



ANNO VICESIMO QUARTO

# GEORGII V REGIS.

## A.D. 1933.

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### No. 2135.

An Act to amend the Lottery and Gaming Acts, 1917 to 1930, and the Licensing Act, 1932, and for other purposes.

*[Assented to, December 5th, 1933.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Lottery and Gaming and Licensing Acts Amendment Act, 1933". Short title.

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#### AMENDMENTS OF LOTTERY AND GAMING ACTS, 1917 TO 1930.

2. This Part is incorporated with the Lottery and Gaming Acts 1917 to 1930, and those Acts and this Part shall be read as one Act. Incorporation of this Part.

3. The definition of "public place" contained in section 4 of the Lottery and Gaming Act, 1917 (as amended by section 3 of the Lottery and Gaming Act Amendment Act, 1920), is amended by inserting at the end thereof the following paragraph :— Definition of public place.

(e) any place commonly used by the public whether as trespassers or otherwise.

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Provisions as to  
bookmakers.

4. The following provisions are hereby enacted and inserted in the Lottery and Gaming Act, 1917, after Part III. thereof and shall form Part IIIA. thereof:—

PART IIIA.

LICENSING OF BOOKMAKERS.

Interpretation.

25A. In this Part, unless the context otherwise requires—

“ Board ” means the Betting Control Board constituted under this Part :

“ country racing clubs ” means the Balaklava Racing Club, Berri Racing Club Limited, Burra Racing Club, Clare Racing Club, Jamestown Racing Club Limited, Kadina and Wallaroo Jockey Club, Kalangadoo Racing Club, Laura Jockey Club Limited, Loxton Racing Club, Mannum Racing Club, Millicent Racing Club, Mount Gambier Racing Club, the Murray Bridge Racing Club Limited, Naracoorte Racing Club, Orroroo Jockey Club, Penola Racing Club Limited, Pinnaroo Racing Club Limited, Port Augusta Racing Club Limited, Port Lincoln Racing Club, Port Pirie Racing Club Limited, Quorn Jockey Club, Renmark Racing Club Limited, Snowtown Racing Club, Strathalbyn Racing Club, Streaky Bay Racing Club, Tailem Bend Racing Club, The Peterborough Racing Club Limited, the Waikerie Racing Club, and any other racing club included in this definition by proclamation made by the Governor :

“ Metropolitan racing clubs ” means the South Australian Jockey Club, Adelaide Racing Club Limited, Port Adelaide Racing Club Limited, Onkaparinga Racing Club, Gawler Jockey Club Limited, the Amateur Turf Club Incorporated, Adelaide Hunt Club, The S.A. Tattersalls Club Incorporated, the S.A. Licensed Victuallers Racing Club Limited, and any other racing club included in this definition by proclamation made by the Governor :

“ licence ” means a bookmaker’s, clerk’s, or agent’s licence for the time being in force under this Part :

“ racecourse ” means any land which is being used for holding a race meeting for horse races :

“ racing club ” means any metropolitan or country racing club :

“ registered ” means registered under this Part and  
“ registration ” has a corresponding meaning :

“ rules ” means rules made by the Board under this Part :

“ this

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“ this Part ” includes the rules made under this Part :

“ trotting ground ” means any land which is being used for holding a race meeting for trotting races :

“ trotting club ” means a club controlling a trotting ground for the time being.

25B. (1) Notwithstanding any law to the contrary it shall be lawful to bet by way of wagering or gaming in accordance with this Part—

Legalization of  
betting with  
bookmakers.

(a) on any racecourse or trotting ground during the holding of a race meeting for horse races thereon : or

(b) at or in any premises registered under this Part.

(2) Such betting shall not be a ground on which any premises or place shall be deemed or declared to be a common gaming house.

