

ANNEXURE 2

FORM 5

REPUBLIC OF NAMIBIA
GAMING AND ENTERTAINMENT CONTROL ACT, 2018

APPLICATION FOR A BOOKMAKER LICENCE

Application in terms of the provisions of section 45 read with section 33(c) of the Gaming and Entertainment Control Act, 2018 (Act No. 13 of 2018), read with Regulation 5 (1)

The Chief Executive Officer Gambling Board

Private Bag 13306

WINDHOEK

I hereby apply in terms of section 45 of the Gaming and Entertainment Control Act, 2018 (Act No. 13 of 2018), for the grant of a bookmaker licence.

SIGNATURE OF APPLICANT OR PERSON
AUTHORISED TO SIGN APPLICATION

PLACE

DATE

SECTION A
PARTICULARS OF APPLICANT

1. (a) Full name of applicant

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- (b) Date of birth if applicant is a natural person

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- (c) Nationality of applicant if a natural person or in the case of a company or close corporation, its registration number

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.....

- (d) Postal address

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- (e) Residential address or address of registered office

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- (f) Business address

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- (g) Telephone number

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(h) Facsimile number

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(i) E-mail address

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2. If applicant is a company, close corporation or partnership or any other form of body corporate or association of persons, state the name, date of birth, nationality and address of each shareholder, member or partner and of the nature and extent of his or her financial interest in the applicant (If the applicant, or a company who has a financial interest in the applicant, is a public company it is sufficient if only the name, date of birth, nationality and address of each director are furnished)

(Use an annexure if necessary)

3. (a) is the applicant a person who -

- (i) is a minor?
- (ii) is listed on the register of restricted persons?
- (iii) has at any time during the period of 10 years preceding this application, in Namibia or elsewhere, served a sentence of imprisonment for a period longer than 12 months for any offence without having been given the option of a fine in respect of such offence?
- (iv) has at any time been convicted of an offence under the Gaming and Entertainment Control Act, 2018 (Act No. 13 of 2018) and within 5 years after that conviction again been convicted for an offence under that Act?
- (v) has ever been removed from an office of trust on account of misconduct relating to fraud or the misappropriation of money?
- (vi) is not a fit and proper person to be involved in the business of gambling?
- (vii) is an unrehabilitated insolvent?
- (viii) pursuant to any law relating to mental health has been declared to be mentally ill?
- (ix) is a body corporate or an association of persons of which any director, member or partner is disqualified in terms of paragraphs (i) to (viii)?
- (x) if the applicant is a company, close corporation or partnership, state whether any person contemplated in paragraph (a) –
 - (a) has a controlling interest in such company or close corporation
 - (b) is a partner in such partnership
- (xi) If any of the questions in paragraphs (a) of (b) have been replied to in the affirmative, provide full details

PARTICULARS OF PREMISES

4. (a) Name of place where the Bookmaker business will be conducted
- (b) Describe the location of the premises where the Bookmaker business is intended to be conducted with reference to the erf number, street name and number, local authority area and magisterial district.
5. (a) Under what right of occupation will applicant be operating the business at the premises defined in paragraph 4(b)
- (b) If not as owner state the name and address of the owner and attach a certified copy of the agreement or other document disclosing the applicant's right to occupy the premises.
6. (a) Is the application made in respect of premises which:
- (i) have not yet been erected?
 - (ii) are already erected, but require additions or alterations to make them suitable for conducting a business of a Bookmaker?
 - (iii) are already erected and in the applicant's opinion, do not require additional or alterations to make them suitable or conducting the Bookmaker business?
 - (iv) provide for a retail liquor business? If yes, provide the detailed layout of the liquor premises.
- [Answer yes or no]
- (b) If paragraph 6(a)(i) or (ii) applies state -
- (i) the date on which such erection, additions or alternatives will commence .
 - (ii) the period which will be required for the completion

PARTICULARS OF BOOKMAKER BUSINESS

7. State the events or betting games or game platforms for wagers which will be registered or accepted on the Bookmaker operations.
- [Attach relevant Annexures: Test reports, and certificates of conformity for technical compliance]*
- [Please attach details of the intended premises according to requirements in paragraphs 4,5 and 6 and the relevant applications of Key Employees]*
8. (a) What is the anticipated highest prize to be won from the intended operations of the Bookmaker
- (b) Provide the full technical description, technical reports, certificates and supplier and manufacturer details of the Bookmaker betting, wagering and recording system intended to be used for the operations.
9. Intended date of commencement of Bookmaker business if application is granted?

SECTION B

ADDITIONAL PARTICULARS OF THE LICENCE APPLICATION

In addition to the information required under Section A, every applicant must provide the following information and supporting documentation:

10. Economic and Social Development requirements

Details of promotion of socio-economic empowerment of previously economically and socially disadvantaged persons to Namibia

- 10.1. Details of promotion of socio-economic empowerment of previously economically and socially disadvantaged persons to Namibia
- 10.2. Details of measures to combat incidents of addictive and compulsive gambling and gambling activities.
- 10.3. Potential of the socio-economic impact of the proposed gambling activity against the latent demand for gambling including:
 - (a) existing gambling operations within the surrounding area;
 - (b) the number and nature of gambling licences already issued within the area; and
- 10.4. How the issuance of the licence will affect competition in the gambling industry.
- 10.5. Provide details of the policies, procedures and internal controls which will be implemented to comply with applicable anti-money laundering legislation.

11. Employment Creation

Provide details of the anticipated employment opportunities to be created, including-

- (a) the estimated number of employment opportunities;
- (b) skills development and training initiatives; and
- (c) employment opportunities for previously disadvantaged Namibians.

