



PARLIMEN MALAYSIA



RANG UNDANG-UNDANG
Rumah Judi Terbuka (Pindaan) 1983
DR.33/1983

Naskhah Sahih—Bahasa Inggeris

RANG UNDANG-UNDANG

bernama

Suatu Akta untuk meminda Akta Rumah Judi Terbuka 1953.

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MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut :

1. Akta ini bolehlah dinamakan Akta Rumah Judi Terbuka (Pindaan) 1983. Tajuk ringkas.
2. (1) Subseksyen (1) seksyen 2 Akta Rumah Judi Terbuka 1953, yang disebut “Akta ibu” dalam Akta ini, adalah dipinda— Pindaan seksyen 2. Akta 289.
 - (a) dengan memasukkan sebelum takrif “common gaming house” takrif yang berikut :

“bankers’ game” means any game which is specified in Column I of the First Schedule;”
 - (b) dengan menggantikan takrif “common gaming house” dengan takrif yang berikut :

“common gaming house” includes—

 - (a) any place kept or used for gaming to which the public or any class of the public has or may have access;

(b) any place kept for habitual gaming, whether the public or any class of the public has or may have access to it or not;

(c) any place kept or used for the purpose of a public lottery;

(d) any place (including a place which is owned, occupied, possessed, kept, used, or maintained by any society or any other organisation, body or groups of persons whether or not such society, organisation, body or group is established by or under any law)—

(i) where eight or more persons are gaming;

(ii) where any bankers' game is being played; or

(iii) where gaming is played and for which payment is made by any person to any society, organisation, body or group of persons or any other person as consideration for permitting gaming in such place;”

(c) dengan menggantikan takrif “gaming” dengan takrif yang berikut:

“gaming” with its grammatical variations and cognate expressions means the playing of any game of chance or of mixed chance and skill for money or money's worth and includes the playing of any game specified in Column I of the First and Second Schedules;”

(d) dengan menggantikan takrif ungkapan “instruments or appliances for gaming” dengan takrif yang berikut:

“the expression “instruments or appliances for gaming” includes all articles or part thereof specified in Column 2 of the First and Second Schedules and all articles which are used in or for the purpose of gaming or a lottery;”

(e) dengan menggantikan takrif “Senior Police Officer” dengan takrif yang berikut:

“Senior Police Officer” means any police officer not below the rank of Inspector.”

(2) Subseksyen (2) seksyen 2 Akta ibu adalah dipinda dengan memotong seluruh perenggan (b).

(3) Subseksyen (3) seksyen 2 Akta ibu adalah dipinda dengan menggantikannya dengan subseksyen yang berikut:

“(3) The Minister may from time to time by notification in the *Gazette* delete from, add to, or otherwise amend the First or the Second Schedule.”.

3. Akta ibu adalah dipinda dengan memasukkan selepas seksyen 3, seksyen yang berikut: Seksyen baru 3A.

“Specific game need not be stated or proved.

3A. (1) Where a person is charged for an offence under section 6 or section 7 of this Act it shall be sufficient for the prosecution to merely state that the person charged is found gaming, without having to state the specific game being played.

(2) Where a person is being tried for an offence under section 6 or section 7 of this Act, it shall be sufficient for the prosecution to merely prove that the game being played is a bankers’ game or one of the games specified in the Second Schedule, without having to prove the specific game being played.”.

4. Subseksyen (1) seksyen 4 Akta ibu adalah dipinda dengan menggantikan perkataan-perkataan “twelve months” dengan perkataan-perkataan “two years” dan perkataan-perkataan “five thousand” dengan perkataan-perkataan “twenty thousand”. Pindaan seksyen 4.

5. Seksyen 5 Akta ibu adalah dipinda dengan menggantikan perkataan-perkataan “twelve months” dengan perkataan-perkataan “two years” dan perkataan-perkataan “five thousand” dengan perkataan-perkataan “twenty thousand”. Pindaan seksyen 5.

Pindaan
seksyen 6.

6. Subseksyen (1) seksyen 6 Akta ibu adalah dipinda dengan menggantikan perkataan-perkataan "two hundred and fifty" dengan perkataan-perkataan "two thousand".

Pindaan
seksyen 7.

7. Subseksyen (2) seksyen 7 Akta ibu adalah dipinda dengan menggantikan perkataan-perkataan "two hundred and fifty" dengan perkataan-perkataan "two thousand".

Pindaan
seksyen 8.

