

CHAPTER 55

BETTING ON HORSE-RACING

Ordinances Nos. 9 of 1930, 29 of 1930, 55 of 1943. AN ORDINANCE FOR THE TAXING OF BETTING ON HORSE-RACING, FOR THE REGISTRATION OF RACE-COURSES, AND FOR EXEMPTING TAXABLE BETS FROM THE PROVISIONS OF THE GAMING ORDINANCE.

[1st August, 1930.]

- Shorttitle. **1.** This Ordinance may be cited as the Betting on Horse-Racing Ordinance.
- Interpretation. **2.** In this Ordinance, unless the context otherwise requires—
- "backer" includes any person who bets at a totalisator;
 - "certificate-holder" means any person to whom a certificate of registration is issued under this Ordinance, and in the case of a certificate issued to the stewards of a racing club, the stewards of the club functioning as such during the continuance of the certificate;
 - "instrument of unlawful betting" means any article or thing used or intended to be used as a subject or means of unlawful betting on a horse-race, or any document used or intended to be used as a register or record or evidence of any unlawful betting on a horse-race;
 - "money" includes a currency note, cheque, postal order or money order and any security for money;
 - "occupier", in relation to any premises, includes any person having the use temporarily or otherwise of the premises and any agent of such person;
 - "owner", in relation to any premises, includes any agent of the owner of the premises;
 - "premises" includes any place or spot, whether open or enclosed, and any ship, boat or other vessel, whether afloat or not, and any vehicle;
 - "prescribed" means prescribed by this Ordinance or by regulations made thereunder;
 - "race-meeting" means a meeting at which one or more horse-races are run, whether exclusively or in conjunction with any other event or events;
 - "racing club" includes a club, association, society, or body of persons, corporate or unincorporate formed for the purpose of promoting horse-races, and for holding, conducting or controlling race-meetings;
 - "registered race-course"* means a race-course registered under the provisions of this Ordinance;
 - "totalisator" means the contrivance for betting known as a totalisator or pari-mutuel or any other machine or instrument of betting of a like nature, whether mechanically operated or not;
 - "unlawful betting", with its grammatical variations and cognate expressions, when used in relation to a horse-race, means making, placing, receiving or negotiating a bet on a horse-race other than a taxable bet.
- 3.** (1) There shall be charged and levied. Taxable bets. at the rate prescribed by or under this Ordinance and in the manner provided by this Ordinance, a tax on bets of not less

than one rupee on any horse-race which is run or proposed to be run at a race-meeting held on a registered race-course, made otherwise than on credit by a person acting on his own behalf, after the prescribed hour on the day on which the race is run, at a totalisator worked by the certificate-holder for the race-course, within a room or place set apart for the purpose under section 7 of this Ordinance.

(2) All such bets are referred to in this Ordinance as "taxable bets".

(3) Any person who—

(a) makes or places a bet on a horse-race other than a taxable bet, or

(b) receives or negotiates a bet on a horse-race other than a taxable bet,

shall be deemed to bet unlawfully on a horse-race and shall be guilty of an offence.

(4) For the purposes of subsection (1), "prescribed hour", when used in relation to a bet made on a horse-race run or proposed to be run at any race-meeting held on a registered race-course on any day, means one hour before the time fixed for the commencement of the first horse-race proposed to be run at that race-meeting on that day.

4. (1) Any person who, being the owner or occupier of any premises—

(a) lets the whole or any part of those premises, knowing or having reason to believe that the whole or any part of the premises is to be kept or used for the purpose of unlawful betting on a horse-race; or

(b) keeps or uses, or knowingly permits any other person to keep or use, the whole or any part of those premises for the purpose of unlawful betting on a horse-race,

shall be guilty of an offence.

(2) For the purposes of subsection (1), any premises shall be deemed to be kept or used for the purpose of unlawful betting on

a horse-race if they are used for such purpose even on one occasion only.

5. Notwithstanding anything contained in the Gaming Ordinance, it is hereby declared that—

(i) no prosecution under that Ordinance shall be instituted or maintained in respect of any taxable bet; and

(ii) the exemptions given by section 21 of that Ordinance shall not be construed so as to apply in the case of any bet made on a horse-race,

6. (1) The stewards of any racing club, or any other person, may apply to the prescribed officer for the registration of any race-course under their or his control, for the purpose of holding a race-meeting or race-meetings thereon.