12. Finance and Funding

- 12.1. Provide details of every person or institution providing finance or funding for the proposed business.
- 12.2. Provide details of the estimated set-up cost of the intended business operations.
- 12.3. Provide the projected cash-flow requirements for the first three (3) years of the intended operations (Which ensure that all cost-lines or head of expenses are accounted for in the representation).

- 12.4. Provide details of the ownership, financial control and governance structure, including the arrangements that will apply should the business cease operations.
- 12.5. Attach the following documents where applicable-
 - 12.5.1. signed shareholder's agreements including targeted citizens as shareholders;
 - 12.5.2. Ultimate Beneficial Ownership;
 - 12.5.3. lease agreements between the applicant and any property owner;
 - 12.5.4. full details of all circumstances and/or agreements affecting the control of the applicant by either the shareholders or the directors, or both; in case a Management Company is appointed to manage the affairs of the entity, the Management Agreement, the costs and management fees of that structure, as well as the extent and level of participation of targeted citizens as partners in the entity should be clearly specified.
13. Technical Partnership and Business to Business Arrangements
 - 13.1. Full details of the intended business partnership with the applicant company and its relation to the intended business.
 - 13.2. If related to the core business of the applicant, the application of the appropriate license for the business partner in terms of the Act must be submitted with the main application.
 - 13.3. Application for the Key Employees of the Business Partner.
 - 13.4. The full description of the business arrangement between the applicant and the business partner, if it involves technical services and support directly related to gambling.
 - 13.5. The business to business agreement containing terms and conditions, including any profit share, participation fee, or commission to be paid.
14. Minimum requirements for Online Bookmaker Betting
 - 14.1. A Bookmaker may facilitate betting and wagering online upon application submitted to the Board for approval of the appropriate software and platform. While Applicants who are interested in operating betting online are expected to make an additional submission on the concept and model of the online platform they intend to use, approval of such will be a separate process to be undertaken by the Board.
 - 14.2. All online betting concepts, models or platforms, operating procedures and rules must be submitted to the Board for consideration and approval.

- 14.3. All betting and wagering activities must be conducted on a certified and approved betting and wagering system. No Bookmaker shall offer betting and wagering online without an appropriate Bookmaker licence and activation of at least one Betting Site. A licensed Bookmaker must have offices in Namibia.
- 14.4. A Bookmaker Operator shall be allowed to offer betting and wagering online subsequent to being issued with a Licence and upon application to the Board for approval of the appropriate software and platform and all related regulatory measures and controls.
- 14.5. Any Licensee who would like to take bets online, must ensure that a complete online betting system or platform is submitted to the Board for approval including:
- 14.5.1. Measures to prevent betting by persons under the age of eighteen (18) years
 - 14.5.2. Mechanism through which players are tracked for purpose of indication of threats of compulsive gambling.
 - 14.5.3. Mechanism to ensure full compliance with the “Know Your Client” (KYC) requirements and to comply with all anti-money laundering guidelines of the country.
 - 14.5.4. Records of all betting transactions and odds.
- 14.6. No online bets shall be taken from Citizens on any online application or platform by any person without an appropriate Betting Licence and approved online platform granted by the Board.

SECTION C

APPLICATION REQUIREMENTS

The applicant must ensure that at the time of submission of this application all applicable fields have been duly completed and that all required supporting documents are attached to the application.

15. The applicant must further submit the following:
- 15.1. One master copy, a copy of the master copy and an electronic copy (soft copy must only be in read form)
 - 15.2. Lease agreement if not the owner of the property
 - 15.3. All third-party agreement
 - 15.4. Betting and wagering platforms
 - 15.5. Technical compliance certificates

16. Information relating to the business premises, including-
- (a) the location and size of the premises;
 - (b) the site layout Plans, Artist impressions;
 - (c) access and control and surveillance;
 - (d) compliance with health and safety requirements;
 - (e) adequacy of the parking space;
 - (f) adequacy of ablution facilities; and
 - (g) Space of not less than 100m² (one-hundred square meters) per Bookmaker and Totalizator site must be maintained. The Applicant should outline all measures for control and supervision (including surveillance systems at all sites) in the application for the licence.
17. (1) Payment of fees and costs as follows: -
- (a) Application fees
 - (b) Proof of payment of the publication for the intended application in the gazette and newspaper in the area.
 - (c) deposit in respect of an investigation on the probity of the applicant, as estimated by the Board.
- (2) The Board shall determine the estimated investigation costs (investigation fees) into the probity of the applicant and shall require the applicant to pay the deposit before the commencement of the investigation is conducted.
- (3) The applicant shall pay the total outstanding balance of the investigation costs (investigation fees) before the final decision on the application is taken by the Board.

ANNEXURES

List of all documents for the Bookmaker if application is granted

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DECLARATION BY APPLICANT

I declare/affirm that the information in this application and in the documents attached to it is true.

Date:

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Signature of applicant or
person authorised to sign:

I certify that this declaration has been signed and sworn to/affirmed before me at thisday of..... by
the applicant/person authorised to sign the application who acknowledged that -

- (a) he/she know and understand the contents of this declaration;
- (b) he/she has no objection to taking the prescribed oath/affirmation; and
- (c) he/she considers the prescribed oath to be binding on his /her conscience, and that he/she uttered the following words:

“I swear that the contents of this declaration are true, so help me God.”/“I affirm that the contents of this declaration are true.”

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Commissioner of Oaths

Full name:

Business address.....

Area for which appointment is held

Office held if appointment is *ex officio*.....