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**CONTENTS • INHOUD**

No.

Page  
No. Gazette  
No.**GENERAL NOTICE****Trade and Industry, Department of***General Notice*

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211	National Gambling Act (7/2004): Interactive gambling regulations: For written comments.....	2	31956
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**GENERAL NOTICE**

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**NOTICE 211 OF 2009**

Department of Trade and Industry

National Gambling Act, 2004

Interactive gambling regulations

In terms of section 87 of the National Gambling Act, 2004 (Act No. 7 of 2004), I, Mandisi Mpahlwa, Minister of Trade and Industry, hereby publish the regulations set out in the schedule hereto, for public comments.

Interested persons may submit written comments on the proposed regulations by 07/05/2009 to:

Director-General, Department of Trade and Industry

Private Bag X84

Pretoria

0001

or

77 Meintjies Street

Block B, 1<sup>st</sup> Floor

Sunnyside

Pretoria

Fax No: 012 394 2504

Email: MMosing@thedti.gov.za

For Attention: Mpho Mosing



Mandisi Mpahlwa

Minister of Trade and Industry

## INTERACTIVE GAMBLING REGULATIONS

### SCHEDULE

#### Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act bears the meaning assigned to it in the Act, and unless the context indicates otherwise,

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

#### Specified games, systems and methods

2. (1) An interactive provider may only make available for play, games that:
  - (a) meet the required technical specifications and standards; and
  - (b) are provided under the approved internal control systems by the Board, provided that a player plays against the software of the interactive provider; and
- (2) Interactive gambling transactions between two or more persons that are facilitated by a third party would not be regarded as specified games, for the purposes of these regulations.

#### Forms of electronic communication

3. (1) Interactive games may only be accessed via the internet through the interactive provider's website, by means of electronic communication devices, such as a computer, personal digital assistant (PDA) and mobile phone or any other device that the board may determine;

- (2) Electronic data transfer devices, that are not connected to the internet, such as interactive television, telephone, text messaging service (SMS), will not be regarded as a form of electronic communication, for the purposes of these regulations; and
- (3) Electronic betting and wagering on horse racing and sports will not be regarded as a form of electronic communication, for the purposes of these regulations.

#### **Non-monetary prizes**

4. (1) An interactive provider who cannot settle the claim for a non-monetary prize as contemplated in section 6A(4)(b) must, within 7 days, deliver a Notice in *Form NGB 8/2* to the claimant;
- (2) The Notice contemplated in sub-regulation (1) must, at a minimum, include the following information:
  - (a) the name and registered address of the interactive provider;
  - (b) the date on which the notice was given;
  - (c) the period within which, and the manner in which, to request the board to resolve the matter; and
  - (d) the reasons why the claim could not be settled.
- (3) Upon receipt of a request contemplated in sub-regulation (2)(c), the board must within 30 days investigate the claim;
- (4) The board may request additional information or documentation from any party to the matter; and
- (5) At the conclusion of its investigation, the board must make a determination on the matter, which must be contained in a written statement of findings.

## Dispute resolution and complaints procedure

5. (1) Any person who has a complaint relating to an interactive game by an interactive provider may file a complaint with that interactive provider in writing;
- (2) An interactive provider who has received a complaint as contemplated in sub-regulation (1) must:
  - (a) within 5 working days investigate the complaint as outlined in the approved internal control procedures, and
  - (b) within 10 working days of the date of the said complaint, deliver a written notification of the result of the inquiry to the complainant
- (3) If a dispute in respect of an interactive game arises between the parties, any party to such a dispute may refer the matter to the board for resolution and the party referring the matter to the board shall inform the respondent of such referral;
- (4) The referral contemplated in sub-regulation (3) must be in writing;
- (5) Upon receipt of a referral contemplated in sub-regulation (3), the board must within 30 days enquire into the complaint;
- (6) The board may:
  - (a) request additional information or documentation from any party to the dispute;
  - (b) review the evidence submitted to it, without calling for any further information or documentation; or
  - (c) conduct interviews with the parties and other witnesses;
  - (d) refer the matter for mediation

- (7) At the conclusion of its investigation, the Board must make a determination on the matter, which must be contained in a written statement of findings.

#### **Nominated accounts**

6. (1) Before participating in an interactive game, a player must nominate an account held with an authorized financial institution for the movement of funds;
- (2) The account contemplated in sub-regulation (1) must be nominated upon player registering process as contemplated in regulation 10;
- (3) A nominated account must be a cheque or credit card account;
- (4) No cash transaction will be allowed for the purposes of participating in interactive gambling activities;
- (5) A player may not nominate more than one account for the purposes of this regulation;
- (6) No funds may be transferred to or from any account other than an account nominated in terms of this regulation.

#### **Limit on funds and time for participating in interactive games**

7. (1) Before participating in an interactive game, a player must set a limit on the amount that the player may transfer from a nominated account into a player account over a specific period of time, including a zero limit if the player does not wish to participate in interactive games for that specific period of time;
- (2) A player may at any time set a limit on: