

Hon. Sir J. G. Ward.

GAMING AND BETTING.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p style="text-align: center;"><i>Lotteries and Unlawful Games.</i></p> <p>3. Provisions as to lotteries extended.</p> <p>4. Pa-ka-poo a lottery.</p> <p>5. Fan-tan an unlawful game.</p> <p>6. Repeal.</p> <p>7. Section 8 of principal Act extended.</p> <p>8. Indemnity to witnesses required to give evidence. Repeal.</p> <p>9. Land used for access to gaming-house.</p> <p>10. Owner may evict occupier of gaming-house.</p> <p>11. Cancellation of notice to quit.</p> <p>12. Declaration that house a gaming-house.</p> <p>13. Re-issuance of declaration.</p> <p>14. Publication of notice of declaration and re-issuance.</p> <p>15. Notice to be given of declaration.</p> <p>16. Person found in house declared a gaming-house.</p> <p>17. Penalty on owner if house used as a gaming-house.</p> <p>18. Entry by police.</p> <p>19. Obstructing the police.</p> <p>20. Evidence of house being a gaming-house.</p> <p>21. Street betting.</p>	<p style="text-align: center;"><i>Betting in Streets.</i></p> <p>22. Recovery of money illegally received.</p> <p style="text-align: center;"><i>Betting on Sports Grounds.</i></p> <p>23. Betting on any ground but racecourse prohibited.</p> <p>24. Removal of offender.</p> <p>25. Person removed from land not to re-enter.</p> <p style="text-align: center;"><i>Betting with Infants.</i></p> <p>26. Penalty for betting with infants increased.</p> <p>27. Money stolen and paid in bets recoverable.</p> <p style="text-align: center;"><i>Restrictions on Race Meetings.</i></p> <p>28. Racecourses to be licensed. Size of racecourse. Limitation of number of horse-races on racecourse. Limitation of number of pony-races on racecourse. Penalty. Commencement of section.</p> <p>29. Issue of licenses. Period of license. Fees. Limitation of racecourses which may be licensed.</p> <p>30. Betting telegrams not to be delivered on racecourse.</p> <p>31. Totalisators to be used only on racecourses.</p> <p>32. Totalisator duty increased. Application of duty.</p> <p>Schedules.</p>
---	--

A BILL INTITULED

AN Act to make Better Provision for the Regulation and Suppression of Gaming, Betting, and Wagering; to restrict the Holding of Race Meetings; and for the Licensing of Racecourses. Title.

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

10 1. The Short Title of this Act is "The Gaming and Betting Act, 1906"; and it shall form part of and be read together with "The Gaming and Lotteries Act, 1881" (hereinafter referred to as "the principal Act"). Short Title.

15 2. In this Act, if not inconsistent with the context,— Interpretation.
"Bookmaker" includes any person who carries on the business of or acts as a bookmaker or turf commission agent, or who gains or endeavours to gain his livelihood wholly or partly by betting or making wagers:

"Ground" means land, including any buildings thereon, and any room to which persons are admitted, either at all

- times or only at certain times, whether on payment of an entrance fee or charge or otherwise, for the purpose of taking part in or of witnessing any sports :
- “Occupier” of a house, office, room, or other place, or of any land or building, includes the lessee or sublessee who is not the owner as herein defined : 5
- “Owner” of a house, office, room, or other place, or of any land or building, includes every person, company, or corporation who is—
- (a.) Entitled to the same for any estate of freehold in possession ; or 10
- (b.) In actual receipt of or entitled to receive, or if the house, office, room, place, land, or building were let to a tenant, would be entitled to receive, the rents and profits of the same : 15
- In the case of a house, office, room, place, land, or building subleased, “owner” includes any lessee or sublessee from whom a sublessee holds :
- “Racecourse” means land used for race meetings, and to which admission is granted by payment of money, by ticket, or otherwise : 20
- “Race meeting” means meeting for the purpose of horse or pony racing :
- “Sports” means bicycle-races, footraces, horse-races, pony-races, trotting races, cricket or football matches, or any other game, exercise, pastime, or any fight or contest : 25
- “Street” includes a road, lane, footway, or passage, whether a thoroughfare or not, on any public or private land, and any enclosed or unenclosed land (not being a house or racecourse). 30

Lotteries and Unlawful Games.

