



LAWS OF MALAYSIA

REPRINT

Act 384

POOL BETTING ACT 1967

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

POOL BETTING ACT 1967

First enacted	1967 (Act No. 72 of 1967)
Revised	1989 (Act 384 w.e.f. 21 September 1989)

PREVIOUS REPRINT

<i>First Reprint</i>	2001
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LAWS OF MALAYSIA

Act 384

POOL BETTING ACT 1967

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LAWS OF MALAYSIA**Act 384****POOL BETTING ACT 1967**

An Act to provide for the issue of a licence or the establishment of a Board for the operation or promotion of pool betting and for matters incidental thereto.

[1 November 1967]

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

Short title and application

1. (1) This Act may be cited as the Pool Betting Act 1967.
- (2) This Act shall apply throughout Malaysia.

Interpretation

2. In this Act, unless the context otherwise requires—

“agency” includes subagency;

“agent” means an agent licensed under an approved scheme and includes a subagent so licensed;

“approved scheme” means a scheme for the operation, promotion or management of totalisator for pool betting or of pool betting as such, the collection of pool betting and the establishment of pool betting agencies for the time being approved by the Minister pursuant to section 16;

“Board” means the Board established under section 6;

“licensee” means the person issued with a licence under section 5;

“Minister” means the Minister of Finance;

“pool betting” means a bet made by means of a totalisator situated in or outside Malaysia in respect of any prescribed event;

“prescribed event” means football matches or a series of such matches held in or outside Malaysia and any other event in respect of which it is prescribed under this Act that totalisator investments may be received;

“totalisator” means the contrivance for betting known as the totalisator or parimutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

Presumption of pool betting

3. (1) For the purposes of this Act, any bet shall be deemed to be made by way of pool betting unless it is a bet at fixed odds and in particular bets shall be held to be made by way of pool betting wherever a number of persons make bets—

- (a) on terms that the winnings of such of those persons as are winners shall be, or be a share of, or be determined by a reference to, the stake money paid or agreed to be paid by those persons, whether the bets are made by means of a totalisator or by filling up and returning coupons or other printed or written forms, or otherwise howsoever; or
- (b) on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible in any proportion among such of those persons as are winners; or
- (c) on the basis that the winners or their winnings shall, to any extent, be at the discretion of the licensee or the Board by his or its own operation or promotion of pool betting, or by his or its operation or promotion with an operator or promoter outside Malaysia as may be authorized in accordance with this Act.

(2) A bet is a bet at fixed odds within the meaning of this section only if each of the persons making it knows or can know at the time he makes it, the amount he will win, except in so far as that amount is to depend on the result of the event or events betted on, or on any event taking place or producing a result or on the numbers taking part in any such event or on the starting prices or totalisator odds for any such event or there being totalisator odds on any such event or on the time when his bet is received by any person with or through whom it is made.

In this subsection—

- (a) the expression “starting prices” in relation to any event means the odds ruling at the scene of the event immediately before the start; and
- (b) the expression “totalisator odds” in relation to football matches or such other prescribed events, the odds made by means of a totalisator at the scene of the matches or events as the case may be.

(3) Where payments are made for the chance of winning any money or moneys worth on terms under which payers have a power of selection which may directly or indirectly determine the winner, then, for the purposes of this Act those payments shall be treated as debts notwithstanding that the power is not exercised.

Pool betting duty

4. (1) There shall be charged on every bet made by way of pool betting being a bet wherever made to the licensee or the Board in respect of pool betting a duty to be known as the pool betting duty.

(2) The pool betting duty shall be such amount as may be prescribed by the Minister.

(3) The pool betting duty shall be paid in the case of bets received by the licensee, the Board or agents.

(4) For the purpose of the pool betting duty, any payment which entitles a person to make a bet by way of pool betting shall, if he makes the bet, be treated as stake money on the bet, and this subsection shall apply to any payment entitling a person to take part in a transaction which is, on his part only not a bet made by

way of pool betting by reason of his not in fact making any stake as if the transaction were such a bet, and the transaction shall accordingly be treated as a bet for the purpose of the pool betting duty.