8. Subseksyen (1) seksyen 8 Akta ibu adalah dipinda dengan menggantikan perkataan-perkataan "twelve months" dengan perkataan-perkataan "two years" dan perkataan-perkataan "five thousand" dengan perkataan-perkataan "twenty thousand".

Pindaan
seksyen 9.

9. Subseksyen (1) seksyen 9 Akta ibu adalah dipinda dengan menggantikan perkataan-perkataan "two hundred and fifty" dengan perkataan-perkataan "two thousand".

Pindaan
seksyen 11.

10. Seksyen 11 Akta ibu adalah dipinda dengan mengantikannya dengan seksyen yang berikut:

"Presump-
tion against
person
selling
lottery
tickets etc.

11. (1) A person—

(a) selling, offering for sale, giving,
delivering or collecting lottery tickets;

or

(b) found in possession of ten or more—

(i) lottery tickets; or

(ii) counterfoils or duplicates of
lottery tickets;

(c) found in possession of any account,
memorandum, riddle or record of
stakes or wagers in or relating to a
lottery; or

(d) found in possession of a "tikam
board",

shall be presumed until the contrary is proved
to be assisting in a public lottery then in
progress.

(2) A person found in or escaping from a
common gaming house kept or used for the
purpose of a public lottery shall be presumed
until the contrary is proved to be assisting
in a public lottery then in progress.

(3) Where evidence or a certificate is given by a gaming expert that any document produced before the Court is a lottery ticket of any public lottery or is an account, memorandum, riddle or record of stakes or wagers in or relating to any public lottery, the Court shall presume that such a document is a lottery ticket of such public lottery or an account, a memorandum, riddle or record of stakes or wagers in or relating to such public lottery, as the case may be.

(4) Where evidence or a certificate is given by a gaming expert that any article is an instrument or appliance for gaming, the Court shall presume that the article is an instrument or appliance for gaming.

(5) A certificate given under subsection (3) shall, where the prosecution intends to give it in evidence, be served upon the accused not less than fourteen clear days before the commencement of the trial and the certificate shall be admissible without the presence of the maker thereof as witness unless so required—

- (a) by the Court; or
- (b) by the accused, in which case the accused shall give the Public Prosecutor a notice in writing not less than seven clear days before the commencement of the trial.

(6) The Minister may by notification in the *Gazette* appoint any person whether a public officer or not to be a gaming expert in respect of any or all games.”.

11. Subseksyen (1) seksyen 16 Akta ibu adalah dipinda dengan memotong perkataan-perkataan “on oath”.

Pindaan seksyen 16.

12. Seksyen 17 Akta ibu adalah dipinda dengan menggantikan perkataan-perkataan “upon information on oath” dengan perkataan-perkataan “upon written information”.

Pindaan seksyen 17.

Seksyen
baru 20A.

13. Akta ibu adalah dipinda dengan memasukkan selepas seksyen 20, seksyen yang berikut:

"Liability
of office-
bearers, etc.

20A. (1) Without prejudice to any other provision in any written law, where an offence under this Act has been committed, whether or not any person has been convicted in respect thereof, and such an offence has been committed or purported to have been committed by any society, company or firm, every office-bearer of such society and every director of such company and every person managing or assisting in the management of such society, company or firm at the time of the commission of such offence, shall be guilty of such offence and shall be liable to the punishment prescribed therefor, unless he establishes to the satisfaction of the Court that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

(2) Any office-bearer, director, partner and any person managing or assisting in the management of such society, company or firm shall be liable to be prosecuted under this section, notwithstanding that he may not have taken part in the commission of the offence."

Seksyen
baru 23A.

14. Akta ibu adalah dipinda dengan memasukkan selepas seksyen 23, seksyen yang berikut:

"Agent to
secure
evidence.

23A. Notwithstanding any rule of law or the provisions of this Act or any other written law to the contrary, any person or agent found gaming together with the person charged for any offence under this Act shall not be presumed to be unworthy of credit by reason only of his having admitted to abetting the commission of an offence under this Act if his abetment or his attempt to abet or his participation in the gaming is solely for the purpose of securing the evidence against the person charged for the offence."

15. Seksyen 28 Akta ibu adalah dipinda dengan memasukkan perkataan "Third" sebelum sahaja perkataan "Schedule".

Pindaan seksyen 28.

16. Akta ibu adalah dipinda—

(a) dengan memasukkan selepas seksyen 28 dan sebelum Jadual yang ada kepada Akta ibu, Jadual-Jadual baru yang berikut:

Jadual-Jadual.

