
- (x) having been summoned under section 37-
 - (a) without sufficient cause refuses to take the oath or to make an affirmation as a witness after he or she has been directed by the member of the Board or authorized person presiding at the enquiry to do so, or refuses to testify, or refuse or fails to answer fully and satisfactorily to the best of his or her knowledge and belief any question lawfully put to him or her,
 - (b) after having taken the oath or having made an affirmation, gives false evidence before the Board, knowing such evidence to be false, or

- (c) without sufficient cause fails or refuses to produce any book, document or thing in his or her possession or custody or under his or her control, which he or she has been summoned to produce,

- (xi) is in possession of any gambling machine, or gambling device, other than playing cards or dice, which is used without an appropriate license or registration or not in accordance with the provisions of this Act;

- (xii) is in possession of-
 - (a) a reel tape designed for use is a gambling machine;
 - (b) any device which would be a gambling machine but for the removal of any of its parts or the reprogramming thereof;
 - (c) any device which is capable of electronically representing the reels used in a gambling machine;
 - (d) any device which was manufactured as a gambling machine and which has been converted at any time so that it is unable to pay out cash or tokens, whether such device enables a player to win a prize or not;
 - (e) any computer software which enables a player to download any credits won on a gambling game to another computer or to an external data storage device; or
 - (f) any computer hardware which is primarily designed or constructed for use to play a gambling game on a computer, without an appropriate license or without being registered in terms of section 60 (1);

- (xiii) is in possession of any gambling machine, table or device contemplated in section 66(1) and this section and is not –

- (a) the holder of an appropriate license;
 - (b) registered in terms of section 60(1);
 - (c) authorized by the board to use such device for social gambling; or
 - (d) authorized by the board to transport such machine, table or device in or through the Province as contemplated in section 66C(2);
- (xiv) uses a gambling device or amusement machine otherwise than in accordance with the provisions of the Act;
- (xv) exposes a gambling machine for play by members of the public without being the holder of an appropriate license;
- (xvi) is the holder of a route operator license or site operator license and exposes for play or allows to be exposed for play-
- (a) a limited payout machine which does not comply with the provisions of this Act; or
 - (b) more limited payout machines than such license holder is licensed for;
- (xvii) uses a computer to play a gambling game; or exposes such computer for the playing of gambling games by members of the public or any section thereof either by way of internet or intranet transmission or any other method, contrary to the provisions of this Act;
- (xviii) possesses an amusement machine without a license or the permission contemplated in section 66C(2);

(xix) transports any gambling machine, table, amusement machine or gambling device contemplated in section 66(1) within or through the Province without-

(a) the prior written permission of the Board;

(b) an appropriate license; or

(c) being registered in terms of section 60(1);

(xx) by way of a scheme or arrangement, directly or indirectly converts into cash, tokens, credit, debits, cheques or other value instruments any-

(a) object or ticket contemplated in the definition of “amusement game” in section 1 which was received by any person as a prize won on such amusement game; or

(b) non-cash object, voucher or ticket received by a person in return for attending any premises on which any electronic, mechanical or electro-mechanical device, whether a gambling device, an amusement machine or otherwise, is exposed for play by members of the public or any section thereof or in return for playing such device;

Provided that the provisions of this paragraph shall not apply to any family member of any person who received such prize, object or ticket or to any person related to such person within the third degree of relationship by birth, where the prize or object is not a ticket contemplated in subparagraph (a) and (b) and is not exchanged for more than its retail value;

- (xxi) expose for play by members of the public or any section thereof an amusement machine which is not licensed;
- (xxii) directly or indirectly provides credit to any person for the playing of an amusement game;
- (xxiii) without an appropriate license, utilizes one or more gambling machines to distribute prizes (other than an opportunity to play a single further game), to persons who have paid a subscription to play such machines;
- (xxiv) possesses or exposes for play by members of the public or any section thereof, an amusement machine capable of playing games such as roulette, bingo, twenty-one, blackjack, chermin de fer, baccarat, poker, Chinese roulette, keno and other games of similar type usually played on gambling machines or derived from such games;
- (xxv) exposes for play by members of the public or any section thereof a computer and uses such computer as an amusement machine to play amusement games of the kind contemplated in paragraph (xxiv);
- (xxvi) distributes or makes available computer software in the province which is intended to be used by persons in the province to link to gambling businesses located outside the province which offer gambling games on the internet;
- (xxvii) manages, supervises or assists or serve as a banker, dealer, croupier or in any like capacity at the playing of any gambling

game or the operation of amusement machines or conducting of any betting on any premises other than licensed premises, or acts as porter, doorkeeper or servant or performs any other function or duty or holds any other office on any such unlicensed premises:

is guilty of an offence and on conviction (unless otherwise expressly provided elsewhere in this Act) be liable to a fine [not exceeding ten million rand R10 000 000] or to imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.