(3) It shall be a defence to any charge of an offence under this Act—

(a) in a case where the defendant is the holder of a licence, that he was at all relevant times acting in accordance with this Part and the terms and conditions of his licence and of his permit or the registration of the premises in which he was operating :

(b) in a case where the defendant is not the holder of a licence, that the matter proved was betting or offering to bet with a licensed bookmaker in any place where the bookmaker was licensed to bet, or being in any place for the purpose of betting, and that the defendant was over the age of twenty-one years, and was not knowingly concerned in any breach of this Part or of the terms and conditions of the bookmaker's licence or permit, or of the registration of the premises in which the bookmaker was betting.

(4) Nothing in this Part shall affect section 27 of this Act.

25C. (1) For the purpose of this Part there shall be constituted a Board to be known as the Betting Control Board.

Constitution of  
Betting Control  
Board.

(2) The Board shall be appointed by the Governor and shall consist of a chairman and three other members.

(3) One member shall be a person nominated by the Chairmen of the Metropolitan Racing Clubs at a conference and another member shall be a person nominated by a combined conference of delegates to which each country racing club and the

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the South Australian Trotting League Incorporated may send a delegate. The other member shall be appointed by the Governor.

(4) The Chief Secretary shall by advertisement in two newspapers circulating generally in the State invite such nominations whenever necessary and fix a time within which nominations may be received. If no nomination of a person whom the Governor considers suitable to fill the particular vacancy is received the Governor shall appoint thereto any person whom he considers suitable.

(5) The chairman and members of the Board shall hold office for a term of three years from their appointment and also until their successors are appointed.

(6) Whenever there is a vacancy in the seat of a nominated member his successor shall be nominated by a similar conference to that which nominated the retiring member.

(7) A member appointed to fill a casual vacancy shall hold office only for the balance of the term of the member in whose place he is appointed.

(8) Neither the chairman nor any member of the Board, nor any officer or servant of the Board shall, as such, be subject to the Public Service Act, 1916.

(9) Three members of the Board shall form a quorum thereof.

(10) The chairman shall have a deliberative as well as a casting vote.

(11) The Board shall be a body corporate with perpetual succession and a common seal, and power to hold real and personal property of all kinds.

(12) No act or decision of the Board shall be invalid or defective on the ground that when such act was done or decision made a vacancy existed on the Board, or on the ground of any defect in the appointment or nomination of any member of the Board.

**Remuneration  
of Board.**

25D. (1) The Board may pay to the chairman and members such salaries or fees as are approved by the Governor.

(2) The Board may also pay to the chairman and any other member of the Board any travelling or other expenses reasonably incurred by him in carrying out his duties under this Part.

**Officers of Board.**

25E. The Board may appoint officers, servants or agents necessary for carrying this Part into effect and may prescribe their duties and fix their remuneration.

25F. (1) The

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25F. (1) The Board may make rules as to all or any of the following matters :—

Power of Board to make rules as to bookmakers.

- (a) the licensing of bookmakers, bookmakers' clerks, and bookmakers' agents and the number and classes of licences to be issued :
- (b) the terms and conditions upon which licences may be obtained, and which are to be observed by the holders of licences :
- (c) the conduct of bookmakers and their clerks and agents :
- (d) the regulation and control of betting by and with bookmakers :
- (e) requiring licensed bookmakers to give security for the due observance of this Part and the rules, and of the terms and conditions of their licences :
- (f) the registration of premises upon which licensed bookmakers may bet and the terms and conditions of registration and the duration, suspension, and cancellation thereof :
- (g) the suspension and cancellation of licences :
- (h) requiring bookmakers to keep accounts and records and furnish to the Board weekly returns of their transactions, and prescribing the form of and all matters relevant to such accounts, records, and returns :
- (i) prohibiting or restricting advertising by bookmakers :
- (j) the general administration of this Part :
- (k) imposing fines recoverable summarily for breach of any rule.

25G. (1) Every application for a licence shall be made to and determined by the Board. The Board shall have an unfettered discretion to grant or refuse any application without assigning any reason.

Applications and effect of licences.

(2) On every application for a bookmaker's licence there shall be paid to the Board a fee of one pound and on every application for a clerk's or agent's licence a fee of ten shillings. The fee shall be retained by the Board and applied towards its general expenditure.