FIRST SCHEDULE

(Section 2)

BANKERS' GAMES

(1)
Game

(2)
Appliances

1. PAI KOW ...

(a) A set of 32 dominoes

(b) A pai kow table

(c) Dice

(d) Banker marker

(e) A cup and saucer or similar container

2. BELANGKAS ...

(a) A four sided top, the facets of which bear engravings of—

(i) a king crab

(ii) a flower or star

(iii) a fish

(iv) a prawn

respectively

(b) A staking board marked out in four rectangles to correspond with the four facets of the top

(c) A saucer or small dish in which to spin the top

(d) A small bowl or similar article with which to cover the top when spinning

3. CHAP JEE KEE

(a) Twelve Chap Jee Kee tiles (6 marked in red 6 in black) or sets of twelve "Soo Sik" cards, each card corresponding with one tile

(b) A staking board marked with twelve Chap Jee Kee characters

(c) A small box with sliding lid

- | | |
|------|------------|
| (1) | (2) |
| Game | Appliances |
4. FAN TAN ... (a) A quantity of buttons, beads, beans or similar objects
- (b) A staking board of paper, metal or wood which is marked with figures 1, 2, 3 and 4
- (c) A small cover
- (d) A bamboo stick or similar device for counting the buttons, beads, beans or similar objects
5. ROULETTE ... (a) Roulette wheel
- (b) Roulette ball
- (c) Roulette staking board
6. PEK BIN ... (a) A small eight sided top with 8 different characters engraved on the facets of the top
- (b) A staking board marked in accordance with the diagrammatical drawing on the eight sided top
- (c) A saucer or small dish in which to spin the top
- (d) A small bowl or similar article with which to cover the top when spinning
7. HOO HEY HOW ... (a) 3 six-sided dice, each with facets which bear engraving of—
- (i) a fish
- (ii) a prawn
- (iii) a king crab
- (iv) a flower
- (v) a butterfly
- (vi) a beautiful lady
- respectively
- (b) A staking board marked with six squares corresponding to the dice
- (c) A cup and saucer or similar container

- | (1)
Game | (2)
Appliances |
|--------------------------------------|---|
| 8. DADU BELANGKAS MATA | <p>(a) A six-sided top, the facets of which are coloured alternate black and red and bear engravings of—</p> <ul style="list-style-type: none"> (i) one pip—black (ii) a fish—red (iii) two pips—black (iv) a king crab—red (v) three pips—black (vi) a prawn—red <p>(b) a saucer or dish in which to spin the top</p> <p>(c) A small bowl or similar article with which to cover the top when spinning</p> <p>(d) A staking board marked with six symbols of the top</p> |
| 9. DADU KATAK ULAR or DADU KODOK ULO | <p>(a) An eight-sided top, the facets of which are coloured in red and black and bear engravings of—</p> <ul style="list-style-type: none"> (i) a cock—red (ii) four pips—red (iii) a frog—black (iv) three pips—black (v) a centipede—red (vi) five pips—red (vii) a snake—black (viii) six pips—black <p>(b) A saucer and a cup or similar container</p> <p>(c) A staking board marked with the eight symbols of the top</p> |
| 10. DADU MUKA ENAM | <p>(a) A six-sided top with its facets carved or marked with "pips" one to six in number</p> <p>(b) A saucer and a cup or similar container</p> <p>(c) A staking board marked to correspond with the six facets of the top</p> |
| 11. SEE KEE YAH or DAUN EMPAT | <p>(a) Four ivory or bone tiles engraved with the figures 1, 2, 3 and 4 respectively</p> |

- | (1)
Game | (2)
Appliances |
|--|--|
| | (b) A small box with sliding lid just large enough to accomodate one tile |
| | (c) Sets of four cards marked to correspond with the four tiles in use |
| 12. TAI SAI | (a) Tai Sai staking board |
| | (b) Three dice |
| | (c) A cup and saucer or similar container |
| 13. YEW YEE SAM | (a) Three dice |
| | (b) A cup and saucer or similar container |
| 14. TA KAI | (a) Six dice |
| | (b) A bowl |
| 15. SEK POH | (a) Three dice |
| | (b) A Sek Poh staking board |
| | (c) A cup and saucer or similar container |
| 16. SEK CHAI TAN or KOK KOK | (a) Three dice |
| | (b) A staking board |
| | (c) A saucer and a cup or similar container |
| 17. LUK KOW | (a) Three dice |
| | (b) A bowl |
| | (c) A cover |
| 18. SEPAT | (a) Four dice |
| | (b) A bowl |
| | (c) A cover |
| 19. PAKAU or 3 CARD or SAM CHEONG or DAUN TIGA | Playing cards |
| 20. BLACK JACK or TWENTY ONE | Playing cards |
| 21. POH or LIEN POH or EWOK or POK | (a) A table |
| | (b) A staking board |
| | (c) The "Poh Kam" (The Poh Cover) which is an upright box with sliding cover in two pieces made from solid brass |