(2) Every such application shall be made in the prescribed form, and the prescribed officer shall, upon receipt of the application together with the prescribed fee, if any, duly register the race-course or race-courses in respect of which application for registration has been made, and shall issue to the stewards or to the other person making the application a certificate of registration in the prescribed form in respect of each race-course so registered:

Provided that where a certificate so issued has been cancelled under section 14 the prescribed officer may refuse to re-register the race-course in respect of which it had been issued if the application for such re-registration is made by the original certificate-holder or some person associated with him in its control.

(3) Every application under this section by the stewards of a racing club may be made by the secretary of the club for the time being.

7. (1) Where a certificate-holder intends to work one or more totalisators at any race-meeting to be held on the race-course in respect of which his certificate has been issued, he shall inform the prescribed officer

Declarations as to prosecutions and exemptions under the Gaming Ordinance.

Registration of race-course.

Keeping, Ac. of premises for unlawful betting on a horse-race.

Totalisators on registered race-courses.

of his intention, in writing, at least seven days prior to that race-meeting and shall specify the number of totalisators to be worked at that race-meeting and the particular enclosure of such race-course in which each such totalisator is to be worked. The certificate-holder shall set apart in each enclosure of such race-course one or more special rooms or places for each totalisator which he intends to work in that enclosure.

(2) Where at any race-meeting held on any race-course on any day, several enclosures are provided and different rates of fees are charged for admission to the several enclosures, no bet shall be made or accepted on any totalisator in any such enclosure except—

- (a) in a room or place set apart in that enclosure under subsection (1) for the purpose of that totalisator; and
- (b) by or from a person who holds a ticket of admission issued to him by the certificate-holder entitling him to enter that enclosure on that day.

(3) In this section, "enclosure " when used in relation to any race-course, means any enclosure within that race-course to which members of the public are admitted on payment of a fee.

Certificate-holder to keep accounts, and to permit inspection, &c.

8. Every certificate-holder shall keep accounts containing such particulars as the prescribed officer may require, and showing all sums paid by way of taxable bets at every race-meeting held on the registered race-course in respect of which his certificate has been issued, and shall, when required in writing by the prescribed officer, permit him, or any person deputed in writing by him for that purpose, to enter and inspect any such race-course, and to inspect and take copies of such accounts.

Betting tax.

9. (1) On all sums referred to in section 8, there shall be charged and levied a tax payable by the backers, hereinafter referred to as *' the betting tax ", at the rate of three and a half per centum of every such sum, or at such other rate as may be authorized by resolution of Parliament.

(2) The betting tax shall be deducted by the certificate-holder from such sums and shall be retained by him on behalf of the Government, and the certificate-holder shall, at the prescribed time and in the prescribed -manner, forward to the prescribed officer a return showing the totals of all such sums and make over to him the amount of the betting tax payable thereon, and the prescribed officer shall receive the same on behalf of the Government.

10. Every certificate of registration issued under this Ordinance shall be exhibited by the certificate-holder in a prominent place on the race-course in respect of which it has been issued during the whole of every race-meeting held thereon.

Exhibition of certificate of registration.

11. (1) Every certificate-holder or other person who contravenes or fails to comply with any of the provisions of this Ordinance or of any regulation made thereunder shall be guilty of an offence.

Penalty for offences by certificate-holders, and others.

(2) Every person who is guilty of an offence under this Ordinance shall, on conviction of such offence after summary trial before a Magistrate, be liable—

- (a) for a first offence, to a fine not exceeding one thousand rupees, or, in default of payment of such fine, to imprisonment of either description for a term not exceeding one year; and
- (6) for a second or subsequent offence, to a fine not exceeding two thousand rupees or to imprisonment of either description for a term not exceeding two years, or to both such fine and imprisonment.

12. Upon the conviction of any person of an offence under section 3 (3) or section 4, the Magistrate may order that any instrument of unlawful betting produced before the court, and any money so produced which the Magistrate is satisfied was used or intended to be used for the purpose of unlawful betting on a horse-race, be forfeited to the State and may give such directions for the disposal of such instrument or such money as he may deem fit.

Forfeiture by court of instruments of betting, money, &c.

