

Bill No. 15 of 2026

GAMBLING (AMENDMENT) BILL, 2026
(Published 29th May, 2026)

MEMORANDUM

1. A draft of the above Bill, which it is intended to present to the National Assembly, is set out below.

2. The object of the Bill is to amend the Gambling Authority Act (Cap. 19:03) in order to align it with the Financial Intelligence Act and Financial Action Task Force standards by adequately covering anti-money laundering set standards and requirements and consequently reducing the risk of financial crimes by introducing, amongst other things, provisions relating to matters such as beneficial ownership, financial offences, financial interest, fit and proper person, controlling interest and the know your customer requirements.

3. The Bill introduces the following amendments —

- (a) Clause 2 is a general amendment to the Act to —
 - (i) substitute for the words “the age of 21” wherever they appear in the Act the words “the age of 18”,
 - (ii) substitute for the words “casino inspector” wherever they appear in the Act the word “inspector”, and
 - (iii) substitute for the word “casino” wherever it appears in the Act the word “gambling establishment”.
- (b) Clause 3 amends section 2 of the Act to introduce new definitions to curb implementation challenges brought about by shortfalls in the current definitions;
- (c) Clause 4 amends section 33 of the Act to broaden types of licences by introducing new licences;
- (d) Clause 5 amends section 37 of the Act to specify category of persons to be subjected to probity checks, to allow for variation of licence conditions and to create an obligation on the licensee to notify the Authority in the event that the company changes its name;
- (e) Clause 6 amends section 38 of the Act to ensure that not all licence types have 10 years validity, this is in order to cater for the continuously evolving gambling industry;
- (f) Clause 7 amends section 39 of the Act and similar provisions to provide for refusal to grant a licence where an applicant has been convicted of a financial offence;
- (g) Clause 8 amends section 40 of the Act to stipulate all necessary requirements and processes required for renewing a licence;
- (h) Clause 10 amends section 44 of the Act to address change in ownership or controlling interest of the company such that persons to whom ownership or controlling interest is passed are subjected to probity checks.
- (i) The Bill amends the Act to introduce a new part that deals with amusement arcades in the Act.

B.120

- (j) The Bill amends the Act to introduce an empowering provision that allows the Authority to make its own rules.

TIROEAONE NTSIMA,
Minister of Trade and Entrepreneurship.

ARRANGEMENT OF SECTIONS

SECTION

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29. Amendment of section 103 of the Act
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A Bill
— entitled —

An Act to amend the Gambling Authority Act.

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

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Short title and
commencement

1. This Act may be cited as the Gambling (Amendment) Act, 2026, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

General
amendment
Cap. 19:03

2. The Gambling Act (hereinafter referred to as the “Act”) is amended by —

- (a) substituting for the words “the age of 21” wherever they appear in the Act the words “the age of 18”; and
- (b) substituting for the words “casino inspector” wherever they appear in the Act the word “authorised officer”.

Amendment
of section 2 of
the Act

3. The Act is amended in section 2 by inserting, in their correct alphabetical order the following new definitions —

“amusement arcade” means premises on which amusement games are conducted and in respect of which a certificate of registration has been granted;

“amusement game” means a game played on a mechanical, electrical or electromechanical device, video or other device that is activated by inserting a value instrument and the purpose of playing such a game shall be for public entertainment or amusement and not for gambling;

“amusement machine” means any mechanical, electrical, electromechanical, video or other device on which an amusement game may be played but excludes any machine or device used for the purpose of gambling;

“beneficial owner” has the meaning assigned to it under the Financial Intelligence Act and “beneficial interest” shall be construed accordingly;

“controlling interest” in relation to any licensee, applicant or business, means any interest of whatever nature enabling the holder thereof to exercise, directly or indirectly, any control whatsoever over the activities or assets of the licensee, applicant or business concerned, and the word “control” shall have a corresponding meaning;

“electronic bingo terminal” means any electronic or other device or contrivance used to conduct, manage or operate a bingo game and, without restricting the generality of the foregoing, includes player terminals and handheld units;

“exempt entertainment” means bazaar, sale, fête, dinner, dance, sporting event or other entertainment of a similar character;

“financial interest” in relation to a company or corporation, means:

- (a) having a right or entitlement to share in profits or revenue;
- (b) having any real right in respect of any property of the company or corporation;
- (c) having any real or personal right in any property used by the company or corporation in conducting its gambling business; or

