



LAWS OF MALAYSIA

REPRINT

Act 495

BETTING ACT 1953

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BETTING ACT 1953

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| First enacted | | 1953 (Ord. No. 47 of 1953) |
| Revised | | 1992 (Act 495 w.e.f. 15 October 1992) |

PREVIOUS REPRINT

First Reprint 2002

LAWS OF MALAYSIA**Act 495****BETTING ACT 1953**

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LAWS OF MALAYSIA**Act 495****BETTING ACT 1953**

An Act to suppress betting houses and betting in public places.

*[Peninsular Malaysia—15 October 1953;
Sabah, Sarawak and Federal Territory
of Labuan—15 April 1992,
P.U. (B) 164/1992, P.U. (B) 165/1992]*

Short title

1. This Act may be cited as the Betting Act 1953.

Interpretation

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

“access” includes access through the telephone, by post or by telegram;

“betting information centre” means any place kept or used for receiving or transmitting by telephone or other means any information relating to any horse race or other sporting event for the purpose of betting or wagering in contravention of this Act;

“bookmaker” means any person who—

- (i) whether on his own account or as penciller, runner, servant or agent for any other person, receives or negotiates bets or wagers, whether on a cash or credit basis and whether for money or money’s worth; or
- (ii) in any manner holds himself out or permits himself to be held out in any manner as a person who receives or negotiates such bets or wagers;

“common betting house” means—

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

“equipment” includes any appliances, apparatus or accessory used or intended to be used for any communication between person to person, thing and thing or person and thing by means of telecommunications or any transmission of postal articles by means of post;

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

“place” means any house, office, room or building, and any place or spot, whether open or enclosed, and includes a ship, boat or other vessel whether afloat or not, and any vehicle;

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

“Senior Police Officer” means any police officer not below the rank of Assistant Superintendent and includes in the States of Sabah and Sarawak and in the Federal Territories of Kuala Lumpur and Labuan any police officer specially authorized by the Minister charged with the responsibility for Police and in any State any police officer specially authorized by the State Authority by notification in the *Gazette* to exercise the powers of a Senior Police Officer under this Act;

“State Authority” has the same meaning as defined in the Local Government Act 1976 [*Act 171*];

“sporting event” includes any race, fight, game, sport or exercise;

“telecommunication” has the same meaning as in the *Telecommunications Act 1950 [*Act 20*];

“telecommunication system” means any system used or intended to be used for telecommunications.

(2) A place shall be deemed to be “used” for a purpose if it is used for that purpose on only one occasion.

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

(4) Every person who demises or lets for hire a place shall be deemed the “owner” thereof.

Nuisance

3. A common betting house shall be deemed to be a common nuisance and contrary to law.

Offences relating to common betting houses and betting information centres

4. (1) Any person who—

- (a) being the owner or occupier, or having the use temporarily or otherwise, thereof, keeps or uses a place as a common betting house or betting information centre; or
- (b) permits a place of which he is the owner or occupier, or of which he has the use temporarily or otherwise, to be kept or used as a common betting house or betting information centre; or
- (c) has the care or management of, or in any manner assists in the management or in the business of, a place kept or used as a common betting house or betting information centre; or

*NOTE—The Telecommunications Act 1950 [*Act 20*] has since been repealed by the Communications and Multimedia Act 1998 [*Act 588*]*—see s. 273 of Act 588.*

- (d) receives directly, or indirectly, any money or valuable thing, for or in respect of any bet or wager on any such event or contingency as is mentioned in this Act, in a common betting house or betting information centre; or
- (e) announces, exhibits or publishes, or causes to be announced, exhibited or published, either orally or by means of any letter, circular, telegram, placard, handbill, card, print, writing, design, sign, advertisement or otherwise, that a place is opened, kept or used as a common betting house or betting information centre within or without Malaysia, or in any other manner invites or solicits any person to commit a breach of any provisions of this Act,

shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than twenty thousand ringgit and not more than two hundred thousand ringgit and shall also be punished with imprisonment for a term not exceeding five years.

(2) Any person who occupies or has the use temporarily of a place which is kept or used by another person as a common betting house or betting information centre shall be presumed until the contrary is proved to have permitted such place to be so kept or used.

Advancing money for conducting

5. Any person who advances or furnishes money for the purpose of establishing or conducting the business of a common betting house shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit and not more than one hundred thousand ringgit and shall also be punished with imprisonment for a term not exceeding five years.

