



PARLIMEN MALAYSIA



BILL

Betting (Amendment) 1961

D.R.03/1961

A BILL
intituled **D. R. No.** 361

An Act to amend the Betting Ordinance, 1953.

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BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Betting (Amendment) Act, 1961, and shall come into operation on such date as the Minister may by notification in the *Gazette* appoint.

Short title
and commencement.

2. Section 2 of the Betting Ordinance, 1953 (hereinafter in this Act referred to as "the Ordinance") is hereby amended—

Amendment of
section 2.
47 of 1953.

(a) by inserting immediately before the definitions of "bookmaker", "place" and "Senior Police Officer" respectively in sub-section (1) thereof the following new definitions:

"'access' includes access through the telephone, by post or by telegram;";

"'penciller' means a person who helps a bookmaker to keep his accounts or record of bets in connection with horse-races;";

"'runner' means a person employed by a bookmaker to collect and settle bets, either on salary or on commission;";

(b) by substituting for the definitions of "bookmaker" and "common betting house" respectively in sub-section (1) thereof the following new definitions:

"'bookmaker' means any person who—

(i) whether on his own account or as penciller, runner, servant or agent for any other person, receives or negotiates bets or wagers, whether on a cash or credit basis and whether for money or money's worth, or

(ii) in any manner holds himself out or permits himself to be held out in any manner as a person who receives or negotiates such bets or wagers;";

“ ‘common betting house’ means—

- (i) any place kept or used for betting or wagering, whether such betting or wagering be in cash or on credit, on any event or contingency of or relating to any horse race or other race, fight, game, sport, lottery or exercise to which the public or any class of the public has, or may have, access; or
- (ii) any place kept or used for habitual betting or wagering on any such event or contingency as aforesaid, whether the public has, or may have, access thereto or not; or
- (iii) any place used by a bookmaker for the purpose of receiving or negotiating bets or wagers on any such event or contingency as aforesaid, whether such bets or wagers reach the bookmaker by the hand of the person placing the bet or his agent or the bookmaker's agent or through the telephone or the post or by telegram or by any other means;”;

(c) by re-numbering sub-section (3) thereof as sub-section (4), and inserting immediately after sub-section (2) the following new sub-section :

“(3) A place shall be deemed to be used for habitual betting or wagering if betting or wagering is frequently carried on therein, notwithstanding that betting or wagering is not the primary purpose for which such place is normally used.”.

3. Sub-section (1) of section 4 of the Ordinance is hereby amended by substituting for the words “twelve months or to a fine of ten thousand dollars” the words “two years or to a fine of twenty thousand dollars”.

4. Section 6 of the Ordinance is hereby amended—

(a) by repealing sub-section (1) and substituting therefor the following new sub-section—

“(1) Any person who bets or wagers in a common betting house, or with a bookmaker on any premises or by any means, shall be liable to a fine of two hundred and fifty dollars.”;

(b) by repealing sub-section (3) and substituting therefor the following new sub-section—

“(3) Any person who—

(a) acts as a bookmaker in any place; or

Amend-
ment of
section 4.

Amend-
ment of
section 6.

- (b) for the purpose of bookmaking or betting or wagering or settling bets frequents or loiters in any street, roadway, highway, lane, arcade, footway, square, court, alley or passage, whether a thoroughfare or not, or in any public park or garden, or in any common betting house, or in any place to which the public has, or may have, access, or in any place licensed for the sale of intoxicating liquors, or in any hotel,

shall be liable to a fine which shall not be less than two thousand dollars (unless the Court for reasons to be recorded by it thinks fit to order otherwise) and which may extend to twenty thousand dollars, and shall also be liable, in addition to such fine, to imprisonment for two years; and for a second or subsequent offence shall be liable to imprisonment for not less than three months (unless the Court for reasons to be recorded by it thinks fit to order otherwise) and which may extend to two years, and shall also be liable to a fine of twenty thousand dollars:

Provided that if the Court is satisfied that a person convicted of an offence against this sub-section committed the offence as a runner, servant, agent or employee of a bookmaker the Court may if it sees fit, without imposing any sentence of imprisonment, impose a fine which shall not be less than five hundred dollars for the first offence, instead of the minimum fine of two thousand dollars above prescribed.”;

- (c) by inserting immediately after the word and comma “books,” in sub-section (4) thereof the word and comma “accounts,”.

