

LOTTERY AND GAMING ORDINANCE 1964.

No. 24 of 1964.

An Ordinance to amend the *Lottery and Gaming Ordinance 1940-1962*.

[Reserved 13th May, 1964.]

[Assented to 2nd July, 1964.]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1962*, as follows:—

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Lottery and Gaming Ordinance 1964*.

(2.) The *Lottery and Gaming Ordinance 1940-1962* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Lottery and Gaming Ordinance 1940-1964*.

Commencement.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†

3. Section four of the Principal Ordinance is repealed and the following section inserted in its stead:—

Parts.

“ 4. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-7).

Part II.—Lotteries (Sections 8-31D).

Part III.—Gaming and Wagering (Sections 32-40).

Part IV.—Common Gaming Houses (Sections 41-67).

Part V.—Control of Racing (Sections 68-71Q).

Part VI.—Dog-racing Meetings (Sections 72-74).

Part VII.—Totalizators and Bookmakers' Permits (Sections 75-94).

Part VIIA.—Betting Control (Sections 94A-94AV).

Part VIII.—Miscellaneous (Sections 95-99).”

* Assent notified in the *Government Gazette* of the Northern Territory on 7th July, 1964 (see *Gazette* No. 26B, 1964, p. 107B).

† The date fixed was 5th August, 1964 (see *Government Gazette* No. 31A of 5th August, 1964, p. 130A).

4. Section six of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

Definitions of house, &c., used in contravention of Ordinance.

“ (3.) Notwithstanding anything contained in sub-section (1.) of this section, where licensed premises, within the meaning of Part VIIA. of this Ordinance, are used for the purpose of betting, as permitted by that Part, those premises are not, by virtue only of that user, deemed to be used as a common gaming house for the purposes of this Ordinance.”

5 Section thirty-four of the Principal Ordinance is amended by inserting after the word “ held ”, in sub-section (1.), the words “ or premises licensed under Part VIIA. of this Ordinance ”.

Betting or wagering prohibited.

6. Section thirty-five of the Principal Ordinance is amended by omitting the words “ eighteen years ” (wherever occurring) and inserting in their stead the words “ twenty-one years ”.

Betting with persons under twenty-one years.

7 Section thirty-seven of the Principal Ordinance is amended by omitting the words “ eighteen years ” and inserting in their stead the words “ twenty-one years ”.

Persons betting with person under twenty-one years.

8. Section thirty-eight of the Principal Ordinance is amended by omitting the words “ eighteen years ” and inserting in their stead the words “ twenty-one years ”.

Money stolen or embezzled and paid in bets is recoverable.

9. Section forty-one of the Principal Ordinance is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

Penalty for keeping gaming houses.

“ (3.) Upon the conviction of any person under this section all moneys, coins, notes, cheques, I O U's or other writings for securing payment of money seized in the house, office, room or place, or found upon any such person, may be forfeited by the Court and paid into the Consolidated Revenue Fund, and all other instruments of gaming so seized or found may be forfeited by the Court and disposed of as the Court before which the offender is convicted thinks fit.”

10. Section forty-six of the Principal Ordinance is amended by omitting paragraph (b) and inserting in its stead the following paragraph:—

Penalty for exhibiting placards, &c., as to betting.

“ (b) publishes in a newspaper, by wireless broadcasting or by any other means, the odds on the result of sports which have not been completed at the time when he so publishes those odds, unless—

(i) he is a bookmaker who is the holder of a permit granted under section ninety-three of this Ordinance and publishes those odds in a manner prescribed on a

licensed race-course on a day on which a race meeting is being held on that race-course, being a meeting conducted by the club by which he was approved for the purpose of being granted the permit; or

- (ii) he is a bookmaker licensed under Part VIIA. of this Ordinance and publishes those odds in the manner prescribed in the premises in respect of which he is so licensed.”.

Betting by persons under twenty-one years.

11. Section eighty-five of the Principal Ordinance is amended by omitting the words “eighteen years” (wherever occurring) and inserting in their stead the words “twenty-one years”.

Bookmakers' permits.

12. Section ninety-three of the Principal Ordinance is amended—

- (a) by omitting the words “eighteen years” and inserting in their stead the words “twenty-one years”; and
(b) by inserting in sub-section (3.) after the word “section” the words “if the permit is in force”.