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- (d) having a direct or an indirect interest in the voting shares of the company or having an interest in a close corporation;
 “financial offence” has the meaning assigned to it under the Financial Intelligence Act;
 “fit and proper person” means a person of good personal character and conduct, with sound judgement, integrity, sufficient degree of knowledge, experience and professional qualifications who is competent, honest, financially sound, reputable, reliable and is bound to operate his or her gambling business, perform the duties and carry out the responsibilities of his or her position in a fair and responsible manner; and
 “manual bingo” means a bingo game played involving physical (paper) and, or virtual (electronic) cards or tickets which are typically purchased before the bingo session or game starts, and the prizes are awarded on the basis of designated numbers drawn at random using a bingo equipment or ball draw device in order to form a winning game pattern and the game is won when a predetermined game pattern is covered on a bingo card or ticket.

4. The Act is amended by substituting for section 33, the following new section —

“Types and
scope of
licences

33. For the purposes of this Act, the Authority may grant the licences of the following descriptions —

- (a) a bingo licence;
- (b) a bookmaker’s licence;
- (c) a casino licence;
- (d) a gambling establishment licence;
- (e) a lottery licence;
- (f) a racing licence; or
- (g) any other type of gambling licence as may be prescribed.”.

Amendment
of section 33
of the Act

5. Section 37 of the Act is amended —

(a) in subsection (1) —

- (i) by substituting for paragraph (b), the following new paragraph
 “(b) satisfies the Authority that he or she is a fit and proper person, and in the case of a company, that it is directed by a fit and proper person;” , and
- (ii) substituting for the word “casino” appearing in paragraph (g) the word “gambling establishment”;

(b) by inserting immediately after subsection (7) the following new subsections —

“(8) A licensee may make an application to the Authority for approval to vary its licence conditions and shall state reasons for the application.

(9) The Authority shall after considering the reasons given by the licensee in his or her application under subsection (8), make a decision and inform him or her in writing of such decision and the reasons for that decision.

Amendment
of section 37
of the Act

(10) A person shall not become an owner, director, shareholder, beneficial owner, associate, trustee, committee member, manager, key employee of the licensee or have a controlling interest in the licence unless, on determination that the person is a fit and proper person.

(11) A licensee shall not change its name without prior approval of the Authority”.”

Amendment of section 38 of the Act

6. Section 38 of the Act is amended by substituting for subsection (1) the following new subsection —

“(1) A licence issued under this Act shall, unless previously renewed or revoked, expire at the end of a period of 10 years from the date of issue.”.

Amendment of section 39 of the Act

7. Section 39 (*I*) of the Act is amended by inserting immediately after paragraph (*j*) the following new paragraph —

“(k) the applicant has been convicted of a financial offence.”.

Amendment of section 40 of the Act

8. The Act is amended by substituting for section 40, the following new section —

“Renewal of licence 40.(1) An application for the renewal of a licence shall be made to the Authority by the licensee, in such form and upon payment of such fee as may be prescribed.

(2) The provisions of sections 34, 35, 36, 37, 42 and 45 shall with necessary modifications apply in respect of renewal of an application for a licence under subsection (1).”.

Amendment of section 41 of the Act

9. The Act is amended by substituting for section 41, the following new section —

“Suspension, refusal or revocation of licence 41. (1) The Authority may after giving the licensee an opportunity to be heard, suspend, revoke or refuse to renew a licence where —

(a) it has been ascertained that any information given to the Authority by the licensee for the purpose of obtaining the grant of the licence was false at the time when the information was given;

(b) the licensee has, without reasonable excuse, failed to comply with a term or condition of the licence or a requirement of this Act;

(c) the licensee is convicted of an offence under this Act on any other enactment;

(d) the licensee or, in the case of a company, the owner, the managing director or other officer managing the company —

(i) has been convicted by a court of competent jurisdiction in Botswana or elsewhere, of a financial offence, or of an offence involving dishonesty and sentenced to imprisonment without an option of a fine, and

(ii) has not received a free pardon in respect of the offence;

- (e) the licensee ceases, without the consent of the Authority –
 - (i) to be the occupier of the whole of the gambling establishment, or
 - (ii) to manage the operation of the whole of the facilities of the establishment;
 - (f) the gambling establishment, or a part of it, ceases to carry on business in accordance with this Act; or
 - (g) the Authority establishes, in any proceedings, that the licensee has in any respect breached any agreement to which the Authority and the licensee are parties which concerns the gambling establishment referred to in the licence or matters relating to such establishment.
- (2) The Authority may after giving the licensee an opportunity to be heard suspend a licence for a specified period where the licensee has without reasonable excuse, failed to comply with a term or condition of the licence or a requirement or prohibition of this Act, Regulations, Rules or any other guidelines issued by the Authority.”.