Betting in a common betting house, and book-making

6. (1) Any person who bets or wagers in a common betting house, or with a bookmaker on any premises or by any means, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(2) A person found in a common betting house, or found escaping therefrom on the occasion of its being entered under this Act, shall be presumed, until the contrary is proved, to be or to have been betting or wagering therein.

(3) Any person who—

- (a) acts as a bookmaker in any place;
- (b) for the purpose of bookmaking or betting or wagering or settling bets frequents or loiters in any common betting house or in any place to which the public has or may have access; or
- (c) assists, by giving warning or otherwise, any person committing an offence under this Act to evade arrest or detection,

shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than twenty thousand ringgit and not more than two hundred thousand ringgit and shall also be punished with imprisonment for a term not exceeding five years.

(4) When any person is convicted of an offence against this section all books, accounts, documents, telegrams, writings, circulars, cards or other articles used as a subject or means of betting or wagering, or in connection therewith, and all moneys or securities for money found in his possession which the Magistrate is of opinion were used or intended to be used for betting or wagering shall be declared by him to be forfeited to the Government and shall be dealt with accordingly.

(5) (a) An offence against subsection (3) shall be a non-bailable, seizable offence and any person making an arrest for such an offence may seize and detain any articles liable to be forfeited.

(b) Notwithstanding anything to the contrary contained in the Criminal Procedure Code [*Act 593*] a police officer not below the rank of Inspector shall have power to release on bail a person accused of an offence against subsection (3).

Penalty for publication or announcement of result of horse race

6A. (1) Any person who for the purpose of betting or wagering in contravention of this Act announces or publishes or causes to be announced or published, either orally or by means of print, writing, sign or otherwise, the result of any public lottery or horse race or other sporting event shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than five thousand ringgit and not more than fifty thousand ringgit and shall also be punished with imprisonment for a term not exceeding two years.

(2) Subsection (1) shall not apply—

- (a) to anything published or forming part of any announcement in any newspaper relating to any horse race or the result thereof if such newspaper has been printed or published under a licence in that behalf duly issued in accordance with the Printing Presses and Publication Act 1984 [*Act 301*];
- (b) to any lottery promoted by the Social and Welfare Services Lotteries Board, under the *Social and Welfare Services Lotteries Board Act 1950 [*Act 252*];
- (c) subject to the provisions of any permit granted in respect thereof, to any public lottery promoted under any permit granted under the Lotteries Act 1952 [*Act 288*];
- (d) to the Totalizator Board established under the Racing (Totalizator Board) Act 1961 [*Act 494*], to officers, agents and employees of such Board when acting in the course of their duties as such, and to the officers, members, agents and employees of any turf club acting as agents of such Board under section 16 of any approved scheme made under the said Act when acting in the course of their duties as such;
- (e) in such other circumstances and in relation to such other persons and authorities as the Minister may by order prescribe.

Money paid recoverable

7. (1) Any money or valuable thing received, by any person convicted under subsection 6(3), as a deposit or in settlement of any bet or wager shall be deemed to have been received to or for the use of the person from whom the same was received.

(2) Such money or valuable thing, or the value thereof, may be recovered accordingly with full costs of suit in any court of competent jurisdiction.

*NOTE—The Social and Welfare Services Lotteries Board Act 1950 [*Act 252*] has since been repealed by Social and Welfare Services Lotteries Board (Dissolution) Act 1991 [*Act 470*]*—see* s. 3 of Act 470.

Presumption against person accepting or receiving stakes, *etc.*

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

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

Presumption against house and occupier

9. Where in any proceedings under this Act it is proved that—

- (a) any books, documents, telegrams, writings, circulars, cards or other articles used as a subject or means of betting or wagering, or in connection therewith, are found in any place entered under this Act, or upon any person found therein;
- (b) a police officer or any person having authority under this Act to enter or to go to such place is unlawfully prevented from or obstructed or delayed in entering or approaching the same or any part thereof;
- (c) any person is seen or heard to escape therefrom on the approach or entry of a Magistrate or Justice of the Peace or Senior Police Officer;
- (d) any person found in a place entered under this Act was erasing, tampering with or destroying any writing, sign, mark or symbol relating to bets or wagers on any horse race or other sporting event or lottery; or
- (e) two or more telephone calls were received at any place entered under this Act and the calls relate to the receiving or negotiating of bets or wagers or to any results, commentary or dividends payable on any horse race or other sporting event or lottery,

it shall be presumed, until the contrary is proved, that the place is a common betting house and that it is so kept, used or permitted to be used by the owner or occupier thereof, and that any other

person found in such place in possession of any such articles referred to in paragraph (a) is assisting in the management of the common betting house.

