

THE TAKEOVER FROM THE CASINO CONTROL BOARD – Tatenda Dumba (Senior Associate)

The new Gambling Act, 2012 came into force on the 01st of April 2016 with the Regulations to the Gambling Act being promulgated on the 26th of February 2016. The resultant effect is that the Casino Act and the Lottering and Betting Act have been repealed.

The Gambling Authority established in terms of the Gambling Act has effectively taken over from the now defunct Casino Control Board, which operated under the Ministry of Investment, Trade and Industry.

The regime of the Gambling Act has introduced additional licences to the licence to operate a casino in terms of the repealed Casino Act and Lottering and Betting Act. The Gambling Act requires not only the ownership of a casino licence but also a gambling establishment licence (in order to permit any premises to be used for gambling); a gambling machine licence (to own or possess any gambling machine or device); a testing agent licence and the registration of personnel selling, repairing and testing gambling machines and devices. Furthermore a person shall not engage in any work within the gambling industry unless that person is himself licensed. There are therefore more onerous obligations and compliance issues introduced which will impact on those in the gambling and casino industries.

The Gambling Act has also further introduced the regulation of promotional competitions used as a marketing tool to promote goods and services across every industry. It prescribes what it considers as unlawful promotional competition, the list is comprehensive and you are advised to consult an attorney before running any future competitions. Section 67 of the Gambling Act sets out a number of general do's-and-don'ts relating to the arrangement of the promotional competition. For instance the consideration paid for the goods or the use of the services promoted by a promotional competition should not be increased by the opportunity to take part in that promotional competition to such an extent that the promotional competition does not mainly serve as a means, method or mechanism of promoting the relevant goods or services, but substantially as consideration for the opportunity to take part in that promotional competition.

The Gambling Act is therefore vastly different from the repealed Casino Act and Lottering and Betting Act and the whole purpose is to enhance surveillance on gambling activities to curb fraud, money laundering and other harmful and criminal activities that are associated with gambling.