

**133. Bankrupt guilty of gambling, etc.**

- (1) Any person who has been adjudged bankrupt shall be guilty of an offence if, having been engaged in any trade or business and having outstanding at the date of the bankruptcy order any debts contracted in the course and for the purposes of such trade or business— (*Amended 50 of 1991 s. 4; 76 of 1996 s. 65*)
- (a) he has within 2 years prior to the presentation of the bankruptcy petition materially contributed to or increased the extent of his insolvency by gambling or by rash and hazardous speculations and such gambling or speculations are unconnected with his trade or business; or
  - (b) he has between the date of the presentation of the petition and the date of the bankruptcy order lost any part of his estate by such gambling or rash and hazardous speculations as aforesaid; or
  - (c) on being required by the Official Receiver at any time, or in the course of his public examination by the court, to account for the loss of any substantial part of his estate incurred within a period of a year next preceding the date of the presentation of the bankruptcy petition or between that date and the date of the bankruptcy order, he fails to give a satisfactory explanation of the manner in which such loss was incurred:

Provided that, in determining for the purposes of this section whether any speculations were rash and hazardous, the financial position of the accused person at the time when he entered into the speculations shall be taken into consideration. (*Amended 76 of 1996 s. 65*)

- (2) A prosecution shall not be instituted against any person under this section except by order of the court. (*Amended 33 of 1939; G.N. 840 of 1940 Supp. Schedule*)

[*cf. 1914 c. 59 s. 157 U.K.*]