



**APPLICATION FOR CONSENT TO ACQUIRE A FINANCIAL  
INTEREST IN A RACECOURSE OPERATOR LICENSEE:  
CORPORATE ENTITY**

**Section 90 of the KwaZulu-Natal Gaming and Betting Act No 08 of 2010**

*Any person who, directly or indirectly, procures an interest, including a financial interest, of five percent or more in the business to which the licence, issued in terms of section 89(1), relates must within the period prescribed by the Board and in the manner prescribed or determined by the Board, apply for the consent of the Board for the holding of such interest: Provided that the consent of the Board is subject to the provisions of section 89.*

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## PART 1: INSTRUCTIONS AND GENERAL INFORMATION

### 1.1 Application

- 1.1.1 Kindly read the following instructions and this application form before completing it. Any incomplete, inaccurate or misleading answers or information may result in the application being rejected and returned to the applicant. No modifications to the pre-printed questions or information contained in this form are permitted.
- 1.1.2 The application fee in terms of Schedule 2 of the Act is non-refundable for returned applications.
- 1.1.3 The purpose of this application form and the information and/or documentation requested herein, is to serve as a basis for a probity investigation which will be conducted by the KwaZulu-Natal Gaming and Betting Board. The purpose of a probity investigation is to verify all information and documentation supplied by the applicant and to discover facts which may assist the Board to formulate an opinion as to the suitability, or otherwise, of the applicant.
- 1.1.4 This application must be completed by a juristic person who acquires a financial interest of five percent (5%) in a racecourse operator licensee in terms of the KwaZulu-Natal Gaming and Betting Act, 2010, (Act No. 8 of 2010) i.e. all businesses falling within the following categories: corporate body, partnership or trust.
- 1.1.5 All businesses holding 5% or more of ownership of the applicant must also complete this form which must accompany the main application for consent to acquire a financial interest in a licensee.
- 1.1.6 All natural persons falling within the following categories must apply for registration to the Board [*Application for Registration: Bookmaker Manager form must be completed and submitted*]:
- (a) All natural persons of the applicant who effectively hold an interest of 1% or more of ownership in equity interest;
  - (b) All owners and natural shareholders of the businesses listed in 1.1.5 above, who will hold an effective interest of 5% or more of ownership in the Licensee;
  - (c) All current and proposed directors and senior management of the applicant business; and
  - (d) The Board may require any other natural persons to complete the above mentioned forms.

### 1.2 Disqualification

- 1.2.1 Section 32, read with section 67 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010) lays down various circumstances that disqualify a person, including a juristic person, from being granted a licence or from being granted a certificate of registration. An applicant may, if he or she is able to do so, rectify the disqualification.
- 1.2.2 Before completing the application form, please refer to sections 32 and 67 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010). Copies of the Act aforesaid and the Regulations are available at [www.kzngbb.org.za](http://www.kzngbb.org.za).
- 1.2.3 Non-disclosures are taken by the Board in a serious light as automatic disqualifications as it talks to the dishonesty and character of an applicant.

### 1.3 General Instructions

- 1.3.1 All entries on the application form, except signatures, must kindly be made in black ink and in block letters.
- 1.3.2 The Board will not consider the application until all the information in an application is completed in full.
- 1.3.3 Should anything stated in the application change after it has been lodged with the Board, prior to the application being considered and prior to the Board's written decision being made, the applicant must immediately notify the Board in writing of such changes and of the effect thereof on the application.
- 1.3.4 If a question does not apply, kindly write "Not Applicable" ("N/A") in the space provided. If there is nothing to disclose about a particular question, write "None" in the space provided. If an alteration is made to an answer, the applicant must sign in full and record the date next to the alteration.
- 1.3.5 If additional space to answer any question(s) is required, kindly use blank standard A4-size paper and attach it to the application. Kindly ensure that:
- The Part and the number(s) of the question(s) being answered are clearly indicated on the additional pages.
  - Next to the appropriate question on the application form, record the number of the additional page.
- 1.3.6 All supporting documentation and/or attachments must be included after the relevant part of the application form and must be clearly labelled, and the name of the applicant reflected on the top of each page.
- 1.3.7 All amounts recorded on the application form must be in South African Rands.
- 1.3.8 For the purposes of this application, the word "business" includes any corporate entity, partnership or trust.
- 1.3.9 On completion of the application form:
- Check that each question has been answered fully and correctly, then initial each page of the application form and any additional pages attached thereto.
  - Using the Application Check List (Part 6), tick listed items to ensure that all the requirements of the application have been fulfilled.
- 1.3.10 An applicant may request the Board, in writing, to withdraw the application at any time prior to a final decision being made by the Board in respect of such application.