(3) A bookmaker's licence shall entitle the holder thereof to carry on the business of a bookmaker for one year from its date subject to this Part upon any racecourse or trotting ground for which he holds a permit, or in any premises registered under this Part, but not otherwise.

(4) A clerk's licence shall entitle the holder to act as clerk of a bookmaker for one year from its date.

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(5) An agent's licence shall entitle the holder to act as agent of a bookmaker within the area specified therein for one year from its date.

(6) No licence shall be granted to any person who holds any licence for the sale of liquor under the Licensing Act, 1932, or who is employed in any capacity by any such licensee, nor to any person whose usual place of abode throughout the whole of the period of twelve months immediately before his application for a licence is made was not within the State.

Permits to bet on  
race-courses.

25H. (1) A licence shall not authorise a bookmaker to carry on business as such on any racecourse or trotting ground unless he has first obtained a permit from the committee of the club controlling the racecourse or trotting ground for the time being.

(2) Any such committee may grant permits to licensed bookmakers subject to any conditions which it thinks fit.

Payment of com-  
mission on bets and  
returns.

25J. (1) Every bookmaker shall, not later than noon on Saturday in every week pay to the Board a sum by way of commission equal to two pounds per centum of all moneys paid or payable contingently or otherwise to such bookmaker in respect of every bet made by him during the previous week.

(2) If any bookmaker makes default in paying any commission required by this section to be paid by him, the Board, in addition to any other powers conferred upon it by the rules, may recover the amount payable, from the bookmaker upon complaint in a court of summary jurisdiction, or by action in any court of competent jurisdiction.

(3) Every bookmaker shall not later than noon on Saturday in every week forward to the Board a return in the prescribed form and verified by statutory declaration—

(a) setting forth a true and complete account of all moneys paid or payable to him contingently or otherwise in respect of all bets made by him during the previous week ;

(b) showing the races on which the bets were made, and the dates on which those races were held, and the name of the racing club promoting or controlling each such race ;

(c) setting forth separately the bets made on racecourses and the bets made elsewhere ; and

(d) containing any other matter prescribed by the rules.

(4) Where a bet is made upon the contingency of more races than one it shall be deemed for the purpose of the return to relate only to the first of such races.

(5) It

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- (5) It shall not be necessary to include in any return—
- (a) any bet made in relation to a race which is abandoned or any bet which is declared off ; or
  - (b) the name of any person with whom any bet was made.

25K. (1) The Board shall keep full and true accounts of all moneys received by it as commission under the last preceding section and shall pay all such moneys into an account in the name of the Board in a bank. Application of  
commission.

(2) The commission shall be applied as follows :—

- (a) the costs of the administration of this Part (to the extent that they are not paid out of the fees payable on applications for licences) shall be paid. The costs so paid shall include a sum of twenty-five pounds per annum to be paid to the Chief Secretary to cover the expenses of and incidental to the constitution of the Board and the appointment of its members from time to time :
- (b) an amount equal to the commission on all bets made on races held outside the State shall then be paid to the Treasurer in aid of the General Revenue :
- (c) forty per cent. of the balance then remaining shall be paid to the Treasurer as aforesaid :
- (d) sixty per cent. of the said balance shall be divided among the racing clubs in proportion to the respective amounts of the bets made on races held by each club during the period in respect of which the commission is payable.

(3) Payments to the Treasurer and the racing clubs under this section shall be made monthly.

25L. (1) The Board may in accordance with the rules register any premises as premises in which betting may be carried on by any licensed bookmaker in accordance with this Part and his licence. Registration of  
premises.

(2) No registration shall be effective until the Board has published a notice thereof in the *Gazette*.

(3) Upon and after the publication of the notice it shall be lawful for any licensed bookmaker to carry on the business of bookmaking in such building or premises in accordance with this Part so long as the registration remains in force.

(4) If the Board is satisfied that any provision of this Part as to registered premises or any term or condition of registration has not been observed, the Board may as an administrative act cancel the registration of the premises by notice in the *Gazette*, and thereupon the registration shall cease to have effect.

