



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY: JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal

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STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

Peermont Global (North West) (Pty) Ltd v Chairperson of the North West Gambling Review Tribunal and Others and Two Other Cases (Case numbers 1040/2020); 1055/2020 and 1056/2020 [2022] ZASCA 80 (2 June 2022).

Today, the Supreme Court of Appeal (the Court) handed down a trilogy of judgments, dismissing appeals against orders of the North West Division of the High Court, Mahikeng (the high court). The high court had dismissed the review applications against the North West Gambling Board (the Board) in respect of the awarding of bingo licences in the North West Province. The appeals against the dismissal of the review applications were by Peermont Global (North West) Pty Ltd (Peermont) and Galaxy Bingo Moruleng (Pty) Ltd (Galaxy). Peermont was not an applicant for any of the awarded bingo licences. It objected to the awarding of those licences on the basis of the likely negative impact bingo operations would have on its casinos in the areas where the two licences had been awarded for bingo operations. Galaxy was an unsuccessful bidder for a bingo licence. Separately, it sought to review the awarding of bingo licences to Jonoforce and Latiano, respectively.

Peermont appeal

Peermont's appeal concerned the Board's decision to award bingo licenses to, among others, the fifth respondent, Jonoforce (Pty) Ltd (Jonoforce) and to the seventh respondent, Latiano 560 (Pty) Limited (Latiano), respectively. Peermont advanced three review grounds against the awarding of the licences, namely: the licence application process was procedurally unfair; it was unlawful for the Board to award bingo licences for use in conjunction with conventional electronic bingo terminals (EBTs), as EBTs did not offer the game of 'bingo' as defined in the North West Act; the Board was obliged, but failed, to have regard to the adverse impact that the licensing of bingo operations was likely to have on Peermont's nearby casinos. The Court considered each of the review grounds and found none of them to have merit. Accordingly, the Court dismissed Peermont's appeal with costs of two counsel.

Galaxy appeal (in re Jonoforce)

The Court found that although the Jonoforce application did not strictly comply with sections 32 (3)(a) and 24(5)(d) of the North West Act, its application complied with the Board's Request for Applications (RFA) and the purpose of the aforementioned sections. The Court further found that the Galaxy entities' objective superior applications were beyond the scope of a review and properly suited for appeal proceedings, because it was contested. It further found that the reasons for not granting the licences to the Galaxy entities were reasonable and rational.

Galaxy appeal (in re Latiano)

In the Latiano appeal, the Court found that the Board miscalculated Metro's score. It, however found that the scoring was not the sole criterion. It held that the scores were a guide and that the Board was correct in considering other criteria such as new entrants, especially women, to the gambling industry.

The Court held that neither the Board nor the Tribunal was biased against the Galaxy entities. The Court therefore dismissed the Galaxy appeals.

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