#### **1.4 Identification of Confidential Information**

- 1.4.1 Section 30 (5) of the KwaZulu-Natal Gaming and Betting Act, 2010, requires that any application lodged with the Board shall be available for inspection by the public who may also request copies of or extracts from the application. The Board has powers to determine, upon good cause being shown by the applicant, that any document or information identified by such applicant and which relates to the following, shall not be open to public inspection, provided that the Board may make such document or information available to anyone investigating the application on its behalf:
- (a) The financial position of any person participating in an application;
  - (b) The names of prospective employees of the applicant concerned;
  - (c) The business plans of an applicant; or
  - (d) The financial statements, where possible.

1.4.2 Should there be any particulars, document and information included in the application which the applicant feels should not be disclosed to the public and which can be separated from the remainder of the application, kindly identify such particulars, document and information and show cause to the Board as to why it should make a ruling for non-disclosure. To assist the Board in this regard, kindly also furnish one bound and one loose-leaf copy of the application excluding the information that should not be made available for public inspection, as detailed in paragraph 1.5 (d) below.

**1.5 Number of Copies required to be Submitted to the Board**

The applicant is required to submit the following copies:-

- (a) One (1) original bound copy of the entire application and attachments;
- (b) One (1) loose-leaf copy of the entire application and attachments;
- (c) One (1) bound copy of the entire application and attachments; and
- (d) Two (2) bound copies for the purpose of public inspection.

**1.6 Address for Submission of Application**

The completed application form, together with the application fee and any additional pages must be delivered, either by registered post or by hand, to:

The Chief Executive Officer  
KwaZulu-Natal Gaming & Betting Board  
Private Bag X9102  
PIETERMARITZBURG  
KwaZulu-Natal  
3200

The Chief Executive Officer  
KwaZulu-Natal Gaming & Betting Board  
Natalia Building  
330 Langalibalele (Longmarket) Street  
PIETERMARITZBURG  
KwaZulu-Natal

Or

The Chief Executive Officer  
KwaZulu-Natal Gaming & Betting Board  
3 Nollsworth Crescent  
Nollsworth Park  
La Lucia Ridge  
Durban  
4300

The Chief Executive Officer  
KwaZulu-Natal Gaming & Betting Board  
P O Box 555  
Umhlanga Rocks  
Durban  
4320

**1.7 Application Fees To Accompany the Application**

The applicable non-refundable application fee listed below, should accompany the application. Cheques should be made payable to the KwaZulu-Natal Gaming and Betting Board. In the event of EFT payments, kindly consult the Board for banking details.

Type of Application	Application Fee Payable
Acquisition in a Racecourse Operator Licensee	5%- 35% = R 1 750.00 >35% - 65% = R 3 250.00 >65% - 100% = R 5 000.00

**1.8 Investigation Costs**

1.8.1 In terms of the Act, applicants are required to pay a deposit for investigation costs, the amount of which will be determined once the application has been assessed. Once the investigation has been completed, a reconciliation of all the expenses incurred by the Board will be prepared and the difference will be paid by either party.

- 1.8.2 No investigation will commence before such a deposit for investigation costs has been paid, and proof of such payment provided to the Board.

**PART 2: APPLICATION DETAILS**

**2.1** Please indicate the type of Licensee in which the controlling or financial interest is being acquired by inserting **X** in the applicable box below:

<b>Racecourse Operator</b>	<input type="checkbox"/>
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**INFORMATION / ATTACHMENTS TO BE SUBMITTED BY MAIN APPLICANT FOR CONSENT TO ACQUIRE A FINANCIAL INTEREST IN A LICENSEE**

**2.2** The name of the Licensee from whom the financial interest is to be procured or held:


*As an attachment labelled Part 2.2, provide a copy of the agreement between the licensee from whom the financial interest is to be procured or held and the applicant.*

**2.3.1** Provide details of the percentage to be acquired and the amount paid:


**2.3.2** Provide details of the percentage by which the acquisition will impact on black ownership in the licensee:


**2.4** Full name of licensee's business and registration number (As it appears on the certificate of incorporation, charter, by-laws, trust, partnership agreement or other official document). **Note:** Please do not abbreviate.