(5) If

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(5) If a race meeting is held at a racecourse which is more than twenty-five miles from the General Post Office at Adelaide and any part of which is within ten miles in a direct line from any registered premises, and bookmakers are permitted to carry on business at such race meeting, no person shall, after one o'clock on the day on which the race meeting is held—

(a) carry on business as a bookmaker at those premises ;  
or

(b) keep those premises open to the public.

Penalty : One hundred pounds.

**Betting tickets.**

25M. (1) Every bookmaker upon making a bet with any person shall issue and deliver<sup>1</sup> to that person a betting ticket in respect of each bet made with that person.

(2) If both the bookmaker and the bettor are present when the bet is made the ticket shall be delivered to the bettor forthwith.

If the bet is made by post or other indirect communication the bookmaker shall deliver the ticket or post it to the bettor within twenty-four hours after receiving the communication.

(3) If any bookmaker—

(a) fails to issue and deliver any ticket as required by this section ; or

(b) issues or delivers to any person in respect of any bet a betting ticket previously used in respect of any other bet,

he shall be guilty of an offence.

Penalty : For a first offence, fifty pounds. For a subsequent offence, imprisonment for not more than three months.

(4) No person shall bet with a bookmaker without obtaining or demanding from such bookmaker a betting ticket in respect of every bet so made.

Penalty : Five pounds.

(5) No person with intent to evade any of the provisions of this Part, when making a bet with a bookmaker shall fail to obtain from such bookmaker a ticket in respect of such bet.

Penalty : For a first offence, a fine of twenty-five pounds. For any subsequent offence, a fine of fifty pounds.

**Stamp duty on  
betting tickets.**

25N. (1) There shall be charged on every betting ticket issued by a bookmaker under this Part a stamp duty of the following amount—

(a) where the ticket is issued in respect of a bet not exceeding ten shillings—one penny.

(b) Where



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(b) Where the ticket is issued in respect of a bet exceeding ten shillings—three pence.

The amount of the bet shall be determined by the amount payable contingently or otherwise by the bettor.

(2) All moneys received by the Treasurer by way of stamp duty under this Part shall be paid into and form part of the general revenue of the State.

(3) The Governor may by regulation prescribe any matters necessary or convenient for securing payment of duty under this section and preventing fraud and evasion.

(4) If any bookmaker issues or delivers any betting ticket which is not stamped as required by this section he shall be guilty of an offence.

Penalty : For a first offence, fifty pounds. For a subsequent offence, imprisonment for six months.

25o. (1) No bookmaker shall bet with any person apparently under the age of twenty-one years. Betting with minors.

Penalty : For a first offence, ten pounds. For a subsequent offence, fifty pounds.

(2) It shall be a defence to any charge under this section if the defendant satisfies the Court that he had reasonable grounds for believing the person with whom any bet is made to have been of or over the age of twenty-one years.

25p. No bookmaker, with intent to defraud, shall—

False returns.

- (a) furnish to the Board any return which is false in any material particular :
- (b) fail to include in any such return any bet or other transaction or particular required to be included :
- (c) fail to record in accordance with the rules every bet made by him.

Penalty : Fifty pounds, or imprisonment for three months.

25q. (1) If the holder of any licence is convicted of any offence against this Part his licence shall by virtue of the conviction and without any special order for the purpose be cancelled, in addition to any other penalty imposed on him. Cancellation of licenses.

(2) If the Board is satisfied that the holder of any licence has failed to observe any provision of this Part or the rules or any condition of his licence, it may, as an administrative act, cancel the licence.

25r. (1) No trotting race meeting at which bookmakers are permitted to operate shall be held unless a permit in writing authorising it to be held has been issued by the South Australian Trotting League Incorporated. Control of trotting races.

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(2) The said League may with the consent of the Board issue such permits for the holding of trotting race meetings as it thinks fit.

(3) Each permit shall be for one night only as regards a meeting to be held in the metropolitan area and for either one day or one night as regards a meeting to be held outside the metropolitan area.