- | (1)
Game | (2)
Appliances |
|-----------------------------------|---|
| | (d) The "Poh", which is a cube made of bone or wood bearing two Chinese characters in red and black on each of its six facets |
| 22. BACARAT ... | (a) Playing cards
(b) A staking board |
| 23. TING TONG ... | Two similar coins |
| 24. FRENCH BALL or
BOLEK GOLEK | (a) A staking board
(b) A small rubber ball or similar object
(c) A numbered tray which consists of numerals 0 to 9 |
| 25. TAU NGAU ... | Playing cards |

SECOND SCHEDULE

(Section 2)

OTHER GAMES

- | (1)
Game | (2)
Appliances |
|--|-------------------|
| 1. POKER or PHEY or PAIR ... | Playing Cards |
| 2. JIN RUMMY ... | Playing Cards |
| 3. RUSSIAN POKER or SAP SUM
CHEONG or THIRTEEN CARD | Playing Cards |
| 4. TAN ... | Playing Cards |
| 5. TIEW YEE or PANCING IKAN
or MERAH HITAM | Playing Cards |
| 6. MAIN TEROPE ... | Playing Cards |
| 7. RACE ... | Playing Cards |
| 8. TAU NGAU ... | Playing Cards |
| 9. MINTA DAUN ... | Playing Cards |
| 10. MAIN CABUT or MAIN
COLEK or ANGKAT TURUN | Playing Cards |

(b) dengan menggantikan perkataan "SCHEDULE" dalam Jadual yang ada kepada Akta ibu dengan perkataan-perkataan "THIRD SCHEDULE".

HURAIAN

Rang Undang-Undang ini bertujuan meminda Akta Rumah Judi Terbuka 1953.

2. *Fasal 2* bertujuan, antara lain, mengemukakan takrif bagi istilah “judi banker” (“bankers’ game”) dan memperluaskan bidang makna “rumah judi terbuka” (“common gaming house”) supaya termasuk kelab-kelab di mana perjudian lazim dijalankan. Fasal itu juga bertujuan memperluaskan makna istilah “perjudian” (“gaming”) dengan mensenaraikan dalam Jadual-Jadual itu permainan uji nasib atau permainan uji nasib serta kemahiran sekali.
3. *Fasal 3* bertujuan meminda Akta dengan menguntukkan bahawa jika seseorang yang dipertuduh di bawah seksyen 6 atau 7 Akta maka pihak pendakwa hanya perlu menyatakan yang orang itu dijumpai sedang berjudi, tanpa menyatakan jenis judi tertentu yang dimainkannya.
4. *Fasal 4, 5, 6, 7, 8 dan 9* bertujuan menambah penalti yang diperuntukkan dalam Akta.
5. *Fasal 10* bertujuan menggantikan seksyen 11 dengan seksyen baru dan dengan itu memperuntukkan, antara lain, bahawa orang-orang yang dijumpa memiliki “papan tikam” hendaklah dianggap membantu dalam sesuatu loteri awam yang sedang berlangsung ketika itu.
6. *Fasal 11 dan 12* bertujuan meminda seksyen 16 (1) dan seksyen 17 supaya maklumat yang tersebut dalam seksyen 16 (1) dan seksyen 17 tidaklah semestinya maklumat yang diberi dengan angkat sumpah.
7. *Fasal 13* bertujuan mengemukakan seksyen baru yang mengenakan tanggungan jenayah ke atas pemegang-pemegang jawatan bagi mana-mana syarikat, firma atau persatuan sebagai bertanggung atas kesalahan-kesalahan yang dilakukan oleh syarikat, firma atau persatuan itu.
8. *Fasal 14* bertujuan mengemukakan seksyen baru dengan membuat peruntukan mengenai kebolehterimaan keterangan oleh ejen untuk mendapatkan bukti.
9. *Fasal 16* bertujuan mengemukakan dua Jadual di mana jenis-jenis perjudian ada disenaraikan.
10. Pindaan-pindaan lain adalah sama ada pindaan-pindaan yang kecil atau berbangkit sahaja.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan.

[PN. (U²) 1138; PN. (SBKA) 48.]