

[English text signed by the Premier]

**KWAZULU-NATAL
GAMING AND BETTING TAX ACT, 2010
(Act No. 09 of 2010)**

Assented to on

| |
|---|
| UVUINYWE NGUNDUNANKULO ASSENTED TO BY THE PREMIER SIGNATURE <i>[Signature]</i> 15/12/2010 KWAZULU-NATAL |
|---|

ACT

To provide for the payment of tax by persons licensed in terms of the KwaZulu-Natal Gaming and Betting Act, 2010; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

Definitions

1. In this Act any word or expression to which a meaning has been assigned in the KwaZulu-Natal Gaming and Betting Act, 2010, must, unless clearly inappropriate, bear that meaning, and, unless the context indicates otherwise –

"**Board**" means the KwaZulu-Natal Gaming and Betting Board established in terms of section 5 of the KwaZulu-Natal Gaming and Betting Act, 2010;

"**Gazette**" means the official *Provincial Gazette* of KwaZulu-Natal;

"**Member of the Executive Council responsible for finance**" means the member of the Executive Council of the Province of KwaZulu-Natal responsible for finance;

"**responsible Member of the Executive Council**" means the Premier of the Province of KwaZulu-Natal or that member of the Executive Council of the Province of KwaZulu-Natal to whom the Premier has assigned the administration of the KwaZulu-Natal Gaming and Betting Act, 2010; and

"**this Act**" includes the Schedule thereto.

Application of Act

2. This Act –

(a) applies to all persons licensed in terms of the KwaZulu-Natal Gaming and Betting Act, 2010; and

(b) must be read together with the KwaZulu-Natal Gaming and Betting Act, 2010, in relation to the payment of tax by persons licensed in terms of the said Act.

Payment of tax by persons licensed in terms of KwaZulu-Natal Gaming and Betting Act, 2010

3. All persons licensed in terms of the KwaZulu-Natal Gaming and Betting Act, 2010, must pay the tax as set out in the Schedule to this Act.

Offences and penalties

4. The provisions of sections 78, 135 and 145 of the KwaZulu-Natal Gaming and Betting Act, 2010, apply with the necessary changes to a person licensed in terms of the said Act, who by the date tax becomes due and payable, underpays or fails to pay tax as prescribed in terms of this Act.

Repeal, amendment or substitution of Schedules

5. The Member of the Executive Council responsible for finance may, in consultation with the responsible Member of the Executive Council and after consultation with the Board, by notice in the *Gazette*, and with effect from a date to be specified in such notice, repeal, amend or substitute the Schedule to this Act.

Short title and commencement

6. This Act is called the KwaZulu-Natal Gaming and Betting Tax Act, 2010, and comes into operation simultaneously with the KwaZulu-Natal Gaming and Betting Act, 2010, on the date determined for the coming into operation of that Act.

SCHEDULE
Taxes
(Section 3)

A. Casinos

Gaming tax

1.(1) Casino gaming tax must be paid by the holder of a casino licence at the rate prescribed in the table hereunder:

| <i>Monthly gross gaming revenue</i> | <i>Tax rate</i> |
|-------------------------------------|-----------------|
| Up to R30 million. | 9.5% |
| Over R30 million. | 12.5% |

(2) For each table game, gross gaming revenue equals the closing bankroll plus credit slips for cash, chips or tokens returned to the casino cage, plus drop, less opening bankroll and fills to the table.

(3) For each gaming machine, gross gaming revenue must be calculated using the appropriate electronic meters of the machine so as to determine both the amount of money gambled on the gaming machine and the amount of money won by persons using the gaming machine.

(4) For each card game and any other game in which the licensee is not party to a wager, gross gaming revenue equals all money received by the licensee as compensation for conducting the game.

(5) If, in any taxation period, the amount of gross gaming revenue is less than zero, the licensee may deduct the excess in the succeeding tax periods, until the excess is fully offset against gross gaming revenue.

Gross gaming revenue

2. For the purposes of this part of the Schedule –

"gross gaming revenue" means the difference between the amount of money gambled by persons while gaming with a casino licensee and the amount of money returned to persons by the casino licensee, as direct winnings from the gambling activity in which the persons participated.

B. Limited payout machines

Gaming tax

1. Limited payout machine gaming tax must be paid by the holder of a route operator licence or an independent site operator licence at the rate of 15 percent of gross gaming revenue, where gross gaming revenue must be calculated using the appropriate electronic meters of the machine so as to determine the amount of money gambled on the limited payout machine and the amount of money won by persons using the limited payout machine.