(4) If any trotting race meeting is held in contravention of this section the person by or on whose behalf the meeting was held, or if the meeting was held by an association, each member of the committee or other executive body of the association and any person acting at the meeting as steward, starter, or judge shall be guilty of an offence, punishable on summary conviction.

Penalty: Twenty pounds.

(5) For the purpose of this section—

(a) an agricultural show shall not be deemed to be a trotting race meeting:

(b) “metropolitan area” means the area within a radius of twenty-five miles from the General Post Office at Adelaide.

Penalty for betting  
in public place.

5. (1) Section 39 of the Lottery and Gaming Act, 1917 (as amended by section 4 of the Lottery and Gaming Act Amendment Act, 1928), is further amended by striking out all words therein after “Penalty” and inserting in lieu thereof the following passage:—

For a first offence, imprisonment for not less than one month nor more than three months:

For a second offence, imprisonment for not less than three months nor more than six months:

For a third or any subsequent offence, imprisonment for not less than six months nor more than twelve months.

Notwithstanding the provisions of the Justices Act, 1921, or any other enactment, no Court shall have power—

(a) to impose on any person guilty of a second or third or subsequent offence under this section, any sentence lower than the minimum fixed by this section; or

(b) to impose a fine in lieu of imprisonment under this section for any such second or third or subsequent offence. In determining whether any offence is a second, third, or subsequent offence within the meaning of this section, the Court shall have regard only to offences committed after the passing of the Lottery and Gaming and Licensing Acts Amendment Act, 1933.

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(2) The said section 39 is further amended by adding at the end thereof the following subsection (the previous part thereof being read as subsection (1) thereof):—

(2) In this section the term “betting” without limiting the meaning thereof includes negotiating bets, receiving or paying money in connection with bets, and settling bets, except the settling of bets made on a racecourse in accordance with this Part and the terms of a licence.

6. Section 41 of the Lottery and Gaming Act, 1917, is amended by inserting after the word “races” in the eleventh line thereof “coursing event or other sport or exercise whatever.”

Amendment of  
Lottery and Gaming  
Act, 1917, s. 41—  
Information as to  
betting.

7. The following section is hereby enacted and inserted in the Lottery and Gaming Act, 1917, after section 42 thereof:—

Enactment of s. 42A  
of Lottery and  
Gaming Act, 1917—

42A. (1) Any person who for fee or reward gives any oral information or advice relating or purporting to relate to the probable result of any intended horse race, pony race, trotting race, coursing event, or any other sport or exercise whatever or as to the betting odds thereon, shall be guilty of an offence.

Prohibition of  
information as to  
racing.

(2) In any proceedings for an offence against this section the allegation in the complaint that any information or advice was given for fee or reward shall be *prima facie* evidence of the fact so alleged.

(3) Nothing in this section shall apply to any information or advice given by or to a bookmaker licensed under this Act.

8. Section 44 of the Lottery and Gaming Act, 1917 (as enacted by section 8 of the Lottery and Gaming Act Amendment Act, 1920), is amended as follows:—

Amendment of  
Lottery and Gaming  
Act, 1917, s. 44—  
Removal of persons  
suspected of  
unlawful gaming.

(a) After the word “public” in the fifth line thereof the words “or on any other place” are inserted:

(b) After the word “place” in the third line of subsection (2) thereof the words “or upon any place contiguous thereto” are inserted.

9. Section 45 of the Lottery and Gaming Act, 1917, as amended by section 7 of the Lottery and Gaming Act Amendment Act, 1928, is amended—

Amendment of  
Lottery and Gaming  
Act, 1917, s. 45—  
Powers of the  
police.

(a) by inserting after the word “any” in the seventh line thereof the words “Superintendent or”:

(b) by deleting the word “constable” wherever the same appears and by inserting in lieu thereof the words “member of the police force”.

10. Section

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Amendment of  
Lottery and Gaming  
Act, 1917, s. 46—  
Obstructing  
members of police  
force.

