



## ANALYSIS

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1953, No. 109

AN ACT to amend the Gaming Act 1908.

Title.

[27 November 1953

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

1. (1) This Act may be cited as the Gaming Amendment Act 1953, and shall be read together with and deemed part of the Gaming Act 1908 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of January, nineteen hundred and fifty-four.

Short Title and commencement.  
See Reprint of Statutes, Vol. III, p. 516

Warrant to enter and search premises suspected of being common gaming-house.

2. (1) The principal Act is hereby amended by repealing section three, and substituting the following section:

“3. (1) Any Justice who is satisfied on oath that there is reason to suspect that any premises are kept or used as a common gaming-house, and that the premises are believed by the deponent to be so kept or used, may in his discretion, by special warrant under his hand in the form in the Second Schedule to this Act, authorize any constable to enter into the premises with such assistants as may be necessary, and if necessary to use force for making such entry, whether by breaking open doors or otherwise, and to arrest, search, and bring before any two Justices all persons found on the premises, and to seize all tables and instruments of gaming, moneys, and securities found there, and also to seize any thing found there which is evidence of an offence against this Act having been or being about to be committed.

“(2) Any constable entering into any premises pursuant to a warrant under this section may search all parts of the premises where he suspects that there may be any table or instrument of gaming or any thing which is evidence as aforesaid, and may search all persons whom he finds on the premises, and may seize any such table or instrument or thing as aforesaid and any moneys or securities found on the premises.

“(3) The Justices before whom any person is charged with an offence against this Act may direct that any table or instrument of gaming or any other thing, not being moneys or any security for moneys, that has been seized pursuant to a warrant under this section, and that is evidence in respect of the charge, shall be destroyed.”

(2) The principal Act is hereby further amended by repealing the Second Schedule, and substituting the Second Schedule set out in the Schedule to this Act.

(3) The following enactments are hereby consequentially repealed, namely:

(a) Subsection two of section seven of the principal Act:

(b) Section eighteen of the Gaming Amendment Act 1949.

3. The Gaming Amendment Act 1920 is hereby amended by repealing section two, and substituting the following section:

“2. (1) The business or occupation of a bookmaker is hereby declared to be unlawful.

“(2) Every person who carries on the business or occupation of a bookmaker commits an offence, and is liable on summary conviction—

“(a) For a first offence, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding one month:

“(b) For a second offence, to imprisonment for a term not exceeding three months:

“(c) For any subsequent offence, to imprisonment for a term not exceeding twelve months.

“(3) Notwithstanding anything in subsection four of section twenty-five of the Crimes Act 1908, or in subsection one of section twenty-seven of the Acts Interpretation Act 1924 (as amended by section fourteen of the Summary Jurisdiction Act 1952), it shall not be competent for the Court by which any person is convicted of a second or subsequent offence under this section to sentence the defendant to pay a fine instead of sentencing him to a term of imprisonment.”

4. (1) Section seven of the Gaming Amendment Act 1924 is hereby amended by repealing subsection two, and substituting the following subsection:

“(2) Every such Inspector shall at all times have the right of entry, without charge, to any racecourse at which there is a totalizator.”

(2) Subsection three of section seven of the Gaming Amendment Act 1924 is hereby amended as follows:

(a) By omitting the words “during such meeting”, and substituting the words “at any time”:

(b) By inserting, after the words “working of the totalizator”, the words “and may require such steps to be taken as in his opinion are necessary to ensure the proper working of the totalizator,”.

5. Section fifty of the principal Act, as substituted by section two of the Gaming Amendment Act 1950, is hereby amended by omitting from the proviso to subsection two the word “twenty”, and substituting the word “twenty-three”.

Amending penalties for offence of bookmaking. See Reprint of Statutes, Vol. III, p. 550

Ibid., Vol. II, p. 190

Ibid., Vol. VIII, p. 583  
1952, No. 41

Amending provisions as to powers of Inspectors of Totalizators.

See Reprint of Statutes, Vol. III, p. 553

Number of days for which totalizator licences may be granted. 1950, No. 36

Licences may be granted only for Saturdays or public holidays, except in special cases.

Amending provisions as to conditions of totalizator licences.

Levy on totalizator investments to provide for public improvements and amenities on racecourses.  
1949, No. 32  
1950, No. 36

6. Section fifty of the principal Act, as substituted as aforesaid, is hereby further amended by inserting, after subsection four, the following subsection:

“(4A) No licence may be granted authorizing the use of the totalizator on any day other than a Saturday or a day observed in the locality as a public holiday, unless the Minister, having regard to the conditions existing in the locality and to all the relevant circumstances, considers it expedient that a licence should be granted in respect of some other day.”