Provisions as to lotteries extended.

3. The provisions of the principal Act relating to lotteries shall extend and apply to any lottery or scheme, whether promoted in New Zealand or elsewhere, and the principal Act and its amendments are hereby consequentially amended as follows :— 35
- (a.) As to section two of the principal Act : By repealing the words “where any lottery is conducted,” and substituting in lieu thereof the words “where any lottery promoted in New Zealand, or any part of the business or operations of or connected with any lottery promoted elsewhere than in New Zealand, is conducted.” 40
- (b.) As to section eighteen of the same Act : By repealing the words “and any person who shall manage or conduct, or assist in managing or conducting,” and substituting in lieu thereof the words “whether promoted in New Zealand or elsewhere ; and every person who manages or conducts, or assists in managing or conducting, or canvasses for subscribers to, or receives any money or valuable thing for tickets in or for any purpose connected with.” 45 50

(c.) As to section five of "The Gaming and Lotteries Act 1881 Amendment Act, 1885": By adding, after the word "lottery," the words "or scheme"; and also, after the words "the said Act," the words "whether promoted in New Zealand or elsewhere."

5

4. (1.) The Chinese game known as pa-ka-poo and any similar game are hereby declared to be lotteries within the meaning of the principal Act.

Pa-ka-poo a lottery.

10 (2.) The provisions of section five of "The Gaming and Lotteries Act 1881 Amendment Act, 1885," shall extend and apply to any person who buys a ticket in any game hereby declared to be a lottery, or who takes any part therein as a member or otherwise.

5. The Chinese game known as fan-tan and any similar game are hereby declared to be unlawful games within the meaning of the principal Act.

Fan-tan an unlawful game.

15

6. Sections nine and ten of the principal Act are hereby repealed.

Repeal.

20 7. For the purposes of section eight of the principal Act "public place" includes any unfenced and unoccupied land in the vicinity of any public place as defined by section two of the principal Act.

Section 8 of principal Act extended.

25 8. (1.) The provisions of sections sixteen and seventeen of "The Evidence Act, 1905" (indemnifying witnesses required to give evidence), shall, *mutatis mutandis*, extend and apply to all proceedings in respect of any offence under the principal Act or any amendment thereof, including this Act.

Indemnity to witnesses required to give evidence.

(2.) Sections twenty-nine, thirty, and thirty-one of the principal Act, and section six of "The Gaming and Lotteries Act 1881 Amendment Act, 1885," are hereby repealed.

Repeal.

30

9. Every owner and every occupier of any land or building who allows the same to be used as a means of access to, or of exit or escape from, any house, office, room, or other place used as a gaming-house is liable to a fine not exceeding *one* hundred pounds.

Land used for access to gaming-house.

10. (1.) If—

35

(a.) The owner of a house, office, room, or other place has reasonable grounds to suspect that the same is used as a gaming-house; or

Owner may evict occupier of gaming-house.

(b.) The owner of any land or building has reasonable grounds to suspect that the same is used as a means of access to, or of exit or escape from, any house, office, room, or other place used as a gaming-house,—

40

he may serve on the occupier a notice to quit.

(2.) Such notice shall be served personally on the occupier, but, if he cannot be found, service may be effected by posting a copy of the notice on some conspicuous part of the said house, office, room, place, land, or building.

45

(3.) The serving of such notice shall determine as from the tenth day after the date of service any tenancy under which the occupier may hold as if the same had expired by effluxion of time; and the owner may thereupon, without any authority other than this Act, take legal proceedings to evict, and may evict, such occupier.

50

11. (1.) Any such notice to quit may be cancelled by a Judge of the Supreme Court, subject to such terms as he thinks fit, on

Cancellation of notice to quit.

application being made to him by the occupier, on proof that he has not at any time—

- (a.) Allowed the house, office, room, or place to be used as a gaming-house; or
- (b.) Allowed the land or building to be used as a means of access to or of exit or escape from any house, office, room, or other place used as a gaming-house. 5

(2.) Notice of intention to make such application shall be served on the owner two days at least before the hearing of the application, and, on being so served, shall operate until the determination of the application as a stay of any proceedings to evict the occupier under the *last preceding* section. 10

Declaration that
no use a gaming-
house.