5. The Ordinance is hereby amended by inserting immediately after section 6 thereof the following new section:

New section
6A.

“Penalty
for publica-
tion or
announce-
ment of
result of
horse-race.

6A. (1) Any person who announces or publishes or causes to be announced or published, either orally or by means of print, writing, sign or otherwise, the result of any public lottery or horse race shall be liable to a fine not exceeding two thousand dollars.

(2) The provisions of sub-section (1) shall not apply—

(a) to anything published or forming part of any announcement in any newspaper relating to any horse race or the result thereof if such newspaper has been printed or published under a licence in that behalf duly issued in accordance with the provisions of the Printing Presses Ordinance, 1948;

12 of 1948.

(b) to any lottery promoted by the Social and Welfare Services Lotteries Board, under the provisions of the Social and Welfare Services Lotteries Board Ordinance, 1950;

9 of 1950.

(c) subject to the provisions of any permit granted in respect thereof, to any public lottery promoted under any permit granted under the Lotteries Ordinance, 1952;

86 of 1952.

(d) to the Totalisator Board established under the Racing (Totalisator Board) Act, 1961, to officers, agents and employees of such Board when acting in the course of their duties as such, and to the officers, members, agents and employees of any turf club acting as agents of such Board under section 16 of any approved scheme made under the said Act when acting in the course of their duties as such;

of 1961.

(e) in such other circumstances and in relation to such other persons and authorities as the Minister may by order prescribe.”

Amend-
ment of
section 7.

6. Sub-section (1) of section 7 of the Ordinance is hereby amended by substituting for the words “referred to in section 4, as a deposit on” the words “convicted under sub-section (3) of section 6, as a deposit or in settlement of”.

New section
8.

7. Section 8 of the Ordinance is hereby repealed and the following new section substituted therefor:

“Presump-
tion against
person
accepting or
receiving
stakes, etc.

8. (1) Any person accepting or receiving bets, stakes or wagers, or found in possession of any books, accounts, documents, telegrams, writings, circulars, cards or other articles which are used or appear to have been used or intended to be used in connection with or which relate or appear to relate to the business of a bookmaker shall be presumed until the contrary is proved to be acting as a bookmaker.

(2) Any person who settles or pays money or money's worth in respect of bets or wagers relating to a horse race or any other kind of race shall also be presumed until the contrary is proved to be acting as a bookmaker."

8. Sub-section (1) of section 12 of the Ordinance is hereby amended— Amendment of section 12.

- (a) by substituting for the words "on oath, and after any inquiry" the words "and after any further inquiry";
- (b) by deleting the words "or is a club used by a bookmaker for the purpose of receiving or negotiating bets,";
- (c) by inserting immediately before the words "force as is necessary" the word "such";
- (d) by inserting immediately after the word "articles" the words "reasonably supposed to have been used or intended to be".

9. Section 13 of the Ordinance is hereby amended— Amendment of section 13.

- (a) by substituting for the words "information on oath" the words "reasonable information";
- (b) by substituting for the words "or may by warrant under his hand order any person therein named to arrest such person and to take him forthwith before any Magistrate or Justice of the Peace or Senior Police Officer who shall thereupon cause such person to be searched in his presence and if any such thing" the words "and if any such article".

10. The Ordinance is hereby amended by inserting immediately after section 13 thereof the following new section: New section 13A.

"Arrest and search upon suspicion.

13A. Any police officer having reasonable suspicion that such articles as are mentioned in section 13 may be found on any person, and having reasonable ground for believing that by delay in reporting the offender may escape, may arrest and search such person himself, and if any such article is found upon the person searched the offender shall be taken before a Senior Police Officer to be dealt with according to law."

11. Sub-section (1) of section 14 of the Ordinance is hereby amended— Amendment of section 14.

- (a) by substituting for paragraph (b) thereof the following new paragraph:

"(b) if the place proposed to be entered is occupied by a club or society, and he has reason to

believe that betting or wagering on horse races, fights, games or sports is frequently carried on there;”;

(b) by substituting for paragraph (d) thereof the following new paragraph:

“(d) if he receives the required information orally under such circumstances that the object of the search would in his opinion be defeated by the delay necessary for reducing the information to writing to enable a search warrant to be issued under sub-section (1) of section 12.”.

