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**GOVERNMENT NOTICE**

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**DEPARTMENT OF TRADE AND INDUSTRY**

No. R. 386

15 May 2012

**NATIONAL GAMBLING ACT, 2004****AMENDMENT OF REGULATIONS REGARDING GAMBLING ADVERTISING  
AND EXCLUSIONS REGISTER**

I, Dr Rob Davies, the Minister of Trade and Industry hereby, in terms of section 87 of the National Gambling Act, 2004 (Act No. 7 of 2004) after consulting the National Gambling Policy Council and on recommendation of the National Gambling Board, hereby make the following amendments to the regulations in the Schedule.



**DR ROB DAVIES (MP)**  
**MINISTER OF TRADE AND INDUSTRY**

DATE: 2/4/12

**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.

**SCHEDULE****Definitions**

1. In this schedule any word or expression to which a meaning has been assigned in the Act bears the same meaning so assigned, unless the context indicates otherwise;

**“Advertising”** means any direct or indirect visual or oral communication transmitted by any medium, or any representation or reference written or inscribed, recorded, encoded upon or embedded within any medium, by means of which a person seeks to –

(a) bring to the attention of all or part of the public –

(i) the existence or identity of a supplier; or

(ii) the existence, nature, availability, properties, advantages or uses of any goods or services that are available for supply, or the conditions on, or prices at which any goods or services are available for supply.

(b) promote the supply of any goods or services or

(c) promote any cause;

**“the Act”** means the National Gambling Act, 2004 (Act No. 7 of 2004);

**“the Regulations”** means the National Gambling Regulations, 2004, published by Government Notice No. R. 1342 of 12 November 2004;

**“Promotional material”** means any material that -

(a) advertise, display or offer to supply any goods or services in the ordinary course of business, to all or part of the public for consideration;

(b) make any representation in the ordinary course of business that could reasonably be inferred as expressing a willingness to supply any goods or services for consideration; or

engage in any other conduct in the ordinary course of business that may reasonably be construed to be an inducement or attempted inducement to a person to engage in a gambling transaction.

## Amendment of regulation 2 of Regulations

2. Regulation 2 of the Regulations is hereby amended-
- (a) by the deletion in sub-regulation (1) of paragraphs (h), (i), (j) and (k);
  - (b) by the substitution for sub-regulation 2 of the following sub-regulation:

“(2) A notice to be submitted to the Board by a **[person] patron** wishing to register as an excluded person shall be in the form of Form NGB1/1 and shall, at a minimum, contain **[a passport size photograph of that person, and] a passport size digital colour photograph of him or herself of at least 250 kilobites, and if it is not possible for a digital photo to be taken, the patron must submit a passport size photograph in colour that is not older than 3 months and also that person’s particulars as listed in sub-regulation (1).**”
  - (c) by the deletion in sub-regulation (3) of paragraph (e);
  - (d) by the substitution for sub-regulation (4) of the following sub-regulation:

“(4) Within seven days after receiving a notice contemplated in sub-regulation (2) or (3), Board shall capture the form in the register of excluded persons as established and maintained in terms of section 65(1)c(i) of the Act and which all provincial licensing authorities and licensed gambling operators shall have access to, and the Board shall transmit a copy of the notice to all licence holders and provincial licensing authorities.
  - (e) by the deletion of subregulation (5).
  - (f) by the substitution for sub-regulation (6) of the following sub-regulation:

“(6) A notice contemplated in sub-regulation (2) or (3) shall take effect seven (7) days after the date on which the application is submitted to the Board [upon the date of written confirmation of receipt contemplated in sub-regulation (5)].”;

(g) by the addition after paragraph (c) of sub-regulation (7) of the following paragraph:

“(d) to submit as part of the internal control procedures for approval, 60 days after coming into operation of these regulations, to the relevant provincial licensing authority, measures to be implemented by licensed operators, to effectively enforce exclusion measures within gambling venues to satisfactorily control non participation on gambling activities by people registered in the exclusion database and the approval of the internal control procedures should be done within 90 days”.

