

CHAPTER 19

THE PREVENTION OF GAMBLING ACT

An Act for the prevention of common gambling houses and of gambling in public places.

[28th December, 1928]

Ord. No. 28 of 1928

R.L. Cap. 19

[PCh19s1]1. Short title

This Act may be cited as the Gambling Act.

[PCh19s2]2. Interpretation

In this Act—

"common gaming house" means any building, enclosure, vessel, or place, whether public or private, in which instruments of gaming are kept or used for the profit or gain of the owner or occupier, whether by way of charge for admittance or for the use of the instruments of gaming or for the use of the building, enclosure, vessel, or place, or otherwise, for any purpose of gaming;

"instruments of gaming" means any cards, dice, counter, coins, tickets, gaming tables, boards, boxes or other things devised or used for purposes of gaming.

[PCh19s3]3. Offence and penalty for gaming or fighting animals and birds in public place

(1) Any person who in any street or public place—

(a) plays for money or other valuable thing with any instrument of gaming; or

(b) sets birds or animals to fight for the purpose of gaming, or aids and abets such public fighting of birds or animals,
commits an offence, and on conviction is liable to a fine not exceeding one hundred shillings or to imprisonment not exceeding one month.

(2) Any police officer may arrest without warrant a person whom he finds committing an offence under this section, and may seize any instruments of gaming, or appearing to be used, in the commission of the offence.

[PCh19s4]4. Penalty for keeping or managing gaming house or furnishing money for gaming

Any person who—

(a) whether as owner or occupier, keeps or uses, or permits other persons to use, any building, enclosure, vessel, or place as a common gaming house;

(b) manages, or assists in managing, the business of a common gaming house;
or

(c) advances or furnishes money for the purpose of gaming with persons frequenting any common gaming house,
commits an offence and on conviction is liable for a first offence to a fine not exceeding four hundred shillings or to imprisonment not exceeding three months and for a subsequent offence to a fine not exceeding eight hundred shillings or to imprisonment not exceeding six months.

[PCh19s5]5. Penalty for playing in common gaming house

Any person who plays in a common gaming house, or is there present for the purpose of gaming, commits an offence and on conviction shall be liable for a first offence to a fine not exceeding two hundred shillings or to imprisonment for any term not exceeding one month, and for a subsequent offence to a fine not exceeding four hundred shillings or to imprisonment not exceeding two months.

[PCh19s6]6. Powers of magistrates

(1) If any magistrate (other than a primary court magistrate), upon credible information has reason to believe that any building, enclosure, vessel, or place is used as a common gaming house, he may himself or by warrant authorise any officer of police to—

(a) enter, with such assistance as may be necessary, by night or day, and by force, if necessary, such building, enclosure, vessel, or place;

(b) take into custody all persons whom he finds therein, whether actually then gaming or not; and

(c) seize all instruments of gaming, birds, or animals found therein, and used, or appearing to be used, for purposes of gaming.

(2) Where a person found in a place used as a gaming house is reasonably suspected of concealing about his person any article which may be seized under this section that person may be searched and in the case of a woman the provisions of section 26 of the Criminal Procedure Act * shall be followed.

(3) All persons and things taken or seized under this Act shall be forthwith taken before the nearest magistrate of competent jurisdiction to be dealt with according to law.

[PCh19s7]7. Presumption if gaming instruments are found

When any instruments of gaming are found in any building, enclosure, vessel, or place entered under the provisions of section 6 or about the person of any of those who are found therein, it shall be presumed, until the contrary is proved, that such building, enclosure, vessel, or place, is used as a common gaming house, and that the persons found therein were present for the purpose of gaming.

[PCh19s8]8. Repealed

[Repealed by Act No. 7 of 1994.]

[PCh19s9]9. Disposal of instruments after conviction

On the conviction of a person for an offence under this Act, the convicting magistrate may order any instruments of gaming, or birds or animals used for the purpose of gaming, to be forfeited and to be destroyed, sold, or otherwise disposed of or, in his discretion, to be returned to the persons appearing to be entitled to them.

[PCh19s10]10. Repealed

[Repealed by Act No. 7 of 1994.]