12. On the affidavit of a Superintendent or Inspector of Police, showing reasonable grounds for suspecting that any house, office, room, or other place is used as a gaming-house, any Judge of the Supreme Court may declare such house, office, room, or place to be a gaming-house, and such declaration shall be in force until rescinded. 15

Rescission of
declaration.

13. (1.) Any such declaration may be rescinded by a Judge of the Supreme Court, subject to such terms as he thinks fit, on application being made to him— 20

- (a.) By the owner or occupier of the house, office, room, or place the subject of the declaration, on proof that he has not at any time allowed the house, office, room, or place to be used as a gaming-house; or
- (b.) By a Superintendent or Inspector of Police, on proof that the house, office, room, or place is not used as a gaming-house. 25

(2.) Where the application is made by the owner or occupier as aforesaid, notice in writing of intention to make the same shall be served on a Superintendent or Inspector of Police two days at least before the hearing of such application. 30

Publication of
notice of declara-
tion and rescission.

14. (1.) Notice of any such declaration and of any rescission of the same shall be published in the *Gazette*.

(2.) In any proceedings under this Act, the production of a copy of the *Gazette* containing such notice shall be evidence that the declaration or rescission therein notified was duly made. 35

No ice to be given
of declaration.

15. (1.) The Commissioner of Police, or a Superintendent or an Inspector of Police, on such declaration being made with respect to any house, office, room, or place—

- (a.) Shall cause to be published on two days, in a newspaper circulating in the neighbourhood of the house, office, room, or place, a notice of the making of such declaration: 40

- (b.) Shall cause such notice to be served on the owner and occupier of the house, office, room, or place. Such service shall be personal, except where it cannot be promptly effected, in which case the notice may be served on the owner and occupier aforesaid by causing a copy thereof to be affixed at or near to the entrance to the house, office, room, or place. 45

(2.) In any proceedings under this Act the production of a copy of a newspaper containing any such notice shall be evidence that the 50

notice was duly published in such newspaper on the date appearing thereon.

16. (1.) If after publication, in pursuance of paragraph (a) of the last preceding section, of notice of the making of such declaration with respect to a house, office, room, or place, and during the time that such declaration is in force, any person is found—

Person found in house declared a gaming-house.

(a.) In, or on, or entering or leaving such house, office, room, or place; or

(b.) In, or on, or entering or leaving any land or building used as a means of access to or of exit or escape from the same,— any constable may, without warrant, arrest such person and take him before a Magistrate or any two Justices.

(2.) Such person, unless he proves that he was in, or on, or entering or leaving as aforesaid for a lawful purpose, shall be liable to imprisonment for a term not exceeding *six* months.

(3.) The form of information for such offence may be in the form numbered (1) or (2) in the Schedule hereto, or to a like effect.

17. (1.) If after service on an owner, in pursuance of paragraph (b) of section *fifteen* hereof, of notice of the making of such declaration with respect to a house, office, room, or place, and during the time that such declaration is in force, such house, office, room, or place is used as a gaming-house, such owner shall, unless he proves that he has taken all reasonable steps to evict the occupier from the same, be liable to a fine not less than *fifty* and not exceeding *five* hundred pounds.

Penalty on owner if house used as a gaming-house.

(2.) If after service on an occupier, in pursuance of paragraph (b) of the said section *fifteen*, of notice of the making of a declaration with respect to a house, office, room, or place, and during the time that such declaration is in force, such house, office, room, or place is used as a gaming-house, the said occupier shall, unless he proves that he has taken reasonable steps to prevent such use, be liable to a fine not less than *fifty* and not exceeding *five* hundred pounds.

18. While any such declaration is in force with respect to any house, office, room, or place, any constable may, without warrant,—

Entry by police.

(a.) Enter the said house, office, room, or place:

(b.) Enter any land or building which he has reasonable grounds to suspect is used as a means of access to or of exit or escape from the same:

(c.) Pass through, from, over, and along any other land or building for the purpose of entering in pursuance of paragraph (a) or paragraph (b) aforesaid:

(d.) For any of the purposes aforesaid, break open doors, windows, and partitions, and do such other acts as may be necessary:

(e.) Seize any instruments of gaming and any instruments of betting and documents relating to betting, and any money and securities for money in any such house, office, room, or place.