13. After section ninety-four of the Principal Ordinance the following Part is inserted:—

“ PART VIIA.—BETTING CONTROL.

Definitions.

- “ 94A. In this Part, unless the contrary intention appears—
‘ licence ’ means a licence to conduct the business of a licensed bookmaker, being a licence that is in force under this Part;
‘ licensed bookmaker ’ means a bookmaker licensed under this Part;
‘ licensed premises ’ means a building or part of a building used for the purpose of betting and in respect of which a licensed bookmaker holds a licence under this Part;
‘ official starting price ’ means the odds ascertained to be the official starting price in accordance with rules determined by the Board;
‘ principal club ’ means a racing club prescribed under this Ordinance to be a principal club;
‘ registered bookmaker ’ means a bookmaker who has been approved by a club and to whom a permit has been issued under section ninety-three of this Ordinance;

'tax ticket' means a tax ticket duly stamped under the *Stamp Ordinance* 1917-1958 and issued by the Commonwealth;

'the Board' means the Betting Control Board established under this Part.

" 94B. Nothing in this Part authorizes a licensed bookmaker to accept a bet, or a person to make a bet with a licensed bookmaker, except on an event in the programme of a race meeting held in the Territory or in a State.

Restrictions on betting under this Part.

" 94c.—(1.) For the purposes of this Part there shall be a Betting Control Board.

Betting Control Board.

(2.) The Board is a body corporate with perpetual succession and a common seal and is capable, in its corporate name, of holding and disposing of property and of suing and being sued.

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document and shall presume that it was duly affixed.

(4.) The performance and exercise of the powers, functions, rights, authorities or duties of the Board shall not be affected by reason only of there being a vacancy in the office of a member of the Board.

" 94D.—(1.) The Board shall consist of a Chairman and two other members of whom one shall be the executive member.

Constitution of Board.

(2.) Subject to this section the members of the Board shall be appointed by the Administrator in Council by notice in the *Gazette*.

(3.) The Administrator in Council shall appoint one of the members of the Board to be Chairman of the Board.

(4.) The Chairman and the members of the Board hold office during the pleasure of the Administrator in Council.

(5.) A member of the Board shall be paid such fees, allowances and expenses as are prescribed.

(6.) The executive member shall, in accordance with the decisions and subject to the directions of the Board, administer the affairs of the Board.

" 94E.—(1.) Subject to this section the Board shall meet at such times and places as the Chairman considers necessary for the efficient conduct of its affairs but so that the period between any two successive meetings does not exceed three months.

Meetings of the Board.

(2.) The Chairman shall, within seven days of the receipt of a written request signed by one other member, call a meeting of the Board.

Resignation
and vacation
of office.

“ 94F.—(1.) A member may resign his office by writing under his hand addressed to the Administrator but the resignation is not effective unless and until it has been accepted by the Administrator.

(2.) If a member of the Board—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary or fees for their benefit;
- (b) is absent, except on leave granted by the Board, from three consecutive meetings of the Board;
- (c) has been convicted of an offence punishable under a law of the Commonwealth, or of a State or Territory of the Commonwealth, by death or by imprisonment for one year or longer and, as a result of the conviction, is subject to be sentenced to death or imprisonment, is under sentence of death or is undergoing imprisonment; or
- (d) is of unsound mind,

the Administrator shall by notice in the *Gazette* declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

Annual
report.

“ 94G.—(1.) The Board shall, as soon as practicable after the thirtieth day of June in each year, prepare and furnish to the Administrator a report on the operations of the Board during the year ending on that date, together with financial accounts in respect of that year in such form as the Administrator approves.

(2.) The Board shall furnish to the Administrator such other reports, and such documents and information relating to the operations of the Board, as the Administrator requires.

The Board
to maintain
bank account.

“ 94H.—(1.) The Board shall open an account or accounts with the Reserve Bank of Australia or such other bank as the Treasurer approves.

(2.) The Board shall pay into an account opened in accordance with the last preceding sub-section all moneys

appropriated for the purpose of enabling it to exercise its powers and perform its functions under this Part and paid by the Commonwealth to the Board.

“ 94J.—(1.) The Board shall, out of moneys standing to the credit of an account referred to in the last preceding section, pay— Expenditure
of revenue.