Licence

5. (1) Unless there is established a Board under section 6, the Minister may issue a licence to a person for the collection, operation or promotion of pool betting.

(2) The Minister may refuse to issue or renew a licence to any person without assigning any reason and his decision shall be final.

(3) A licence issued under subsection (1)—

- (a) shall be in such form as the Minister may think fit;
- (b) shall be subject to the payment of such fee for its issue or renewal as may be prescribed;
- (c) shall be valid for one calendar year only and may be renewed from year to year from the date of expiration of the licence;
- (d) shall be subject to such conditions or restrictions as the Minister may impose from time to time or during the currency of the licence;
- (e) may be revoked by the Minister during the currency of the licence without assigning any reason.

(4) After such date as the Yang di-Pertuan Agong may direct the Minister shall not issue or renew any licence under this section.

Establishment of the Board

6. (1) For the purposes of operating, promoting or managing pool betting and for the other purposes of this Act, the Yang di-Pertuan Agong may establish a Board by such name as may be prescribed.

(2) The Board shall have perpetual succession and a common seal and may sue and be sued in its name and, subject to and for the purposes of this Act, may enter into contracts and acquire,

purchase, take, hold and enjoy movable and immovable property of every description and may convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of or deal with any movable or immovable property or any interest therein vested in the Board upon such terms as the Board may think fit.

Members of the Board

7. (1) The Board shall consist of not more than ten members whom the Minister may appoint by name or office.

(2) The members of the Board shall, subject to this Act, be appointed to hold office for such term, not exceeding three years, as the Minister may determine upon making the appointment:

Provided that the Minister may determine the office of any members without assigning any reason.

(3) A member of the Board shall be eligible for reappointment.

(4) If any member of the Board—

- (a) is absent without the permission of the Board from four consecutive meetings of the Board;
- (b) becomes bankrupt or compounds with his creditors;
- (c) is convicted of any offence by a court of law in Malaysia and sentenced to imprisonment for a term of not less than one year, and has not received a free pardon;
- (d) becomes insane;
- (e) accepts or holds any office of profits under the Board or is directly or indirectly concerned in any contract with the Board or participates in or drives or is entitled to any benefit either directly or indirectly from any work done or to be done for or goods supplied to or to be supplied to the Board;
- (f) resigns; or
- (g) dies;

his seat shall thereupon become vacant, and every such vacancy shall be deemed to be an extraordinary vacancy.

(5) On the occurrence of any vacancy in the office of a member of the Board a person shall be appointed pursuant to this Act to fill the vacancy; and any person appointed to fill an extraordinary vacancy shall, subject to this Act, hold office for the remainder of the term of office of the person in whose place he is appointed.

(6) The Minister may appoint such public officers as are necessary to take part in the proceedings of the Board and any Committee thereof, but such officers shall have no votes in any such proceedings.

Chairman of the Board

8. (1) The Chairman of the Board shall be appointed by the Minister from amongst members of the Board.

(2) The Chairman shall vacate his office if he ceases to be a member of the Board.

(3) Any vacancy occurring in the office of Chairman shall be filled by the appointment of a member of the Board.

(4) A person ceasing to be Chairman of the Board shall be eligible for reappointment as Chairman.

(5) At any meeting of the Board—

- (a) held during any vacancy in the office of Chairman; or
- (b) at which the Chairman is not present,

a member elected for that purpose from amongst members present at the meeting shall act as Chairman of the meeting and may exercise the powers conferred on the Chairman.

Procedure, etc., of the Board

9. (1) The quorum of the Board shall be a majority of members appointed to the Board but subject thereto the Board may act notwithstanding any vacancy in its number.

