



LAWS OF MALAYSIA

REPRINT

Act 494

RACING (TOTALIZATOR BOARD) ACT 1961

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RACING (TOTALIZATOR BOARD) ACT 1961

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LAWS OF MALAYSIA**Act 494****RACING (TOTALIZATOR BOARD) ACT 1961**

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LAWS OF MALAYSIA**Act 494****RACING (TOTALIZATOR BOARD) ACT 1961**

An Act to provide for the establishment of a Totalizator Board, the powers of such Board, the conduct of betting by agencies of such Board, and for matters incidental thereto.

*[Peninsular Malaysia—27 March 1961,
L.N. 93/1961;
Sabah, Sarawak and Federal Territory
of Labuan—15 April 1992,
P.U.(B) 165/1992]*

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

1. This Act may be cited as the Racing (Totalizator Board) Act 1961.

Interpretation

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

“approved scheme” means a scheme for the establishment and operation of totalizators and totalizator agencies for the time being approved by the Minister pursuant to section 16;

“Board” means the Totalizator Board established by section 3;

“horse race” includes a pony race;

“Minister” means the Minister for the time being charged with the responsibility for the Board;

“race course” means any land used for the purpose of a race meeting;

“race meeting” means a meeting for the purpose of horse racing;

“Senior Police Officer” means any police officer not below the rank of Assistant Superintendent, and includes any other public officer authorized by the Minister by notification in the *Gazette* to exercise the powers of a Senior Police Officer under this Act;

“totalizator” means the instrument for wagering or betting known by that name, and any other instrument, device, machine or method of a like nature and conducted on the same principles, and includes a numbers forecast totalizator paying a fixed minimum dividend;

“totalizator agency” means any totalizator agency operated in accordance with an approved scheme, and includes any premises in which totalizator investments may be received pursuant to such scheme;

“totalizator investment” means any money, currency note or cheque received for investment on the totalizator or invested pursuant to any facilities provided under an approved scheme;

“turf club” means any club, association or other body of persons (whether incorporated or unincorporated) established for the purpose of promoting, conducting and controlling the sport of horse racing.

PART I

THE TOTALIZATOR BOARD

Establishment and incorporation of the Board

3. (1) There is hereby established a Board, which shall be a body corporate, by the name of the Totalizator Board.

(2) The Board shall have perpetual succession and a common seal and may sue and be sued in its said 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.

Powers of the Board

4. The Board shall, subject to this Act, have the following powers—
- (a) the powers specified in any approved scheme;
 - (b) power to conduct equine research and to establish, maintain and improve turf clubs, training centres for apprentices, jockeys, blacksmiths and others employed in connection with racing, and other places used in connection with racing;
 - (c) power to carry on all other activities which appear to the Board requisite, advantageous or convenient for or in connection with the objects of this Act and their powers thereunder and for the improvement of racing generally in Malaysia.

Constitution of the Board

5. (1) The Board shall consist of the following members, appointed by the Minister—

- (a) two members who shall be appointed upon the nomination of the governing body of the Selangor Turf Club;
- (b) two members who shall be appointed upon the nomination of the governing body of the Perak Turf Club;
- (c) two members who shall be appointed upon the nomination of the governing body of the Penang Turf Club;
- (d) members appointed pursuant to any order made under subsection (3);
- (e) two other members.

(2) If at any time any of the bodies referred to in subsection (1) fails to submit to the Minister a nomination of a person or persons for the purposes of this section within twenty-eight days after the receipt of a request in writing from the Minister in that behalf the Minister may without such nomination appoint any person or persons to be a member or members of the Board, and the person or persons so appointed shall for all purposes be deemed to be duly appointed.

(3) In the event of there being established in Malaysia any turf club additional to any of the turf clubs referred to in subsection (1) the Yang di-Pertuan Agong may by order provide for representation of such club upon the Board; and subsection (2) shall thereupon apply to the governing body of every such club.

