

Circular To The KZN Betting Industry

1 July 2021

To all Licensees

The purpose of this circular is to inform and advise the betting sector of the gambling industry, after receiving representations from this sector, of our understanding of the implications of relevant provisions of the Adjusted Alert Level 4 Disaster Management Regulations (“Adjusted Alert Level 4”), as promulgated on the 28th of June 2021, under gazette No 44772 of 27 June 2021, with regard to this sector, which the betting sector of the gambling industry is required to observe.

As was the case with the previous circulars on this subject, this circular is neither a decision nor an instruction to the betting sector, but it merely an advice for information purposes. Licensees are at liberty to seek their own independent legal advice and liaise with members of the South African Police Service, should they receive contrary advice.

Regulation 21(2) of the Adjusted Alert Level 4 reads as follows:

“Every business premises, including but not limited to supermarkets, shops, grocery stores, produce markets and pharmacies, are subject to a limitation of 50 percent of the floor space, which includes customers and employees, and subject to strict adherence to all health protocols including wearing of masks, sanitizing and social distancing”

Regulation 21(10) of the Adjusted Alert Level 4 reads as follows:

“Gathering at... entertainment facilities are prohibited until 11 July 2021, after which this provision may be reviewed.”

Regulation 24(1) of the Adjusted Alert Level 4 reads as follows:

“Any place or premises normally open to the public where... entertainment or recreational or similar activities which are prohibited in terms of these regulations, may take, is closed”

Regulation 24(2)(e) and (f) of the Adjusted Alert Level 4 reads as follows:

“The following places or premises normally open to the public or where people may gather, are closed and include... (f) ...and entertainment facilities”

Regulation 30(1) of the Adjusted Alert Level 4 reads as follows:

“Business may operate except those set out in Table 1”

Betting is not listed in the table of specifically excluded business activities, betting outlet is also not a casino. It operates differently from gaming.

Betting outlets (bookmakers, totalisators and totalisators agents alike) are entertainment facilities to the extent that they provide entertainment facilities to their patrons, including but not limited betting opportunities, sit-it facilities, television and the like. For this reason they are required by regulation 21(10), 24(1) and 24(2)(e) to remain closed until the 11th of July 2021.

Similarly, betting outlets can very well operate as a retail outlet where sit-ins and loitering inside the premises are prohibited, television sets and other entertainment facilities are deactivated are switched off, but customers are allowed to come in and take a bet or collect winnings and leave. In this way, a betting out will be operating within the confines of regulations 21(2) and 30(1).

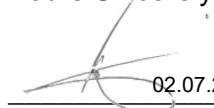
All bookmakers or totalisators or totalisator agents who are able to trade in a manner to complies with regulations 21(2) and 30(2) are, in our view, permitted to trade subject to observing compliance with all the health protocols that are in place. Licensees have a responsibility to ensure that not only number of and distance between people inside the premises to take bets are strictly controlled, but also the number of and distances between person queuing outside is strictly controlled to ensure that the licensed premises does not becomes an entertainment gathering.

For Betting sector : Mr Robert Bestel @ bestelr@kznqbb.org.za

For Gaming sector : Mr Innocent Mncube @ mncubei@kznqbb.org.za

Thank you.

Yours Sincerely



02.07.2021

Ms Portia N. Baloyi
Chief Executive Officer

S G Ngcobo (Chairperson), Ms M P Myeni (Deputy Chairperson)
Adv K P Thango, Mr S N Chetty, Prof B S Stobie, Prof T I Nzimakwe, Mr L S Gabela
Ms P N Baloyi (Chief Executive Officer)