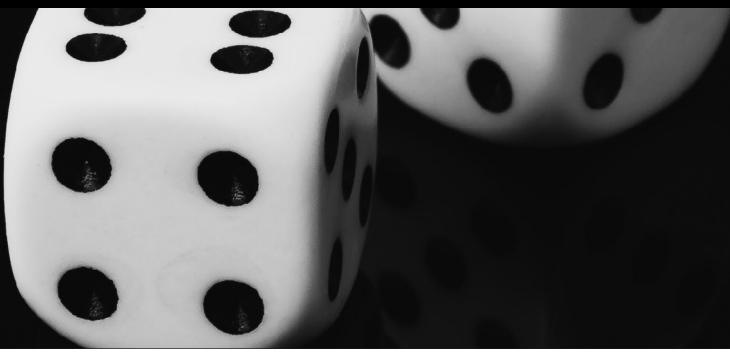




DIGITAL MEDIA & ELECTRONIC COMMUNICATIONS

Supreme Court of Appeal clarifies boundaries between casino and bookmaker licences in the Gauteng province

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by Wendy Rosenberg – Director, Tebogo Sibidla – Director and Nothando Madondo – Associate

In recent years, the number of online bookmakers offering fixed odds bets on casino style games has increased. In a recent landmark ruling, the Supreme Court of Appeal of South Africa held, in the context of the Gauteng Gambling Act, that it is unlawful for bookmakers licensed in Gauteng to offer fixed odds bets on the game of roulette, which is not a sporting event as contemplated in the Gauteng Gambling Act. While the National Gambling Board has hailed the judgment as extending to all bookmakers licensed across South Africa, the judgment is specific to bookmakers licensed in Gauteng under the Gauteng Gambling Act, where the legislation expressly limits bookmaker licensees to accepting fixed odds bets on sporting events.

See *Portapa (Pty) Limited t/a Supabets and Others v Casino Association of South Africa and Another* [2025] ZASCA 158 (21 October 2025)

In October 2025 the Supreme Court of Appeal of South Africa (SCA) handed down judgment on whether bookmakers that are licensed as such under the Gauteng Gambling Act, 1995 may offer fixed odds bets on the outcomes of casino style games such as roulette.

The litigation arose after the Gauteng Gambling Board, in January 2017, approved the use of the Aardvark betting software in the Gauteng province. The software enables bookmakers to offer and accept bets on the outcome of sports and lottery draw events and the electronic capturing of bets.

Portapa (Pty) Ltd is a licensed bookmaker in the Gauteng province, which trades as “Supabets”. In June 2017, Supabets began to offer fixed odd bets online, on the outcome of livestreamed roulette games, using the Aardvark betting software.

The Casino Association of South Africa, representing licensed casino operators, instituted court proceedings asking the courts to declare that:

1. It is unlawful for persons other than casino licence holders to offer fixed odds bets on the outcomes of casino games, including roulette.
2. Supabets was not entitled to offer fixed odds bets on that contingency without a casino licence.

Amongst other things, the Casino Association contended that such practices expose casino operators to unfair competition and members of the public to unlawful unregulated gambling.

In 2023, the High Court granted the review application and set aside the approvals that had been granted by the Board. The case went to the SCA on appeal.

The SCA decision

On 21 October 2025, the SCA handed down judgment. It made two key decisions:

1. The Gauteng Gambling Act limits bookmakers licensed as such in Gauteng to accepting bets only on sporting events and beauty contests.
2. Roulette is not a sporting event as contemplated in the Gauteng Gambling Act.

Gauteng bookmakers may only accept bets on sporting events

Unlike several other provincial gambling statutes in South Africa, the Gauteng Gambling Act says that a bookmaker’s licence shall “*authorise the accepting ... of fixed odds bets on sporting events*”.

The SCA held that there is no conflict between the Gauteng Gambling Act and the National Gambling Act in this regard – the two statutes can be read harmoniously:

1. The National Gambling Act is broadly framed and provides flexibility to cover any contingency that the individual provincial legislative authorities may choose to provide.
2. Each South African province has its own gambling laws, each with its own peculiarities and restrictions.
3. The Gauteng legislature has exercised its policy choice to restrict the contingency on which bookmakers may accept or offer bets to sporting events.

Roulette is not a sporting event

Having concluded that the Gauteng Gambling Act does not authorise bookmakers to accept fixed odds bets on sporting events, the SCA addressed the question whether roulette is a “sporting event” on which bookmakers may accept bets.

“Sporting event” is defined in the Gauteng Gambling Act as meaning “*any ball-game, race (including a race involving vehicles or animals) or other athletic or sporting contest, competition or game, including a beauty contest, usually attended by the public*”.

The SCA held that roulette is not a game as envisaged in this definition. Rather, it held, a sensible reading of “sporting event” in section 1 of the Gauteng Gambling Act is that the phrase “*other athletic or sporting*” describes and qualifies the “game”.

The SCA thus held that that roulette is not a “sporting game” or a “sporting event” for the purposes of the Gauteng Gambling Act, but rather a casino game for which a casino licence is required.

The judgment does not apply to all bookmakers across the country and it did not ban online betting

The SCA ultimately concluded that, in terms of the Gauteng Gambling Act, it is unlawful for bookmakers licensed as such in Gauteng to offer fixed odds bets on the outcome of a casino game, including the game of roulette.

On 29 October 2025 the National Gambling Board hailed the judgment as reaffirming its argument that no bookmakers may offer casino games as contingencies by betting on the outcomes of those games. The National Gambling Board recognised that the judgment was premised on the interpretation of the Gauteng Gambling Act, but believes that its implications extend to all bookmakers across South Africa.

The National Gambling Board called on all bookmakers to refrain from offering casino-style games as their source of contingency betting, warning that winnings emanating from interactive gambling will be isolated and confiscated in terms of the National Gambling Act.

It seems to us that the National Gambling Board has misconstrued the SCA judgment in several respects.

1. The SCA expressly limited its judgment to Gauteng, noting that “*provincial legislatures in other regions permit bookmakers in those regions to offer or accept fixed-odds bets on any contingency*”.
2. The SCA specifically commented that “*Section 55 of the Gauteng Act and the relevant definitions were enacted to ensure that gambling activities in the Gauteng Province are effectively regulated, taking into account the unique socio-economic circumstances and demographics of that province*.” ... “*The Gauteng Act is a carefully constructed scheme for regulating gambling within the Gauteng Province*.” (Our underlining)
3. The SCA also said that “*Nothing prevents bookmakers from using technology or electronic means to provide betting and wagering facilities within their defined scope of contingency*.”

Implications for the online betting industry and punters

The SCA’s judgment has a real impact on operators in the Gauteng province. The SCA has made it clear that bookmakers licensed as such in Gauteng may offer fixed odds bets only on sporting events and beauty contests.

All bookmaker licensees who accept bets on casino-style contingencies would be well advised to review the lawfulness of their practices within the context of the applicable provincial legislation and their applicable licence conditions. Amongst other things, bookmaker licensees should consider whether the applicable gambling legislation in the province(s) in which they are licensed limits the contingencies on which fixed odds bets may be placed to, for example, sporting events and, if so, how “sporting event” is defined.

Finally, punters should exercise caution in betting on the outcomes of casino style games such as roulette, in light of the National Gambling Board’s warning that winnings emanating from interactive gambling will be confiscated.



Wendy Rosenberg

Head of Digital Media & Electronic Communications

[View Profile](#)



Tebogo Sibidla

Director

[View Profile](#)



Nothando Madondo

Associate

[View Profile](#)