Presumptions against betting information centre and occupier

9A. (1) Where in any proceedings under this Act it is proved that any place entered under this Act was provided with three or more telephones or telephone lines and—

- (a) was installed with any telecommunication system or equipment which was arranged in such a manner as to suggest that it is or was being used for the receiving or transmitting of any information relating to horse race or other sporting event notwithstanding that such telecommunication system or equipment has been disconnected or tampered with;
- (b) any person found in a place so entered was erasing, tampering with or destroying any writing, sign, mark or symbol relating to the results or dividends payable on any horse race or other sporting event; or
- (c) two or more telephone calls were received at any such place enquiring about the results, commentary or dividends payable on any horse race or other sporting event,

it shall be presumed, until the contrary is proved, that the place is a betting information centre and that it is so kept, used or permitted to be used by the owner or occupier thereof, and that any other person found in such place is assisting in the business of the betting information centre.

Presumption against house, occupier, and owner

10. (1) If in the case of a place entered under this Act any passage or staircase or means of access to any part thereof is unusually narrow or steep or otherwise difficult to pass or any part of the premises is provided with unusual or unusually numerous means for preventing or obstructing an entry or with unusual contrivances for enabling persons therein to see or ascertain the approach or entry of persons or for giving the alarm or for facilitating escape from the premises, it shall be presumed until the contrary is proved

that the place is a common betting house and that the same is so kept or used by the occupier thereof; and if notice as is next hereinafter provided shall have been served on the owner of the premises it shall further be presumed until the contrary is proved that the place is so kept with the permission of the owner thereof.

(2) Whenever it comes to the knowledge of the Commissioner of Police or the Chief Police Officer that any place is fitted or provided with any of the means or contrivances mentioned in this section in such a way as to lead to a presumption that the place is used or intended to be used for the purposes of a common betting house, it shall be the duty of the Commissioner of Police or the Chief Police Officer to cause notice thereof to be served on the owner of such place as well as on the occupier thereof; and if any such notice cannot be personally served it may be served by being affixed to the principal outer door or any outer door or window or any conspicuous part of the place.

(3) Every tenant receiving notice under this section shall forthwith inform the owner or the person from whom he rents the premises of the fact of receipt of such notice, who shall in like manner inform the owner or the person from whom he rents the premises, and so on till the notice is brought to the knowledge of the owner, each tenant being responsible for bringing the notice to the knowledge of his immediate lessor; and any tenant refusing or omitting to make known to the owner or the person from whom he rents the premises the fact that such notice has been received shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred ringgit.

Order for demolition of structural contrivances for facilitating betting

11. Whenever it appears to a Magistrate upon the trial of any offence under this Act that the place in or in respect of which the offence is alleged to have been committed is a common betting house and that the same is fitted or provided with any of the means or contrivances mentioned in the last preceding section, he shall order the demolition and destruction of such of them as consist of staircases, doors, partitions, ladders, planks, platforms, posts, palings, bars, bolts and other things which appear to him to have been specially erected or constructed for the purpose of facilitating the carrying on of betting on the premises.

Search warrant against premises

12. (1) A Magistrate or Justice of the Peace or Senior Police Officer on being satisfied, upon written information and after any further inquiry which he may think necessary, that there is good reason to believe that any place is kept or used as a common betting house may by warrant under his hand authorize any person therein named, or any police officer with such assistance and by such force as is necessary by night or by day to enter or go to such place and to search the same and all persons found therein and to seize all books, documents, telegrams, writings, circulars, cards or other articles reasonably supposed to have been used or intended to be used as a subject or means of betting or wagering, or in connection therewith and all moneys and securities for money which are found in such place or on any such persons, and also to detain all such persons until they and the said place have been searched.

(2) If any of the things or circumstances which are by this Act made presumptive evidence of guilt are found in such place, or on any person therein, every person therein shall be arrested and taken before a Magistrate to be dealt with according to law.

