

Namibia

## Licensing of Totalisators Ordinance, 1938

### Ordinance 5 of 1938

Legislation as at 22 June 1953

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## Licensing of Totalisators Ordinance, 1938

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Republic of Namibia  
Annotated Statutes

## Licensing of Totalisators Ordinance, 1938

### Ordinance 5 of 1938

[Published in Official Gazette 748 on 28 April 1938](#)

[Assented to on 25 April 1938](#)

[Commenced on 28 April 1938](#)

[\[This is the version of this document from 22 June 1953 and includes any amendments published up to 14 May 2024.\]](#)

[\[Amended by \[Licensing of Totalisators Amendment Ordinance, 1952 \\(Ordinance 32 of 1952\\)\]\(#\) on 25 April 1938\]](#)

[\[Amended by \[Licensing of Totalisators Amendment Ordinance, 1952 \\(Ordinance 32 of 1952\\)\]\(#\) on 25 June 1952\]](#)

[\[Amended by \[Licensing of Totalisators Amendment Ordinance, 1953 \\(Ordinance 13 of 1953\\)\]\(#\) on 22 June 1953\]](#)

[\[Repealed by \[Gaming and Entertainment Control Act, 2018 \\(Act 13 of 2018\\)\]\(#\) on 1 December 2021\]](#)

#### ORDINANCE

To provide for the licensing of the instrument, machine or contrivance commonly known as a totalisator.

[\[long title amended by Ord. 32 of 1952\]](#)

(English text signed by the Administrator)

[\[The provisions in this Ordinance have no headings.\]](#)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section twenty-six of the South West Africa Constitution Act, 1925 (Act [No. 42 of 1925](#)), of the Parliament of the Union of South Africa, as follows:-

#### 1.

In this Ordinance, unless inconsistent with the context -

“Approved site” shall mean any site approved by the Commissioner of Police, or any person authorised by him;

“race meeting” shall mean any gathering of the public or of the members or any association of persons to watch a race or races, if the date and place of holding the same have been notified by public advertisement or private invitation;

“race” shall mean a horse or dog race;

“totalisator” shall mean the instrument, machine or contrivance commonly known as a totalisator, or any other instrument, machine or contrivance of a like nature or any scheme for enabling any number of persons to make bets on any event or contingency whatsoever, with one another on principles of a like nature.

**[The definition of “totalisator” is amended by Ord. 32 of 1952. This amendment is deemed to have come into force on 25 April 1938 (section 3 of amending Ordinance).]**

2.

Notwithstanding anything in any law contained, the Administrator, or any person authorised by him may, upon written application lodged with the Administrator at least 14 days prior to the race meeting, issue to any person or association of persons, a licence to use a totalisator upon any approved site at a race meeting. Such licence shall be issued subject to compliance with such conditions and rules as the Administrator may prescribe, and may be revoked at any time if default be made in complying with those conditions or rules or with any provision of this section, or if the totalisator be used at any site not so approved. There shall be payable for each licence issued the sum of two pounds.

**[Section 2 is amended by Ord. 32 of 1952 and Ord. 13 of 1953.  
The sum of two pounds is equivalent to the sum of N\$4.]**

3.

**[section 3 deleted by Ord. 32 of 1952]**

4.

Any person who

- (a) uses or permits the use of a totalisator in respect of which a licence has not been granted under and in accordance with the provisions of this Ordinance;

**[paragraph (a) amended by Ord. 32 of 1952]**

- (b) **[paragraph (b) deleted by Ord. 32 of 1952]**

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding twelve months.

**[The closing phrase of section 4 amended by Ord. 32 of 1952. A fine not exceeding fifty pounds is equivalent to a fine not exceeding N\$100.]**

5.

**[section 5 deleted by Ord. 32 of 1952]**

6.

This Ordinance shall be called the Licensing of Totalisators Ordinance, 1938.