### **Amendment of regulation 3 of the Regulations**

3. Regulation 3 of the Regulations is hereby amended by the substitution for the heading of regulation 3 of the following heading:

“Additional Gambling [Interactive] Related Advertisements[?] and Promotions

4. Regulation 3 of the Regulations is hereby amended by the insertion of the following regulation after regulation 3:

“3(A). No person may advertise or cause to be advertised all gambling related advertisement relating to licensed or unlicensed gambling activities in the Republic in terms of the Act and or provincial legislation unless such gambling activities are advertised between 20h00 on any particular day until 06h00 on the following day: Provided further that such advertisements should not be broadcast between programmes where the audience is expected to be below the age of 18 years:”

5. Regulation 3 of the Regulations is hereby amended by the insertion of the following regulation after regulation 3

(3)(B)(1) No person is permitted to -

(a) advertise any interactive games in the Republic until enabling legislation is enacted and promulgated by the President;

(b) place on the internet links or advertise material inviting or encouraging members of the public to access gambling internet site or take any other action that may reasonably be regarded as directed at the members of the public inviting them to gamble on such internet site;

(c) place on the internet links directed at the members of the public inviting or encouraging them to enter the gambling internet site or takes other action that may reasonably be

regarded as inviting another person to gamble under false pretences or by providing false information or documentation;

- (d) advertise or cause to be advertised any gambling activities except if such person is a holder of a license issued in terms of the Act or provincial legislation; and
  - (e) advertise any gambling activity if such gambling operator is licensed in terms of foreign legislation and not in terms of the Act or provincial legislation the Republic of South Africa.
  - (f) provide, display, or distribute any promotional material related to interactive gambling activities or games unless such a person holds a license issued in terms of the laws of the Republic; and
  - (g) provide sponsorships, gifts, prizes or scholarships related to illegal activities and interactive game in exchange for the promotion of a gambling activity, product, trademark, brand or name of a gambling operator, manufacturer or supplier.
- (2) No gambling learning material shall be posted on the internet if it intended to teach members of the public how to play a gambling game.
- (3) No gambling education site where a person is learning how to play a game shall route that person to a gambling site in order for such a person to gamble.”.
6. These regulations shall come into effect on the date of their publication in the *Government Gazette*.

**NATIONAL RESPONSIBLE GAMBLING PROGRAMME TOLL FREE 0800 006 008**

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**INSTRUCTIONS**

NGB Form 1/1 is prescribed for the use in terms of regulation 2(2) of the National Gambling Regulations, 2004

In terms of Regulation 2 of the National Gambling Regulations, 2004 this notice remains in force until cancelled by completion of NGB 1/2 Form as contemplated in Regulation 2(3).

***There is no fee for filling this form***

Contacting the National Gambling Board:

National Gambling Board

The dti Campus

2<sup>nd</sup> Floor, Building E, Uzajzi

77 Meintjies St.

Sunnyside 0002.

Private Bag X27, Hatfield, 0028.

Republic of SOUTH AFRICA

Tel: (012) 394 3800

Fax: 394 4800

e-mail: [info@ngb.org.za](mailto:info@ngb.org.za)

website: [www.ngb.org.za](http://www.ngb.org.za)

*This form is prescribed by the Minister of Trade and Industry in terms of section 14(1) of the National Gambling Act 2004 (Act No. 7 of 2004)*

**FORM NGB1/1****APPLICATION TO BE INCLUDED IN THE NATIONAL REGISTER OF EXCLUDED PERSONS**

Applicant to the Voluntary Exclusion Programme, is encouraged to utilize (or continue to utilize) the free treatment service for people who have a problem with gambling. The National Responsible Gambling Programme (NRGP) promotes responsible gambling behavior and thus offers treatment to those afflicted by problem gambling.

The National Gambling Programme offers:

- a) a toll free helpline 24 hours a day, the number will be displayed at the licensed venues
- b) free consultations with a counsellor; and
- c) in patient treatment.

Once you have completed a valid application for placement on the National Register of Excluded Persons you will after 7 days from date of submission of the application to the Board be excluded from all designated gambling areas nationally.