New section 14A. **12.** The Ordinance is hereby amended by inserting immediately after section 14 thereof the following new section:

“Evidence by police officer to be presumptive evidence.

14A. In all proceedings under this Ordinance any evidence given by a police officer not below the rank of Sergeant that any book, account, document, telegram, writing, circular, card or other article produced before the Court had been used or intended to be used for betting or wagering shall, until the contrary is proved, be deemed to be sufficient evidence of the fact.”.

Amendment of section 17.

13. Section 17 of the Ordinance is hereby amended by substituting for the words “for a period not exceeding one year by one or more sureties that he will not offend against this Ordinance” the words “by bond with one or more sureties, that he will not offend against this Ordinance for such period, not exceeding one year, as the Magistrate thinks fit to fix”.

New section 20. **14.** Section 20 of the Ordinance is hereby repealed and the following new section substituted therefor:

“Exemption from Ordinance.

20. The provisions of this Ordinance (other than section 6A thereof) shall not apply—

of 1961.

(a) to the Totalisator Board established under the Racing (Totalisator Board) Act, 1961, to the officers, agents and employees of such Board when acting in the course of their duties as such and to any person lawfully investing money with or receiving any dividend from any agency of such Board; and

(b) to any turf club, and the officers, members, agents and employees of such club when acting in the

course of their duties as such, acting in accordance with the provisions of an approved scheme under section 16 of the Racing (Totalisator Board) Act, 1961, and to any person lawfully on any race course under the control or supervision of such club, or of any one or more officers thereof, placing any bet or wager on any totalizator operating thereon pursuant to any approved scheme under such Act.”.

EXPLANATORY STATEMENT

The above Bill is designed to amend the Betting Ordinance, 1953, on the lines of amendments recently made to parallel legislation in force in the State of Singapore. The overall effect of the proposed amendments may be summarised as follows:

- (a) *clause 2* adds to the definitions contained in section 2 of the Ordinance definitions of “access”, “penciller” and “runner”, amends the existing definitions of “bookmaker” and “common betting house”, and introduces, in *clause 2 (c)*, a new presumption on the lines of that in the Singapore legislation: the amendments being designed, *inter alia*, to bring within their scope persons carrying on bookmaking by means of the telephone;
- (b) *clause 3* doubles the existing penalties of twelve months imprisonment, and a fine of ten thousand dollars, imposed in relation to offences concerning common betting houses;
- (c) *clause 4* enlarges the provisions of section 6 of the present Ordinance (which relates to betting in a common betting house, and bookmaking) and doubles existing penalties, providing in addition (*see clause 4 (b)*) for minimum fines and for mandatory imprisonment upon a second or subsequent offence, unless the Court, for reasons to be recorded by it, thinks fit to order otherwise;
- (d) *clause 5* introduces a new section 6A, designed to make it an offence to publish the results of any public lottery or horse race, but excepting from its scope the publication in the press of the results of horse races, the publication of the results of duly authorised lotteries, and announcements, etc., of the Board proposed by the Racing (Totalisator Board) Bill;
- (e) *clause 6* makes a minor amendment to section 7 of the Ordinance, which relates to the recovery of money paid as a deposit on a bet or wager;
- (f) *clause 7* introduces an amended form of section 8 of the Ordinance;
- (g) *clause 8* enlarges the scope of section 12 of the Ordinance, which relates to the issue of search warrants against premises;
- (h) *clause 9* enlarges section 13 of the Ordinance, which relates to the issue of search warrants against persons;

- (i) *clause 10* introduces a new section 13A, giving the police power to arrest on suspicion in circumstances in which any delay would cause an offender to escape;
- (j) *clause 11* makes several minor amendments to section 14 of the Ordinance, which authorises a Magistrate, Justice of the Peace or a Senior Police Officer to make a search;
- (k) *clause 12* introduces a new section 14A, which adds a further presumption to the Ordinance, in relation to evidence given by a police officer;
- (l) *clause 13* makes a minor amendment to section 17 of the Ordinance, which relates to binding over upon a second conviction;
- (m) *clause 14* provides a new section 20, relating to exemption from the Ordinance, in place of the existing section 20, which confers a power to exempt racing clubs and associations.

[AG. 364/53.]