**2.5** Licensee's trading name(s):


**2.6** Details of person to be contacted in connection with this application:

Full Name and Surname	
Title	
Designation / Position	
Postal Address	
Telephone Number (Including Code)	
Cellular/Mobile Number	
Fax Number (Including Code)	

**PART 3: BUSINESS HISTORY DISCLOSURE**

Please indicate the category of application by inserting **X** in the applicable box below:

<b>Applicant for consent to acquire a financial interest in a licensee</b>		<b>Business holding 5% or more of ownership of applicant</b>	
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**3.1** Full name of business and registration number (As it appears on the certificate of incorporation, charter, by-laws, trust, partnership agreement or other official document): Note: Please do not abbreviate.


*As attachments labelled Part 3.1, provide copies of the business's certificate of incorporation; funding statements; trust deeds; association agreements; memorandum and articles of association; members' agreement; dividends policy; share certificates; franchise agreements; all reports and announcements to any stock exchange in the last two (2) years; and/or any other equivalent document.*

**3.2 Details of Registered Business**

Date of Incorporation	
Place of Incorporation	
Trading Name	
Registration Number	
Tax Reference Number	
VAT Registration Number	
Registered Office Address	
Current Physical Address	
Other Address Currently Occupied / Held by the Business	
Other Address Currently Occupied / Held by the Business	
Postal address	

**3.3 Contact Numbers and Electronic Addresses**

Telephone Number	
Fax Number	
E-mail Address	
Website Address	















**3.16 Financial Interest of Applicant**

- (a) Does the business applicant have any interest, financial or otherwise, in any business entity or with any person, or has the business ever provided any financial assistance or other support to any other entity, person, association or other body, involved with the ownership, administration or management of a gambling-related business?  
\* Yes / No

If "yes" provide details:

- (b) Provide details of any investments made in any other business/businesses:

- (c) Provide details of all equity investments and provide updates on their status:

- (d) Provide details of any joint venture arrangement between the business and any other party of current standing or in the past two (2) years:

**3.17 Banking and Financial Information**

(a) Provide details of all bank accounts, including foreign accounts, held by the entity at any time during the last five (5) years:

Bank	Account Number	Address	Contact Person

(b) Provide the following information in respect of any lenders, mortgagees or others providing finance, and the terms under which they have undertaken to provide funding in respect of this application:

Name	Address	Account/Reference Number	Type of Facility	Amount of Facility	Repayment Period	Repayment Terms

*As attachments labelled Part 3.17 (b), provide a copy of any lender, mortgage or other provision of finance in respect of this application, including any concomitant loan agreements for the payment of the interest acquired in the license.*



(c) Provide full details of any persons, entities or institutions from which the business has current loans or has obtained funds on loan during the past two (2) years:


*As attachments labelled Part 3.17 (c), provide a copy of all loan agreements for which the business has current loans or has obtained funds on loan during the past two (2) years.*

(d) Provide details concerning the security requirements of the business's financiers and how they will be accommodated:


*As attachments labelled Part 3.17 (d), provide a copy of all agreements with the business's financiers pertaining to security requirements.*

**3.18 Change in Financial Position and Tax Compliance**

(a) Provide details of any substantial change in the financial position of the business since the last audited financial statements:


(b) Has the applicant submitted its tax returns timeously in the past three (3) years?  
\*Yes/No?

