

# GAMBLING

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## Lotteries Act 13 of 2017

**Summary:** This Act ([GG 6500](#)) establishes a Lotteries Board for the promotion and conduct of the National Lottery, and provides for the administration of the National Lottery and sports pool by this Board. It also provides for and regulates other lotteries and promotional competitions. Proceeds from the State Lottery are paid into a State Lottery Trust Fund, which is to be used for funding –

- charitable expenditures;
- arts, culture, sport, national heritage and conservation;
- youth empowerment, psycho-social disorders, science and innovation; and
- national emergencies such as droughts and floods.

The Act repeals the Lotteries Act 15 of 2002 ([GG 2885](#)), which was never brought into force. This Act was brought into force on 1 December 2021 by GN 255/2021 ([GG 7694](#)).

**Regulations:** Regulations are contained in GN 256/2021 ([GG 7694](#)).

**Appointments:** Members of the Lotteries Board are announced in GN 259/2021 ([GG 7695](#)).

**Commentary:** Max Weylandt, “The State Lottery comes to Namibia”, *Perspectives on Parliament*, Issue No. 6, Institute for Public Policy Research, June 2017, available [here](#).

## Gaming and Entertainment Control Act 13 of 2018

**Summary:** This Act ([GG 6793](#)) regulates gambling and gambling activities in Namibia. It also establishes the Gambling Board and the Gambling Trust Fund. It repeals the *Gambling Act 51 of 1965*,<sup>66</sup> the Casinos and Gambling Houses Act 32 of 1994 and the Licensing of Totalisators Ordinance 5 of 1938.<sup>67</sup> It was brought into force on 1 December 2021 by GN 253/2021 ([GG 7693](#)).

Note that the *Government Gazette* containing this Act was initially issued with the incorrect number 6792. The *Gazette* was re-issued with the correct number 6793.

**Amendments:** Act 5 of 2020 ([GG 7269](#)), which was brought into force along with the Act on 1 December 2021 by GN 253/2021 ([GG 7693](#)), amends sections 1, 6, 17 and 20 and inserts sections 40A and 88A.

**Regulations:** Regulations made under the repealed laws survive in terms of section 110(1) of this Act: Any regulation or any other thing done under a provision of a repealed law and which could have been made or issued under a corresponding provision of this Act is deemed to have been made or issued under such corresponding provision of this Act.

However, the *Gambling Act 51 of 1965* and the Licensing of Totalisators Ordinance 5 of 1938 made no provision for regulations and the only set of regulations surviving under the Casinos and Gambling Houses Act 32 of 1994 was repealed by the regulations issued under this Act.

Regulations issued pursuant to this Act are contained in GN 254/2021 ([GG 7693](#)). As noted, these

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<sup>66</sup> This Act does not repeal the amendments to the Gambling Act 51 of 1965 in the *General Law Amendment Act 70 of 1968* ([RSA GG 2106](#)) and the Posts and Telecommunications Companies Establishment Act 17 of 1992 ([GG 447](#)), but they would have no independent effect.

<sup>67</sup> This Act does not repeal the amendment to the Licensing of Totalisators Ordinance 5 of 1938 contained in the Licensing of Totalisators Amendment Ordinance 13 of 1953 ([OG 1771](#)), but it would have no independent effect.

regulations repeal the regulations issued under the Casinos and Gambling Houses Act 32 of 1994.<sup>68</sup>

**Appointments:** Members of the Gambling Board are announced in GN 258/2021 ([GG 7695](#)).

**Application of law:** The application of this law is affected by the Financial Intelligence Act 13 of 2012 ([GG 5096](#)), which places certain duties on casinos, gambling houses and persons carrying on the business of a totalisator or bookmaker.

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<sup>68</sup> Regulations issued under the Casinos and Gambling Houses Act 32 of 1994 were contained in GN 231/1994 ([GG 984](#)), as amended by GN 84/1995 ([GG 1084](#)), GN 136/1995 ([GG 1124](#)), GN 121/1996 ([GG 1317](#)), GN 76/2010 ([GG 4460](#)), GN 95/2017 ([GG 6295](#)) and GN 255/2020 ([GG 7361](#)). GN 254/2021 ([GG 7693](#)) repeals the regulations published in GN 230/1994, which appears to have been intended to refer to GN 231/1994. GN 254/2021 also neglects to repeal the amendments to these regulations contained in GN 95/2017 and in GN 255/2020, but these remaining amendments would have no independent effect.