19. Every person who obstructs or aids in obstructing, or solicits any other person to obstruct or aid in obstructing a constable in the exercise of any power conferred on him by any preceding section of this Act, is liable to a fine not exceeding *fifty* pounds.

Obstructing the police.

Evidence of house
being a gaming-
house.

20. Where any constable authorised under the principal Act or this Act to enter any house, office, room, or place is wilfully prevented from or is obstructed or delayed in entering the same or any part thereof; or

Where any external or internal door of or means of access to any such house, office, room, or place so authorised to be entered is found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of preventing, delaying, or obstructing the entry into the same or any part thereof of any constable authorised as aforesaid, or for giving an alarm in case of such entry; or

If such house, office, room, or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing, or destroying any instruments of gaming,—

it shall be evidence, until the contrary is made to appear, that such house, office, room, or place is used as a gaming-house, and that the persons found therein were unlawfully playing therein.

Betting in Streets.

Street betting.

21. (1.) Every person who frequents, uses, or is in any street for the purpose of any money or valuable thing being received by or promised to such person or on his behalf—

(a.) As or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any sports; or

(b.) As or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency as aforesaid; and

every bookmaker who, either by himself or by means of any agent, clerk, or servant makes any bet in or on any street, and every such agent, clerk, or servant who so makes any bet, is liable for a first offence to a fine of not less than *twenty* pounds and not exceeding *one* hundred pounds, and for a second offence to imprisonment for *six* months.

(2.) The form of information for an offence against this section shall be in the form numbered (3) or (4) in the Schedule hereto, or to the like effect

Recovery of money
illegally received.

22. Any money or valuable thing received by any bookmaker, or any such agent, clerk, or servant, or any person as aforesaid—

(a.) As or for the consideration for any such assurance, undertaking, promise, or agreement, made in any street; or

(b.) As a deposit on any bet made in any street,—

shall be deemed to have been received to or for the use of the person from whom the same was received; and such money or valuable thing, or the value thereof, may be recovered accordingly, with costs, in any Court of competent jurisdiction.

Betting on Sports Grounds.

Betting on any
ground but
racecourse
prohibited.

23. (1.) Betting or wagering on any ground (not being a licensed racecourse) on which any sports are being held is prohibited.

(2.) Every person who commits a breach of this section is liable to a fine not exceeding *twenty* pounds.

24. Any person who acts in breach of the *last preceding* section, and who after being warned by any officer or servant of the persons
5 who have control of the ground, or by any constable, to desist from so acting does not so desist, may be forthwith removed from such ground by any such officer or servant, or by any constable.

25. Any person so removed shall not on the day of such removal re-enter such ground, and if he does so re-enter he may be again
10 removed as aforesaid, or he may, without warrant, be arrested by any such officer, servant, or member, and taken before a Magistrate or any two Justices, and shall be liable to a fine not exceeding *fifty* pounds.

Betting with Infants.

15 26. (1.) Every person who commits an offence against section three of "The Gaming Act, 1894," is liable to a fine not exceeding *one* hundred pounds, or imprisonment for any term not exceeding *six* months, or to both fine and imprisonment.

(2.) The said section three is hereby modified accordingly.

20 27. Where any money is stolen by any person who is under twenty-one years of age, and any money is thereafter paid by such person as or for or by way of or on account of a bet or wager, the person from whom such money was stolen may, in any Court of competent jurisdiction, recover the amount of the money so stolen,
25 not exceeding the amount paid as aforesaid, from the person to whom the same was so paid.

Restrictions on Race Meetings.

28 (1.) No race meeting shall be held on any racecourse unless such racecourse is licensed under this Act for horse-racing or pony-
30 racing, as the case may be.

(2.) No race meeting shall be held on any racecourse if the circumference of the running-ground of such racecourse measured from the inner boundary is less than six furlongs.

