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GOVERNMENT NOTICE

No. R. 413

LOTTERIES ACT, 1997 (Act No. 57 of 1997)

REGULATIONS RELATING TO LOTTERIES INCIDENTAL TO EXEMPT ENTERTAINMENT

The Minister of Trade and Industry has, with the concurrence of the National Lotteries Board, under section 61 of the Lotteries Act, 1997 (Act No. 57 of 1997), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, any word or expression defined in the Lotteries Act, 1997 (Act No. 57 of 1997), has that meaning.

Advertisement of lotteries incidental to exempt entertainment

2. (1) A lottery incidental to exempt entertainment may be advertised through -
 - a. the postal services;
 - b. newspapers;
 - c. the distribution of pamphlets; and
 - d. radio stations but not broadcasting nationally.
- (2) An advertisement contemplated in subregulation (1) shall state -
 - a. the purpose of the lottery incidental to exempt entertainment concerned;
 - b. the beneficiary of the lottery;
 - c. the price of the tickets;
 - d. where the tickets will be sold;
 - e. the closing date for participation in the lottery;

- f. when the draw will take place;
- g. the manner in which the winner or winners of the lottery shall be determined;
- h. the prizes to be won in the lottery;
- i. the fact that the determination of the winner or winners shall be final and that no correspondence in that regard may be entered into;
- j. the fact that prizes may not be exchanged for cash amounts;
- k. the fact that all prizes shall be allocated; and
- l. how the winner or winners shall be notified.

Amount for purchasing prizes

- 3. The total amount utilised for expenses incurred in purchasing of the prizes for a Lottery incidental to exempt entertainment shall not exceed R5 000.

Information on ticket

- 4. If tickets are printed for a lottery incidental to exempt entertainment, the following information shall appear on the tickets:
 - a. The name and address of the person conducting the lottery;
 - b. the closing date of the lottery;
 - c. the price of the ticket; and
 - d. the date and place of the draw of the lottery.

Price of tickets

- 5. No ticket to be sold in respect of a lottery incidental to exempt entertainment shall be sold at a price exceeding R10.

Value of tickets

- 6. The total value of the tickets sold or to be sold in a lottery incidental to exempt entertainment shall not exceed R10 000.

Exemptions

- 7. (1) (a) The Board may, subject to any condition it deems fit, grant an exemption with regard to the regulations contemplated in subregulation (3) in respect of any specific lottery incidental to exempt entertainment, and such exemption applies only to that lottery incidental to exempt entertainment.

(b) The Board may, subject to subregulation (6), alter or withdraw any exemption granted in terms of paragraph (a).

(2) In this regulation, applicant" means the person who submits an application to the Board in terms of subregulation (3).

(3) A person intending to conduct a lottery incidental to exempt entertainment may, 90 days prior to the start of a specific lottery incidental to exempt entertainment and in respect of that specific lottery incidental to exempt entertainment, apply to the Board in writing for an exemption

in terms of subregulation (1)(a) to any of the provisions of regulations 2, 3, 4, 5 or 6.

(4) The applicant must in the application contemplated in subregulation (3), in addition to any other information submitted in terms of these regulations, -

- a. identify the regulation or subregulation in respect of which exemption is sought;
- b. provide reasons for every exemption sought;
- c. provide all relevant information necessary for the board to consider the matters envisaged in subregulation (5); and
- d. provide an address which the Board may use for purposes of subregulation (6)(a).

(5) In considering any application made in terms of subregulation (3), the Board must have regard to all relevant factors, including the following:

- a. the history of lotteries incidental to exempt entertainment previously conducted by the applicant, if any;
- b. the target market of the proposed lottery incidental to exempt entertainment; and
- c. measures to ensure that the lottery incidental to exempt entertainment is conducted in accordance with the rules thereof.

(6) The Board must, if it intends to alter or withdraw any exemption granted in terms of subregulation (1)(a) -

- a. give notice of its intention to the applicant at the address provided by the applicant in its application in terms of subregulation (4)(d);
- b. in the notice contemplated in paragraph (a) specify
 - i. the reasons for its intention to alter or withdraw the exemption;
 - ii. the date from when the alteration or withdrawal is to become effective; and
 - iii. which, if any, corrective measure the applicant must take in order for the Board not to alter or withdraw the exemption, as the case may be, and by when such measure must be taken; and
- c. afford the applicant a reasonable opportunity to make representations in respect of the notice.

(7) (a) The Board must compile a list for its current financial year, to be updated on the last working day of every month, containing information in respect of—

- i. every person to whom an exemption has been granted in terms of subregulation(1)(a);
- ii. the nature of the exemption granted in terms of subregulation (1)(a); and
- iii. any other information in respect of exemptions the Board deems necessary.

(b) Any person has access during the Board's ordinary office hours and at the Board's head office to the list contemplated in paragraph (a).

(c) The Board must in the report contemplated in section 12(1)(c) of the Act include the consolidated list contemplated in paragraph (a) for the relevant financial year.

(8) No person to whom an exemption has been granted by the Board in terms of subregulation (1)(a), acquires any right or legitimate expectation in respect of future lotteries incidental to exempt entertainment because an exemption has previously been granted by the Board in terms of subregulation (1)(a) in respect of any other lottery incidental to exempt entertainment.

Commencement

8. These regulations shall come into operation on 1 May 2000.