(3) All books, documents, telegrams, writings, circulars, cards or other articles used as a subject or means of betting or wagering, or in connection therewith, and all moneys or securities for money found in a common betting house, or on any persons found therein, or escaping therefrom, which the Magistrate is of opinion were used or intended to be used for betting or wagering, shall be declared by him to be forfeited to the Government, and shall be dealt with accordingly.

Search warrant against persons

13. A Magistrate or Justice of the Peace or Senior Police Officer on being satisfied upon reasonable information and after any enquiry which he may think necessary that there is good reason to believe that any books, documents, telegrams, writings, circulars, cards or other articles used as a subject or means of betting or wagering, or in connection therewith, are likely to be found on any person may by warrant under his hand order any police officer to arrest and search such person, and if any such article is found upon his person he shall be taken before a Magistrate to be dealt with according to law.

Arrest and search upon suspicion

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

Magistrate, Justice of the Peace or Senior Police Officer may search

14. (1) A Magistrate or Justice of the Peace or Senior Police Officer may himself do what he may under sections 12 and 13 authorize a police officer to do whenever such Magistrate or Justice of the Peace or Senior Police Officer is competent to issue a warrant under the said sections, and also in any of the following cases, that is to say—

- (a) if any person has, within the preceding six months, been convicted of having kept or used as a common betting house the place proposed to be entered;
- (b) if the place proposed to be entered is occupied by a club or society, and he has reason to believe that betting or wagering on horse races, fights, games or sports is frequently carried on there;
- (c) if he has personal knowledge of such facts and circumstances as satisfy him that there are sufficient grounds for a search under section 12; or
- (d) if he receives the required information orally under such circumstances that the object of the search would in his opinion be defeated by the delay necessary for reducing the information to writing to enable a search warrant to be issued under of subsection 12(1).

(2) Whoever in giving such oral information makes a statement which he knows or believes to be false or does not believe to be true shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding twelve months.

Evidence by police officer to be presumptive evidence

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

Protection of informers from discovery

15. (1) Except as hereinafter mentioned no information laid under this Act shall be admitted in evidence in any civil or criminal proceeding whatsoever and no witness shall be obliged or permitted to disclose the name or address of any informer under this Act or state any matter which might lead to his discovery.

(2) If any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding whatsoever contain any entry in which any informer is named or described or which might lead to his discovery, the court or Magistrate shall cause all such passages to be concealed from view or to be obliterated so far as is necessary to protect the informer from discovery but no further.

(3) If on the trial of any offence under this Act the Magistrate after full inquiry into the case believes that the informer willfully made in his information a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceeding the court or Magistrate is of opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, the court or Magistrate may require the production of the original information and permit inquiry and require full disclosure concerning the informer.

Examination of offenders

16. (1) Whenever two or more persons are charged with an offence against this Act, the Magistrate may require one or more of them to give evidence as a witness or witnesses for the prosecution.

(2) Any such person who refuses to be sworn, or to answer any lawful question, shall be dealt with in the same way as witnesses so refusing may by law be dealt with by a Magistrate.

(3) Every person so required to give evidence who shall, in the opinion of the Magistrate, make true and full discovery of all things as to which he is lawfully examined shall be entitled to receive a certificate under the hand of the Magistrate stating that he has made a true and full discovery of all things as to which he was examined, and such certificate shall be a bar to all legal proceedings against him in respect of such things as aforesaid.

Binding over on second conviction

17. If a person who has been convicted of an offence under this Act is subsequently convicted of an offence under this Act, the Magistrate may, in addition to the punishment provided for such offence, make an order requiring him to give security by bond with one or more sureties, that he will not offend against this Act for such period, not exceeding one year, as the Magistrate thinks fit to fix and every such order shall be made as nearly as may be in the same manner and shall have the like effect and consequences as if the same were an order to give security for good behaviour under section 74 of the Criminal Procedure Code.

Trial

18. (1) All offences against this Act shall be tried summarily by a Magistrate.

(2) In any prosecution under this Act, the court may refer, for the purposes of evidence, to the book "Gambling Games in Malaya" by C. T. Dobree and to any other published books or articles on the subject of unlawful gambling which the court may consider to be of authority on the subject to which they relate.