(2) All questions at the meeting of the Board shall be determined by a majority of the members personally present and voting; and each present shall be entitled to cast one vote, and in the event of an equality of votes the member presiding shall have a second or casting vote.

(3) Except as provided in this Act, the Board may regulate its proceedings in such manner as it thinks fit.

(4) Members of the Board shall not be entitled to any remuneration but may be paid by the Board allowances in respect of such matters and at such rates as may from time to time be fixed by the Board with the approval of the Minister.

(5) The Board may invite any person to attend meetings of the Board and to take part in proceedings of the Board, but such person shall not be entitled to vote in such proceedings.

Officers, agents, *etc.*, of the Board

10. (1) The Board may appoint such officers, agents and employees as it deems necessary for the efficient carrying out of its functions under this Act.

(2) Except in accordance with and subject to the provisions of an approved scheme, the Board shall not make or agree to make to any officer, agent or employee of the Board any payment by way of commission, fee, reward or other remuneration which is calculated or determined or affected by reference, directly or indirectly, to the amount of any totalisator investment or pool betting received by the Board or by that officer, agent or employee on behalf of the Board.

(3) Section 31 of the Contracts Act 1950 [*Act 136*] and subsections 26(1) and (2) of the Civil Law Act 1956 [*Act 67*] (which relates to agreements by way of gaming and wagering) shall not apply to any contract or agreement between the Board and any officer, agent or employee of the Board.

(4) The provisions set out in the preceding subsection and subsection 26(4) of the Civil Law Act 1956 shall not apply—

(a) to any contracts or agreements made by the Board;

(b) to any moneys due by or to the Board in connection with or arising out of the operation, promotion, management of a totalisator for pool betting, collection of pool betting or pool betting agency in accordance with an approved scheme by the Board or any officer, agent or employee of the Board duly authorized to so act.

Contracts of the Board

11. (1) Any contract which, if made between private persons—

- (a) must be by deed shall, when made by the Board, be in writing under the common seal of the Board;
- (b) must be in writing signed by the parties to be charged therewith shall, when made by the Board, be either in writing under the common seal of the Board or in writing signed by any person acting on behalf and under the express or implied authority of the Board;
- (c) may be made orally, in the case of any contract (other than a contract involving the payment by the Board of any sum in excess of two hundred and fifty ringgit) be similarly made by any person acting on behalf of and under the express or implied authority of the Board.

(2) Notwithstanding anything in subsection (1), no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in the manner provided by this section, if it was made pursuant to or to give effect to a resolution of the Board.

(3) Nothing in this section shall be construed to limit the powers of the Board with respect to the acceptance or receipt of totalisator investments or pool betting in accordance with an approved scheme and any rules or regulations under this Act.

Borrowing powers of the Board

12. With the approval of the Minister the Board may borrow moneys, whether by way of mortgage, charge, overdraft or otherwise, and may charge all or any of its movable or immovable property, whether present or future, in such manner as it thinks fit.

Audit

13. (1) The Board shall appoint one or more auditors who shall, throughout the year, inspect and examine the accounts of the Board.

(2) The appointment of any person as auditor under subsection (1) shall require the prior approval of the Minister.

(3) An auditor appointed under this section shall on or before the thirtieth day of June in each year submit to the Board and the Minister an annual report on the accounts of the Board in respect of the preceding year, and shall in his report draw attention to all cases in which it shall appear to him that this Act or of any approved scheme or rules or regulations made thereunder have not been complied with.

Rules of the Board

14. The Board may from time to time make rules, not inconsistent with this Act or any approved scheme or regulations made thereunder, for all or any of the following purposes:

- (a) regulating its own procedure and the conduct of its meetings;
- (b) providing for the custody of its property and the use of its common seal;
- (c) prescribing the duties of its officers, agents and employees;
- (d) with the approval of the Minister, controlling the admission of persons to any totalisator for pool betting and any premises where pool betting is operated, promoted, managed or collected, and providing for the exclusion from any such agency of any specified class or description of persons, either absolutely or subject to such conditions as may be prescribed;
- (e) such other purposes as the Board may consider necessary or expedient for the operation of any approved scheme or for carrying out the functions of the Board.