(4) The Minister of Finance may from time to time appoint a public officer to take part in the proceedings of the Board and any committee thereof, but such officer shall not have any vote in any such proceedings.

Tenure of office

6. (1) The members of the Board shall, subject to this Part, be appointed to hold office for such term, not exceeding three years, as the Minister shall determine upon making the appointment.

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

(3) 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 profit under the Board or is directly or indirectly concerned in any contract with the Board or participates in or derives 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;
- (g) dies; or
- (h) in the case of any member nominated by any of the bodies referred to in subsection 5(1), ceases to be a nominee of such body,

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

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

Chairman

7. (1) The Chairman of the Board shall be appointed by the Minister from among the members of the Board and shall hold office for such period, not exceeding three years, as the Minister may direct.

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

(3) Any vacancy occurring in the office of Chairman, otherwise than by effluxion of the period for which he was appointed, shall be filled by the appointment of a member of the Board for the balance of the term of office of the person in whose place he is appointed.

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

(5) At any meeting the Board—

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

a person elected for that purpose from the members by the 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

8. (1) The quorum of the Board shall be five members.

(2) All questions at meetings of the Board shall be determined by a majority of the members personally present and voting; each member 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) 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.

(4) 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 cast a vote in such proceedings.

Officers, agents, etc., of the Board

9. (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 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 totalizator investment received by the Board or by that officer, agent or employee on behalf of the Board.

(3) Subsections 26(1) and (2) of the Civil Law Act 1956 [*Act 67*] (which relate to agreements by way of gaming and wagering) shall not be deemed to apply to any contract or agreement between the Board and any officer, agent or employee of the Board.

Contracts of the Board

10. (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 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 may, 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 totalizator investments in accordance with an approved scheme and any rules or regulations under this Act.

Financial duties of the Board

11. The Board shall cause proper books and accounts to be provided and true and regular records to be entered therein of all transactions of the Board, and such books and accounts shall be open at all reasonable times to the inspection of such public officers as the Minister of Finance may from time to time appoint.

Borrowing powers of the Board

12. With the approval of the Minister and of the Minister of Finance, 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.

Statutory Bodies (Accounts and Annual Reports) Act

13. The provisions of the Statutory Bodies (Accounts and Annual Reports) Act 1980 [*Act 240*] shall apply to the Board.

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, agent and employees;

- (d) with the approval of the Minister, controlling the admission of persons to any totalizator and totalizator agency, 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.

PART II

TOTALIZATORS AND TOTALIZATOR AGENCIES

Approval of totalizator agency scheme

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 establishment and operation of totalizators and totalizator agencies in respect of race meetings.

(2) Any scheme prepared under this section may provide for—

- (a) the administration of the scheme, and for the establishment, maintenance and operation of totalizators and totalizator agencies and for the carrying out of the functions of the Board under the scheme;
- (b) the receiving at totalizators and totalizator agencies of totalizator investments in respect of horse races, the credit facilities in respect of such investments, the manner in which such investments may be made and the times at which and the conditions upon or subject to which such investments may be made and received;

- (c) the transmission or not, as the case may be, of particulars of the investments referred to in paragraph (b) to the totalizator on the race course where the race meeting is being held, and for failure of such transmission;
- (d) the payment at or from totalizators and totalizator agencies of dividends payable in respect of totalizator investments 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 totalizator investments;
- (f) the method of accounting as between the Board, turf clubs and totalizator agencies in respect of investments, dividends and commission;
- (g) such other matters as may be necessary for the proper operations and control of totalizators and totalizator 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.