(3) Any punishment authorized by this Act may be imposed by a Magistrate's Court, notwithstanding that the same be in excess of the punishment which such court is ordinarily empowered to impose.

Stakes

19. Nothing in this Act shall extend to any person receiving or holding any money or valuable thing by way of stakes or deposit, to be paid to the winner of any race or lawful sport, game or exercise or to the owner of any horse engaged in a race.

Exemption from Act

- 20.** This Act (other than section 6A thereof) shall not apply—
- (a) to the Totalizator Board established under the Racing (Totalizator Board) Act 1961 [*Act 494*], to the officers, agents and employees of such Board when acting in the course of their duties as such and to any person lawfully investing money with or receiving any dividend from any agency of such Board; and
 - (b) to any turf club, and the officers, members, agents and employees of such club when acting in the course of their duties as such, acting in accordance with an approved scheme under section 16 of the Racing (Totalizator Board) Act 1961, and to any person lawfully on any race course under the control or supervision of such club, or of any one or more officers thereof, placing any bet or wager on any totalizator operating thereon pursuant to any approved scheme under such Act.

Reward to informer

- 21.** The Magistrate may direct any fine or any portion of any fine imposed and levied under this Act to be paid to the informer.
- 22.** (*Omitted*).
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LAWS OF MALAYSIA

Act 495

BETTING ACT 1953

LIST OF AMENDMENTS

| Amending law | Short title | In force from |
|-------------------|--|---------------|
| L.N. 332/1958 | Federal Constitution (Modification of Laws) (Ordinance and Proclamations) Order 1958 | 13-11-1958 |
| Ord. 11/1959 | Banishment Ordinance 1959 | 01-05-1959 |
| Act 8/1961 | Betting (Amendment) Act 1961 | 27-03-1961 |
| Act A741 | Betting (Amendment) Act 1989 | 25-08-1989 |
| P.U. (A) 376/1991 | Modification of Laws (Common Gaming Houses, Lotteries, Betting and Sweepstakes Duties and Racing) (Totalizator Board) (Extension to the Federal Territory of Labuan) Order 1991 | 15-04-1992 |
| P.U. (A) 377/1991 | Modification of Laws (Common Gaming Houses, Lotteries, Betting and Sweepstakes Duties and Racing) (Totalizator Board) (Extension to the States of Sabah and Sarawak) Order 1991 | 15-04-1992 |

LAWS OF MALAYSIA**Act 495****BETTING ACT 1953****LIST OF SECTIONS AMENDED**

| Section | Amending authority | In force from |
|---------|---|--|
| 2 | L.N. 332/1958 Act 8/1961 Act A741 P.U. (A) 376/1991 P.U. (A) 377/1991 | 13-11-1958 27-03-1961 25-08-1989 15-04-1992 15-04-1992 |
| 4 | Act 8/1961 Act A741 | 27-03-1961 25-08-1989 |
| 5 | Act A741 | 25-08-1989 |
| 6 | Act 8/1961 Act A741 | 27-03-1961 25-08-1989 |
| 6A | Act 8/1961 Act A741 | 27-03-1961 25-08-1989 |
| 7 | Act 8/1961 | 27-03-1961 |
| 8 | Act 8/1961 | 27-03-1961 |
| 9 | Act A741 | 25-08-1989 |
| 9A | Act A741 | 25-08-1989 |
| 10 | Act A741 P.U. (A) 376/1991 P.U. (A) 377/1991 | 25-08-1989 15-04-1992 15-04-1992 |
| 12 | Act 8/1961 | 27-03-1961 |
| 13 | Act 8/1961 | 27-03-1961 |
| 13A | Act 8/1961 | 27-03-1961 |
| 14 | Act 8/1961 Act A741 | 27-03-1961 25-08-1989 |
| 14A | Act 8/1961 | 27-03-1961 |

Betting

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| Section | Amending authority | In force from |
|-----------------------|--|--|
| 15 | P.U. (A) 376/1991 | 15-04-1992 |
| 17 | L.N. 332/1958 Act 8/1961 | 13-11-1958 27-03-1961 |
| 20 | L.N. 332/1958 Act 8/1961 P.U. (A) 376/1991 | 13-11-1958 27-03-1961 15-04-1992 |
| 27 | P.U. (A) 376/1991 | 15-04-1992 |
| Throughout the Act | Ord. 11/1959 | 01-05-1959 |