Report of the Board

15. The Board shall, as soon as practicable after the end of each year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Board during the preceding year, and containing such information relating to the finances and policy of the Board as the Minister may from time to time direct.

Schemes

16. (1) The Board shall not later than a day to be appointed in that behalf by the Minister by notice in writing addressed to the

Chairman of the Board submit to the Minister for his approval a scheme for the operation, promotion or management of a totalisator for pool betting, or of pool betting as such and pool betting agencies and for the collection of pool betting.

(2) Any scheme referred to in subsection (1) may provide for—

- (a) the administration of the scheme and for the establishment, maintenance and operation of a totalisator for pool betting, and pool betting agencies and the collection or receiving of pool betting and for the carrying out of the functions of the Board under the scheme;
- (b) the collection or receiving of pool betting at the premises of the Board or pool betting agencies, the credit facilities of such betting, the manner in which such betting may be made and the times at which and the conditions upon or subject to which such betting may be made and received;
- (c) the transmission or non-transmission of pool betting referred to in paragraph (b) to the totalisator for pool betting or from the agencies to the board;
- (d) the payment at or from the totalisator for pool betting and pool betting agencies for dividends payable in respect of pool betting received and the times at which and the manner in which such dividends may be paid;
- (e) the method of calculation of the dividends payable as aforesaid out of moneys received as totalisator investments or for pool betting;
- (f) the method of accounting as between the Board and pool betting agencies in respect of pool betting, investments, dividends, and commission;
- (g) the licensing of agents for the collection of pool betting and the extent of their duties and areas of operation in respect of such collection;
- (h) the determination of responsibilities and liabilities of the Board or any licensed agent for pool betting and the relationship between the Board and any agent or between the Board or any agent and a bettor of pool betting;
- (i) such other matters as may be necessary for the proper operations and control of totalisators for pool betting, collection of pool betting, pool betting agencies or for the operation of the scheme.

(3) The Board may from time to time submit to the Minister for his approval any variation of any scheme or any part thereof for the time being in force under this section, or any new scheme in substitution for any such scheme as aforesaid.

(4) No scheme or any part thereof, and no variation of any such scheme or part thereof, shall come into force until approved in writing by the Minister.

(5) Every approved scheme and any variation thereof shall be published in the *Gazette*.

(6) The Yang di-Pertuan Agong may by order notified in the *Gazette* suspend or revoke any approved scheme or variation of an approved scheme, or any part thereof, and any such suspension or revocation shall have the effect of a repeal of such scheme or part, as the case may be:

Provided that nothing in this subsection shall affect the past operation of the scheme so suspended, revoked or varied.

Calculation of dividend

17. Except as may be provided under any approved scheme it shall be the duty of the Board to pay out by way of dividend all moneys received from pool betting after deducting—

- (a) the amount of any duty charged under this Act;
- (b) by way of commission as may be prescribed.

Advertisements

18. (1) Notwithstanding anything contained in any written law, it shall not be an offence for the licensee, the Board or the agent—

- (a) to exhibit the name of any pool betting agency on any premises in which the agency is situated;
- (b) to publish any advertisement relating to the totalisator for pool betting or setting out any list of pool betting agencies, the name, address, hours of business and any telephone number of any pool betting agency, any rules, terms or conditions upon or subject to which pool betting

may be received at such agency or naming the prescribed events in respect of which pool betting may for the time being be received at any such agency;

- (c) to exhibit at any pool betting agency any notice relating to any of the matters referred to in paragraph (b):

Provided that the Minister may, if he considers it desirable in the public interest so to do, prohibit, restrict or regulate any such exhibition or publication.

(2) Any person who contravenes any prohibition, restriction or regulation imposed or made by the Minister under subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five thousand ringgit.