10. The Act is amended by substituting for section 44, the following new section —

“Transfer of
licence

44. (1) A licence issued under this Act shall, not be transferable to another person.
- (2) The gambling and other activities authorised under such licence shall not be removable from the licensed premises concerned to other premises.
- (3) Where a licence holder wishes —
- (a) to transfer a licence to another person, the licence holder and such other person shall, subject to sections 34, 36 and 37 make joint application to the Authority for such transfer in the manner determined by the Authority; or
 - (b) to remove the gambling machines and other activities authorised under such licence, from the licensed premises to any other premises, whether permanently or temporarily, the licence holder shall, subject to sections 35, 36 and 37 make an application to the Authority for such removal in the manner determined by the Authority.
- (4) Any person who contravenes this section is liable to a fine not exceeding P100 000, to be imposed by the Authority.

Amendment
of section 44
of the Act

11. The Act is amended by inserting immediately after section 44, the following new section —

Insertion of
section 44A
in the Act

“Change in
ownership

44A. (1) Any person who, directly or indirectly procures a controlling or financial interest of five percent or more, or any lesser percentage as may be prescribed, in the business to which a licence relates under this Act, shall in the manner determined by the Authority, apply for the approval of the Authority to hold such interest.

(2) The Authority shall not grant approval under subsection (1) where the person who is the subject of the application is disqualified in terms of section 39.

(3) Where approval is not granted, the person concerned shall within the period and in the manner determined by the Authority, dispose of the interest in question.

(4) The provisions of sections 34, 36 and 37 shall, unless the Authority determines otherwise, apply to a person who wishes to procure an interest as contemplated in subsection (1).

(5) A person may not procure an interest contemplated in subsection (1) as a nominee or agent of, or otherwise on behalf of, any beneficial owner if that person has not informed the holder of the licence concerned and the Authority in writing of the identity of such beneficial owner.

(6) Where the holder of an interest of a kind contemplated in subsection (1) at any time becomes disqualified from holding such interest in terms of section 39 the Authority may, after giving such person an opportunity to be heard, suspend or cancel such person's ownership right or order such person to dispose of such interest within the period determined by the Authority.

(7) Where an order is issued on the applicant in terms of subsection (3) or (6), licence holder or person concerned, he or she shall not exercise, whether directly or through any trustee or nominee, any voting right conferred by the ownership of his or her interest in the licensee until such suspension is terminated or such interest disposed of, as the case may be.

(8) A licensee shall not knowingly permit any person to procure any direct or indirect financial or controlling interest in the business to which the licence relates under this Act, unless such person has submitted an application to the Authority:

Provided that in the event that such person acquires such interest without the knowledge of the licensee or under circumstances which cannot be controlled by the licensee, the licensee shall, once the acquisition of such interest becomes known to the licensee, forthwith inform the Authority of the nature of the interest and the Authority may require an application from such person.

(9) Any person who contravenes subsection (1), (3), (5) or (7) or an order made by the Authority in terms of subsection (6) is liable to a fine not exceeding P100 000, to be imposed by the Authority.”.

12. Section 46 of the Act is amended

Amendment
of section 46
of the Act

- (a) by substituting for subsection (1) the following new subsection —
“(1) A licence issued in terms of this Act may become available for fresh application, after revocation, surrender or expiration of that licence.”. and
- (b) by substituting for subsection (3) the following new subsection —
“(3) A person may make an application for a licence available under this section, in such form as may be prescribed and shall submit the application, together with such application fee and any other fees as may be prescribed, to the authority.”.

13. Section 48 of the Act is amended by substituting for subsection (1), the following new subsection —

Amendment
of section 48
of the Act

- “(1) A person who is aggrieved by a decision of the Authority to —
 - (a) refuse to issue a licence;
 - (b) refuse to renew a licence;
 - (c) refuse to transfer a licence;
 - (d) suspend a licence; or
 - (e) revoke a licence,

may appeal to the Minister within 30 days of that decision.”.