- (a) the fees, allowances, salaries and expenses payable under this Ordinance to members of the Board, and the salaries payable to persons employed by the Board; and
- (b) all other expenses and outgoings incurred by the Board in carrying out its functions or exercising its powers under this Part.

(2.) The Board may employ such persons as appear to it to be necessary for the performance of its functions or the exercise of its powers under this Part and, subject to any law in force in the Territory, may determine the terms and conditions of employment of those persons.

“ 94K.—(1.) The accounts of the Board are subject to audit and inspection by the Auditor-General of the Commonwealth. Accounts.

(2.) The Auditor-General, or an officer authorized by him, is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Board relating directly or indirectly to the receipt or payment of moneys by the Board or to the acquisition, receipt, custody or disposal of assets by the Board.

(3.) Subject to the next succeeding sub-section, there is payable by the Commonwealth to race clubs in each financial year, out of moneys legally available for the purpose, an amount equal to one-half of the prescribed revenues of the Commonwealth in the preceding financial year.

(4.) The amount payable to race clubs under the last preceding sub-section shall be divided among such registered clubs, within the meaning of Part V. of this Ordinance, and in such proportions as the Administrator in Council, after consideration of the recommendations of the Board, determines.

(5.) For the purposes of sub-section (3.) of this section, the prescribed revenues of the Commonwealth in a financial year shall be ascertained by deducting from the sum of the fees

paid to the Commonwealth in the financial year under section ninety-four M or section ninety-four S of this Ordinance and the stamp duty paid in that financial year in respect of tax tickets the sum of—

- (a) any fees refunded under section ninety-four P of this Ordinance in that financial year;
- (b) the moneys paid by the Commonwealth to the Board in that financial year; and
- (c) an amount equal to the expenses of the Commonwealth arising out of the exercise of its powers and the performance of its functions under this Part, including the expenses arising out of the printing, stamping and issuing of tax tickets to licensed bookmakers and registered bookmakers.

Districts.

“ 94L. The Administrator in Council may by notice in the *Gazette* declare a part of the Territory to be a district for the purposes of this Part.

Applications for licences under this Part.

“ 94M.—(1.) A person may apply for a licence under this Part to conduct the business of a licensed bookmaker in a district specified in the application.

(2.) An application under this section shall be—

- (a) in respect of premises in the district which have been approved by a member of the Police Force in charge of a Police Station in the area as suitable for the purpose, not being premises within the immediate vicinity of—

- (i) any premises licensed under the *Licensing Ordinance* 1939-1962 except premises in respect of which a storekeeper's licence is held; or

- (ii) a place of divine worship or school; and

- (b) accompanied by—

- (i) such evidence as the Board requires of the applicant's financial ability to carry on the business of a licensed bookmaker; and

- (ii) references from three householders in the district as to the personal character of the applicant,

and shall state that the application is made on behalf of the applicant and for his sole benefit or on behalf of and for the benefit of himself and other persons whose names and addresses

and the extent of whose interest in the business in respect of which the application is made shall also be set out in the application.

(3.) A person shall be deemed not to have duly applied for a licence unless he has paid to the Commonwealth, in respect of the application, a fee of Two hundred and fifty pounds, and has furnished to the Board the receipt issued by the Commonwealth in respect of that payment.

“ 94N.—(1.) The Board shall not grant a person a licence unless the person has given security to the Board, in a prescribed manner, in an amount or to a value determined by the Board, being an amount or value not less than One thousand pounds and not greater than Five thousand pounds, for payment of all bets accepted by the person in his capacity of a licensed bookmaker that are winning bets.

Security may be required.

(2.) If the Board is satisfied that a licensed bookmaker has refused or omitted to pay a winning bet it may pay that bet from any moneys received by it under and in accordance with any security held by it under this section.

“ 94P.—(1.) The Board may in its absolute discretion grant or refuse a licence applied for under this Part.

Board may grant licences.

(2.) A licence is subject to the conditions (if any) which are stated in the licence.

(3.) Where a licence is granted to a person who has applied for the licence on behalf of and for the benefit of himself and other persons the licence shall contain an endorsement of the names and addresses of the persons other than the licensed bookmaker in respect of whom and for whose benefit the licence is granted.

(4.) Where a licence is endorsed under the last preceding sub-section a person whose name is not endorsed on the licence shall not without the approval of the Board acquire or hold any interest in or derive any benefit from the business carried on by the licensed bookmaker.

