

IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

[HELD AT BLOEMFONTEIN]

SCA CASE NO: 624/2022 & 630/22

In the matter between:

LOTTOSTAR (PTY) LTD

First Appellant

MPUMALANGA GAMBLING BOARD

Second Appellant

HOLLYWOOD SPORTSBOOK

(Party seeking leave to
intervene as the Third
Appellant)

And

ITHUBA HOLDINGS (PTY) LTD

First Respondent

NATIONAL LOTTERIES COMMISSION

Second Respondent

BETTING WORLD (PTY) LTD

Third Respondent

NATIONAL GAMBLING BOARD

(Party seeking leave to
intervene as the Fourth
Respondent)

**NOTIFICATION PURSUANT TO JUDGMENT OF
THE SUPREME COURT OF APPEAL ON 5 SEPTEMBER 2023**

TO: The Minister of Trade and Industry

AND TO: The Members of Executive Council for Economic Development for each Province

AND TO: The Gambling Authorities of each Province

AND TO: The Bookmakers Association of South Africa

AND TO: All Bookmakers

AND TO: All or any interested party who receives knowledge of this notice by the means detailed in paragraphs 4.2 and 4.3 below or any other means

1. Reference is made to the above-named appeal currently pending before the Supreme Court of Appeal (SCA), wherein Mketsu and Associates Inc represent the National Gambling Board (NGB).
2. Pursuant to hearing argument on a preliminary question raised in the appeal, namely the non-joinder of certain parties, the SCA handed down its judgment on 5 September 2023.
3. In its judgment (at paragraph [17]), the SCA issued a directive in terms of which the NLC and NGB are required to formally notify the entities referred above of the matters set out therein ("the Directive").

4. In compliance with the Directive, in our respective capacities as attorneys for the NLC and NGB respectively, we hereby jointly notify you of the following:

4.1 The appeal before the SCA is directed against the judgment and order of the Full Court of the Mpumalanga Division, Mbombela, handed down on 31 August 2021.

4.2 Copies of all the papers in the appeal, including the SCA judgment dated 05 September 2023 and the judgment of the Full Court of the Mpumalanga Division, Mbombela, will lie for inspection at Mketsu and Associates Inc Attorneys at Block F Unit 2, Hatfield Gardens, 333 Grosvenor Street, Hatfield, Pretoria as well as the NGB offices situated at 420 Witch-hazel Avenue, Eco Glades 2, Block C, Eco Park, Centurion, 0144. Such copies will be available for electronic transmission, upon request.

4.3 In addition, a copy of this notification will be published in the Government Gazette, a national newspaper and the NGB website being www.ngb.org.za.

4.4 The attention of the Provincial Gambling Authorities (PGAs) is drawn to the following: Paragraph [17] of the Directive requires that they *“bring these proceedings to the attention of any Bookmaker that offers bets, whether or not of a fixed-odd nature, on the outcome of any lottery, pursuant to a licence issued by such Authority under any comparable Provincial Legislation to the Mpumalanga Gambling Act [No 5 of 1995]”*. The PGAs are implored them to report back to

Mketsu and Associates as soon as practicable on the steps taken by them in this regard.

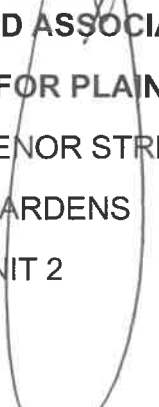
4.5 However, in order to expedite the finalization of the appeal, the NGB has in addition PGAs' obligations referred to above, undertaken to assist in notifying all the Bookmakers who may have interest in these proceedings. Accordingly, such Bookmakers are hereby afforded the opportunity to inspect or access electronic copies as envisaged in paragraph 4.2 above.

4.6 Each of the parties or entities to whom this notification is addressed is called upon to indicate to the Registrar of the SCA, within two weeks of this notification, whether or not they consent to be bound by the judgment of the SCA, notwithstanding that they have not been cited as parties to these proceedings.

4.7 The SCA will issue further directions regarding those entities who indicate their wish either not to be bound by the proceedings or who wish to participate therein.

4.8 After the expiry of the period of this notification, Mketsu and Associates will, in terms of the Directive, make a return to the Registrar setting out the steps taken to comply with the Directive.

5. Finally, as is evident from the course taken by the SCA, it is important that these proceedings be finalized as soon as practically possible. You are therefore urged to act with expediency and speed.



MKETSU AND ASSOCIATES INC. ATTORNEYS
ATTORNEY FOR PLAINTIFF
333 GROSVENOR STREET
HATFIELD GARDENS
BLOCK F, UNIT 2
HATFIELD
PRETORIA