14. Section 49 of the Act is amended by substituting for subsection (2) the following new subsection —

Amendment of
section 49 of
the Act

“(2) Any person who contravenes this section is liable to a fine not exceeding P100 000, to be imposed by the Authority.”.

15. Section 50 of the Act is amended by substituting for subsection (3) the following new subsection —

Amendment
of section 50
of the Act

“(3) A licensee shall submit to the Authority, every levy payment made under this section, accompanied by a certificate under the hand of the person appointed in accordance with section 51, certifying that in the opinion of that person, the amount of the levy payable has been fairly and accurately calculated, and any other document which may be required by the Authority.”.

16. Section 60 of the Act is amended —

Amendment of
Section 60 of
the Act

- (a) by substituting for subsection (3) the following new subsection —
“(3) The return to player in a manual game of bingo shall not be prescribed.”; and
- (b) by inserting immediately after subsection (3) the following new subsection —
“(4) Notwithstanding subsection (3) the return to player in an electronic bingo game shall be prescribed.”.

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Insertion of
section 64A
in the Act

17. The Act is amended by inserting immediately after section 64, the following new section —

“Lotteries
incidental
to exempt
entertainment

64A. A lottery conducted as an incident of an exempt entertainment shall not be unlawful where —

- (a) all the proceeds of the entertainment, including the proceeds of the lottery after deducting —
 - (i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery,
 - (ii) the expenses incurred in printing tickets in the lottery and advertising of that lottery, and
 - (iii) such sum, not exceeding the prescribed amount for any expenses incurred in purchasing prizes for the lottery are utilised for the benefit of any deserving section of the public;
- (b) none of the prizes in the lottery are money prizes;
- (c) the total value of tickets sold or to be sold, is not more than the prescribed amount;
- (d) the opportunity of participating in lotteries contemplated in this Section or such opportunity together with any other opportunity of participating in lotteries or gambling is not the only substantial inducement to persons to attend the entertainment; or
- (e) it is conducted by non-profit organisations, any club, institution, organisation or association of persons not connected with lotteries, gambling or betting.

Amendment
of section 67
of the Act

18. Section 67 of the Act is amended —

- (a) by deleting subsection (4); and
- (b) by substituting for subparagraph (5) the following new subparagraph —

“ (5) Any person conducting an unlawful promotional competition shall immediately cease to conduct such competition and shall immediately instruct his or her , or its agents and any other person connected with that competition to immediately terminate any action connected with the conduct of that competition. Any person who fails to comply with this subsection, or with an instruction made under this subsection, shall be liable to pay a fine not exceeding P60 000, for each day the unlawful-promotional competition continues to be conducted.

Amendment
of Part XII of
the Act

19. The Act is amended by substituting for the title of Part XII, the following new title —

“PART XII
Racing and amusement arcades”

20. The Act is amended by inserting immediately after section 86, the following new section —

Insertion of
section 86A
to the Act

“Registration
of amusement
arcade

86A. (1) A person shall not establish amusement arcade or operate an amusement arcade, unless he or she has duly registered the with the Authority.

(2) A holder of a liquor bar licence shall be exempted from registering an amusement arcade licence for making available for play the following amusement games —

- (a) darts;
- (b) table football;
- (c) snooker; and
- (d) pool.

(3) Notwithstanding the provisions of subsection (1), no person within the liquor bar premises shall be allowed to bet on the outcome of the games.

(4) A person who contravenes the provisions of subsection (1) commits an offence and is liable —

- (a) to a fine not exceeding P250 000, or to imprisonment for a term not exceeding four years, or to both: and
- (b) for a second or subsequent offence to a fine not exceeding P500 000, or to imprisonment for a term not exceeding five years, or both.”.

21. Section 87 of the Act is amended by substituting for subsection (3) the following new subsection —

Amendment of
section 87
of the Act

“(3) A person who contravenes the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both.”.

22. The Act is amended by substituting for section 88 the following new section —

Amendment
of section 88
of the Act

“Alterations
to premises
of establishment

88.(1) Additions, alterations or improvements to premises of the a gambling area, including the addition or alterations of advertisement or signs on the premises, shall not be effected without prior written approval from the Authority, on written application made to the Authority, which application shall be accompanied by a proper plan and specification of such proposed additions, alterations or improvements.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P500 000.”.