Recovery of betting tax.

, '13.; When any certificate-holder is -convicted of an offence by reason of failure to make over any sum due and payable as betting tax, the Magistrate shall, in addition to any penalty imposed by him, order that the sum so due and payable, or any amount thereof which is outstanding shall be recoverable from the certificate-holder who has been convicted as if it were a fine imposed upon him by a Magistrate's Court, and the same may be recovered accordingly.

for prescribing all matters which may or are to be prescribed.

Cancellation of certificates on conviction.

14. Where a certificate-holder is convicted of an offence against this Ordinance or any regulation made thereunder, the certificate may be forthwith cancelled by the prescribed officer, but such cancellation shall not be deemed to be a penalty within the meaning of section 11.

(2) All regulations made under this Ordinance shall be laid, as soon as conveniently may be, on the table of Parliament at two successive meetings of Parliament, and shall be brought before Parliament at the next subsequent meeting held thereafter by a motion that the said regulations shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said regulations are disapproved by Parliament, such regulations shall be deemed to be rescinded as . from the date of such disapproval, but without prejudice to anything already done thereunder ; and such regulations, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the Gazette.

Offences and other acts by stewards of racing club.

15. (1) When any offence against this Ordinance or any regulation made thereunder is committed by the stewards of a racing club in their capacity as a certificate-holder, the president or chairman of the club, and every officer or steward of the club, shall be guilty of the like offence, unless the act or omission constituting the offence took place without his knowledge or consent'.

17. (1) Where a Magistrate is satisfied Search by information on oath that there is reason warrants. to suspect that any offence against this Ordinance or any regulation made thereunder is being or has been committed, or that there is any document or thing directly or indirectly connected with any such offence, in any premises, he may grant a search warrant authorizing any person named therein to enter at any time, with or without assistants, if need be by force, the said premises and to search the same and any person found therein and to seize and detain any such document or thing, or any instrument of unlawful betting, or any money which the person so authorized reasonably suspects to have been used or intended to be used for the purpose of unlawful betting on a horse-race, and, if he thinks fit, to arrest any person found in or escaping from the premises whom he has reason to suspect is guilty of any such offence.

(2) All acts which, by this Ordinance or by any regulation made thereunder, are required to be done by a certificate-holder, may, when the certificate is held by the stewards of a racing club, be done by the secretary of the club for the time being, on behalf of the stewards.

Regulations.

16. (1) It shall be lawful for the Minister to make regulations for all or any of the following matters or purposes :—

- (a) for prescribing forms to be used for the purposes of this Ordinance;
- (b) for securing the payment of the betting tax;
- (c) for the production and inspection of accounts required to be kept under this Ordinance; and
- (d) generally for carrying into effect the provisions of this Ordinance, and

(2) Where a police officer of or above the rank of Sergeant in charge of a police station has reason to suspect that any such offence is being or has been committed, or that there is any such document or thing, in any premises, and that a search warrant cannot be obtained under subsection (1) without affording the offender an opportunity of escape or of concealing

evidence of the offence, he may, after recording the grounds of his suspicion, exercise all or any of the powers which could have been conferred on him by subsection (1).

Presumptive proof against occupier of premises.

18. Where any premises are entered under the authority of a search warrant issued by a Magistrate under section 17 (1) upon the Magistrate being satisfied that there is reason to suspect that an offence against any section 3 (3) or section 4 is being or has been committed in those premises then—

- (a) if any instrument of unlawful betting is found in those premises or upon any person found therein, or
- (b) if persons are seen or heard to escape therefrom on the approach or entry of any person authorized under such warrant to enter and search such premises, or

- (c) if any person' So authorized is unlawfully prevented from or obstructed or delayed in entering or approaching such premises—

it shall be presumed, until the contrary is proved, that such premises are kept or used for the purpose of unlawful betting on a horse-race and are so kept or used by the occupier thereof.

19. Any person who is found—

- (a) in any premises kept or used for the purpose of unlawful betting on a horse-race; or
- (b) in possession of any instrument of unlawful betting on the occasion of his being searched under this Ordinance,

Presumptive proof of unlawful betting on a horse-race.

shall be presumed, until the contrary is proved, to be guilty of the offence of unlawful betting on a horse-race.