(2). A person who contravenes or fails to observe a rule made in terms of section 85 shall be guilty of an offence and liable on conviction to a fine [not exceeding five hundred thousand rand (R500 000)] or imprisonment for a period not exceeding 6 months.

(3) The provisions of paragraphs (xi),(xii),(xiii),(xiv) and (xix) of subsection (1) shall not apply to-

(a) the Board, officials of the Board, the South African Police Services or any person possessing such device or machine at the instance of the board or the South African Police Services;

(b) a bona fide museum which the Board has on application authorized to possess such device or machine: Provided that-

(i) the device or machine shall be kept in such a manner that it is not available to be played or operated by any person; and

(ii) such device or machine is disabled to the satisfaction of the Board;

- (c) any temporary display or exhibition of gambling devices or amusement machines which has on application been approved by the Board: Provided that-
- (i) such devices or machines shall not be used for gambling while being so displayed or exhibited;
 - (ii) no player of such device or machine shall receive or be entitled to receive a prize other than the one or more opportunities to play a further game; and
 - (iii) any conditions imposed by the Board shall be complied with;
- (d) a gambling school licensed or approved by the Board or the National Gambling Board contemplated in the National Gambling Act of 2004, which uses machine or device only for training purposes: Provided that-
- (i) such device or machine shall not be available to be played or operated by, or be accessible to, any member of the public other than genuine students or lectures of that gambling school;
 - (ii) such device shall not be used for gambling;
 - (iii) no player of such device or machine shall receive or be entitled to receive a prize; and
 - (iv) any conditions imposed by the board shall be complied with;
- (e) any other person whom the Board on application or request allows to possess such device or machine on a temporary basis including the possession of machines in transit as contemplated in section 66C(2): Provided that-

- (i) such device or machine shall not be available to be played or operated by, or be accessible to, any other member of the general public and shall not be used for gambling;
- (ii) no player of such device or machine shall receive or be entitled to receive a prize;
- (iii) the device or machine shall be used only for the purpose approved by the Board; and
- (iv) any conditions imposed by the Board shall be complied with;

Provided that persons contemplated in paragraphs (b),(c),(d) and (e) shall inform the Board in writing beforehand of all movements of gambling devices and amusement machines contemplated in this subsection and shall comply with any rules made by the Board with regard to such persons.

- (4) Whenever any person is convicted of an offence in terms of this Act or pays an admission of guilt fine in respect thereof in terms of section 57 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), all costs incurred by the Board or the South African Police Service, including costs of the transport or storage of any gambling machine, gambling device, equipment or other thing which was used in the commission of the offence or which was found in the possession of the convicted person, and any testing thereof by the South African Bureau of Standards shall be paid by such person in addition to any fine or penalty imposed or paid by such person,

Amendment of section 82 of Act No.2 of 2001

Section 82 of the principal Act is hereby amended by the insertion of the following section after section 82:

82A. Magistrate's jurisdiction

Notwithstanding any law to the contrary, a magistrate shall have jurisdiction to hear any matter in relation to contravention of this Act, and shall deal with the matter as he/she deems appropriate, including referring it to the relevant court for sentencing.

Amendment of section 87 of the Act No.2 of 2001

17. Section 87 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- (1) (a) A holder of a license shall be liable to, at such intervals as may be prescribed, pay a gaming levy which shall be calculated on such basis and at such rate as may be prescribed and be payable in the manner and before the date as prescribed: Provided that different rates may be so prescribed in respect of different types of licenses.
- (b) A person who has made a winning bet with a bookmaker shall pay the prescribed tax on the amount and in the manner as prescribed;
- (c) A payment of the gambling levy referred to in subsection (1) shall be accompanied by a return in the form determined by the board.

- (d) Notwithstanding anything to the contrary contained in any other law, there shall be no period of grace for the payment of the gambling levy referred to in subsection (1)(a), and if such levy is not paid on or before the date referred to in subsection (1)(a), the license may be suspended by the board in terms of section 46 until the levy and the penalty payable in terms of subparagraph (e) have been paid.
- (e) Any license holder who fails to pay the gambling levy on or before the prescribed date referred to in subsection (1)(a) shall in addition to such levy, pay for each day or part of a day during which such license holder is liable for the payment of the levy, a penalty and interest contemplated in section 88(1).
- (f) All gambling levies, taxes and license fees payable in terms of the provisions of this section and all fines and penalties imposed in respect of offences under the Act, shall be paid to the Board for the benefit of the Provincial Revenue Fund and the Board shall pay such amounts into the Provincial Revenue Fund on or before the 15th of each month and furnish such returns and information as the Provincial Treasury may require.
- (g) The penalty provided for in subparagraph (e) may be waived by the chief executive officer as contemplated in the Regulations.

18. Short title and commencement

This Act is called the North West Gambling Amendment Act, No. 5 of 2005 and shall come into operation on a date to be proclaimed by the Premier of the North West Province in the Provincial Government Gazette.