



APPLICATION FOR A LICENCE: RACECOURSE OPERATOR – CORPORATE ENTITY

Section 89 of the KwaZulu-Natal Gaming and Betting Act No 08 of 2010

- (1) *The Board may, on application in the manner prescribed by the Board and subject to the provisions of subsection (3), approve the issue of a racecourse operator's licence to any corporate body to hold race meetings on one or more racecourses specified in the licence, which approval may be conditional or unconditional: Provided that, when considering such application, the Board must consider the economic, social development and competition issues contemplated in sections 53 and 54 of the National Gambling Act.*

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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 carefully 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 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 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 form must be completed by any person who wishes to apply for a Racecourse Operator Licence in terms of Section 89 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010).
- 1.1.5 All businesses holding 5% or more of ownership of the applicant must complete this form which must accompany the main application for Racecourse Operator licence.
- 1.1.6 All natural persons falling within the following categories must complete application forms for *Registration as a Director/Owner* in the respective category to which the licence application relates:
- (a) All natural shareholders of the business who effectively hold an interest of 1% or more of ownership of the applicant;
 - (b) All owners and natural shareholders of the businesses listed in 1.15 above, who hold an interest of 5% or more of ownership of the applicant;
 - (c) All current and proposed directors and senior management of the applicant business; and
 - (d) The Board may require 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.kznngbb.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 forms 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 its 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) loose-leaf copy of the entire application and attachments;
- (b) One (1) original bound copy of the entire application and attachments;
- (c) Three (3) bound copies of the entire application and attachments; and
- (d) Two (2) bound copies excluding confidential information 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.

Application for Racecourse Operator Licence	R 5 000.00
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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 deposit for investigation costs has been paid, and proof of such payment provided to the Board.

PART 2: APPLICATION DETAILS

2.1	Applicant's Name	
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2.2 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)	

2.3 Details of the physical address/es of the racecourse/s on which the applicant proposes to hold race meetings as a racecourse operator:

Address 1	
Address 2	
Address 3	

2.4 As an attachment labelled Part 2.4 – A copy of the local authority approval for the premises concerned.

2.5 As an attachment labelled Part 2.5, provide written confirmation of the following:

- That the applicant has, as one of its objects, the promotion and conduct of horseracing.
- That provision will be made for the conduct and control of horse racing and betting on the said racecourse or racecourses in a manner which will facilitate the realization of the objects of the Board contemplated in section 6(1)(a),(c),(d),(e) and (f) of the KZN Gaming and Betting Act, 2010 (No. 08 of 2010).
- That all race meetings held on a racecourse or racecourses specified in a racecourse operator's licence must be conducted under and in terms of the constitution, rules and regulations of the National Horseracing Authority.

PART 3: BUSINESS HISTORY DISCLOSURE: APPLICANT

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	

3.4 Previous physical addresses of the business for the last five (5) years:					
Number and Street	City	Province	Postal Code	From	To

3.5 Description of present business:

3.6 Details of Organisational Structure:

As an attachment labelled Part 3.6, provide a chart depicting the management structure of the applicant.

3.7 Describe the business's employment policies:

3.8 Previous name(s) of business:

3.9 Description of former business/es of the Applicant:

As an attachment clearly labelled Part 3.9, describe 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.

3.10 Provide details of all directors, prescribed officers and secretaries, including any who ceased to hold office during the last five (5) years:

Name	Address	Identity Number	Date of Birth	Position and Dates Held	Reason for Termination

3.11 Ownership of Business			
Provide the following information in respect of all the owners of the business:			
Name	Address	Interest %	BEE %
		TOTAL	
			(Total interest should be 100%)

3.12	Provide details of the capital structure of the business and the voting rights of the owners:

3.13 Provide details of any agreement affecting ownership or voting rights in the business:

3.14 Is the business a wholly or partly owned subsidiary of another company or corporation?
 * Yes / No

If “yes” provide details of holding, subsidiary and associate entities of the holding company or corporation:

Name of Entity	Registration Number and Place of Incorporation	Nature of Business	Relationship to Applicant (e.g. Holding company, subsidiary, associate, etc.)

As an attachment labelled Part 3.14, provide a corporate “family tree” diagram detailing the relationship of the holding company to the applicant business, subsidiary and associate entities.

3.15 Is the business a parent company of a group of companies?
* Yes / No

If "yes" provide details of all subsidiary and associate companies of the group:

Name of Entity	Registration Number and Place of Incorporation	Nature of Business	% Shareholding by Applicant, Subsidiary or Associate Entities

As an attachment labelled Part 3.15, provide a corporate "family tree" diagram detailing the relationship of the applicant business to subsidiaries and associate entities.

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 licensee.

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

(d)	Provide details concerning the security requirements of the business's financiers and how they will be accommodated:
<i>As attachments labelled Part 3.17 (d), provide a copy of all agreements with the business's financiers pertaining to security requirements.</i>	

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:	
<i>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.</i>	
<i>As an attachment labelled Part 3.18, provide an original copy of a valid tax clearance certificate.</i>	

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 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 thereof 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 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 on an offence in the past ten (10) years?
* Yes / No

If "yes" provide full details:

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 provincial 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:

3.25 As an attachment clearly labelled Part 3.25, provide a detailed three (3) year transformation plan which seeks to substantially increase participation of historically disadvantaged persons within the industry, providing details of ownership, skills transfer, operational involvement, socio-economic development etc.

3.26 As an attachment clearly labelled Part 3.26, provide a copy of the applicant's articles of association.

PART 4: APPLICANT'S RELEASE AUTHORISATION

TO: All courts, probation departments, employers, educational institutions, banks, financial and other institutions, receivers 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.

**Delete whichever is not applicable*

As a requirement attached to the submission of an application for a Racecourse Operator licence 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 a Racecourse Operator Licence 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 applicant, 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 provided 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, 2010 (No 8 of 2010).

Signature	
Date	
Telephone Number (Business)	
Telephone Number (Home)	

PART 5: DECLARATION THAT INFORMATION SUPPLIED IS TRUE, CORRECT AND COMPLETE

I, _____ of _____			
(Full Name of Declarant)			
(Address of Declarant)			
<p>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.</p>			
Signed at		on	
Signature of Declarant			
Signature of Witness			
Name of Witness (Print)			

PART 6: APPLICATION CHECKLIST	
	√
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 2.4 - Written confirmation of the following: <ul style="list-style-type: none"> • That the applicant has, as one of its objects, the promotion and conduct of horseracing. • That provision will be made for the conduct and control of horse racing and betting on the said racecourse or racecourses in a manner which will facilitate the realization of the objects of the Board contemplated in section 6(1)(a),(c),(d),(e) and (f) of the KZN Gaming and Betting Act, 2010 (No. 08 of 2010). • That all race meetings held on a racecourse or racecourses specified in a racecourse operator's licence must be conducted under and in terms of the constitution, rules and regulations of the National Horseracing Authority. 	
Attachment labelled Part 2.5 – A copy of the local authority approval for the premises concerned.	
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 holding company (if appropriate) for the last three (3) years.	
Attachment labelled Part 3.18 – An original copy of a valid tax clearance certificate.	
Attachment labelled Part 3.25 - Detailed three (3) year transformation plan which seeks to substantially increase participation of historically disadvantaged persons within the industry, providing details of ownership, skills transfer, operational involvement, socio-economic development etc.	
Attachment labelled Part 3.26 – A copy of the applicant's articles of association.	
Fully completed application forms for all businesses holding 5% or more of ownership of the applicant for Racecourse Operator licence.	