**10.** Section 46 of the Lottery and Gaming Act, 1917, is amended by deleting the word "constable" wherever the same appears therein and inserting in lieu thereof the words "member of the police force".

Enactment of  
s. 46A of Lottery  
and Gaming Act,  
1917—

**11.** The following section is hereby enacted and inserted in the Lottery and Gaming Act, 1917, after section 46 thereof:—

Power of police as  
to premises where  
unlawful gaming is  
carried on.

46A. (1) Upon receiving a report in writing from any police officer of or above the rank of sub-inspector that he is of opinion that unlawful gaming is or is about to be carried on in any place, the Commissioner of Police may give notice in writing addressed to the occupier of that place, or if the name of the occupier is unknown, then addressed to that particular place, ordering that all doors or other means of entrance on that place or leading to or from that place, both internal and external, shall be opened and kept open so as to admit of the free ingress and egress of any member of the police force authorised in writing and any persons assisting him during the days and hours stated in the notice. The notice shall be served upon the occupier of the said place, or, if the occupier cannot be found, it shall be deemed a sufficient service if the notice is fastened in a conspicuous place on the outside of any door or other means of entrance to or leading to or from the said place.

(2) After service of the notice the following provisions shall apply:—

- (a) Any member of the police force authorised in writing by the Commissioner of Police and any persons assisting him may enter, re-enter, and remain in or upon the said place or any part thereof or any premises leading thereto during the days and hours stated in the notice for the purpose of observing the conduct of all persons in or upon the said place:
- (b) Any occupier, or, in the absence of the occupier, any other person present upon the said place who refuses or neglects immediately to open or keep open during the days and hours stated in the notice, any door or means of entrance mentioned in the notice, and any person who at any time during the said days and hours closes any such door or means of entrance shall be guilty of an offence.

Penalty—A fine not exceeding one hundred pounds.

- (c) Any member of the police force authorised in writing and any member of the police force assisting him may use force if necessary in making entry or re-entry, whether by breaking doors or otherwise.

**12.** Section

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**12.** Section 71 of the Lottery and Gaming Act, 1917, is amended by inserting after the words "foot race" in the seventh line thereof the words "or coursing event", and in the tenth line thereof after the word "horses" the words "dog or dogs."

Amendment of  
Lottery and Gaming  
Act, 1917, s. 71—  
Evidentiary  
provision.

**13.** The following sections are hereby enacted and inserted in the Lottery and Gaming Act, 1917, after section 77 thereof:—

Enactment of ss.  
77A and 77B of  
Lottery and Gaming  
Act, 1917—  
Proof of age.

77A. Whenever in any proceedings under this Act it is material to show that any person was at any material time under the age of twenty-one years—

(a) the opinion of the Court on its own view of such person ;  
or

(b) the opinion of a police officer who has seen such person, that such person was at the material time under the age of twenty-one years shall be *prima facie* evidence of that fact.

77B. (1) If the name of any person is printed or published upon any placard, handbill, card, writing, sign, advertisement, circular, newspaper, or other notice or notification or document, that fact may be accepted by the Court as *prima facie* evidence that the said placard, handbill, card, writing, sign, advertisement, circular, newspaper, or other notice or notification or document was printed or, according to the nature of the charge, published by such person.

Proof of publication.

(2) In this section "name" includes any name, or any designation whatever, used or assumed by any person or by which any person is usually known or which is usually applied to any business or business premises of any person.

**14.** The following section is hereby enacted and inserted in the Lottery and Gaming Act, 1917, after section 83 thereof:—

Enactment of s.  
83A of Lottery and  
Gaming Act, 1917—

83A. Nothing in this Act shall apply to any sweepstake held upon a racecourse, or any place not being a public place, if—

Exemption of  
certain sweepstakes.

(a) the total contributions do not exceed five pounds;

(b) no person contributes more than five shillings;

(c) the promoter does not promote, and the individual subscribers do not contribute to, more than one sweepstake on any one race; and

(d) the total sum contributed is paid to the winner without any deduction.