Penalty: Five hundred pounds or imprisonment for twelve months.

(5.) Where the Board refuses to grant an applicant a licence, the Board shall give notice of the refusal to the applicant in writing and the applicant may request the Administrator to review that refusal.

(6.) A request under the last preceding sub-section shall—

(a) be in writing;

(b) state the grounds of the request; and

(c) be lodged with, or served by post, on the Administrator within fourteen days after notice of the refusal is given to the applicant.

(7.) The Administrator, after consideration of the grounds stated in the request, the application made for the licence and any information furnished in support of that application, and after making any further inquiries as he thinks fit, may direct the Board to grant the licence or confirm the refusal of the Board to grant the licence.

(8.) The decision of the Administrator under the last preceding sub-section is final.

(9.) Where the Administrator directs the Board to grant the applicant a licence, the Board shall comply with the direction.

(10.) The fee payable in respect of an application for a licence shall be repaid to the applicant—

- (a) if the applicant withdraws his application before a licence is granted to him;
- (b) if the Board refuses to grant the applicant a licence and the applicant does not, within the prescribed time, request the Administrator to review the decision of the Board; or
- (c) if the Administrator, upon reviewing the decision of the Board, confirms the refusal to grant the applicant a licence.

Limitation
on number of
licences.

“ 94Q.—(1.) In respect of a district in which the Board is satisfied that the population is less than two thousand persons the Board may issue not more than two licences under this Part to approved applicants.

(2.) In respect of a district in which the Board is satisfied that the population is not less than two thousand persons the Board may issue additional licences to approved applicants but so that the total number of licences issued does not exceed by more than one the number of thousands of persons in the district.

Cancellation
of licences.

“ 94R.—(1.) The Board may at any time cancel a licence issued under this Part if it is satisfied—

- (a) that the licensed bookmaker has committed an offence against this Ordinance or has failed to perform a duty required of him by this Ordinance;
- (b) that the licensed bookmaker has failed to pay, within three days after having been required by the Board to do so, any bets accepted by him that are winning bets;

- (c) that the licensed bookmaker has entered into an arrangement with any person under which that other person derives or is entitled to derive any benefit or advantage, unless that other person is a person whose name is endorsed on the licence as provided by sub-section (3.) of section ninety-four P of this Ordinance or unless the arrangement has been approved by the Board;
- (d) that the licensed bookmaker has acquired or become interested in premises licensed under the *Licensing Ordinance* 1939-1962;
- (e) that the licensed bookmaker is not a fit and proper person to continue to hold a licence; or
- (f) that the licensed bookmaker has failed to comply with a condition of his licence.

(2.) Where a court, pursuant to a power conferred on it under this Part, orders that a licensed bookmaker deliver up his licence to the Board for cancellation, the Board, upon the delivery up of the licence, shall cancel it.

(3.) Where the Board cancels the licence of a bookmaker, the Board shall inquire whether all bets accepted by the bookmaker that are winning bets have been paid by him, and—

- (a) if it is satisfied that all such bets have been paid—shall vacate the security that it holds under section ninety-four N of this Ordinance in respect of the bookmaker; or
- (b) in any other case—shall realize that security and divide the proceeds, in accordance with the regulations made under this Ordinance, among the persons who made those winning bets.

“ 94s.—(1.) A licence granted under this Part is in force for twelve months and may be renewed by the Board from time to time for a further period not exceeding twelve months.

Renewal of licences.

(2.) A renewal of a licence under this Part may be upon the conditions of the original licence or, if the Board so determines, on different conditions.

(3.) The fee for a renewal of a licence shall be Two hundred and fifty pounds.

“ 94t. A licence under this Part shall not be granted to any person who—

- (a) is under the age of twenty-one years;
- (b) holds a licence under the *Licensing Ordinance* 1939-1962;
- (c) is not a British subject; or

Persons to whom licence under this Part may not be granted.

- (d) holds a licence under this Part or has an interest of any kind whatsoever in any business of book-making conducted by a person who holds a licence under this Part.

Determination
of official
starting
price.

“94U.—(1.) The Board may make rules for the determining of an official starting price and a licensed bookmaker shall ascertain in accordance with those rules the official starting price in respect of each race in respect of which he has accepted a bet otherwise than at odds stated on a tax ticket and shall pay winning bets at that official starting price.