Distribution of funds of the Board

19. Subject to any regulations made under this Act the Board may from time to time distribute any moneys forming part of the funds of the Board and not required by it in the exercise of its functions for all or any of the following purposes:

- (a) the promotion of sport generally in Malaysia including the provision of playing fields; and
(b) such social and welfare purposes as may be prescribed.

Authority for pool betting investments, etc.

20. (1) Notwithstanding the provisions of any other law to the contrary it shall be lawful for—

- (a) pool betting to be made, collected or received and for dividends to be paid in respect of pool betting in accordance with this Act;
(b) any person of or above the age of eighteen years to buy a coupon, ticket or card or take part in any pool betting operated in accordance with this Act.

(2) Where any pool betting is made, collected, received, operated, promoted or managed in accordance with this Act no person shall be liable in respect thereof to any penalty or forfeiture under the Common Gaming Houses Act 1953 [Act 289] or the Betting Act 1953 [Act 495] or any law of the time being in force in any part of Malaysia relating to gaming, betting or lotteries.

Offences**21. (1) Any person who—**

- (a) makes or enters into a bet upon the result of a prescribed event, whereby he agrees to pay to the other party to the said bet, if the latter should win the bet, a sum of money the amount of which is dependent upon the result of the working of the totalisator on the said event;
- (b) sells or offers for sale, or who purchases from any person referred to in paragraph (a), any ticket, coupon, card or thing entitling or purporting to entitle the purchaser or holder thereof to any interest in the result of the working of the totalisator on any prescribed event; or
- (c) makes any contract or bargain of any kind to pay or receive money upon any event determined or to be determined by the result of the working of the totalisator on any prescribed event,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding one thousand ringgit or to both.

(2) Subsection (1) shall not apply to the licensee or the Board or any officer, agent or employee of the licensee or the Board while engaged in the lawful conduct of any totalisator for pool betting or of pool betting as such in accordance with this Act, the licence issued under section 5 or an approved scheme.

Offences relating to investments**22. Subject to the conditions of the licence issued under section 5 or any approved scheme and any regulations made under section 28 any officer, agent or employee of the licensee or the Board or any member of the Board who—**

- (a) receives or permits to be received any investment on the totalisator in respect of any prescribed event after the start of such event;
- (b) registers on the totalisator after the start of any prescribed event any moneys received for investment in respect of that event;

- (c) takes into account in the calculation or payment of any dividend any investment which has not been publicly registered on the totalisator in accordance with this section;
- (d) receives or permits to be received any investment on the totalisator elsewhere than at the totalisator itself; or
- (e) makes, authorizes, causes or permits the payment to any person of any dividend which is not calculated in accordance with section 17,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand ringgit.

Arrest without warrant

23. Any police officer not below the rank of Inspector may arrest without warrant any person whom he has reason to believe has committed an offence against section 21 or 22, and take him before a Magistrate to be dealt with according to law.

Powers of entry, examination of books, etc.

24. Any police officer not below the rank of Inspector may at any time enter for the purpose of inspection any premises in which any totalisator for pool betting or pool betting agency is operated or managed and may during such inspection examine any books, accounts, records or other documents, or any machine or equipment, for the time being used in the operation of the totalisator or agency, and seize any such books, accounts, records, documents, machine or equipment which he has reasonable cause to believe to be evidence of the commission of any offence against this Act, and may demand from any person for the time being having the care and management of the totalisator or agency or any part thereof any information that he deems necessary for the purpose of the inspection.

Management of pool betting

25. (1) The pool betting duty shall be under the care and management of the Treasury and shall be paid at such times by the licensee or the Board, as the Treasury may direct.

(2) The licensee or the Board—

- (a) shall keep and preserve books, records, accounts or documents relating to the business of pool betting and enter therein all transactions of the licensee or the Board, as the case may be, in such manner as the Treasury may direct;
- (b) if so required by the Treasury shall make at such times and to such persons as the Treasury may specify, such returns or information relating to the business as the Treasury may require.