7. Section fifty of the principal Act, as substituted as aforesaid, is hereby further amended by adding to subsection five the following paragraphs:

“(c) That before the commencement of any race meeting the club shall give a certificate in writing to an Inspector of Totalizators that the totalizator machinery has been tested within the forty-eight hours immediately preceding the commencement of the meeting and is in proper working order:

“(d) That within one month after any race meeting the club shall send to the Secretary for Internal Affairs a full report of the working of the totalizator at that meeting and full details of the investments made on the totalizator at that meeting and the dividends paid.”

8. The Gaming Amendment Act 1949 is hereby amended by inserting, after section five c, as inserted by section six of the Gaming Amendment Act 1950, the following new section:

“5D. (1) Every racing club, hunt club, or trotting club using the totalizator at any race meeting held on or after the first day of November, nineteen hundred and fifty-five, and before the first day of November nineteen hundred and sixty, shall in respect of each race held at that race meeting deduct, by way of levy, from all investments registered on the totalizator for that race, including any investments received at any totalizator agency and registered as aforesaid, an amount equal to a half per cent of the aggregate amount of those investments, and shall in accordance with this section pay the amount so deducted—

“(a) In the case of a racing club or hunt club, to the New Zealand Racing Conference:

“(b) In the case of a trotting club, to the New Zealand Trotting Conference.

“(2) The amount to be deducted under subsection one of this section shall be calculated to the nearest penny or, where the amount includes a halfpenny, to the next penny above.

“(3) Every deduction under this section shall be in addition to the deduction of twelve and a half per cent authorized to be made in the calculation of dividends for the purposes of section thirty-five of the principal Act and section one hundred and ninety-three of the Stamp Duties Act 1923, and those sections shall accordingly be read subject to the provisions of this section.

See Reprint  
of Statutes,  
Vol. VII, p. 459

“(4) All moneys payable to the New Zealand Racing Conference or the New Zealand Trotting Conference under this section in respect of any race meeting shall be paid to the Conference within seven days after the conclusion of that race meeting. If the club fails to pay any such moneys within the said period of seven days, or within such further time as may be agreed to by the Conference, the Conference may sue for and recover the moneys unpaid as a debt owing to it by the club.

“(5) All moneys paid to the New Zealand Racing Conference or the New Zealand Trotting Conference under this section shall be paid by the Conference into a separate account to be kept in the name of the Conference, and shall be used by the Conference,—

“(a) In the case of moneys paid to the New Zealand Racing Conference, solely for the purpose of assisting racing clubs and hunt clubs to provide, maintain, and replace amenities for the public and course improvements on the racecourses where their meetings are held:

“(b) In the case of moneys paid to the New Zealand Trotting Conference, solely for the purpose of assisting trotting clubs to provide, maintain, and replace amenities for the public and course improvements on the racecourses where their meetings are held.

“(6) The separate account referred to in subsection five of this section shall be administered by the executive committee of the New Zealand Racing Conference or

the New Zealand Trotting Conference, as the case may be, and that committee shall in its discretion determine to what clubs payments shall be made out of the account, the amounts that shall be paid, and, subject to the provisions of subsection five of this section, the purposes for which the payments may be applied, and the decision of the committee thereon shall be final.

“(7) Moneys paid pursuant to this section by any racing club or hunt club or trotting club to the New Zealand Racing Conference or the New Zealand Trotting Conference or by either of those Conferences to any such club shall be deemed not to be income for the purposes of the Land and Income Tax Act 1923 and Part IV of the Social Security Act 1938.”

See Reprint  
of Statutes,  
Vol. VII, p. 271  
1938, No. 7;  
reprinted 1948,  
Vol. II, p. 1251

Betting by  
minors at  
totalizator  
agencies  
prohibited.  
1949, No. 32

9. The Gaming Amendment Act 1949 is hereby amended by inserting, after section eight, the following new section:

“8A. (1) No investment for transmission to the totalizator shall be received at any totalizator agency from any person under twenty-one years of age.

“(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding one hundred pounds who, being an officer, servant, or agent of the Board, knowingly receives or registers or takes into account at any totalizator agency any investment for transmission to the totalizator made by any person who is apparently under the age of twenty-one years, whether that investment is made by that person on his own behalf or on behalf of any other person.