23. The Act is amended by inserting immediately after section 89, the following new section —

Insertion of
section 89 A
in the Act

B.130

“Storage facilities of gambling devices and machines	89A. (1) The holder of a licence may, subject to the approval of the Authority have a storage facility for gambling machines and devices including spare components and such a storage facility should be restricted to the fixed premises specified in the licence. (2) A licensee who wishes to change the premises referred to in subsection (1) shall make an application in writing to the Authority for approval to change such premises. (3) The storage facility referred to in subsection (1) shall comply with the requirements as may be determined by the Authority.”.
Amendment of section 92 of the Act “Supply of gambling machine, device or software	24. The Act is amended by substituting for section 92 the following new section — 92. (1) A person shall not supply a gambling machine or device or software used in connection to gambling to any person other than the holder of any gambling licence issued under this Act. (2) A person who contravenes the provisions of subsection (1) commits an offence and is liable — (a) to a fine not exceeding P30 000; and (b) for a second or subsequent offence, to a fine not exceeding P40 000 .”.
Amendment of section 94 of the Act	25. Section 94 of the Act is amended by inserting immediately after subsection (6) the following new subsection — “(7) A person who contravenes the provisions of subsections (1) and (2) commits an offence and is liable — (a) to a fine not exceeding P500 000, or to imprisonment for a term not exceeding four years, or to both; and (b) for a second or subsequent offence, to a fine not exceeding P1000 000, or to imprisonment for a term not exceeding five years, or to both.”.
Amendment of section 96 of the Act	26. Section 96 of the Act is amended by substituting for subsection (2) the following new subsection — “(2) A licensee shall, link any gambling machine or device which is installed on his or her premises to the monitoring system established in terms of subsection (1), but the holder of a casino or bingo licence shall install his or her own monitoring system”.
Amendment of section 98 of the Act	27. Section 98 of the Act is amended in paragraph (b) by inserting immediately after the words “this Act”, appearing therein the words “a financial offence”.
Amendment of section 102 of the Act	28. Section 102 of the Act is amended — (a) in subsection (4) paragraph (b) by inserting immediately after the words “this Act” appearing therein the words “a financial offence”; and (b) by substituting for subsection (6) the following new subsection —

“(6) A person who contravenes the provisions of this section is liable to a fine not exceeding P500 000, to be imposed by the Authority.”.

29. The Act is amended by substituting for section 103 the following new section —

Amendment
of section 103
of the Act

“Employee
licence not
transferable 103. A licence issued in terms of section 102 shall not be transferable.”.

30. Section 108 of the Act is amended by substituting for subsection (1) the following new subsection —

Amendment
of section 108
of the Act

“(1) A licensee, employee of a licensee, a parent or guardian of a minor who permits a minor to take part in any gambling activity or enter a gambling area commits an offence and is liable —

- (a) to a fine not exceeding P60 000, or to imprisonment for a term not exceeding four years, or to both;
- (b) for a second or subsequent offence, to a fine not exceeding P80 000, or to imprisonment for a term not exceeding five years, or to both.”.

31. Section 117 of the Act is amended in subsection (1) paragraph (c) by inserting immediately after subparagraph (iv) the following new subparagraph —

Amendment
of section 117
of the Act

“(v) inspect whether the gambling establishment is or has been involved in a financial offence or any related offence.”.

32. Section 118 of the Act is amended by substituting for the word “casino” wherever it appears therein the words “gambling establishment”.

Amendment
of section 118
of the Act

33. Section 120 of the Act is amended by substituting for subsection (4) the following new subsection —

Amendment of
section 120
of the Act

“(4) A person who contravenes the provisions of this section is liable to a fine not exceeding P500 000, to be imposed by the Authority.”.

34. The Act is amended by substituting for section 128 the following new section —

Amendment of
section 128
of the Act

“Penalties 128. A person who commits an offence under this Act, where the penalty is not provided by the provision creating the offence shall be liable —

- (a) to a fine not exceeding P500, 000 ; and
- (b) for a second or subsequent offence, to a fine not exceeding P1 000, 000.”.

35. Section 132 of the Act is amended by substituting for the word “casino” wherever it appears therein the words “gambling establishment”.

Amendment of
section 132
of the Act