(2.) The rules made by the Board shall provide that, notwithstanding that the official starting price determined in accordance therewith exceeds the odds of twenty-five to one, the maximum odds at which a licensed bookmaker is liable to pay a winning bet accepted otherwise than at odds stated on the tax ticket shall be twenty-five to one.

Bets placed
with licensed
bookmakers.

“94v.—(1.) A licensed bookmaker shall record in a book kept by him for the purpose all bets placed with him in the order in which they are accepted.

(2.) With respect to every bet accepted by a licensed bookmaker he shall make out in duplicate a tax ticket whether or not the person placing the bet is present on the licensed premises at the time of the acceptance of the bet.

(3.) Where a person placing a bet is present on the licensed premises at the time of placing the bet the licensed bookmaker shall deliver to that person the original of the tax ticket and shall retain the duplicate copy.

(4.) Where a person placing a bet is not present on the licensed premises at the time of placing the bet the licensed bookmaker shall, unless the person placing the bet demands at any time the delivery of the original of the tax ticket to him, retain in his possession both the original and the duplicate of the tax tickets.

(5.) A licensed bookmaker who contravenes or fails to comply with a provision of this section is guilty of an offence and, upon his conviction—

- (a) he is punishable by a fine not exceeding Five hundred pounds or imprisonment for a term not exceeding twelve months, or both; and
- (b) the Court recording the conviction shall order him to deliver up his licence to the Board for cancellation, unless the Court is satisfied that the offence was committed through inadvertence.

“ 94w. The Commonwealth shall, upon application by a licensed bookmaker or registered bookmaker and upon payment of the stamp duty payable on them, issue to the bookmaker tax tickets for use under this Ordinance.

Tax tickets.

“ 94x.—(1.) A licensed bookmaker shall not, except with the approval of the Board—

Licensed bookmakers not to do certain things.

- (a) enter into a partnership with respect to the betting business carried on under his licence with a person whose name is not endorsed upon his licence;
- (b) make an arrangement or enter into an agreement with a person whereby that person becomes entitled to a share in the profits of that business;
- (c) borrow money except from a recognized banking corporation for use in that business; or
- (d) lay off any bet with a person unless that person is a licensed or a registered bookmaker.

Penalty: Five hundred pounds or imprisonment for twelve months.

(2.) An approval of the Board given under the last preceding sub-section may be given generally with respect to all transactions of a type specified in the approval or specially with respect to a particular transaction.

“ 94y. A licensed bookmaker or a registered bookmaker shall not accept a bet unless he complies with the provisions of this Part which are applicable to him.

Bookmakers to comply with this Part.

Penalty: Two hundred pounds or imprisonment for six months.

“ 94z. A registered bookmaker shall record every bet accepted on a tax ticket.

Record of bets.

“ 94AA.—(1.) A person shall not bet with or offer to bet with a person who is not a licensed bookmaker or a registered bookmaker.

Betting must be with licensed or registered bookmakers.

(2.) A person who is not a licensed bookmaker or a registered bookmaker shall not accept a bet from any person.

Penalty: One hundred pounds or imprisonment for three months.

“ 94AB.—(1.) A licensed bookmaker may accept a bet at odds agreed upon between himself and the person offering to bet and in that case the odds so agreed upon shall be specified on the tax ticket recording the bet.

Odds to be on tax ticket.

(2.) Where no odds are recorded on the tax ticket recording the bet, the bet shall be deemed to have been accepted at the official starting price.

“94AC.—(1.) A licensed bookmaker shall not have or permit or suffer to be on his licensed premises any intoxicating liquor.

Intoxicating liquor on licensed premises prohibited.

Penalty: Five hundred pounds or imprisonment for twelve months or both and in addition the Court recording the conviction shall order the licensed bookmaker to deliver up his licence to the Board for cancellation.

(2.) No person shall take on to any premises licensed under this Part or have in his possession on those premises intoxicating liquor of any sort.

Penalty: One hundred pounds or imprisonment for three months.

“94AD. A licensed bookmaker shall not take or receive a bet except upon premises in respect of which he holds a licence or on a licensed race-course whilst there is in progress a race meeting at which he is lawfully operating as a registered bookmaker.

No betting except on licensed premises.

Penalty: One hundred pounds or imprisonment for six months.