If "no", provide reasons:


(c) Has the applicant's income tax return or assessment been audited or adjusted within the past five (5) years?  
\*Yes/No

If "yes", provide details:


*As attachments labelled Part 3.18 provide a copy of tax returns and assessments to the business and/or holding company (if appropriate) for the past three (3) years.*

*As an attachment labelled Part 3.18, provide an original copy of a valid tax clearance certificate.*

**3.19 Other Applications for Gaming and / or Betting Related Licences**

(a) Has the business or any of its associated entities been party to any application for a gaming and/or betting related licence anywhere in the world?  
\* Yes / No

If "yes" provide the name of the applicant and provide details of the outcome of such application, including the reasons for any denial or refusal of such application:


(b) Has the business or any of its associated entities been party to any application for a gaming and/or betting related licence anywhere in the world and withdrawn such application prior to final determination thereon by the licensing authority concerned?  
\* Yes / No

If "yes" provide the name of the application and the reason for the withdrawal of such application:


(c) Provide details of any gaming and/or betting related licences currently or previously held by the applicant or any of its associated entities anywhere in the world:


(d) Has the applicant ever had any licence or certificate issued by a government agency anywhere in the world revoked, cancelled or, suspended or, alternatively, has a government agency ever considered revoking, cancelling or suspending such licence or certificate?  
\* Yes / No

If "yes", provide full details:


**3.20 Associated Persons**

(a) Provide details of all advisors, including consultants; attorneys/legal advisors, industry specialists, business consultants, financial consultants assisting the applicant as a service and/or goods supplier or lessor to the gaming and/or betting industry:

Name	Contact Person	Physical Address	Telephone Number

(b) Provide the following information in respect of business auditors/accountants for the past five (5) years:

Name	Contact Person	Physical Address	Telephone Number

**3.21 Litigation, Prosecutions and Convictions**

(a) Has the applicant business or any other business or entity named in this application, or any director, manager or officer of such entity, ever been convicted of an offence in the past ten (10) years?  
\* Yes / No

If "yes", provide full details below:

Offence	Court	Penalty	Date of Conviction

(b) Has the applicant business been involved in any civil litigation in the past ten (10) years?  
\* Yes / No

If "yes", provide full details:


(c) Is there any reason to believe that a prosecution or litigation (criminal or civil) against the applicant business or any named businesses or companies, directors or officers may be pending?  
\* Yes / No

If "yes", provide full details:


**3.22 Investigations into Business**

Has the applicant business or any subsidiary or associated entity been investigated by any statutory or government body or is it currently under such investigation?  
 \* Yes / No

If "yes", provide full details:

Statutory Body / Department	Address

**3.23** Has the applicant business or any other business or entity named in this application, or any director, shareholder, manager or officer of such entity, ever been involved in illegal gambling in South Africa or elsewhere in the world?  
 \* Yes / No

If "yes" provide full details:


**3.24 Bankruptcy, Insolvency, Liquidation, Winding-up**

(a) Has the business ever been declared insolvent or taken advantage of the laws relating to bankruptcy or insolvency?  
 \* Yes / No

If "yes", provide full details:


(b) Provide details of any judicial manager, liquidator or provisional liquidator appointed to the entity or any of its associated entities or of any winding-up petitions in respect of the entity or any of its associated entities:


**PART 4: APPLICANT'S RELEASE AUTHORISATION**

**TO: All courts, probation departments, employers, educational institutions, banks, financial and other institutions, receiver of revenue, all law enforcement agencies, other regulatory bodies – national, provincial and local - without exception, both foreign and domestic and to whom so ever else this authorisation may be duly presented.**

As a requirement attached to the submission of an application for consent to acquire a financial or controlling interest in a Racecourse Operator licensee within the Province of KwaZulu-Natal:

I, \_\_\_\_\_ (Surname) \_\_\_\_\_ (Other names)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Date of Birth) \_\_\_\_\_ (Identity Number)

Declare that:

1. I am the duly authorised person to represent the business in the completion of this Applicant's Release Authorisation, thereby binding the business to the undertakings and authorisations contained in the said Applicant's Release Authorisation.
2. I have personally completed this application form or have personally supplied all the information entered therein;

The applicant business being: \_\_\_\_\_ (Name of Business)

\_\_\_\_\_ (Identification number / Business Registration Number) \_\_\_\_\_ (Contact Telephone Number/s)

and I HEREBY AUTHORISE The KwaZulu-Natal Gaming and Betting Board (hereafter referred to as "the Board") or any person designated by the Board in writing, including any member of the South African Police Services, on production of an original letter of authority from the Board, to:

1. Undertake any investigation concerning the proposal made by the business identified above in connection with the application for an Acquisition of a Financial Interest in a Racecourse Operator Licensee and the information supplied therein, understanding that the parties may be approached with such information; and
2. Obtain copies of any document, record or correspondence which the Board deems to be relevant to the business's application, including but not limited to:
  - (i) Any loan information, cheque account records, savings deposit records, safe deposit box records, savings passbook records and bank statement sheets pertaining to the business;