35 (3.) The number of days in any one year on which meetings for horse-racing may be held on any licensed racecourse shall not exceed the following :—

(a.) Where the racecourse is situate within forty miles of the principal post-office in Auckland, Wellington, Christchurch, or Dunedin, the number shall be twenty-four, or the number of days on which such meetings were held at such racecourse during the twelve months ending the thirty-first day of July, one thousand nine hundred and six, whichever number is the smaller :

45 (b.) Where the racecourse is situate elsewhere the number shall be twelve, or the number of days on which such meetings were held on such racecourse during the twelve months ending the thirty-first day of July, one thousand nine hundred and six, whichever number is the smaller.

50 (4.) The number of days in any one year on which meetings for pony-racing may be held on any licensed racecourse shall not exceed the following :—

Removal of offender.

Person removed from land not to re-enter.

Penalty for betting with infants increased.

Money stolen and paid in bets recoverable.

Racecourses to be licensed.

Size of racecourse.

Limitation of number of horse-races on racecourse.

Limitation of number of pony-races on racecourse.

- (a.) Where the racecourse is situate within forty miles of the principal post-office in Auckland, Wellington, Christchurch, or Dunedin, the number shall be twelve :
- (b.) Where the racecourse is situate elsewhere the number shall be six. 5
- Penalty.** (5.) If any race meeting is held contrary to this section, the owner or trustees of the racecourse, and the club, association, or person by or on behalf of which or whom such meeting was so held, and each member of the managing body of such trustees, club, or association, and any person acting at such race meeting as starter or judge, shall be liable to a fine not less than *one* hundred pounds and not exceeding *five* hundred pounds. 10
- Commencement of section.** (6.) This section shall take effect from the first day of January, one thousand nine hundred and *seven*, and in its construction each year shall be deemed to commence on the first day of January. 15
- Issue of licenses.** 29. (1.) Licenses under the *last preceding* section shall be issued by the Colonial Secretary on such terms and conditions as may be prescribed by regulations. 15
- Period of license.** (2.) Any such license shall be for a year commencing from the first day of January. A license may be cancelled by the Colonial Secretary for any good cause. 20
- Fees.** (3.) The fees for such license shall be paid into the Public Account and form part of the Consolidated Fund, and shall be at the following rates :—
- (a.) Where the racecourse is situate within forty miles of the principal post-office at Auckland, Wellington, Christchurch, or Dunedin, *fifty* pounds : 25
- (b.) Where otherwise situate, *twenty* pounds.
- Limitation of race-courses which may be licensed.** (4.) The number of licenses for racecourses situate within forty miles of the principal post-office at Auckland, Wellington, Christchurch, or Dunedin shall not exceed the number of racecourses respectively so situate and in use for race meetings within the three months next preceding the first day of July, one thousand nine hundred and *six*. 30
- Betting telegrams not to be delivered on race course. Totalisators to be used only on race courses.** 30. No telegram relating to betting or to investments on the totalisator at any racecourse shall be delivered at any racecourse. 35
31. No totalisator shall be used anywhere except on a race-course, and in the manner and under the conditions prescribed by the principal Act and its amendments.
- Totalisator duty increased.** 32. (1.) The stamp duty payable on the gross takings of totalisators is hereby increased from one and a half per centum to two and a half per centum, and section three of "The Stamp Acts Amendment Act, 1891," is hereby modified accordingly. 40
- Application of duty.** (2.) The moneys received on account of stamp duty under this section shall be applied by the Colonial Treasurer in such manner as he thinks fit, and without further appropriation than this Act, in aid of any hospital or charitable institution in the provincial district within which the same accrued. 45

SCHEDULE.

Schedule.

FORM 1.

THAT on the day of , at , A. B. was found in [or on, or entering, or leaving] a house [or office, or room, or place] which had been duly declared to be a common gaming-house.

FORM 2.

That on the day of , at , A. B. was found in [or on, or entering, or leaving] land [or a building] used as a means of access to [or of exit or escape from] a house [or office, or room, or place] which had been duly declared to be a common gaming-house.

FORM 3.

That on the day of , at , A. B. frequented, used, or was in a street for the purpose of betting.

FORM 4.

That on the day of , at , A. B. being [a bookmaker, or the agent, clerk, or servant of a bookmaker] made a bet in a street.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1906.