(3) The books, records, accounts or documents kept and preserved under the preceding subsection shall be opened at all reasonable times to the inspection of an authorized officer of the Treasury or such public officers as the Minister may from time to time appoint.

Restriction on prosecution

26. A prosecution for an offence against section 21 or 22 shall not be instituted except by or with the consent of the Public Prosecutor.

Application to licensee of provisions of the Act

27. Where a licence has been issued under section 5 the Yang di-Pertuan Agong may by order apply to the licensee any of the provisions of this Act which are applicable to the Board with such modifications as may be considered necessary.

Regulations

28. The Minister may from time to time make such regulations as he may consider necessary or expedient to give effect to this Act and for the due administration, and in particular and without prejudice to the generality of the foregoing, for all or any of the following purposes:

- (a) prescribing any event in respect of which totalisator investments may be received;
- (b) prescribing fees to be paid for any matter or thing required or authorized to be done under this Act;

- (c) prescribing pool betting duty or commission payable under this Act; and
- (d) prescribing any social and welfare purpose in respect of which the Board may distribute moneys from its funds.

Unclaimed winning to be credited to revenue

29. If, within six months of notification of the result, a winner of pool betting makes no claim to a winning or for any reason no payment can be made in respect of a winning, the licensee or the Board shall transfer such winning to the Treasury whereupon such winning shall be credited to revenue and no person shall have any claim to such winning.

For the purpose of this section “winning” includes any form of prize whether in terms of money or money’s worth issued, distributed or allotted in respect of pool betting.

Exemption

30. (1) Notwithstanding paragraph 28(d) of the *Post Office Act 1947 [*Act 211*], it shall not be an offence for the licensee or the Board or any of the officers, employees or agents of the licensee or the Board to send by post within Malaysia any coupon, ticket, card or form issued by the licensee or the Board as the case may be for the purpose of pool betting in accordance with this Act and for any bettor to send in by post within Malaysia such coupon, ticket, card or form to the licensee or the Board.

(2) Except as provided in this section, any person who sends by post any advertisement, form or document relating to pool betting shall be guilty of an offence and upon conviction shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand ringgit or to both.

Adoption

31. Sections 3, 4, 5 and 7 of the Betting and Sweepstake Duties Act 1948 [*Act 201*] shall apply to the licensee or the Board under this Act; and reference to “promoter” appearing in the aforesaid provisions shall for the purpose of this section be construed as reference to the licensee or the Board under this Act.

*NOTE—The Post Office Act 1947 [*Act 211*] has since been repealed by the Postal Services Act 1991 [*Act 465*]—see section 50 of Act 465.

Saving

32. (1) Nothing in the Common Gaming Houses Act 1953, the Gaming Ordinance of Sabah [*Sabah Cap. 50*] and the Gambling Ordinance of Sarawak [*Sarawak Cap. 138*] shall effect any pool betting operated, promoted or managed under this Act and any reference in those Ordinances to gaming, betting or lottery shall be deemed not to include a reference to pool betting operated, promoted or managed under this Act.

(2) The Betting Act 1953, applicable to the States of Malaya shall not apply to the licensee or the Board operating, promoting or managing pool betting under this Act or to the officers, agents or employees of the licensee or the Board or any person placing any bet by way of such pool betting.

(3) Nothing in this Act shall affect the Racing (Totalisator Board) Act 1961 [*Act 494*], with respect to the conducting of betting by the Totalisator Board or totalisator agencies established or any turf club authorized under that Act.

LAWS OF MALAYSIA

Act 384

POOL BETTING ACT 1967

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 65	Gaming Tax Act 1972	01-03-1972
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975

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POOL BETTING ACT 1967

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
4	Act 65	01-03-1972
28	Act 65	01-03-1972
Throughout the Act	Act 160	29-08-1975