- (ii) Any records relating to investigations of the operation or activities of the business conducted by any local or overseas police force, crime investigation agency, corporate regulatory agency, gambling regulatory body and any revenue collection/regulatory body;
- (iii) Any court records relating to any present or past civil or criminal court proceedings to which the business is or was a party; and
- (iv) Any credit report, other report, legal or personal information derived from those reports that have any bearing on the creditworthiness, credit history, credit standing or credit capacity of the business.

You are hereby authorised to release to the Board, or to the South African Police Services, or to a designated person, all the documents, reports, records and information requested by any of them.

This authorisation shall supersede and countermand any prior request or authorisation to the contrary. A photocopy of this authorisation will be considered as effective and as valid as the original.

This authorisation is given notwithstanding:

- (a) The provisions of the Constitution of the Republic of South Africa, 1995 (Act No. 108 of 1996) relating to privacy, of which I am fully aware; and
- (b) Any ruling regarding the confidentiality of any particulars, document of information made by the Board in terms of section 30 (5) of the KwaZulu-Natal Gaming and Betting Act (No 8 of 2010).

<b>Signature</b>	
<b>Date</b>	
<b>Telephone Number (Business)</b>	
<b>Telephone Number (Home)</b>	

PART 5: DECLARATION THAT INFORMATION SUPPLIED IS TRUE, CORRECT AND COMPLETE			
I, _____ of _____			
(Full Name of Declarant)			
(Address of Declarant)			
<p><b>Declare that to the best of my knowledge and belief, the information supplied in these forms is true and correct in every detail and all information required to complete this form has been fully disclosed.</b></p>			
<b>Signed at</b>		<b>on</b>	
<b>Signature of Declarant</b>			
<b>Signature of Witness</b>			
<b>Name of Witness (Print)</b>			

PART 6: APPLICATION CHECKLIST	
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All questions have been answered in full.	
The bottom of each page has been initialled by the applicant.	
The payment of Application Fee is accompanying the application or Proof of payment of Application Fee is attached.	
All attachment pages prepared as a result of there being insufficient space on the application form have been clearly labelled with the applicant's name being reflected on the top of each page in accordance with the requirements of Part 1 (Instructions and General Information).	
Attachment labelled Part 2.2 – A copy of the agreement between the licensee from whom the financial interest is to be procured or held and the applicant.	
Attachments labelled Part 3.1 – A copy of the business's certificate of incorporation; funding statements; trust deeds; association agreements; memorandum and articles of association; members' agreement; dividends policy; share certificates; franchise agreements; all reports and announcements to any stock exchange in the last two (2) years; and/or any other equivalent document.	
Attachment labelled Part 3.6 - A chart depicting the management structure of the applicant.	
Attachment labelled Part 3.9 – Detailed description of any former business/es which the business/es or any parent, intermediary or subsidiary company engaged in during the past ten (10) year period, and the reasons for the cessation of such business. Also indicate the approximate periods of time during which each such business was conducted.	
Attachment labelled Part 3.14 - Corporate "family tree" diagram detailing the relationship of the holding company to the applicant business, subsidiary and associate entities.	
Attachment labelled Part 3.15 - Corporate "family tree" diagram detailing the relationship of the applicant business to subsidiaries and associate entities.	
Attachments labelled Part 3.17 (b) – A copy of any lender, mortgage or other provision of finance in respect of this application, including any concomitant loan agreements for the payment of the interest acquired in the licensee.	
Attachments labelled Part 3.17 (c) - A copy of all loan agreements for which the business has current loans or has obtained funds on loan during the past two (2) years.	
Attachments labelled Part 3.17(d) – A copy of all agreements with the businesses' financiers pertaining to security requirements.	
Attachments labelled Part 3.18 – A copy of tax returns and assessments to the business and/or holding company (if appropriate) for the last three (3) years.	
Attachment labelled Part 3.18 – An original copy of a valid tax clearance certificate.	
Fully completed application forms for all businesses holding 5% or more of ownership of the applicant for consent to acquire a financial interest in a licensee.	