“94AE.—(1.) Subject to this section, premises in respect of which a licensed bookmaker holds a licence may be open for the purpose of betting between the hours of nine o'clock in the morning and six o'clock in the afternoon on any day on which a race meeting is held in any capital city or in the Northern Territory of Australia.

Times during which licensed premises may be open for betting.

(2.) Premises licensed under this Part shall be closed—

- (a) on every Sunday, Christmas Day and Good Friday; and
- (b) after noon of any day on which a registered racing club holds a meeting within fifty miles of the premises.

(3.) Any licensed bookmaker whose premises are open in contravention of the last preceding sub-section is guilty of an offence.

Penalty: One hundred pounds or imprisonment for three months.

“94AF. A licensed bookmaker shall not on premises in respect of which he holds a licence—

- (a) permit any game of chance or skill to be played or have or permit on the premises any gaming machine or device; or

Gaming, &c., prohibited on licensed premises.

- (b) permit any person to be present who is—
(i) under the age of twenty-one years; or
(ii) under the influence of alcohol.

Penalty: One hundred pounds or imprisonment for three months.

“ 94AG.—(1.) Where a person offers to bet with a licensed bookmaker on any event in the programme of a race meeting conducted on a day on which the licensed premises may be open under this Part in a sum not exceeding Five pounds in respect of any one horse or pony the licensed bookmaker shall accept the bet.

Licensed bookmaker required to accept bets offered.

(2.) A licensed bookmaker, on being required to accept a bet in accordance with the last preceding sub-section, is not required to accept the bet except at the official starting price.

(3.) A licensed bookmaker who fails to comply with the provisions of this section is guilty of an offence.

Penalty: One hundred pounds or imprisonment for three months.

“ 94AH. A licensed bookmaker shall not use his licensed premises for any purpose other than conducting a betting business in accordance with this Ordinance.

Licensed premises to be used only for betting.

Penalty: One hundred pounds or imprisonment for three months.

“ 94AJ. A licensed bookmaker shall not call or permit any person to call upon his licensed premises or in the vicinity of those premises any odds upon which he offers to receive any bet.

Calling odds prohibited.

Penalty: Fifty pounds.

“ 94AK. A licensed bookmaker shall not on his licensed premises—

Use of musical instruments, broadcasting appliances, betting board, &c., prohibited on licensed premises.

- (a) use or permit the use of musical instruments;
(b) use or permit the use of an appliance capable of being used for receiving broadcast programmes, or for reproducing or increasing the volume of sound, unless the volume of sound emitted by the appliance is so controlled that it does not constitute an annoyance to persons outside the premises; or
(c) display or cause or permit to be displayed any instrument of gaming or betting boards so as to be visible to persons outside those premises.

Penalty: Fifty pounds.

Loitering, &c.,
prohibited.

“ 94AL. A person shall not—

- (a) loiter in the immediate vicinity of any licensed premises; or
- (b) place a bet for any person under the age of twenty-one years or under the influence of intoxicating liquor.

Penalty: For a first offence Five pounds and for a second and any subsequent offence Fifty pounds.

Legal
proceedings
in respect
of bets.

“ 94AM.—(1.) Subject to this section a person shall not take any proceeding for the recovery of or with respect to or arising out of any bet or wager.

(2.) Where a dispute occurs between a licensed bookmaker or a registered bookmaker and any person with respect to—

- (a) whether or not a bet has been made or accepted;
- (b) the amount of a bet;
- (c) the odds at which a bet has been made or accepted;
- (d) the odds at which a winning bet is payable,

the dispute shall be referred by the licensed bookmaker or the registered bookmaker and may be referred by the other party to the dispute to the Board.

(3.) Where a dispute has been referred to the Board under this section the Board may—

- (a) summon the parties to the dispute to appear and to give evidence before it;
- (b) take evidence from other persons relating to the dispute; and
- (c) require a party to the dispute to produce any books, accounts, tickets or other documents or papers which in the opinion of the Board ought to be examined in order to determine the dispute.

(4.) The Board shall hear and determine all disputes referred to it under this section.

(5.) Where a party to a dispute who has been summoned to attend before the Board fails without reasonable excuse to attend before the Board, the Board shall determine the dispute in favour of the other party.

(6.) The determination by the Board of a dispute referred to it under this section shall be final and conclusive and no legal proceedings shall be taken with respect to any moneys due or alleged to be due under the bet or arising out of, or in connexion with, the bet.