“(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding two pounds who, being under the age of twenty-one years, makes any investment at any totalizator agency for transmission to the totalizator, whether that investment is made on his own behalf or on behalf of any other person.

“(4) Where any person appearing to be under the age of twenty-one years tenders at any totalizator agency any money, bank note, or cheque for the purpose of making an investment for transmission to the totalizator, any constable or any officer, servant, or

agent of the Board may demand from that person particulars of his age, name, and address. If there is reasonable ground to suppose that any particulars so given by him are false, the person demanding the particulars may require him to supply satisfactory evidence of the correctness thereof.

“(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding five pounds who, being required under this section to give particulars of his age, name, and address, fails to give those particulars, or gives any false particulars, or supplies any false evidence with respect thereto.

“(6) Where any person, being required under this section by any constable to give particulars of his age, name, and address or to supply satisfactory evidence of the correctness of any particulars given by him, fails to give those particulars or to supply that evidence, the constable shall caution him and, if he persists in that failure, may apprehend him without warrant and take him, as soon as practicable, before Justices to be dealt with according to law.”

10. Section eight of the Gaming Amendment Act 1910 is hereby amended by repealing subsections three and four, and substituting the following subsections:

“(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding one hundred pounds who, being a member, officer, servant, or agent of a racing club, knowingly receives or registers or takes into account or permits to be received, registered, or taken into account any investment on the totalizator made otherwise than in accordance with subsection one of this section or made by any person who is apparently under the age of twenty-one years, whether that investment is made by that person on his own behalf or on behalf of any other person.

“(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding two pounds who, being under the age of twenty-one years, makes any investment on the totalizator, whether that investment is made on his own behalf or on behalf of any other person.

Amending provisions prohibiting minors from betting on totalizator.

See Reprint of Statutes, Vol. III, p. 548

“(5) Where any person appearing to be under the age of twenty-one years tenders at any totalizator any money, bank note, or cheque for the purpose of making an investment on the totalizator, any constable or any member, officer, servant, or agent of the racing club may demand from that person particulars of his age, name, and address. If there is reasonable ground to suppose that any particulars so given by him are false, the person demanding the particulars may require him to supply satisfactory evidence of the correctness thereof.

“(6) Every person commits an offence and is liable on summary conviction to a fine not exceeding five pounds who, being required under this section to give particulars of his age, name, and address, fails to give those particulars, or gives any false particulars, or supplies any false evidence with respect thereto.

“(7) Where any person, being required under this section by any constable to give particulars of his age, name, and address or to supply satisfactory evidence of the correctness of any particulars given by him, fails to give those particulars or to supply that evidence, the constable shall caution him and, if he persists in that failure, may apprehend him without warrant and take him, as soon as practicable, before Justices to be dealt with according to law.”

Regulations for establishment and conduct of totalizator agencies.

1949, No. 32

1950, No. 36

11. (1) The Gaming Amendment Act 1949, as amended by section eight of the Gaming Amendment Act 1950, is hereby further amended by inserting, after section nine A, the following new section:

“9B. (1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister of Internal Affairs after consultation by the Minister with the Totalizator Agency Board, make such regulations as in the opinion of the Governor-General are necessary or expedient for regulating the establishment and conduct of totalizator agencies.

“(2) All regulations made under this section shall be laid before Parliament within twenty-eight days after the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.”

(2) Section nine of the Gaming Amendment Act 1949 is hereby amended by adding the following subsection:

“(7) The provisions of the scheme shall, so far as it relates to totalizator agencies, be subject to the provisions of any regulations made under section nine B of this Act.”

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## SCHEDULE

Schedule.

### “ SECOND SCHEDULE

Section 2 (2)

#### “ WARRANT

“ To \_\_\_\_\_, constable.

“ Whereas it appears to me, A. B., a Justice of the Peace, on the oath of X. Y., of \_\_\_\_\_, that the premises known as [*Insert a description of the house, office, room, or place by which it may be readily known and found*] are kept and used as a common gaming-house within the meaning of the Gaming Act 1908: You are therefore hereby authorized to enter into the said premises, with such assistants as may be necessary, and if necessary to use force for making such entry, whether by breaking open doors or otherwise, and there to search for all instruments of unlawful gaming, and all things which are evidence of an offence against the said Act, which may be there, and to arrest, search, and bring before two Justices of the Peace the keepers of the common gaming-house and all persons found therein.

“ Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

“ A. B., Justice of the Peace.”

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