.....  
**APPLICANT'S SIGNATURE**

...../...../.....  
**DATE**

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**APPLICATION FOR PLACEMENT ON THE NATIONAL REGISTER  
OF EXCLUDED PERSONS: (TO BE COMPLETED BY THE OFFICIAL ASSISTING IN  
COMPLETION OF THIS APPLICATION)**

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**Instructions**

- Initial with the applicant all pages in the bottom right-hand corner.
- Does the applicant's employment require that they enter designated gambling areas? Yes.... No.... if yes, please furnish proof:  
 Employer: .....  
 Job title/description: .....  
 Location(s) at which access is needed: .....
- Attach a copy of the applicant's driver's license or identification documentation.

I, .....  
**(full names and identity number of applicant)**

hereby declare that I have read and understood the contents and consequences of the application I am completing and that I am completing the application out of my own free will and that no undue pressure was put on me.



## DETAILS OF THE APPLICANT

<b>FULL NAMES:</b>			
<b>DO YOU HAVE ANY OTHER NAMES OR ALIASES    YES.....    NO.....</b>			
<b>IF YES, LIST THESE NAMES OR ALIASES</b>			
<b>DATE OF BIRTH</b>		<b>IDENTITY NUMBER</b>	
<b>ADDRESS</b>	Physical		Postal
<b>POSTAL CODE</b>			
<b>TELEPHONE NO:</b>	(Home)	(Work)	
	(Cell)		
<b>E-MAIL ADDRESS</b>			
<b>GENDER</b>	MALE ..... FEMALE .....		

I shall also allow the licence holder / Regulatory Authority to photograph me in a digital format for purposes only of allowing such licence holder / Regulatory Authority to comply with my request.

**Waiver/Release**

I, .....  
(Full name and identity number of the applicant)

wish to be placed on the National Register of Excluded Persons and I have filed with the licence holder/regulatory authority this application for placement on the National Register for Excluded Persons. By filing such application, I understand that I might be a problem gambler and that I am assuming the responsibility of refraining from visiting designated gambling areas nationally. Furthermore, I understand that if I visit a designated area after completing this application and I am discovered, that I will be removed from such premises.

I understand that the licence holder / regulatory authority may recommend that I seek free treatment with the National Responsible Gambling Programme.

I also understand that by completing the application, I am authorising a licence holder / regulatory authority to release the contents of my application – including my name and ID number – to all regulatory authorities, licensed operators, their agents and affiliates

I also understand that, if I complete the application form, a further consequence of me being discovered in a designated gambling area is that I will not be eligible to win a gambling game and thereafter I will be denied winnings I may attempt to claim while visiting designated gambling areas. I also understand that my presence in designated gambling areas constitutes trespassing and the licence holder will request that I be arrested for such.

Moreover, I understand that by filing an application for placements on the National Register for Excluded Persons and by signing this Waiver/Release, I agree that I am not eligible to place legal wager and that I will be denied the winnings based on any wager that I might place.

I authorise any licence holder or its employees to deny me access to a designated gambling area. By signing this release and acknowledging of receipt of good and valid consideration thereof, I hereby release, remise, and forever discharge the gambling industry members, agents and employees from any and all manners of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, which I, the undersigned, and my heirs, successors, administrators, executors, and assigns ever had, now has, may have, or claim to have against any or all of said entities or individuals arising out of or by reason of the processing, enforcing or other action or omission relating to this application including but not limited to, the release of the contents of my application to any licence holder, its agents or employees.

I understand that a licence holder, in conjunction with my placement on the National Register for Excluded Persons, will submit a plan for approval to the Board for removing my name from all mailings lists which may generate marketing offers being sent specifically to me and to deny me credit (if applicable), and any club memberships. I will

notify the licence holder of any errant mailing or marketing offer I might receive after completing this application.

I understand the National Responsible Gambling Programme or its agents or employees may contact me from time to time to conduct research necessary to evaluate the Voluntary exclusion Programme and determine appropriate methods of addressing exclusions and or problem gambling issues.

I have read this Waiver/release and understand all its terms. I execute it voluntary and with full knowledge of its consequences and significance.

.....  
**APPLICANT**

.....  
**WITNESS**

**SIGNED at .....**on this ..... **day of.....**