Calculation of dividend

17. (1) Except as may be provided under any approved scheme it shall be the duty of the Board and of any turf club operating a

totalizator on behalf of the Board under an approved scheme to pay out by way of dividend all moneys received from investments on the totalizator after deducting—

- (a) the amount of any duty charged under section 2 of the Betting and Sweepstake Duties Act 1948 [*Act 201*]; and
- (b) by way of commission ten *per centum*, or such other amount (whether greater or lesser than ten *per centum*) as may be prescribed by any regulations made under section 29, of all such moneys:

Provided that—

- (i) it shall not be necessary to pay out fractions of a ringgit;
- (ii) any investment on any horse which is scratched or otherwise withdrawn in accordance with the rules of racing applied by any approved scheme shall be refunded without deduction of such duty and commission.
- (iii) (*Deleted by Act 65*).

(2) No money received by the Board pursuant to any approved scheme through any turf club in the Republic of Singapore referred to in any declaration under section 18 for investment on horse races in Malaysia shall be liable for duty or commission in accordance with subsection (1).

Special provisions relating to Singapore

18. (1) Where the Minister is satisfied—

- (a) that the members and officers of any turf club in the Republic of Singapore are exempted generally from the provision of any law relating to common gaming houses for the time being in force in that Republic; and
- (b) that the Board is willing to receive in accordance with an approved scheme totalizator investments from any such club for investment on horse races in Malaysia; and
- (c) that suitable arrangements have been or are being made in the Republic of Singapore in order to exempt from the provisions of any law relating to betting and sweepstake

duties for the time being in force in that Republic any investments made by or on behalf of the Board with any club referred to in paragraph (a) on horse races in the Republic of Singapore,

he may by notification in the *Gazette* declare that this section shall apply to any money received by the Board from or through the agency of any such club for investment on horse races in Malaysia.

(2) Where any declaration under subsection (1) is in force all moneys received by the Board from or through the agency of any club specified in such notification for investment on horse races in Malaysia shall be exempt from paragraphs 17(1)(a) and (b), and section 2 of the Betting and Sweepstake Duties Act 1948.

Proportion of deduction from investment to belong to the Board

19. (1) The sum deducted by way of commission in accordance with paragraph 17(1)(b), together with any fractional money arising pursuant to the operation of paragraph (i) of the proviso to subsection 17(1) shall be deemed for all purposes to belong to and form part of the general funds of the Board and may be apportioned between the Board and the turf clubs in such proportion and in such manner as may be approved by the Minister under an approved scheme.

(2) (*Deleted by Act 47/1967*).

Distribution of funds of the Board

20. Subject to any regulations made under section 29, 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 powers under section 4 for all or any of the following purposes:

- (a) social and welfare purposes including the welfare of the blind, handicapped and under-privileged, the relief of poverty, the treatment of tuberculosis and the fostering of non-political youth movements; and
- (b) the promotion of sport generally in Malaysia including the provision of playing fields.

PART III

MISCELLANEOUS

Admission to race courses

21. (1) A turf club may admit members of the public to any race course or premises under the control or supervision of the club or of any one or more of the officers of such club on payment of an admission fee.

(2) Where an admission fee is charged under subsection (1), such admission fee shall be subject to the payment of duty under the Entertainments Duty Act 1953 [*Act 103*].

(3) A turf club may from time to time, with the approval of the Minister, make by-laws controlling the admission of persons to any race course or premises used or occupied by such club for race meetings or for the placing of investments on the totalizator.

(4) Any by-laws made under this section may provide for the exclusion from a race course or such premises of any specified class or description of persons, either absolutely or subject to such conditions as may be prescribed by such by-laws.

(5) This section—

- (a) shall be applicable to any race course notwithstanding the fact that it is or forms part of a reserve or other place in respect of which there exists a right of public use or entry;
- (b) shall not be deemed to limit the power of any club to exclude or remove any person from any race course occupied by such club and which is free from such right of public use of entry.

(6) Any person who commits a breach of any by-law made under this section may be removed from the race course by any member, officer, agent or employee of the turf club by which such by-law was made, or by any police officer.

(7) All by-laws made under this section shall be published in the *Gazette*, and the cost of such publication shall be borne by the turf club by which the by-laws were made.