Gross gaming revenue

2. For the purposes of this part of the Schedule –

"gross gaming revenue" means the difference between the amount of money gambled by persons while gaming with a licensed route operator or a licensed independent site operator and the amount of money returned to persons by such licensee, as direct winnings from the gambling activity in which the persons participated.

C. Bingo

Gaming tax

Bingo gaming tax must be paid by the holder of a bingo licence, at the rate of 3 percent of the licensee's bingo revenue, where bingo revenue equals the total amount of money staked by players on a bingo game, including participation fees, less the total amount returned to players by way of prizes.

D. Betting

Fixed-odds bets on horse races

1. The tax deductions and their distribution referred to in section 128 of the KwaZulu-Natal Gaming and Betting Act, 2010, in respect of fixed-odds bets on horse races placed with a bookmaker or a bookmaker's manager, at a racecourse and in premises other than a racecourse, are as prescribed in the table hereunder:

| <i>Beneficiaries</i> | <i>Bets placed with a bookmaker or manager</i> | <i>Bets placed with a bookmaker or manager in</i> |
|----------------------|--|---|
|----------------------|--|---|

| | <i>at a racecourse</i> | <i>premises other than at a racecourse</i> | |
|-------------------------|------------------------|--|-------|
| Provincial Revenue Fund | 3% | 3% | |
| Racecourse operator | 3% | 3% | |
| | 6% | 6% | Total |

Fixed-odds bets on sporting events or other events or contingencies

2.(1) A bookmaker must pay into the Provincial Revenue Fund a betting tax equal to 6.5% of such bookmaker's gross profits on all betting transactions entered into by that bookmaker on –

- (a) sporting events;
- (b) other events or contingencies; or
- (c) any combination thereof.

(2) For the purposes of this Schedule, the gross profits on betting transactions on sporting events or other events or contingencies is calculated to be the difference between the total amount –

- (a) due to the bookmaker in respect of such betting transactions; and
- (b) the total amount of winnings paid out to bettors on such betting transactions, during each calendar month of the year.

(3) Any betting transaction which constitutes a multiple bet and which multiple bet includes any selection involving the outcome of a horse race, does not constitute a betting transaction on a sporting event or other event or contingency and the taxation prescribed in Part D.1 of this Schedule is therefore applicable to such multiple bet.

Pari-mutuel bets on horse races, sporting events or other events or contingencies

3.(1) In respect of pari-mutuel bets placed with a totalisator on horse races, sporting events or other events or contingencies–

- (a) the minimum amount to be returned to persons who have taken winning pari-mutuel bets on horse races, sporting events or other events or contingencies with a totalisator must, in aggregate, not be less than:

- (i) 65 percent of all monies bet on the totalisator on the bet type referred

to as the Super 8; or

(ii) 75 percent of all monies bet on the totalisator at any one race meeting, or on any sporting event or other event or contingency, excluding the bet type referred to as the Super 8;

(b) the amount of the tax payable to the Provincial Revenue Fund as referred to in this Act and section 130 of the KwaZulu-Natal Gaming and Betting Act, 2010, must be calculated at the rate of 1,5 percent of all monies bet on the totalisator; and

(c) the totalisator licensee may retain from the amount that is not returned to persons who have taken winning pari-mutuel bets on horse races, sporting events or other events or contingencies with a totalisator, in accordance with paragraph (a), such amount as remains after deduction of the 1,5 percent tax contemplated in paragraph (b): Provided that when a totalisator licensee offers bets on commingled betting pools, the totalisator rules applicable to the host totalisator must apply: Provided, further, that the totalisator rules of the host totalisator must be advertised to bettors by the guest totalisator in the manner prescribed by the Board.

(2) For the purposes of this Schedule –

(a) “**commingling**” means the process whereby a guest totalisator betting pool is combined with a host totalisator betting pool and “commingle”, “commingled”, and “commingles” have a corresponding meaning;

(b) “**guest totalisator**” means a totalisator operator licensed in KwaZulu-Natal;

(c) “**host totalisator**” means a totalisator operator licensed in a province, state or country outside of KwaZulu-Natal; and

(d) “**totalisator rules**” means the rules applicable to a totalisator operator which include, *inter alia*, betting rules and rules authorising deductions other than tax deductions from betting pools.