(7.) In determining a dispute under this section the Board is not a judicial body and shall not be bound by any law or rule of procedure or evidence but may inform itself of the facts necessary to determine the dispute in any manner which it thinks fit.

“94AN.—(1.) Upon complaint in writing made to a Special Magistrate or Justice of the Peace that a person by excessive betting has impoverished, or is likely to impoverish, himself to such a degree as to expose to want, or endanger the welfare or happiness of, himself or his family, the Magistrate or Justice shall issue a summons calling upon that person to appear at a time and place to be therein named, and to show cause why an order should not be made forbidding that person to bet with any licensed or registered bookmaker.

Orders
forbidding
impoverished
persons to bet.

(2.) At the time and place named in the summons, a Special Magistrate, or two Justices of the Peace may—

- (a) investigate the matters contained in the complaint, and hear the evidence adduced in support thereof, and also the evidence (if any) of the person complained against, and of any witnesses called on his behalf;
- (b) summon any licensed or registered bookmaker to give evidence of the matters complained of;
- (c) adjourn the investigation from time to time; and
- (d) upon proof to his or their satisfaction of the facts alleged in the complaint, make an order forbidding that person to bet with any bookmaker for any period not exceeding one year from the date of the order.

(3.) A licensed or registered bookmaker after receiving notice of an order made under the last preceding sub-section shall not accept a bet from the person named therein.

Penalty: Twenty-five pounds.

(4.) A person in respect of whom an order is in force shall not bet with a licensed or registered bookmaker or loiter about or enter any licensed premises or race-course.

Penalty: Twenty-five pounds.

(5.) An order made under this section may be revoked by a Special Magistrate or any two Justices of the Peace.

(6.) All proceedings under this section shall be held *in camera*.

Assisting person under prohibition order to bet forbidden.

"94AP. Whenever an order has been made under subsection (2.) of the last preceding section no person having knowledge of the order shall assist the person named in that order in laying, procuring or obtaining a bet with a registered or licensed bookmaker.

Penalty: Fifty pounds.

Liability of bookmaker's employee.

"94AQ.—(1.) Where an employee of a registered or licensed bookmaker by act or omission related to the business of the registered or licensed bookmaker as a registered or licensed bookmaker commits an offence against this Ordinance, the registered or licensed bookmaker and the employee shall be severally liable in respect of the offence.

(2.) In a prosecution of a registered or licensed bookmaker for an offence against this Ordinance with respect to an act or omission of his employee it is not a defence—

- (a) that the defendant had no knowledge of the act or omission of the employee; or
- (b) that it was not the intention of the defendant that the employee should do the act or make the omission.

Absence of bookmaker.

"94AR. A licensed bookmaker shall not have his licensed premises open for business on any day when he is not in attendance to supervise the conduct of the business.

Penalty: One hundred pounds.

Inspection of licensed premises.

"94AS. A member of the Police Force or of the Board may at any time of the day or night enter upon or inspect any licensed premises and any books or documents on those premises.

Power to remove person below age, intoxicated or under prohibition order.

"94AT. A member of the Police Force may remove a person from licensed premises if that person is on those premises in contravention of this Ordinance.

Obstruction of a member of the Police Force.

"94AU. A person shall not obstruct any member of the Police Force or of the Board in the carrying out or discharging of any function, duty or power under this Ordinance.

Penalty: One hundred pounds or imprisonment for three months or both.

False or misleading statements in applications, &c., forbidden.

"94AV. A person shall not in any application, return or other document made or furnished under this Part, or the regulations, make any statement which is false or misleading in any particular.

Penalty: Five hundred pounds or imprisonment for twelve months or both and in addition the Court recording the conviction shall if the person convicted is a licensed bookmaker under this Part order the person convicted to deliver up his licence to the Board for cancellation.”

14. Section ninety-nine of the Principal Ordinance is amended by inserting after paragraph (q) the following paragraphs:— Regulations.

“ (qa) the time within which, and manner in which, claims may be made to the Board in cases where a bet that is a winning bet has not been paid by the licensed bookmaker who accepted it to the person who made the bet with him;

“ (qb) the realization of securities given by a licensed bookmaker and the division of the proceeds of the realization among the persons who made with the bookmaker bets that are winning bets and have not been paid to those persons;”
