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GOVERNMENT NOTICE

No. 150 Promulgation of Gaming and Entertainment Control Amendment Act, 2020 (Act No. 5 of 2020), of the Parliament 1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 150

2020

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 5 of 2020: Gaming and Entertainment Control Amendment Act, 2020.

Act No. 5, 2020

**GAMING AND ENTERTAINMENT CONTROL AMENDMENT
ACT, 2020****EXPLANATORY NOTE:**

_____	Words underlined with a solid line indicate insertions in existing provisions.
[]	Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To **amend the Gaming and Entertainment Control Act, 2018, so as to substitute certain definitions; to amplify the Board’s function in relation to responsible gambling awareness programmes; to clarify the source of funding for remuneration or allowances payable to Board members and staff members of the Board; to empower the Minister to prescribe additional licences that may be issued under this Act; to provide for the continuation of gambling business of a licence holder by an executor, trustee, liquidator or curator upon death, insolvency or incapacity of the licence holder; and provide for incidental matters.**

(Signed by the President on 29 June 2020)

BE IT ENACTED as passed by the Parliament, and assented to by the President, of the Republic of Namibia as follows:

Amendment of section 1 of Act No. 13 of 2018

1. Section 1 of the Gaming and Entertainment Control Act, 2018 (hereinafter referred to as the “the principal Act”) is amended by the substitution for the definitions of “licence”, “minor” and “prize” of the following definitions:

“ “licence” means a licence referred to in **[under]** section 33;

“minor” means a person who has not attained the age of 18 years;

“prize” means a pay-out, benefit or anything of value which is offered to be won in respect of a gambling activity and includes **[a]** movable or immovable property and a cash prize;”.

Amendment of section 6 of Act No. 13 of 2018

2. Section 6 of the principal Act is amended by the substitution for paragraph (i) of subsection (1) of the following paragraph:

“(i) promote education and awareness programmes about the risk and socio-economic impact of gambling and gambling activities, and to establish a responsible gambling programme for Namibia;”.

Amendment of section 17 of Act No. 13 of 2018

3. Section 17 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

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GAMING AND ENTERTAINMENT CONTROL AMENDMENT
ACT, 2020

“(1) The Board may, on the recommendation of the chief executive officer [**and on such remuneration and conditions of service as the Board may determine**], appoint such persons as staff members of the Board[, **such persons**] as it considers necessary in order to assist the Board in the exercise and performance of its powers and functions in terms of this Act on such remuneration and conditions of service as the Board may determine.”.

Amendment of section 20 of Act No. 13 of 2018

4. Section 20 of the principal Act is amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) to pay remuneration and allowances payable to members of [**by**] the Board and staff members of the Board and such other expenses incurred by the Board in the performance of its functions; and”.

Insertion of section 40A in Act No. 13 of 2018

5. The principal Act is amended by the insertion after section 40 of the following section:

“Other licences

40A. (1) The Minister may prescribe other licences which may be issued under this Act and to which this Act applies.

(2) Without derogating from the generality of subsection (1), regulations made under that subsection may include provisions in respect of -

- (a) the requirements that must be complied with before a licence is issued;
- (b) the manner of making an application for a licence, persons that are disqualified from obtaining a licence and grounds for the suspension or cancellation of a licence;
- (c) the type of games that are authorised to be played under a licence and the number of gambling machines that may be kept or played under the licence;
- (d) conditions applicable to a licence, including the fees or levies payable in respect of the licence;
- (e) transitional matters regarding persons that are engaging in unlicensed gambling activities and premises that are not licensed but which are required to be licenced on commencement of the regulations; and
- (f) any other matter which the Minister considers necessary or expedient to prescribe in order to facilitate the issuing of a licence.”.

Insertion of section 88A in Act No. 13 of 2018

6. The principal Act is amended by the insertion after section 88 of the following section:

“Continuation of gambling business by executor, trustee, liquidator or curator

88A. (1) Despite anything to the contrary in this Act -

- (a) the executor of the deceased estate of a licence holder, subject to the laws relating to the administration of estates, may continue to conduct the gambling business of the deceased licence holder for a period as the Board may allow, pending the finalisation of the estate by the executor;
- (b) the trustee or liquidator in the insolvent estate of a licence holder, subject to the laws relating to insolvency, companies or close corporation, may continue to conduct the gambling business of the licence holder for a period as the Board may allow, pending the final sequestration order of the insolvent estate or the final winding up order of the company or close corporation; or
- (c) if a licence holder is declared, by an order of court, incapable of managing his or her own affairs, his or her curator, subject to the laws relating to curatorship, may continue to conduct the gambling business of the licence holder for a period as the Board may allow or extended.

(2) Despite any law to the contrary, the person who inherits the gambling business in accordance with laws relating to the administration of estates or to whom the gambling business is disposed to, in accordance with laws relating to insolvency, companies or close corporations must apply to the Board for a licence in accordance with this Act before the person may conduct the gambling business.

(3) An executor, a trustee, a liquidator or a curator referred to in subsection (1) before commencing with any function or exercise any power in terms of that subsection must submit to the Board written proof of his or her appointment as the executor, trustee, liquidator or curator.”.

Short title and commencement

7. This Act is called the Gaming and Entertainment Control Amendment Act, 2020, and comes into operation on a date determined by the Minister by notice in the *Gazette*.