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**PART II.****PART II.****AMENDMENTS OF LICENSING ACT, 1932.**

Incorporation  
of this Part.

**15.** This Part is incorporated with the Licensing Act, 1932, and that Act and this Part shall be read as one Act.

Amendment of  
Licensing Act,  
1932, s. 51—  
Objection to licences  
and renewals.

**16.** Section 51 of the Licensing Act, 1932, is amended by inserting after paragraph (a) of subsection (1) thereof the following paragraph :—

(a1) that during the twelve months preceding the day on which the notice of objection is given to the clerk, unlawful gaming within the meaning of the Lottery and Gaming Act, 1917, has taken place on the premises mentioned in the application.

Amendment of  
Licensing Act,  
1932, s. 55—  
Objection to  
transfer of licence.

**17.** Section 55 of the Licensing Act, 1932, is amended by inserting after paragraph (2) thereof the following paragraph :—

(2A) that on any premises for which the proposed transferee held a licence at any time during the period of twelve months preceding the day on which the notice of objection is given to the clerk, unlawful gaming within the meaning of the Lottery and Gaming Act, 1917, took place during that period or that the said transferee is a bookmaker or reputed bookmaker.

Enactment of s.  
140A of Licensing  
Act, 1932—

**18.** The following section is hereby enacted and inserted in the Licensing Act, 1932, after section 140 thereof :—

Liability of licensee.

140A. (1) If—

(a) any person is convicted for an offence against section 39 of the Lottery and Gaming Act, 1917 ; and

(b) the said offence took place on licensed premises,

the licensee of those premises shall be guilty of an offence.

Penalty—For a first offence a fine of not less than five pounds nor more than twenty-five pounds, and for any subsequent offence not less than ten pounds, nor more than fifty pounds.

(2) In any proceedings against a licensee under this section any statement in the conviction for the offence under section 39 of the Lottery and Gaming Act, 1917, as to the place where that offence was committed shall be *prima facie* evidence of the place where that offence was committed.

(3) It

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(3) It shall be a defence to a charge under this section against a licensee to show—

- (a) that the licensee or, if the licensee was not on the premises when the offence against section 39 of the Lottery and Gaming Act, 1917, was committed, the person then in charge of the premises, did not know and could not by the exercise of all practicable diligence have known that the said offence was being committed; or
- (b) that the said offence was committed contrary to the will of the licensee, or, if the licensee was not on the premises when the said offence was committed, contrary to the will of the person who was then in charge of the premises, and that the licensee or person so in charge, as the case may be, took all reasonable steps to prevent the offence from being committed:

Provided that none of the defences mentioned in this subsection shall be available if it is proved that within one month previous to the commission of the offence against the said section 39, a member of the Police Force had warned the licensee that such member suspected that unlawful gaming was taking place on the licensed premises, and informed the licensee of the name of the person whom he suspected and that the person so named was the person convicted of the offence against section 39 of the Lottery and Gaming Act, 1917, in respect of which the licensee is charged.

(4) An offence for which a licensee is convicted under this section shall be included in the offences mentioned in subsection (8) of section 77 of this Act for which a licence may be forfeited as provided in that section.

19. Section 141 of the Licensing Act, 1932, is amended by inserting after the passage "section 140" in the second line thereof the passage "or under section 140A".

Consequential amendment of Licensing Act, s. 141.

20. The following section is hereby enacted and inserted in the principal Act after section 220 thereof:—

Enactment of ss. 220A to 220D—

220A. (1) If after three months from the enactment of this section—

Telephones on licensed premises.

- (a) there is upon any licensed premises any telephone not directly and solely connected with a public telephone exchange; and

(b) the

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**PART II.**

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(b) there is not in force an order of the Licensing Court permitting that telephone to be on those licensed premises,

the licensee shall be guilty of an offence and liable to a penalty not exceeding fifty pounds, and an additional penalty of one pound for every day on which the offence continues.

(2) The Licensing Court may at any time make or revoke any order permitting any such telephone to be on any licensed premises.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.