Authority of totalizator operations and investments in accordance with approved scheme

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

- (a) totalizator investments in respect of horse races to be lodged and received, and for dividends to be paid in respect of such investments, in accordance with an approved scheme;
- (b) any person of or above the age of eighteen years to buy a ticket or chance or take part in any totalizator operated in accordance with an approved scheme, notwithstanding that he is not a member of a turf club.

(2) Where any totalizator is operated in accordance with an approved scheme no person shall be liable in respect of the use of such totalizator to any penalty or forfeiture under the Common Gaming Houses Act 1953 [*Act 289*], or the Betting Act 1953 [*Act 495*], or any law for the time being in force relating to gaming, betting or lotteries.

Certain advertisements relating to totalizator agencies not unlawful

23. (1) Notwithstanding anything contained in any written law, it shall not be an offence for any person—

- (a) to exhibit the name of any totalizator agency on any premises in which the agency is situated;
- (b) to publish in any newspaper, by or on behalf of the Board, any advertisement setting out any list of totalizator agencies, the name, address, hours of business and any telephone number of any totalizator agency, any rules, terms or conditions upon or subject to which totalizator investments may be received at any such agency, or the name of any race meeting in respect of which totalizator investments may for the time being be received at any such agency;
- (c) to exhibit inside any totalizator agency any notice relating to any of the matters referred to in paragraph (b).

(2) Nothing in subsection (1) shall be construed to authorize the exhibition or publication of any matter intended to induce any person to make any totalizator investment.

Laying of totalizator odds, etc., prohibited

24. (1) Any person who—

- (a) makes or enters into a bet upon the result of a horse race, 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 totalizator on the said race;
- (b) sells or offers for sale, or who purchases from any person referred to in paragraph (a), any ticket, card or thing entitling or purporting to entitle the purchaser or holder thereof to any interest in the result of the working of the totalizator on any horse race; or
- (c) makes any contract or bargain of any kind to pay or receive money upon an event determined or to be determined by the result of the working of the totalizator on any horse race,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred ringgit or to imprisonment for a term not exceeding three months or to both.

(2) Paragraphs (1)(a) and (b) shall not apply to the Board or any officer, agent or employee of the Board or any turf club while engaged in the lawful conduct of any totalizator or totalizator agency in accordance with an approved scheme.

Investment on totalizator after time of race prohibited

25. Subject to any approved scheme and any regulations made under section 29, any member, officer, agent or employee of the Board or of any turf club who—

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

- (c) takes into account in the calculation or payment of any dividend any investment which has not been publicly registered on the totalizator in accordance with this section;
- (d) receives or permits to be received any investment on the totalizator elsewhere than at the totalizator itself; or
- (e) makes, authorizes 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 shall, on conviction, be liable to a fine not exceeding one thousand ringgit.

Power of arrest

26. 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 24 or 25, and take him before a Magistrate to be dealt with according to law.

Inspection of totalizators and totalizator agencies

27. A Senior Police Officer may at any time enter for the purpose of inspection any premises in which any totalizator or totalizator agency is operated, 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 totalizator 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 totalizator or agency or any part thereof any information that he deems necessary for the purpose of the inspection.

Restriction on prosecution

28. A prosecution for any offence against section 25 shall not be instituted except by or with the consent of the Public Prosecutor.

Power to make regulations

29. The Yang di-Pertuan Agong may from time to time make regulations as he may consider necessary or expedient to give effect to this Act and for the due administration thereof.

LAWS OF MALAYSIA

Act 494

RACING (TOTALIZATOR BOARD) ACT 1961

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 47/1967	Income Tax Act 1967	28-09-1967
Act 65	Gaming Tax Act 1972	01-03-1972
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
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 494****RACING (TOTALIZATOR BOARD) ACT 1961****LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
17	Act 65	01-03-1972
19	Act 47/1967	28-09-1967
Throughout the Act	Act 160	29-08-1975

